

# Building Support for Ballot Measures: Best Practices and Lessons Learned from the 2024 Election

TUESDAY, DEC 3, 2024 | 11:30 AM – 1:00 PM



**THANK YOU  
FOR JOINING US!**



*Host & Moderator*

**MELISSA KUEHNE**  
*Senior Program Manager*  
*Institute for Local Government*



# WEBINAR OVERVIEW

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**Welcome &  
Introductions**

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**Presentations  
from:**

**Ryder Todd Smith, Tripepi Smith**

**Richard Bernard, FM3 Research**

**Mal Richardson, Best Best & Krieger**

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**Audience Q&A**

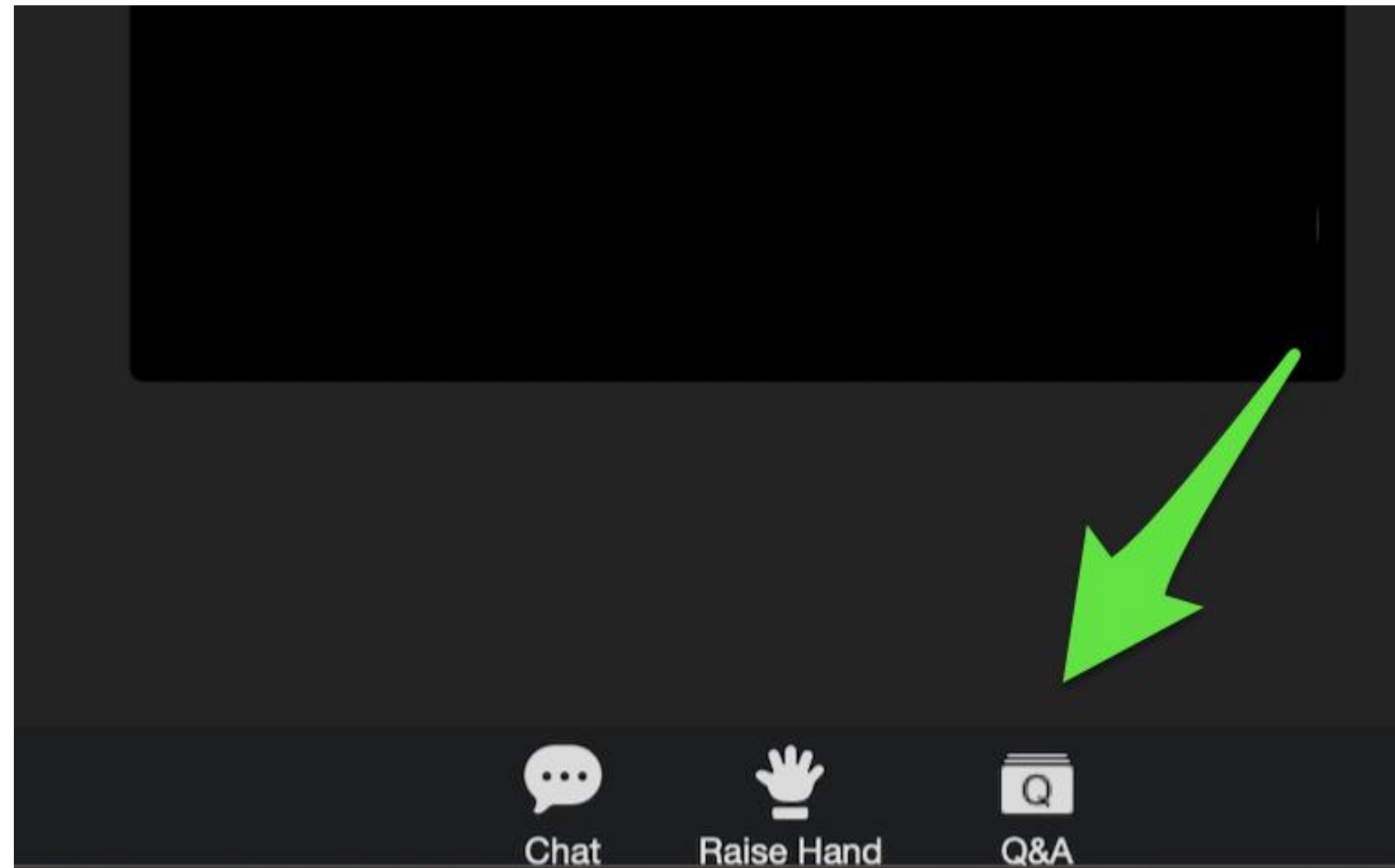
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**Wrap Up &  
Adjourn**

*We welcome your written questions and comments in the Q&A throughout the webinar*

# TECH OVERVIEW & HOUSEKEEPING

- All webinar participants will be on **MUTE** for the duration of the event.
- Please type any questions for into the **Q&A BOX** at any time during the session.



- A recording of the session will be available shortly after the webinar.

# ABOUT ILG

# NON-PROFIT, NON-PARTISAN AND HERE TO HELP

- The Institute for Local Government is the non-profit training and education affiliate of three statewide local government associations
- Together with our affiliates, we serve over 2,500 local agencies – cities, counties and special districts
- We provide practical and easy-to-use resources so local agencies can effectively implement policies on the ground



**California Special  
Districts Association**  
*Districts Stronger Together*

# ILG'S PROGRAMS AND SERVICES

## Program Areas

Leadership & Governance

Civics Education & Workforce

Public Engagement

Sustainable & Resilient Communities



## Services

Education & Training

Technical Assistance

Capacity Building

Convening

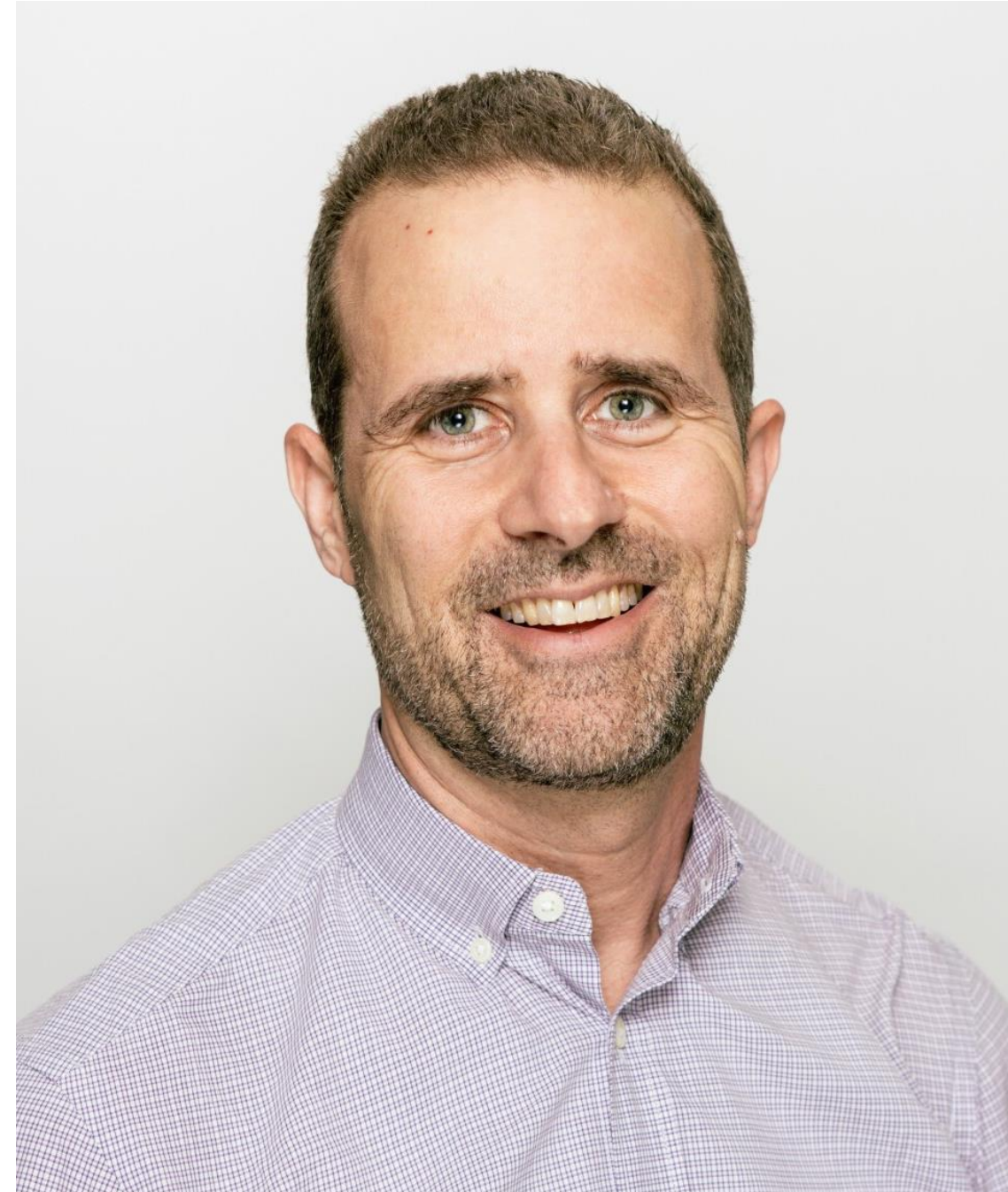
Our mission is to help local government leaders **navigate complexity, increase capacity & build trust** in their communities



