

DRAFTING A BALLOT MEASURE

With Margaret Brodtkin, Founder/Director Funding the Next Generation

April 22, 2020













**FUNDING THE
NEXT GENERATION**

CHILDREN'Ⓢ
FUNDING PROJECT



Key elements of a successful children's funding measure

-  Title of ordinance
-  Rationale for Measure
-  Purpose and goals
-  Services eligible for funding
-  Excluded services
-  Oversight body
-  Administering entity
-  Spending plan & accountability
-  Source, amount, duration
-  Preventing supplantation

Building power with a shared vision

Establishing a children's fund is an opportunity to **build a movement for children in your community**.

No matter who is doing the final drafting, use the drafting process to build a shared vision by:

- Engaging more people in the civic process
- Build productive collaborations across diverse community institutions to arrive at a consensus.
- Ensure that the coalition goes through all elements of the measure and grapples with decision points together.

Reaching a consensus with your allies about the basic elements of the measure takes time, but ultimately it brings you together and prepared you for the challenges of a campaign.



Process

Your measure might be placed on the ballot by signature petition or by local legislative action. The method by which it is placed on the ballot will impact the drafting process:

If your measure is being placed on the ballot by a city or county official body, the final and official draft of the measure will be done by the attorney for your city or county. You must negotiate with the officials placing the measure on the ballot.

or

Placing the measure on the ballot by signature/petition allows your coalition to get exactly what you want in the measure, but also requires your campaign to hire a lawyer with sufficient expertise in local election and finance law.

Tips:

- The drafting process could take anywhere from **6 weeks to 6 months**, so start early, and leave plenty of time to draft edit and finalize your measure.
- Throughout this process, your measure will continue to evolve. Creating the perfect measure is impossible, and drafting a measure with sufficient political and public support requires compromise.
- Consider the appropriate level of detail you want in the ordinance – a balance between flexibility and accountability.



Title of Ordinance

If you don't carefully title your measure, someone else will, and that name will show up everywhere, from the ballot, to yard signs (both pro and anti!), and all over the media. Most people will only know the name of the ballot measure, so

1. use it to establish your brand and convey key messages, &
2. cement it by including it in the measure itself!



Include some version of the word "child" and/or "youth"



Include the name of your city or county, so people understand this local measure will benefit their community directly


Examples


**Establishment of Children's Services
Council of Leon County**
(Leon County, FL, 2020)

**Children’s Health and Child Care
Initiative for Alameda County**
(Alameda County, CA, 2019)

**Families, Education, Preschool, and
Promise Levy**
(Seattle, WA, 2018)

CAUTIONARY TALES

 San Francisco, CA advocates wanted their measure to be called “The Children’s Amendment,” but never officially named it in the measure. So, the media would only refer to it as “Proposition J.”

 In 2016, Fairfax County, VA advocates for a tax that would reduce reliance on real estate taxes and increase school funding was rejected. The name? “Fairfax County Meals Tax.” This focused voters on what they’d be paying, rather than what they’d gain, and the measure failed.

Title	Rationale	Purpose	Eligible	Excluded	Oversight	Administration	Accountability	Source	Supplantation
-------	-----------	---------	----------	----------	-----------	----------------	----------------	--------	---------------



Rationale for measure

Your rationale is your findings, initial statements, or basic arguments about the need and the history that led to the legislation. It is your *permanent documentation* about why this measure is important. It is the “Forward” to the measure.

WHAT CAN YOU INCLUDE?



Data about the needs of your city's/county's children



Benefits and outcomes of similar measures or research findings about similar services



History of efforts to improve services and/or develop the measure.



Cost arguments for the expenditures



Why a fund is necessary and potentially beneficial

Title

Rationale

Purpose

Eligible

Excluded

Oversight

Administration

Accountability

Source

Supplantation



Purpose & goals

Your measure should include *a compelling statement of purpose* that illuminates the fund’s general principles & goals.

This is one of the most important parts of the measure, because it will be referred to over years as controversies inevitably arise, and as you seek to evaluate whether the purpose of the measure is met. It will keep the funding stream focused on what is important.

