

10-27-1976

Residential Real Property Tax Limitation

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Office of the Secretary of State
March Fong Eu

111 Capitol Mall, Room 220
Sacramento, California 95814

Elections Division
(916) 445-0820

March 29, 1977

TO: All Registrars of Voters and County Clerks

FROM: Cashmere M. Apperson, Elections Technician

Pursuant to Elections Code 3520(b) you are hereby notified that the total number of signatures to the hereinafter named proposed initiative constitutional amendment filed with all county clerks is less than 100 percent of the number of qualified voters required to find the petition sufficient.

Title: Residential Real Property Tax Limitation

Summary Date: October 25, 1976

Proponent: Ray Saucedo

The petition has failed and no further action is necessary.



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CERTIFIED MAIL-
RETURN RECEIPT REQUESTED

March 2, 1977

Mr. Ray Saucedo
7 La Arcada Court
Santa Barbara, CA

Dear Mr. Saucedo:

The calendar of scheduled events we mailed to you in October 1976 was amended by Chapter 1106 of Statutes 1976. Specifically, Government Code Section 84202 was amended.

This section, quoted in principal part, states that "...proponents of a state measure shall file campaign statements not later than 35 days after the deadline for filing petitions or the date of notification that the measure has either qualified or failed to qualify, whichever date is earlier. The closing date for such a statement shall be 28 days after the deadline for filing petitions or the date of notification that the measure has either qualified or failed to qualify, whichever date is earlier...."

This means that that portion of our calendar pertaining to your filing of campaign statements of receipts and expenditures has been amended so that the last date for you to file such a statement is April 28, 1977. This campaign statement must include all transactions through April 21, 1977.

Note, then, that this means the June 17, 1977 or May 28, 1977 filing deadlines mentioned in our calendar is no longer true. If the Secretary of State finds that the measure has either qualified or failed to qualify on a date earlier than March 24, 1977, the last date to file is the 35th calendar day after the date of notification by the Secretary of State that the measure has either qualified or failed to qualify. The closing date for this campaign statement is 7 days prior to the filing deadline.

Enclosed is a copy of Government Code Section 84202 as amended by Chapter 1106. If you have any questions regarding the timing of your new filing requirements please call Janet Sandlin in our Political Reform Division at (916) 322-4880.

Sincerely,

WILLIAM N. DURLEY
Assistant to the Secretary of State

Edward Arnold Jr.
Elections Assistant

cc: Janet Sandlin
David Pitman
Enclosure



OFFICE OF THE ATTORNEY GENERAL

Department of Justice

555 CAPITOL MALL, SUITE 550
SACRAMENTO 95814
(916) 445-9555

October 25, 1976

FILED
In the office of the Secretary of State
of the State of California

OCT 27 1976

MARCH FONG EU, Secretary of State
By Edward Arnold
Deputy

Honorable March Fong Eu
Secretary of State
925 L Street, Suite 605
Sacramento, CA 95814

Re: Initiative Constitutional Amendment -- Residential
Real Property Tax Limitation

Dear Mrs. Eu:

Pursuant to the provisions of section 3507 of the Elections Code, you are hereby informed that on this day we mailed to Ray Saucedo, as proponent, the following title and summary:

RESIDENTIAL REAL PROPERTY TAX LIMITATION.
INITIATIVE CONSTITUTIONAL AMENDMENT. As to residential real property, limits ad valorem taxes to 1% of cash value and prohibits special assessments, except to pay indebtedness previously approved by voters. Permits Legislature to authorize state or counties to impose ad valorem taxes; requires apportionment among local public agencies of revenue so produced. Requires separate assessment of each land parcel, and of land and improvements. If challenged, assessing officials must prove value in administrative and trial de novo court proceedings. Authorizes new or increased taxes to compensate local governments for revenue loss resulting from adoption of measure. Financial Impact: Would result in annual local government revenue losses of approximately \$4 billion, beginning in 1978-79. At the state government level, reduced local taxes would be accompanied by a decrease in state tax relief payments of about \$500 million per year. Proposed revisions to assessment appeals

Honorable March Fong Eu
Page 2
October 25, 1976

process would result in unknown further reductions in local property tax revenues and increases in both state and local costs. Foregoing estimates are estimates of direct fiscal impact of initiative and include no allowances for partial or full replacement of local revenue losses.