# TODAY'S PRESENTERS



**RYDER TODD SMITH**  
President  
Tripepi Smith



**RICHARD BERNARD**  
Partner  
FM3 Research



**MAL RICHARDSON**  
Partner  
Best Best & Krieger



# Building Support for Ballot Measures:

Best Practices and Lessons Learned from the 2024 Election



**BBK**  
BEST BEST & KRIEGER LLP



**TRIPEPI SMITH**  
marketing • technology • public affairs



OPINION  
RESEARCH  
& STRATEGY



## What you can learn today:

- Ballot measures are a big deal in your agency, so if you know something about them, you are proximate to big issues.
- If you are an elected leader or senior leader in the organization, a ballot measure will likely be on your plate and this webinar is a great way to prepare for that moment.
- Strong ballot outreach efforts require proactive planning, and the more you know now, the better you will be later.
- Having a sense of costs, methodology and key partners for executing on ballot measure work helps you understand how the project fits into your bigger organization.



# Who is Involved in the Process?



- Elected Leaders
- Agency Attorney
- Subject Matter Expert
- Communications Professional
- Stakeholders
- Data Analytics Expert





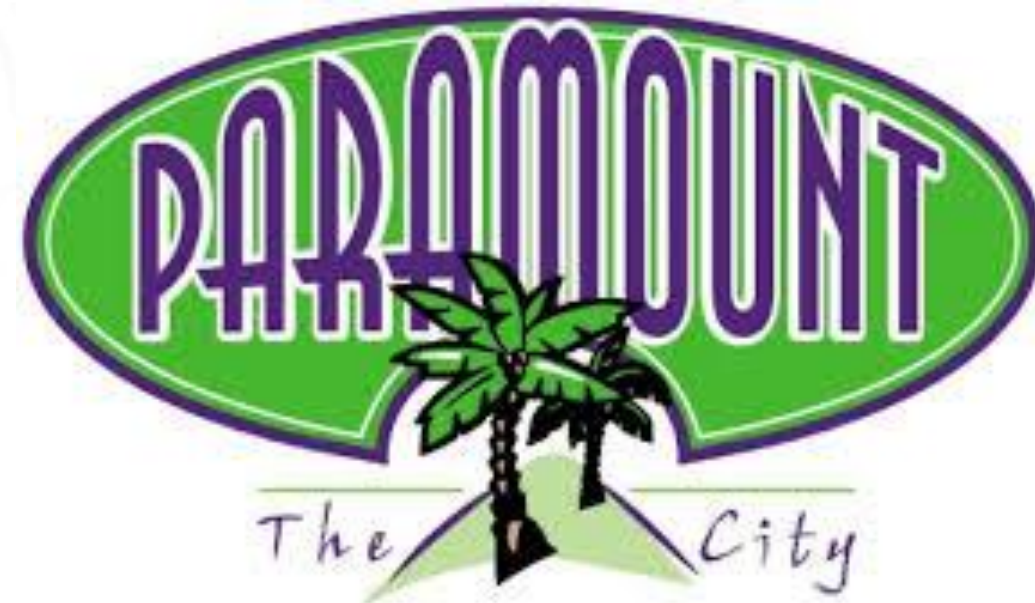
# Types of Ballot Measure Questions

- Raise or extend revenues for your local agency: sales tax, transient occupancy tax (hotel tax), business license tax, parcel tax
- Adopt or modify a charter
- Address land use restrictions from voter-adopted initiatives that require voter consent to land use changes
- Address term limits for elected officials
- Recall votes
- Advisory votes
- (A cousin of the typical majority or super-majority ballot vote) 218 protest vote on a rate increase for sewer or water rates





# 2024 Ballot Measure Outreach Efforts





# Two Key Drivers of Ballot Measure Success

- Trust

- Do I trust you with more money?
- Do I feel like you deserve more investment?
- Do I trust you are transparent?
- Do you have good intentions?

- Need

- Are there things we need to fix?
- Is there a big impending negative impact?
- Am I aware of the problem we are seeking to fix?
- Do I agree it is a problem that should be fixed?

