

# **Bond Case Briefs**

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## **REFERENDA - CALIFORNIA**

### **California Cannabis Coalition v. City of Upland**

**Court of Appeal, Fourth District, Division 2, California - March 18, 2016 - Cal.Rptr.3d - 2016 WL 1072858 - 16 Cal. Daily Op. Serv. 2989**

Initiative sponsor petitioned for writ of mandate to compel city and city clerk to hold a special election on an initiative imposing a charge on medical marijuana dispensaries. The Superior Court denied petition. Sponsor appealed.

The Court of Appeal held that Right to Vote on Taxes Act did not require initiative to be decided at general election rather than a special election.

The provision of the Right to Vote on Taxes Act stating that a general tax can only be approved by a majority vote in a “regularly scheduled general election” is limited to taxes created or enacted by local government and does not apply to taxes imposed by initiative, since the term “imposed” in the Act does not include collecting or receiving tax proceeds after the tax has been enacted.

City’s refusal to place a local initiative on a special election ballot unlawfully interfered with the sponsor’s right of initiative by delaying voting on the initiative until the next general election, where the initiative qualified for placement on the special election ballot under the Elections Code.