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REFERENDA - CALIFORNIA

Bonta v. Superior Court of Sacramento County

Court of Appeal, Third District, California - August 13, 2024 - 104 Cal.App.5th 147 - 324 Cal.Rptr.3d 400

Objectors brought petition for writ of mandate that challenged ballot label for proposition that proposed an amendment to the California Constitution that would allow passage of local bonds for public infrastructure and affordable housing by 55% voter approval rather than the existing 2/3 margin.

The Superior Court, Sacramento County, granted relief in mandate and entered order and judgment that directed the Attorney General to revise the ballot label. Attorney General petitioned for writ of mandate.

The Court of Appeal held that the ballot label, which described proposition as allowing approval of the particular type of bonds with a 55% vote, complied with statutory requirements of a concise and accurate description in terms that were not misleading, despite argument that label should have stated that existing law required a 2/3 vote to approve such bonds.

Ballot label that described proposition as allowing approval of local infrastructure and housing bonds for low- and middle-income Californians with 55% vote complied with statutory requirements of a concise and accurate description in terms that were not misleading, despite argument that label should have stated that existing law required a 2/3 vote to approve such bonds; while the ballot label was undoubtedly prominent in the voter information materials, the fact the title and summary contained information about the existing approval threshold substantially diminished the force of the argument that there was a danger voters would be misled.

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