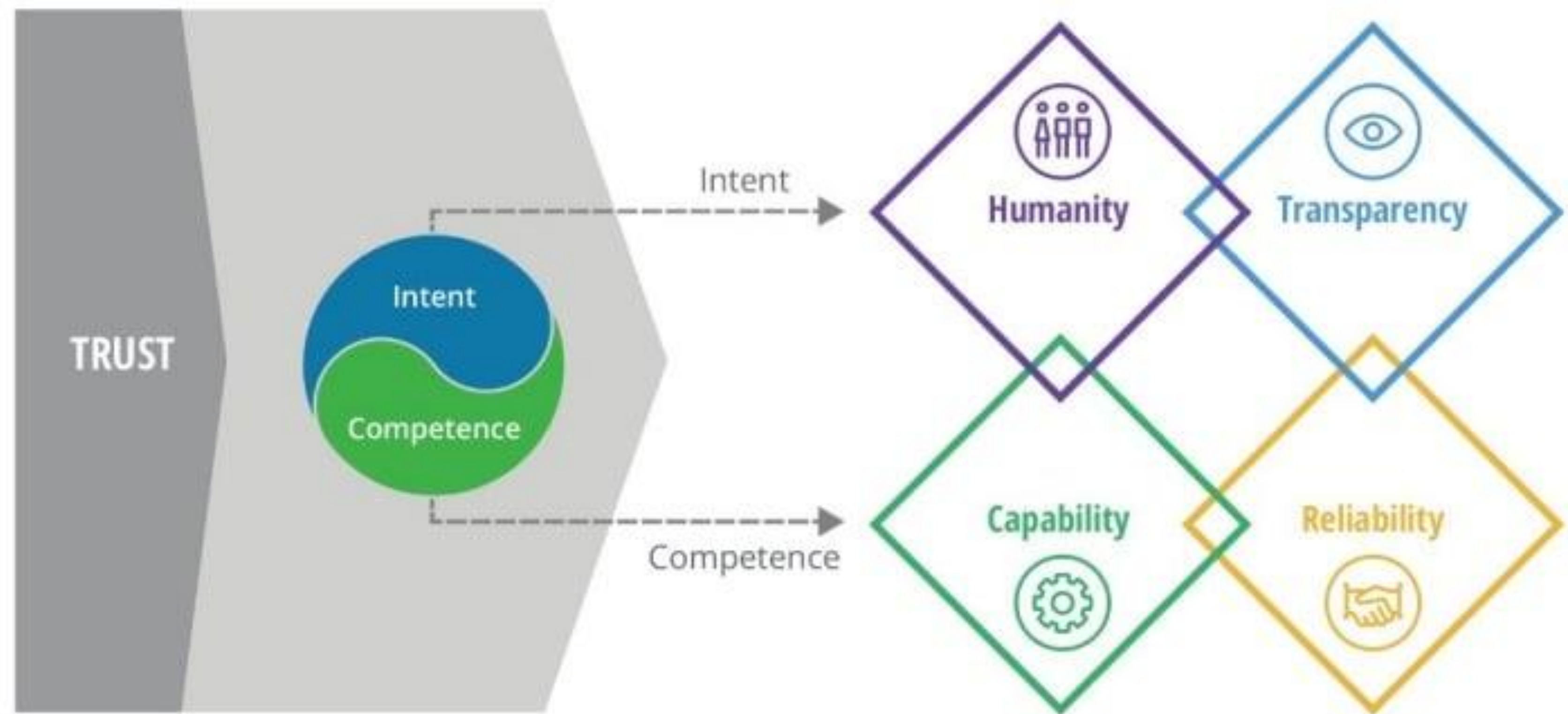




# How to Build Trust

FIGURE 2

Four trust signals contribute to greater trust



Source: Deloitte analysis.

# The Role of Great Communications

- **Trust Building**

- Talk with the community
- Share facts and information widely
- Actively request insights and viewpoints
- Provide third-party viewpoints and materials
- Practice radical transparency
- Admit to prior mistakes
- Bring critics to the discussion

- **Problem Solving**

- Explain problems openly
- Integrate problem discussion into routine communications
- Identify alternatives and outcomes
- Find and convey relevant examples
- Outline parameters, ask the public for pathway ideas
- Avoid false choice framing





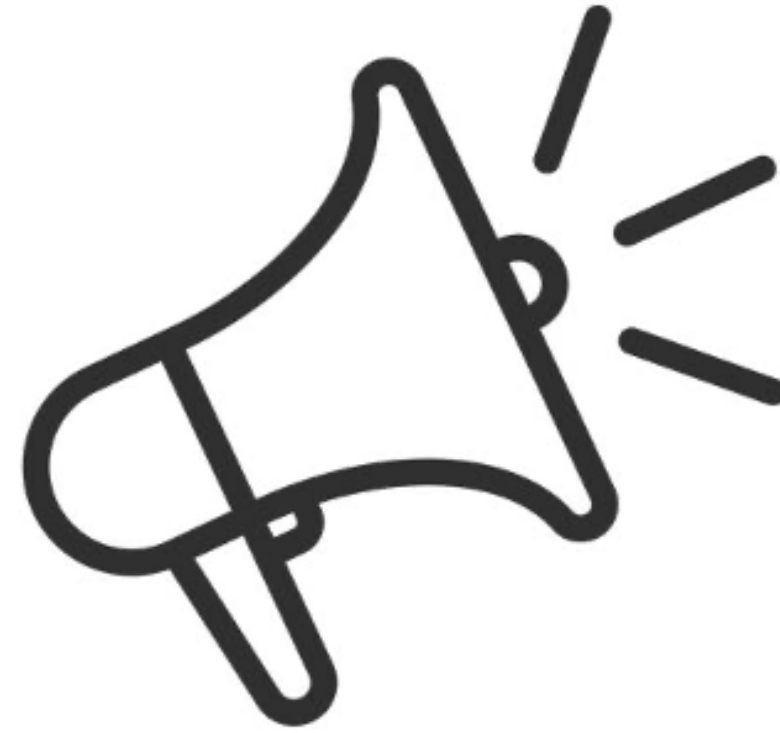
# The Role of Great Communications



Building Trust  
Establishing Need



JUNE



Educate /  
Set Table



NOVEMBER

Set Communications Precedent in Advance of a Ballot Measure!



# Building Support for Ballot Measures

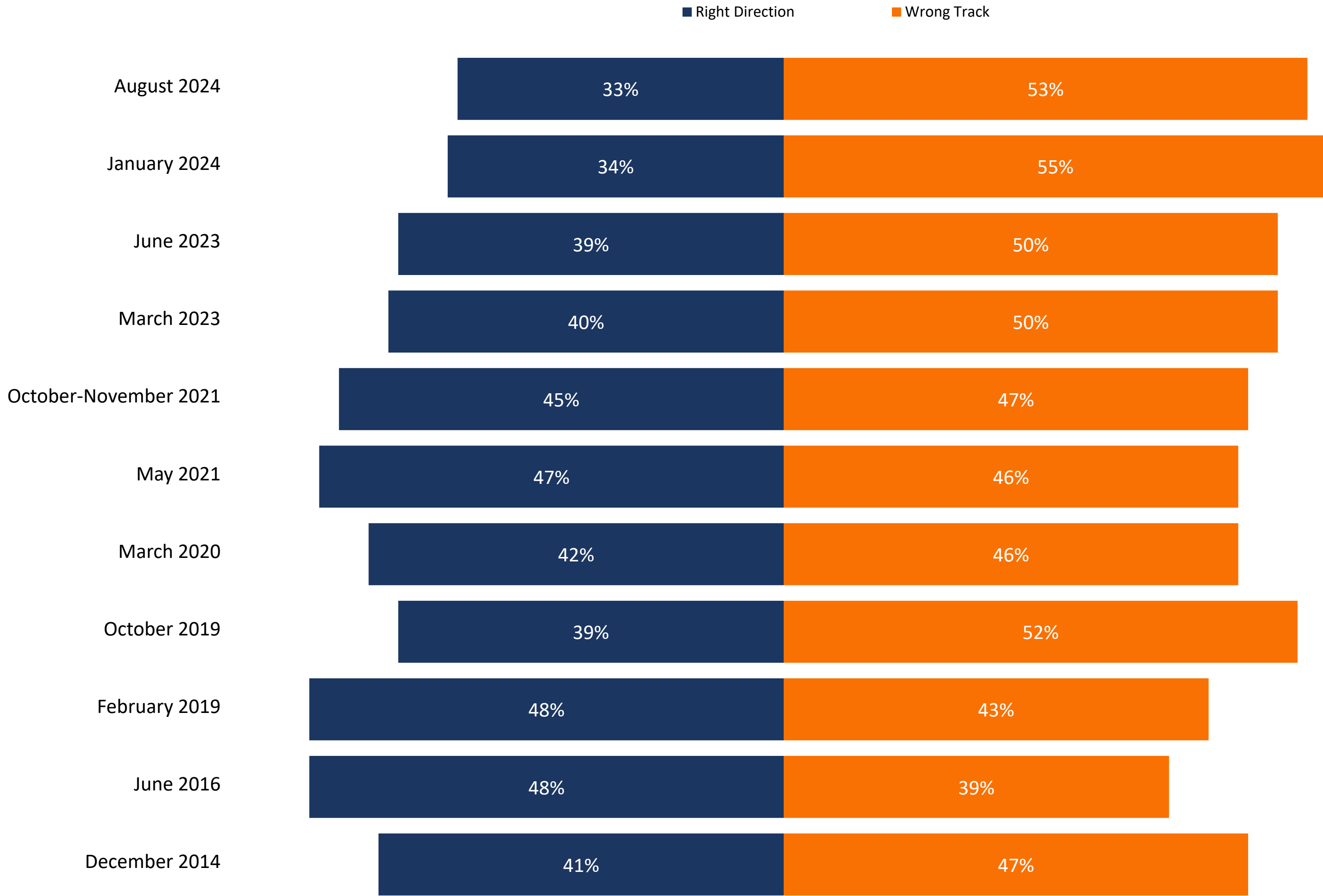
Presented by:

Richard Bernard, Ph.D.

