REVISED MOTION BY SUPERVISORS HOLLY J. MITCHELL   July 23, 2024
AND KATHRYN BARGER

<u>**Ballot Transparency and Consistency: Providing Voters With a Fiscal and Programmatic Analysis on County Ballot Measures**</u>

Elections matter, and they are critical in how they impact the lives of residents. Every cycle, Californians engage in this democratic task to not only elect those who will lead their various federal, state, and local government entities but also agree to new taxes, approve bond measures, or make decisions on how they are governed. Sections 8 and 9 of Article II of the California Constitution respectively give electors the power to propose initiatives and referenda through ballot measures, after they go through established processes to qualify for an election's ballot. Currently, Los Angeles County (County) voters receive inconsistent information for ballot measures. As an example, Statewide ballot measures are accompanied by the topline anticipated fiscal cost--yet this same important information is not included for County ballot measures.

Section 11 of Article II of the California Constitution provides electors the initiative and referendum powers to make changes at the County level. Some of the most consequential initiatives in the County include Proposition 13 of 1978, which limited property taxation; Proposition 98 of 1988, which established a level of funding for K-14 education and most recently, Measure J of 2020, which earmarked 10% of unrestricted locally generated moneys from the County for specified community-focused services and programs. This year, County voters will likely face two ballot measures, which include

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Measure A (*to provide funding for our unhoused Angelenos*) and a potential Governance Reform Measure (*currently going through the Board's ballot measure process*).

Given the important and often generation-defining nature of elections, voters must be provided with the facts on the intention and estimated public cost for the ballot measures they are called to vote on. This is especially true in the current social-media world, where the abundance of information can be propitious to misinformation and misrepresentation in our elections process. At the State level, the Legislative Analyst Office (LAO) and the Department of Finance (DOF) provide non-partisan analyses on how voter initiatives will impact the State and local government finances. This information is then presented to the Secretary of State for inclusion in the signature petitions. In short, the LAO and DOF conduct their fiscal analyses pre-ballot. The LAO also provides impartial analyses of all Statewide propositions. According to their website, "For each proposition that appears on the ballot, the LAO provides four separate pieces of information: (1) the analysis of the measure; (2) fiscal summary bullets *(included at the bottom of the AG's title and summary)*; (3) a yes/no summary *(which appears at the front of the pamphlet);* and (4) a ballot label used in county voting materials."

Los Angeles County, however, does not have a current process or entity that provides non-partisan analyses on the fiscal and programmatic impact of ballot measures. The analysis is currently reliant on proponents and/or opponents of a local measure. In most cases, these partial analyses may not provide an expert, accurate, and knowledgeable analysis on the impact of a ballot on the County government. Although it is important that voters know the perspectives of the proponents and opponents and should continue, we miss an opportunity to provide voters with impartial perspectives, especially on the programmatic and fiscal analyses. Not providing this information to the public has resulted in confusion, lack of trust for the County's budget allocation or program implementation and has in some cases resulted in costly lawsuits and program implementation delays. This is a critical voter-empowerment and information gap that must urgently be filled, especially as California's Election Code 9160(c) allows counties the authority to provide such analyses. Adding an expert, impartial voice to the local ballot

information discussion not only strengthens the conversation, but it also makes it balanced and more accurate.

The County currently has an internal framework it can leverage to provide these impartial fiscal and programmatic impact analyses to the public. When the Statewide ballot initiatives qualify for the ballot, the Chief Executive Office's Legislative Affairs and Intergovernmental Relations Branch (CEO-LAIR) works with County Departments to inform the Board of the fiscal and programmatic impact of these ballot initiatives on the County. However, CEO-LAIR does not conduct such an analysis for Countywide ballot measures, meaning this Board and, by extension, County voters, are not consistently provided with the anticipated financial cost and programmatic impact of Countywide ballot measures. We can fix this important gap now by ensuring the County's ballot measures analysis process aligns with the State's existing protocol and existing State Elections Statutes. This effort will ensure better voter empowerment.

When people are aware of the facts and educated on the issues, they make good decisions. It is our duty as a Board to ensure impartial analyses is part of the information readily available to our constituents to cast their ballots, which could have life-changing impacts on them.

WE ̶I̶ **THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:**

1. Direct the Auditor-Controller (A-C)~~, in collaboration with the Chief Executive Office (CEO), County Counsel, and all appropriate County departments and not later than 88 days before an election that includes a Countywide ballot measure~~; <u>to prepare a fiscal impact statement for all Countywide ballot measures in accordance with Elections Code section 9160(c) including</u> to:

    a. Review the measure and determine if the substance of the County ballot measure, if adopted, would affect the revenues or expenditures of the County;

    b. Prepare a fiscal impact statement which estimates the amount of any increase or decrease in revenues or costs to the <u>C</u>~~c~~ounty if the proposed measure is adopted.

The fiscal impact statement is "official matter" within the meaning of Section 13303 of the California Elections Code and shall be printed preceding the arguments for and against the measure on the sample ballot. The fiscal impact statement may not exceed 500 words in length. This directive applies to the November 2024 General Election and all elections thereafter. The Chief Executive Officer (CEO), County Counsel, and all appropriate County departments shall consult with the Auditor-Controller in its preparation of the fiscal impact statement. If needed, those departments may use their existing delegated authorities and budget to engage a contractor to assist with this work.

2. Consistent with all applicable laws and regulations pertaining to elections, direct the Registrar-Recorderd/County Clerk (RR/CC) to ~~create a process and format for dissemination of~~ disseminate the information to the public in all threshold languages.

3. Direct ~~the CEO,~~ RR/CC, A-C, and County Counsel, for elections following the November 2024 General Election, in addition to the directions spelled out in directives #1 and #2, to also include in the sample ballot the fiscal analysis ~~and programmatic analysis/impact~~, a Yes/No vote summary, and other relevant ~~programmatic and fiscal impact~~ information, as permitted by State law. If needed, those departments may use their existing, relevant delegated authorities and budget to engage a contractor (or work with existing contractors) to assist with this work.

4. Direct the CEO, in collaboration with RR/CC, A-C, and County Counsel, to conduct an analysis informed by stakeholder engagement (including other County Departments, community organizations, and relevant non-partisan experts) to improve the process for the 2026 and future election cycles, including identifying which other measure types qualify for this process.

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