This section can address questions, such as:

- What are you committing to? *(ex. equity, prevention, civic participation, best practices, the need for collaboration, leveraging resources, maximizing partnerships, accountability)*
- What specific populations will this measure target? *(ex. children in poverty, children in all neighborhoods, homeless children, youth impacted by systems)*
- What models of care will be prioritized? *(ex. high quality early care and education, workforce development, evidence-based services, etc.)*
- What outcomes are anticipated? *(ex. all children ready for kindergarten, all youth have opportunities for positive development)*
- What goals will this measure help the community meet? *(Ex. the health, safety, and school success for individual children)*

Title

Rationale

Purpose

Eligible

Excluded

Oversight

Administration

Accountability

Source

Supplantation



Services eligible for funding

It is very important to include a definition of children’s services and some parameters for those services. Otherwise, it becomes too easy to include almost anything (such as fire protection) as a service to children.

Example: A children’s service benefits children directly and does not include services that benefit children incidentally or as members of a larger class including adults.



Include a list of the services (ex. child care) that can be funded. **The level of detail of this list will vary!**



Define the population that can be served, either by directly stating or implying the age group. This might look like “ages 0 – 24” or like “early care,” “youth,” or “preschool.”



Explicitly define and limit allowable services to families if you want to provide parenting and family support services.



Be clear about what agencies are eligible to apply for funds (e.g., government, non-profits, schools)

Title

Rationale

Purpose

Eligible

Excluded

Oversight

Administration

Accountability

Source

Supplantation

Examples

Escambia County, FL

Very loosely defines eligible programs and services, which will be based on a mandated annual needs assessment. Escambia has the benefit of a statewide model for CSCs.

Sec. 90 - 355. Powers and Functions.

The Escambia Children's Trust shall have the following powers and functions:

(1) To provide funding and maintain in the County such preventive, developmental, treatment, intervention, and rehabilitative services for children from birth to 18 years of age as the council determines are needed for the general welfare of the county.

|(2) To provide such other services for all children as the council determines are needed for the general welfare of the county.

(3) To allocate and provide funds for other agencies in the county which are operated for the benefit of children, provided they are not under the exclusive jurisdiction of the public school system.

Richmond, CA

Explicitly lists and eligible program and service types.

- i. **Violence Prevention and Response:** including restorative and transformative justice; programs that support positive communication and relationships between young people and within families; programs that train young people, adult allies and parents/guardians in de-escalation; programs that address domestic and sexual violence, including child abuse prevention; emergency relocation; programs that address homophobia and bullying; alternatives to incarceration including diversion and re-entry programs; and preventing and responding to police violence against children, youth, young adults and their caregivers.
- ii. **Education and Job Training:** including programs that help youth stay in school; promote academic success and college and career readiness; language services; support parents/guardians in advocating for their young people's education; assist in developing life skills and gaining work experience; and provide job training and placement.
- iii. **Parent/Guardian Support:** including fostering positive child-adult and youth-adult relationships that support young people's safety, self-esteem, well-being and positive futures.
- iv. **Media, Arts, Culture and Technology:** including artistic and cultural expression and education, and job and life skills development.
- v. **Youth and Family Leadership, Organizing and Civic Engagement:** including community organizing and support that amplify the voices and engagement of children, youth and family in how Richmond prioritizes its resources; and builds youth civic engagement and leadership.
- vi. **Health and Well-Being:** including physical, mental, emotional, behavioral and social health services that support health and well-being and reduce drug-related harm, violence and self-harm, and harmful and disrespectful sexual behavior.
- vii. **Environmental Health and Justice:** including programs that improve the environmental health of children and youth and their right to live free of pollution, toxins and lead, and increase access to healthy food, safe and accessible outdoor and recreational spaces and other places to be physically active.
- viii. **Outdoor Education and Recreation:** including sports, recreation centers, play, camps, gardening and urban agriculture.

Title

Rationale

Purpose

Eligible

Excluded

Oversight

Administration

Accountability

Source

Supplantation

Excluded services

In order to protect the integrity of the Fund, you may wish to list services that CANNOT receive funding. Each community will have something specific that they can foresee taking a chunk out of the fund if not excluded.

Some examples include:

- Law enforcement (often listed as specific agencies, such as Police or District Attorneys)
- any service that benefits children incidentally or as members of a larger class including adults
- Capital expenses (should be the express purpose of the fund OR be limited or excluded)
- The core functions of local school districts (school districts may still be a fund recipient)
- Basic operations of other special districts or purposes such as zoos or libraries.
- Mandated matches required by state or federal law.