Partner

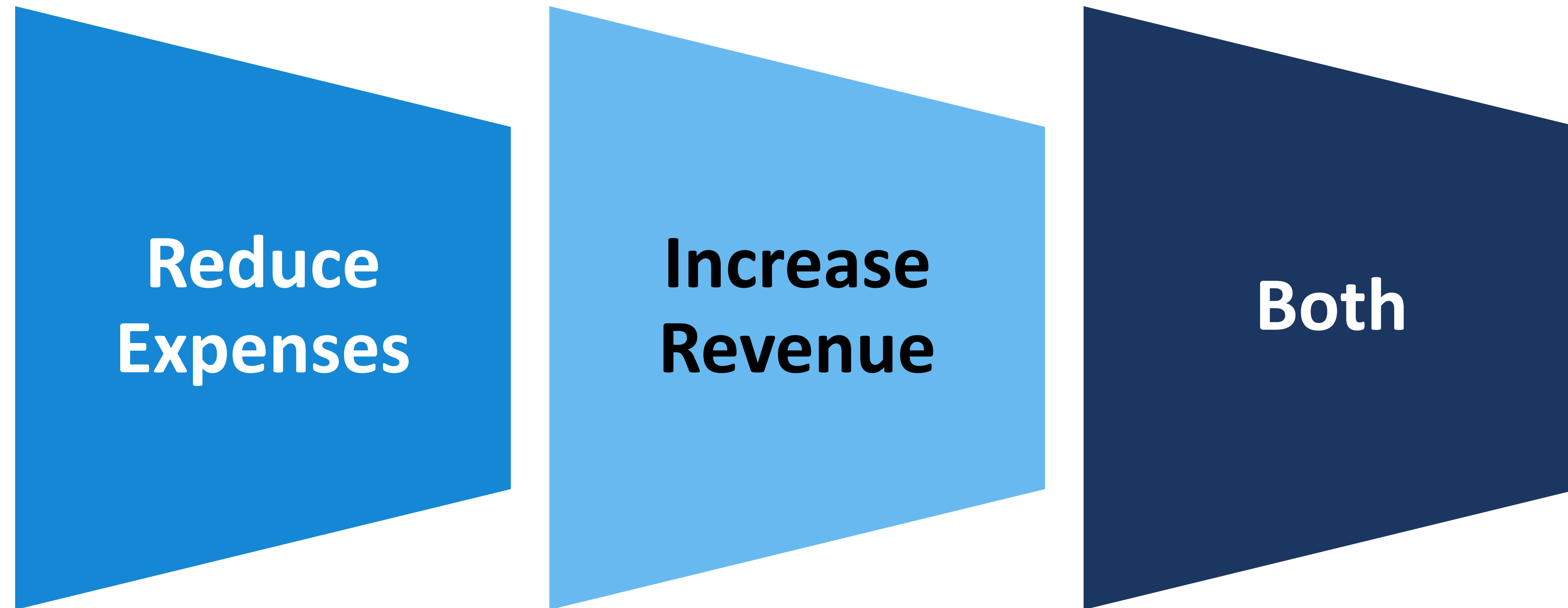


# A majority of voters continue to think things in California are headed off on the wrong track.



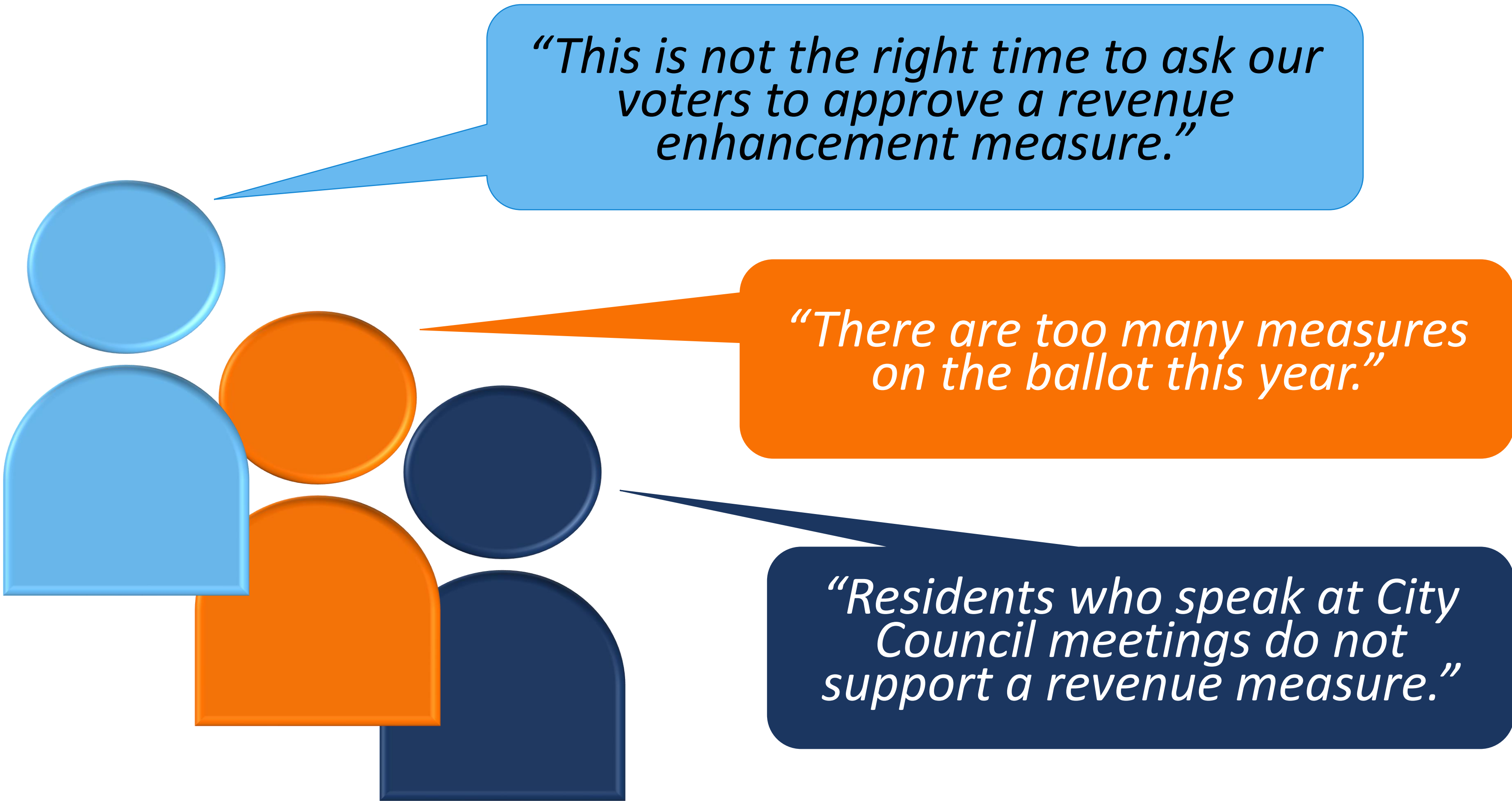
Q. Would you say things in California are headed in the right direction, or do you feel they are off on the wrong track?  
From FM3 statewide surveys between 2014-2024.