Enclosed herewith is a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records the address and phone number of the proponent of this measure are as stated on the declaration of mailing.

Very truly yours,

EVELLE J. YOUNGER
Attorney General



VANCE W. RAYE
Deputy Attorney General

VWR:mf
Enclosures



Office of the Secretary of State
March Fong Eu

111 Capitol Mall, Room 220
Sacramento, California 95814

Elections Division
(916) 445-0820

October 25, 1976

TO THE REGISTRARS OF VOTERS AND COUNTY CLERKS

Pursuant to Section 3507 of the Elections Code, there is transmitted herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

RESIDENTIAL REAL PROPERTY TAX LIMITATION

INITIATIVE CONSTITUTIONAL AMENDMENT

Circulating and Filing Schedule

1. Minimum number of signatures required.....499,846
Constitution IV, 22 (b)
2. Official Summary Date.....Monday, 10/25/76
Elections Code Section 3507.
3. Petition Sections:
 - a. First day Proponent can circulate Sections for signatures.....Monday, 10/25/76
 - b. Last day Proponent can circulate and file with the county. All Sections are to be filed at the same time.....Thursday, 03/24/77
Elections Code Sections 3507, 3520 (a)
 - c. Last day for county to determine total number of signatures affixed to petition and to transmit total to Secretary of State.....Tuesday, 03/29/77

(If the Proponent files the petition with the county before 3/24/77, the county has 5 days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit this total to the Secretary of State)
Elections Code Section 3520 (b)
 - d. Last day for county to determine number of qualified electors who have signed the petition, and to transmit certificate, with a blank copy of the petition to the Secretary of State.....Thursday, 04/13/77

(If the Secretary of State notifies the counties to determine the number of qualified electors who signed the petition on a date prior to 3/29/77 the last day is not later than the fifteenth day after the notification.)
Elections Code Section 3520(d).

- e. If the signature count is between 449,861 and 549,831, then the Secretary of State notifies counties using random sampling technique to determine validity of all signatures.

Last day for county to determine actual number of all qualified electors who signed the petition, and to transmit certificate, with a blank copy of the petition to the Secretary of State
.....Friday, 05/13/77

(If the Secretary of State notifies the counties to determine the number of qualified electors who have signed the petition on a date prior to 4/13/77 the last day is not later than the thirtieth day after the notification.)
Elections Code Section 3520.5.

4. Campaign Statements:

- a. If the measure qualifies for the ballot:
Last day for Proponent to file a Statement of Receipts and Expenditures for period ending 6/10/77.....Friday, 06/17/77

(If the Secretary of State qualified the measure for the ballot on a date other than 4/13/77 the last day to file is the 65th calendar day after the date the measure qualified)
Government Code Section 84202(a).

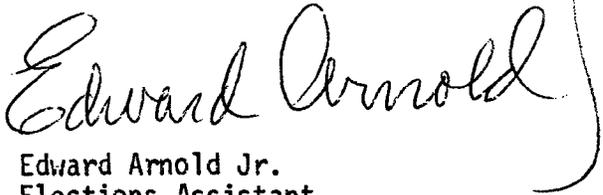
- b. If the measure does not qualify for the ballot:
Last day for Proponent to file a Statement of Receipts and Expenditures for period ending 5/21/77.....Saturday, 05/28/77
Government Code Section 84202(b).

5. The Proponent of the above measure is:

Ray Saucedo
7 La Arcada Court
Santa Barbara, California

(805) 962-1841

WILLIAM N. DURLEY
Assistant to the Secretary of State
Elections and Political Reform

A handwritten signature in cursive script that reads "Edward Arnold Jr." The signature is written in black ink and is positioned to the left of a large, vertical, stylized bracket-like flourish.

