

Your tax money was illegally used to fund Measure J campaign, Taxpayers Association says

By Andrea Seastrand

Government has a self-serving tendency to use its power to create and justify even more government. If left unchecked, it will always seek ways to expand its size and influence. Unfortunately, we have seen this first-hand right here in San Luis Obispo County with the recent actions by the SLO Council of Governments (SLOCOG).

Last year, SLOCOG used taxpayer dollars to support the failed Measure J campaign -- a ballot proposition that would have raised \$25 million in higher sales taxes to pay for road improvements. At the request of the Central Coast Taxpayers Association, California's campaign watchdog, the Fair Political Practices Commission (FPPC), has been investigating SLOCOG for potential violations of state law by using public dollars to promote the ballot measure. The notion of a government agency trying to sway a ballot measure is a fundamental challenge to our free and fair election system that must be taken very seriously.

Records show SLOCOG spent over \$180,000 on a consultant to coordinate strategy to get Measure J passed. It also sent out a taxpayer-funded 30-page booklet to "educate" county residents about the current state of local roads that in reality was really just an effort to justify why a tax increase was warranted.

California law is clear that no public money is to be used in support or oppose a ballot measure^[1], yet SLOCOG spent hundreds of the thousands of dollars to help influence in the passage of Measure J. Public employees were working hand-in-hand with the Measure J proponents and even making joint appearances at community events pitching the ballot measure. Considering the amount of additional tax revenue on the line for SLOCOG and San Luis Obispo County, it's understandable why they were tempted to put a thumb on the scales to push Measure J over the finish line. But that doesn't mean that it was right.

In fact, it undermines free and fair elections when the government seeks to influence voters to change the outcome for its own benefit. The prohibition on public dollars being spent on ballot measures is ultimately a constitutional issue. The California Supreme Court ruled in *Stanson vs. Mott* that "the use of the public treasury to mount an election campaign which attempts to influence the resolution of issues which our Constitution leave to the 'free election' of the people does present a serious threat to the integrity of the electoral process."^[2]

Any information provided by public agencies about ballot measures must strictly be education and must be factual and impartial. What SLOCOG did was far beyond that. The support Measure J campaign had ample funding to get its message out. Proponents raised some \$312,000 while the opposition raised less than \$1,200. There was no need for public dollars to go towards influencing the election particularly when it puts the integrity of the election itself in question.^[3] In today's era of ever-growing government and fewer checks on its influence than ever, the Measure J story shows us why it is critical that taxpayers stay involved in local issues.

Measure J failed by a few hundred of votes. No doubt, many residents were likely influenced by SLOCOG's campaign to convince voters for the need for the tax increase to fund roads. By holding SLOCOG accountable by filing a complaint with the state's campaign watchdog a month before the election, we were able to slow down their efforts to influence voters and also sent an important message to other government agencies that might seek to do the same thing in the future. For its actions to unduly affect the result of the election and egregious waste of public money, SLOCOG is rightly this year's winner of the Central Coast Taxpayers Association "Golden Fleece Award."^[4]

This has been a tough year for taxpayers with Sacramento imposing a new gas and car registration tax to fund transportation and imposing a new tax on housing records. It could have been much worse if Measure J had passed and we would then be effectively double paying for basic transportation maintenance. While government will always try to grow itself if left to its own devices, it's up to taxpayer advocates to hold them in check and with Measure J we have been successful at doing just that.

^[1] <https://www.hjta.org/resources/taxpayer-tools/stop-illegal-government-spending/>

^[2] http://www.lawpipe.com/california/Stanson_v_Mott.html

^[3] <http://www.sanluisobispo.com/news/politics-government/election/article109198732.html>

^[4] <http://www.ccta.news/wp-content/uploads/2017/09/fleece3.pdf>