# There are three basic fiscal choices:





# Every election cycle, many local governments repeat the same Mantras:



**In fact, Californians have shown fairly consistent willingness (with the exception of March 2020) to pay more in local taxes in recent years.**

<b>Election</b>	<b>Total Local Measures Passed</b>	<b>City, County &amp; Special District Measures</b>	<b>School Measures</b>	<b>Success Rate of All Measures</b>
March 2024	86	28	58	71%
November 2022	302	193	109	69%
June 2022	67	38	29	72%
November 2020	260	162	98	76%
<b>March 2020</b>	<b>238</b>	<b>89</b>	<b>149</b>	<b>40%</b>
November 2018	313	207	106	81%
June 2018	85	41	44	77%
November 2016	355	164	191	83%
June 2016	72	23	49	81%

# What are the revenue enhancement measure options?

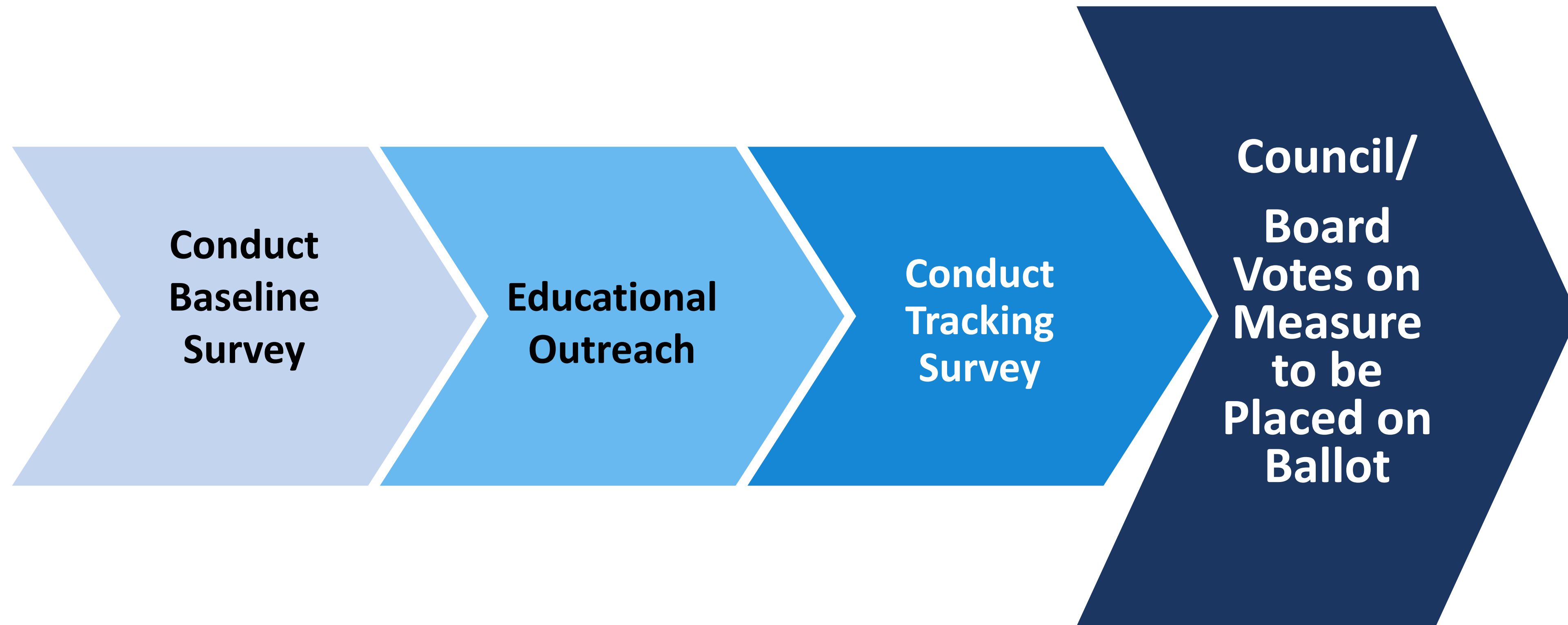
Type of Tax/Fee	Percent Needed to Win	Election Date
<b>General Purpose Measure</b> (sales tax, business tax, utility users tax, transient occupancy tax, property transfer tax)	50%+1	Regularly scheduled city election (or Declare a Fiscal Emergency)
<b>G.O. Bond Measure</b>	2/3	Any election
<b>Parcel Tax</b>	2/3	Any election
<b>Property Assessment</b> (Prop. 218 Measure)	50%+1	Special vote-by-mail election
<b>Other Dedicated Taxes/Fees</b>	2/3	Any election



***“Is placing a local revenue measure  
before voters the right approach  
for my community?”***



# Process of Testing a Revenue-Generating Measure



# Well-done Public Opinion Surveys Put You in Position To Be Successful.

Voter support for a revenue measure

Election timing

Tolerance for taxing options and rate

Voters' priorities for funding

Effective themes and messages to communicate

Vulnerability to opposition to track support

Best 75-word ballot title and summary

Identify messengers in counties subject to AB1416

Opportunity to learn more

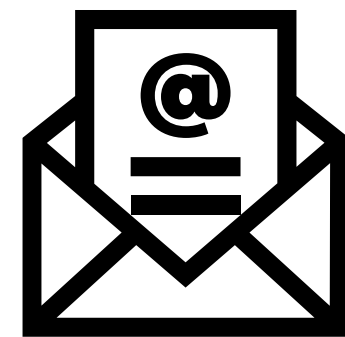


# Quality modern voter surveys most often use multiple ways of finding and reaching participants.



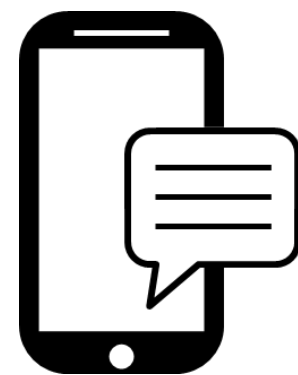
- **Finding the right people to contact**

- Registered voters who have a history of voting or are newly registered
- Match contact information from voter file with other databases
- Samples matching jurisdiction's demographics



- **Multiple ways of contacting participants**

- Cell phones, landlines, email and text



- **Multiple ways for participants to complete the survey**

- Online and telephone
- Protected online survey not an open link on jurisdiction website/social media

- **Appropriate languages**

- Mirroring the preferences of likely voters

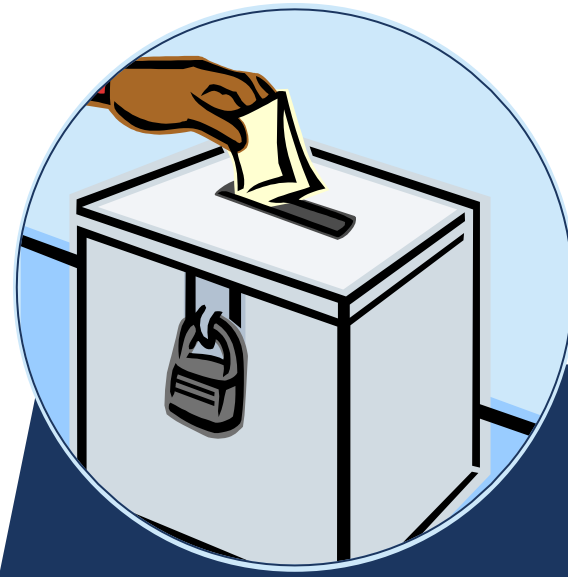
- **Sample size**

- Determined by size of jurisdiction and goals of survey

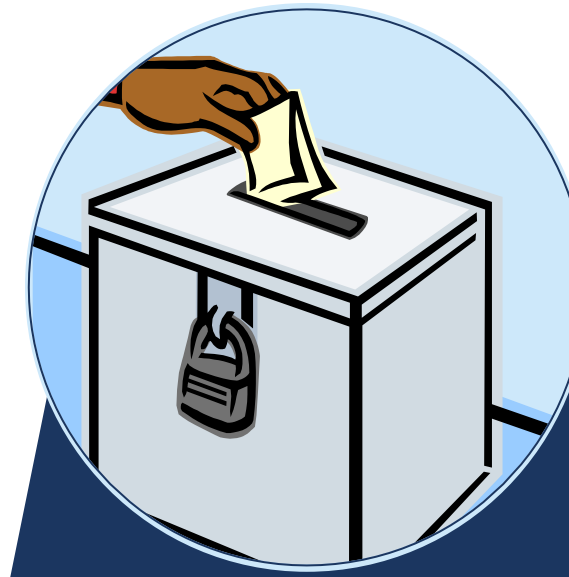
# Survey simulates actual election environment by testing measure three times:



**Vote #1:**  
Ballot  
Summary



**Vote #2:**  
Legally-  
permissible  
Information



**Vote #3:**  
Critical  
Statements

# Ballot Language

## Baseline Ballot Question

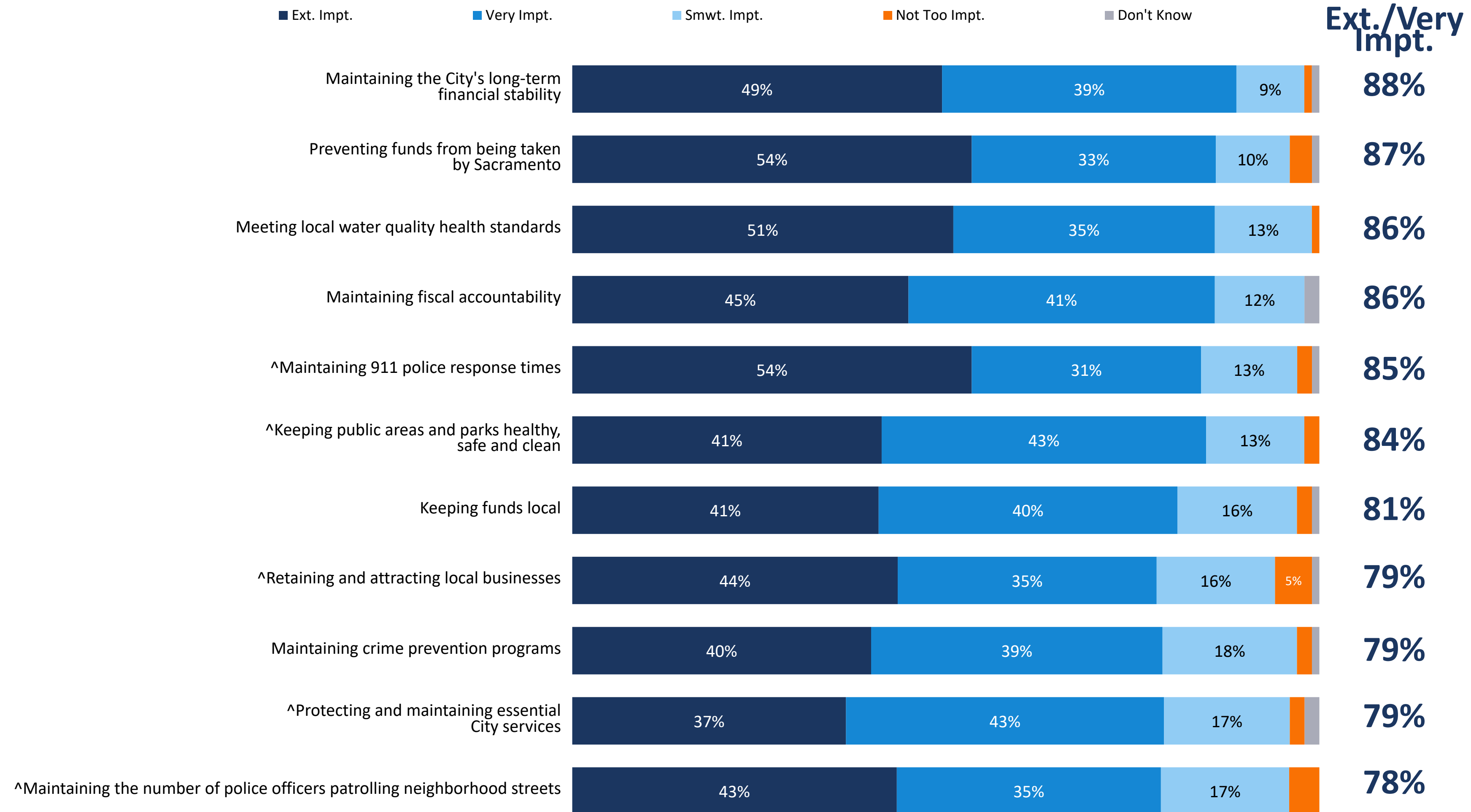
CITY OF HERCULES NO TAX INCREASE/FINANCIAL STABILITY MEASURE. Shall an ordinance to maintain Hercules' **long-term** financial stability and essential city services, such as neighborhood police patrols; **crime prevention; street and pothole repair; and youth and senior programs**, by renewing an existing, voter-approved 8% utility users' tax, generating approximately \$3,600,000 annually until ended by voters, with no tax increase, low-income exemptions, independent citizens' oversight, annual audits, and funding that cannot be taken by Sacramento, be adopted?

## November 8, 2022 Election Day Ballot Question

CITY OF HERCULES NO TAX INCREASE/FINANCIAL STABILITY MEASURE. Shall an ordinance to maintain Hercules' financial stability and essential services, such as neighborhood police patrols; **meeting local water quality health standards; retaining/attracting local businesses**, and **general community services**, by renewing a voter-approved 8% utility users' tax, generating approximately \$3,600,000 annually until ended by voters, with no tax increase, low-income exemptions, independent citizens' oversight, annual audits, and funding that cannot be taken by Sacramento, be adopted?



# Respondents highly prioritize maintaining the City's long-term financial stability and preventing funds from being taken by Sacramento.



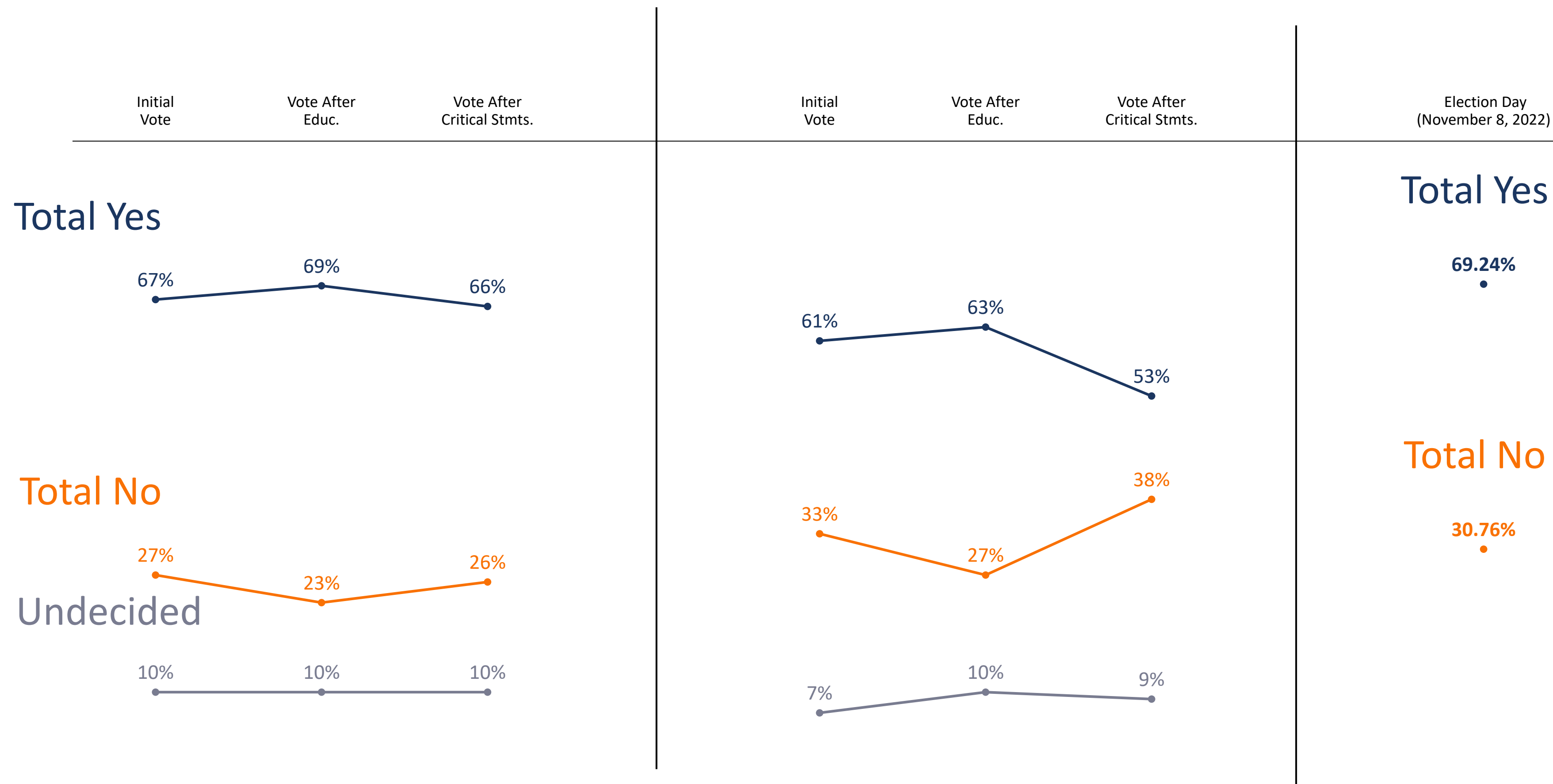
Q. I am going to read you a list of ways in which funds generated by a ballot measure could be spent. Please tell me how important that item is to you personally: extremely important, very important, somewhat important, or not too important. ^Part of Split Sample FM3 City of Hercules Baseline 2022 Survey.