Edward Arnold Jr.
Elections Assistant

EA:cg

NOTE TO PROPONENT: Your attention is directed to Elections Code Sections 45, 3500.1, 3502.5 and 3511 for appropriate format and type considerations in printing, typing and otherwise preparing your initiative petition for circulation and signatures.

Your attention is further directed to Government Code Sections 85200 et seq. regarding the circulation of statewide petition.

September 9, 1976

Hon. Evelle J. Younger
Attorney General of the
State of California
Sacramento, California 95814

Re: SAUCEDO INITIATIVE

Dear Mr. Attorney General:

Enclosed you will find a copy of the Saucedo Property Tax Initiative. At this time I formally request that you analyze the initiative, in order to determine that it conforms to the requirements of California State Law, and subsequently forward it to the Secretary of State for final certification. Please contact me if any further information is required.

Thank you for your immediate attention and consideration in the above mentioned matter.

Sincerely,



Ray Saucedo
7 La Arcada Court
Santa Barbara, California
(805) 962-1841

DECLARATION OF MAILING

RE: Initiative Constitutional Amendment --
Residential Real Property Tax Limitation

I, Margaret M. Fralish, declare as follows:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; I reside in the County of Sacramento, State of California; my business address and place of employment is 555 Capitol Mall, Suite 350, Sacramento, California 95814

The proponent(s) of the above named measure are:

Ray Saucedo
7 La Arcada Court
Santa Barbara, California
(805) 962-1841

On the 25th day of October, 1976, I mailed a letter, a true copy of which is attached hereto, to the person(s) above named, in an envelope addressed to them at the address(es) set out immediately below the name(s), sealed said envelope(s), and deposited the same in the United States mail at the City of Sacramento, County of Sacramento, State of California, with postage thereon fully prepaid, and there is regular communication between the said place of mailing and the place(s) so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California, on October 25, 1976.

Margaret M. Fralish

THE AMENDMENT

We, the undersigned, registered, qualified electors of California, residents of _____ County (or City and County), hereby propose an amendment to the Constitution of California and petition the Secretary of State to submit the same to the electors of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The proposed constitutional amendment reads as follows:

Section 34, is added to Article XIII, to read:

Section 34. (a) The maximum amount of any ad valorem tax imposed on residential real property shall not exceed one percent (1%) of the full cash value of such property. No special assessments shall be imposed on residential real property.

(b) The Legislature may provide for the imposition of the tax permitted by subdivision (a) by the state or by the counties and cities and counties of this state and shall provide for the apportionment of the revenue derived from such tax to the counties, cities and counties, cities, school districts, and special districts in this state. Such revenue may be used by the recipient for any purpose for which the revenue could have been used if the recipient had imposed the tax.

(c) The limitation provided for in subdivision (a) shall not apply to ad valorem taxes or special assessments to pay the interest and redemption charges on any indebtedness approved by the voters prior to the time this section becomes effective.

(d) Except as provided in this subdivision, no city, school district, or special district shall impose any ad valorem tax or any special assessment on residential real property.

(e) The assessor, with respect to residential real property on the local roll, and the State Board of Equalization, with respect to residential real property on the board

§ 3500.1 Heading for initiative measure

The heading of a proposed initiative measure shall be in substantially the following form:

Initiative Measure to Be Submitted Directly to the Electors

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

(Here set forth the title and summary prepared by the Attorney General. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

To the Honorable Secretary of State of California

We, the undersigned, registered, qualified electors of California, residents of _____ County (or City and County), hereby propose amendments to the Constitution of California (the _____ Code, relating to _____) and petition the Secretary of State to submit the same to the electors of California for their adoption or rejection at the next succeeding general election or at any special state-wide election held prior to that general election or otherwise provided by law. The proposed constitutional (or statutory) amendments (full title and text of the measure) read as follows:

(Added by Stats. 1973, c. 800, p. 1417, § 1.)

Library references
Statutes § 307.
C.J.S. Statutes § 122.

