

## **DATE:** June 20, 2013

**TO:** Chair and Members, Assembly Local Government Committee

**FROM:** Dan Carrigg, League Legislative Director, (916) 658-8222

## RE: <u>SB 7 (Steinberg) Charter Cities: Removal of State Funding</u> Request for NO Vote

As members of the Assembly Local Government Committee you will soon be voting on SB 7 (Steinberg), which is scheduled for hearing on Wednesday, June 26<sup>th</sup>. Because this measure of such serious consequence was not assigned to the committee with local government jurisdiction in the Senate, this will be its sole local government policy review.

While much has been made of the "politics" behind this measure, we strongly urge you to focus on the "policy" implications which would impose devastating consequences on 51 California cities, with combined populations of over 5 million residents, by making them ineligible for all state grants, loans, tax credits and other financial assistance for construction projects for exercising fundamental rights granted by our constitution to voters.

The affected cities, many of which are still suffering from high rates of unemployment and deep revenue losses, have done nothing to warrant such an aggressive and punitive action. Their only "offense" was their voters conducted themselves in lawful compliance with the State Constitution, which has for over 100 years empowered local voters to govern city "municipal affairs" via a local charter. Moreover, the California Supreme Court confirmed that decisions on how to spend local funds were a municipal affair, and that the Legislature could not impose conditions on such spending. The right to vote is the cornerstone of our democracy. The California Constitution empowers voters to create city charters to govern their municipal affairs. The Courts are tasked with interpreting the boundaries of "municipal affairs." By seeking to impose punitive measures for decisions made by local voters that are valid under the Constitution, the Legislature would infringe upon the exercise of what our U.S. Supreme Court has rightly called the "*fundamental right to vote*."

Next year it will be the 50<sup>th</sup> anniversary of the Supreme Court's landmark voting rights decision in *Reynolds v. Sims*, in which Chief Justice and former California Governor Earl Warren famously described the right to vote as "*a fundamental matter in a free and democratic society…especially since it is preservative of other basic civil and political rights.*"

If the Legislature starts down the road of treating the valid actions of local voters with contempt, public confidence will be lost in the validity of local elections and respect for the Legislature will be further eroded.

Finally, legislators contemplating putting future matters before the state electorate should also pause to consider the signal being sent to the 5 million California residents in communities and voters statewide. If the Legislature is capable of such rash action at the behest of powerful special interests, on what grounds should the voters trust the Legislature to adhere to the provisions of a future state bond, tax or other proposal?

We respectfully urge you to reject SB 7 for its unwarranted and punitive financial impact on 51 cities, its erosion of respect for the California Constitution, and infringement on the fundamental right to vote.

Thank you.