# Vote Progressions for the City of Hercules

Initial Survey on UUT, Follow-Up Survey on Multiple Measures, UUT Measure Election Day Vote

Initial Survey MOE  $\pm 5.4\%$

Follow-Up Survey MOE  $\pm 5.3\%$





# Language Matters: Yorba Linda Test Case

## Before Survey Research

November 2022

✓ Yes 25% ✗ No 75%

### Measure Z: City of Yorba Linda, Yorba Linda Housing Element Implementation General Plan Amendments and Rezoning

Shall ordinances be adopted amending General Plan/Zoning requirements allowing housing units, some with increased heights, to meet state-mandated laws at: Rose/Blake, Yorba Linda/Mountain View, Lemon/Plumosa, Old Canal/Eastpark, mideast Oakcrest, Imperial/Bastanchury, Richfield (south of Calgary), Yorba Linda/Liverpool, Highland/Mountain View, Yorba Linda/Ohio (2 sites), Eureka/Oak Leaf, Eureka/Bastanchury, Prospect/Imperial, northeast Altrudy, Eureka/Mark, Eureka/Buena Vida, Imperial (west of Casa Loma), and Bastanchury/Plumosa?

## After Survey Research\*

November 2024

✓ Yes 90% ✗ No 10%

### Measure JJ: City of Yorba Linda, Local Control, Residential Neighborhood, Open Space Protection Measure

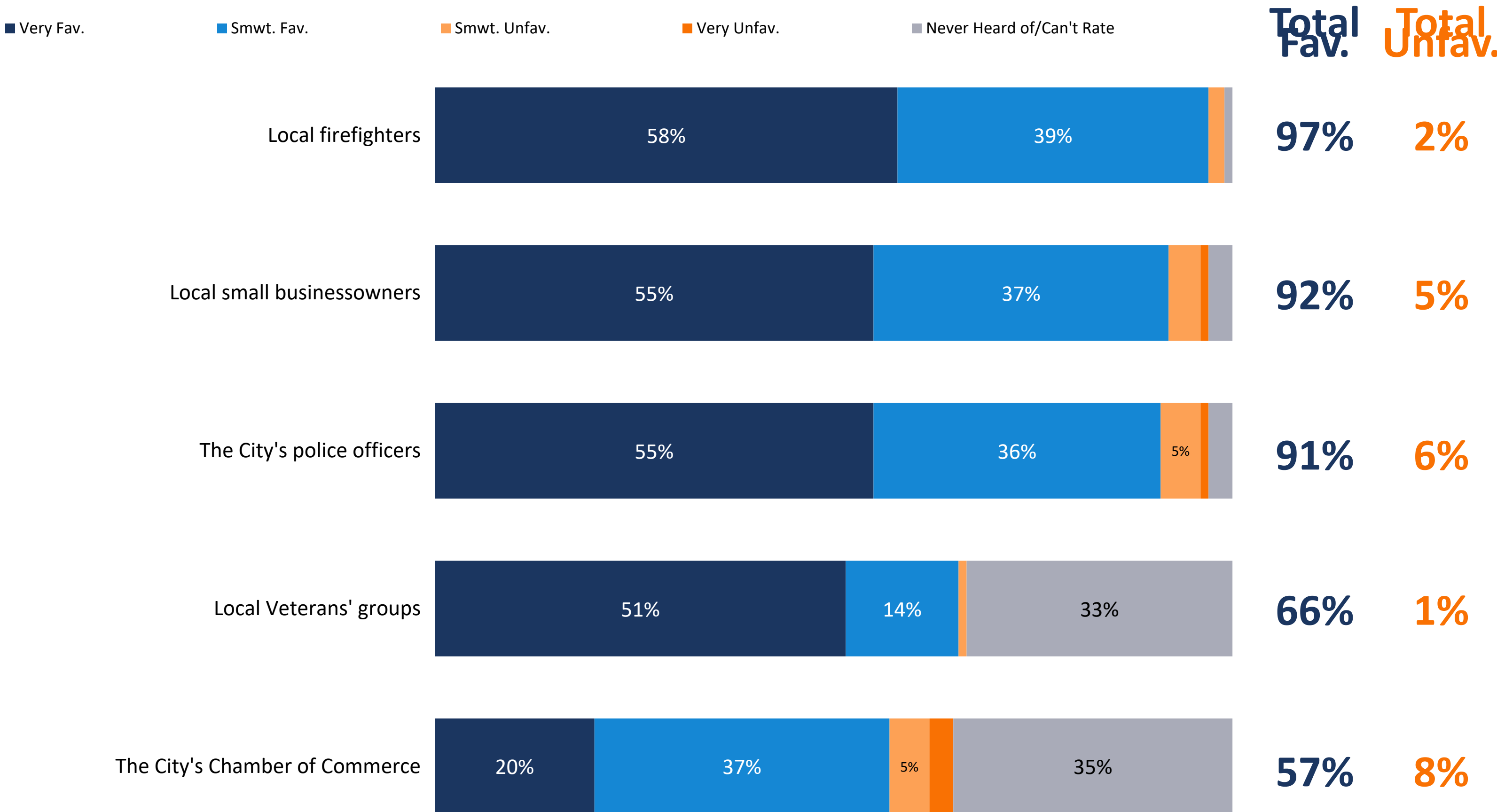
To maintain local control over land use decisions; **protect open space, single-family residential neighborhood character, height limits; limit traffic**; shall Yorba Linda **retain voter-approved development restrictions**, adopt land use plans developed by residents including mixed-use housing, retaining/attracting businesses at Savi Ranch; limiting new housing density in areas including Richfield/Christmas Tree Farm and Buena Vista, vacant land at Fairmont/Quarter Horse Drive; **requiring developer fees supporting parks/schools and public oversight?**

For: Frank Stefano, Stefano Golden Baked Ham, Small Business Owner; Beth Haney; Donald LaCommare, YLPA President; David Romacinski, DDS

Against: No argument against the measure was submitted.

# AB1416

## Testing Favorability of Potential Signers



Q. I am now going to mention some groups and organizations that are active in city life. Please tell me if you have an overall favorable or unfavorable opinion of that group or organization. Split Sample

# Conclusions:

Start early with baseline research!  
Time is not your friend.