§ 3500.5 Request for title and summary

Prior to circulation of any initiative or referendum petition for signatures thereof, a draft of the said petition shall be submitted to the Attorney General with a written request that he prepare a title, and summary of the chief purpose and points of said proposed measure, said title and summary not to exceed 100 words in all. The persons presenting such request to the Attorney General shall be known as "proponents" of said proposed measure. The Attorney General shall preserve said written request until after the next general election. (Added Stats. 1966, 1st Ex. Sess., c. 161, p. 710, § 2.)

Section 3500.5 was made operative upon adoption by the people of Assembly Const. Amend. No. 13 (1966, 1st Ex. Sess.) filed July 13, 1966.

Assembly Const. Amend. No. 13 (1966, 1st Ex. Sess.) was adopted by the people at the general election held Nov. 3, 1965.

Library references
Statutes § 308, 348.
C.J.S. Statutes § 126.

§ 3501.3 Preparation of title or summary for initiative measure

Notwithstanding the provisions of Sections 3500.5 and 3501, the Attorney General in preparing a title or summary for an initiative measure, the substance of which if adopted would * * * affect the revenues or expenditures of the state or local government, shall state in the title the amount of any increase or decrease in * * * revenue or costs * * * to the state or local government if the proposed initiative is adopted.

Such estimates as required by this section shall be made jointly by the Department of Finance and Joint Legislative Budget Committee, who shall inform the Attorney General so that he may include it in the title prepared by him.

A fiscal estimate is not required if in the opinion of both the Department of Finance and the Joint Legislative Budget Committee a reasonable estimate of the net impact of the proposed initiative cannot be prepared within 25 days from the date of receipt of the final version of the proposed initiative by the Attorney General. The Department of Finance and the Joint Legislative Budget Committee, however, shall give their opinion as to whether or not a substantial net change in state or local finances would result if the proposed initiative is adopted.

Any statement of fiscal impact prepared by the Legislative Analyst pursuant to subdivision (b) of Section 12172 may be used by the Department of Finance and the

Asterisks * * * indicate deletions by amendment

shall not be deemed

TERS

Section
----- 5300
----- 5350

Section
----- 3510
----- 3520
----- 3527

ITIONS

ew].

Report of the
Committee on Constitu-
tional Amendments, Vol. 27,
Appendix to Journal
of 1967.

which would improv-
referendum is not ap-
evitable effect would
or wholly destroy the
governmental power
of which is essen-
tial (1959) 222 P.2d 22a.

struction of pertinent
is to be resolved in
and such legislation
be liberal construction
on statutes generally,
must be reasonable.
(1947) 147 P.2d 337, 23 C.

laws by amendment

roll, shall assess each parcel of land separately. Land and the improvements thereon shall be separately assessed.

(f) The assessor, with respect to residential real property on the local roll, and the State Board of Equalization, with respect to residential real property on the board roll, shall have the burden of proving full cash value in all administrative hearings or on appeal of the administrative determination of the superior court.

(g) The full cash value of residential real property on the local roll determined by the assessor and such full cash value determined by the county board of equalization or assessment appeals board shall, on any appeal, be subject to a trial de novo in the superior court of the county in which such property is situated. All determinations of full cash value of residential real property on the board roll made by the State Board of Equalization shall, on any appeal, be subject to a trial de novo in the superior court of any county in which any portion of such residential real property is situated.

(h) The Legislature, by a majority vote of all the members elected to each of the two houses, may increase or impose or may authorize counties, cities and counties, cities, school districts, and special districts, or any of them, to increase or impose any tax not prohibited by the Constitution and laws of the United States, except taxes or assessments on residential real property, to compensate local government for revenues lost by reason of the tax limitations contained in this section. Subventions of state funds to units of local government to provide such compensation may be used for any purpose specified by the Legislature.

(i) This section shall take effect at the time specified in Section 4 of Article XVIII of this Constitution. However, except for subdivision (c), the provisions of this section shall become operative on the first day of the fiscal year next following the adoption of this section by the voters.

(j) If any section or sub-section of this amendment be declared invalid by any judicial decree, all other sections or sub-sections shall remain in full force and effect.