Use research to inform ballot label language.



Conduct legally-permissible, non-advocacy public outreach efforts informed by research.



Conduct tracking research before placing measure on the ballot.



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(Cell) 310-428-1809



OPINION  
RESEARCH  
& STRATEGY



**BBK**

BEST BEST & KRIEGER LLP  
ATTORNEYS AT LAW

# Ballot Measures and Public Funds

# *Stanson v. Mott*: Information vs. Advocacy



- “a public agency may not expend public funds to promote a partisan position in an election campaign.”
- Distinguishes between of “educational” or “informational” materials, which is permissible, and “campaign literature,” which is not.
- *Stanson v. Mott* (1976) 17 Cal. 3d 206, 217
- But where is the line?



# Vargas v. City of Salina: Style, Tenor, and Timing Test



- What is the “style” in which the information is presented (e.g., a medium normally used by the city to communicate with the public would be permissible)
- What is the “tenor” of the presentation (the overall feeling evoked as a result of the words and graphics used, e.g., inflammatory or argumentative language or graphics such as “the property tax will be used to address the City’s *dire* budget crisis” – adjectives matter)
- What is the timing of the information (how close to the election it is published).

# Madera Union High School District



- Full page advertisement in newspaper
- Day before the election
- “A CLASSROOM EMERGENCY EXISTS NOW AT MADERA UNION HIGH SCHOOL”
- Did not explicitly ask voters to vote yes

# Permissible Statements



- Balanced presentation: both sides with supporting facts
- Avoid inflammatory rhetoric: adjectives matter
- Disseminate information through typical agency channels



# But What About All Those Mailers?



- Agency mailers seemingly advocating for a ballot measure
- Typical ballot measure activities
  - Mailers
  - Community meetings
  - Websites
  - Presentations at agency meetings

# Ontario Measure Q



**Ontario residents enjoy services and facilities that few cities can rival. From first-rate fire and police departments, beautiful parks and recreational facilities, and senior and youth programs, the City's services make Ontario an ideal place to live, work, and visit.**

On November 8, 2022, Ontario residents will vote on the **Measure Q**, the **City of Ontario Local Services Measure** to consider additional local funding for infrastructure improvement projects as well as enhance City services and programs.

If approved by a majority of Ontario's voters, Measure Q will take the City's sales tax from the current rate of 7.75% to 8.75%, generating approximately \$95 million per year in local revenue.

# Ontario Measure Q



Ontario prides itself on being able to maintain its high level of service through fiscal responsibility and operational efficiency. Despite having an operationally balanced budget, Ontario still faces challenges with its ability to fund infrastructure maintenance and enhancements.

The City has identified approximately \$1.2 billion in unfunded infrastructure and neighborhood improvement projects that, over time, will become more expensive to address.

- **\$242 MILLION** in improvements to our water and sewer systems. This includes \$100 million in enhancements to our storm drain infrastructure, and a \$100 million Advanced Water Purification Facility to reclaim more than 2.9 billion gallons of wastewater per year and to help Ontario withstand drought conditions.
- **\$59 MILLION** to construct new park attractions and improvements to playgrounds, skate parks, picnic areas, snack bars, and citywide soccer and ballfields.
- **\$118 MILLION** to provide low-cost high-speed fiber optic services to residential, commercial and public spaces, establish free community WiFi access, and to enhance police and fire coordination and emergency response.



# Endorsing a Ballot Measure



- A council/board may make a decision to officially endorse a measure, provided the endorsement is made in the regular course of a city council meeting that is open to the public and provides citizens an opportunity to express their opposing views.

# Informing the Public of the Agency's Position



- When requested by a public or private organization, an agency may authorize an agency employee to present its view of a ballot proposal at a meeting of such organization and may reimburse the official for any expenses incurred.

# Penalties and Remedies

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- Stolen Funds
- Personal liability
- Misdemeanor



# AUDIENCE Q&A

What questions or comments do you have for us?



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# RECORDING AVAILABLE SOON

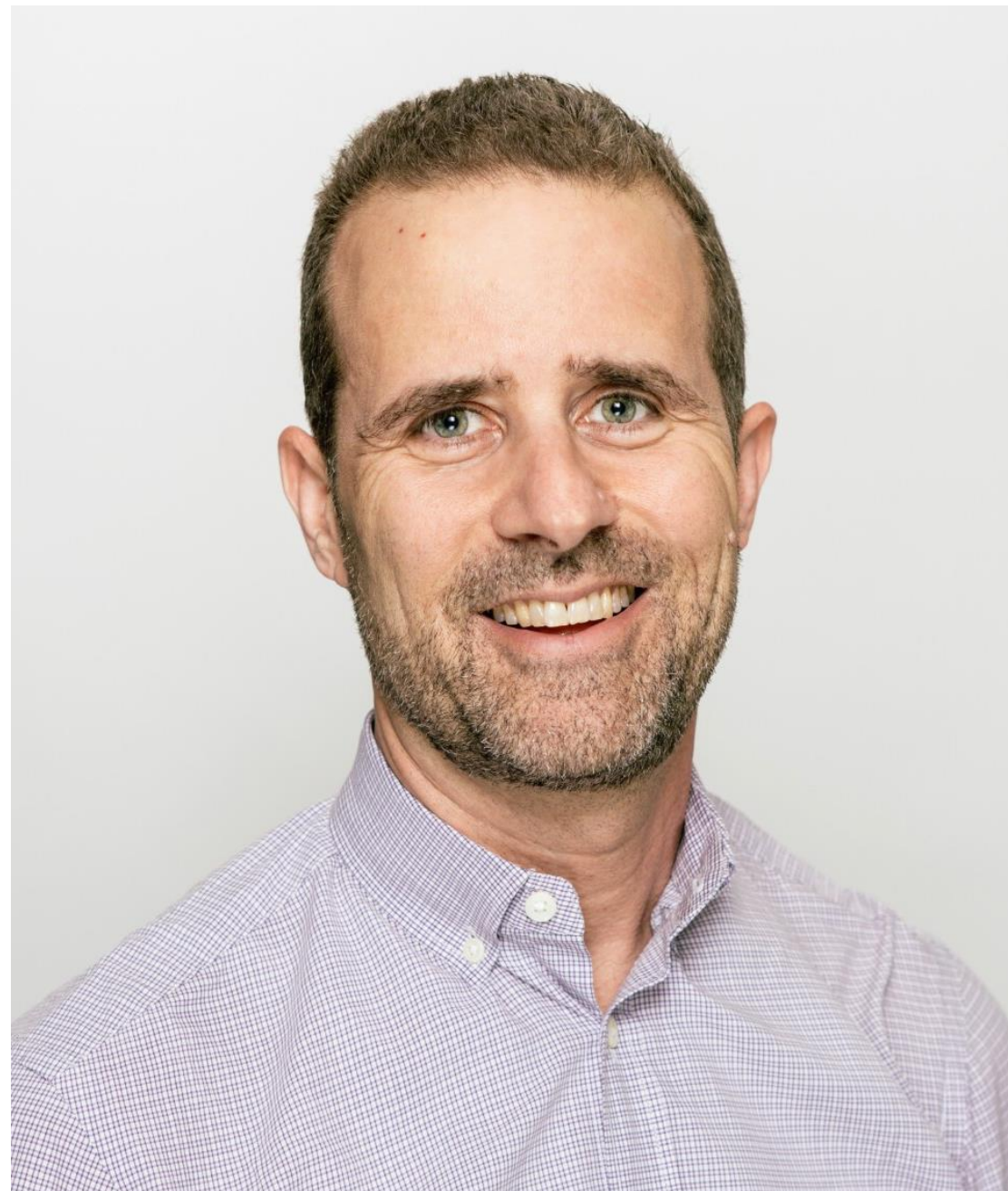


The recorded presentation and materials will be shared electronically with all attendees a few days after the webinar.





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