Title

Rationale

Purpose

Eligible

Excluded

Oversight

Administration

Accountability

Source

Supplantation

Oversight

Your measure will need to outline an **oversight body** that will oversee the governance of the fund and ensure that it is implemented in a way that is consistent with the goals stated in the measure.

Your measure should:

1. clarify the power of the body (on a continuum from advisory to decision-making) and
2. lay out the oversight body's functions and responsibilities - such as funding approval, creating a funding plan, reviewing finances of the administering entity, ensuring public engagement, hiring the fund manager, and reporting to the legislative body.

Define the composition of the body:

- Is this a new or existing body?
- Who has power to appoint members? (legislative body, city or county executive, some combination, others?)
- What are background requirements for members?
- How many seats?
- What is the term length?
- What specific representation do you want to ensure? (ex. youth voice, geographic representation, provider voice, expertise in certain fields, etc.)
- Reimbursement & conflict-of-interest requirements of oversight body
- Will the body have its own staff, which will ensure independence?

Title

Rationale

Purpose

Eligible

Excluded

Oversight

Administration

Accountability

Source

Supplantation



Administering entity

Your measure can either identify the entity that will administer the Fund or provide criteria for creating/selecting this entity.

You may choose for this entity to be:

WITHIN GOVERNMENT

An office or department responsible for children and youth services

or

OUTSIDE OF GOVERNMENT

An intermediary contracted by government to administer the Fund.

If you will be creating a new office (e.g. an Office of Children and Youth Services) to administer your fund - you may want to establish it either in your measure or before introducing your measure.

Administrative details you can include in your measure:

- A cap on administrative costs, such as 10%.
Pros: The public loves it.
Cons: Administering agency may find it constraining.
- Contracting, funding cycle, data collection, application and/or reporting processes for grantees of the fund.
- Financial reporting
- Reporting to city/county governing body
- Hiring process and/or characteristics of leader of department/agency

Title

Rationale

Purpose

Eligible

Excluded

Oversight

Administration

Accountability

Source

Supplantation

Spending plan & accountability

There are several mandates you can include in your measure to promote and ensure transparency and accountability.

A major way to do this is to require and define a **public planning process** that engages all stakeholders.

You can also require a **regular independent evaluation** of the services funded; and allow a percentage of the fund (e.g. up to 5%) to fund the evaluation.

WHAT CAN YOU INCLUDE?



Require that funding priorities are based on a **needs assessment** that includes input from the public, recipients of services, service providers, government.



Mandate a public **spending plan** and an approval process that includes public participation. Require components of the spending plan, such as specific programs, funding amounts, target populations, and measurable objectives.



Mandate that an **annual or bi-annual written report** on the Fund is approved by the oversight body, presented to the local legislative body, and made public via public forum and online.

Title

Rationale

Purpose

Eligible

Excluded

Oversight

Administration

Accountability

Source

Supplantation

Funding source

The measure must describe the source of public revenue for the fund; and may include extensive legal detail. If establishing a new tax, you must include:

- a definition of the tax
- tax rate
- provisions for incorporation of state law & tax collection
- exemptions and exclusions

***TIP:** Give the fund a name, such as Solano Fund for Children and Youth, or simply Children’s Fund. The name will be used many times, including for accounting purposes. Put the words “child” or “youth” in the name.*

DURATION

- Consider using a sunset (a date by which the fund must be reauthorized) as a selling point.
- Rule of thumb: make sure the Fund is in place long enough to accomplish something significant, but short enough to convince the public there will be chance to evaluate it and rescind the measure if need be.
- A standard sunset is 10 years.
- In this section you might note that unspent funds can be carried over from year to year – a very important point.

Preventing supplantation

This is a critical part of a measure – the assurance that new funds are not used to supplant existing funds. This needs to be stated clearly as an explicit goal in 2 ways:

- Creating new or expanded services articulated as goal
- Disallowing supplanting funding for existing services

What is a **CHILDREN AND YOUTH BASELINE BUDGET**?

Maintenance of effort requirement for current level of local spending.

- Can be calculated by local fiscal officers after measure passes.
- Creates high visibility for children's spending within each department of government.
- Develops ongoing way to measure spending on kids.

Title

Rationale

Purpose

Eligible

Excluded

Oversight

Administration

Accountability

Source

Supplantation

Translating to the ballot question

The City or County attorney will translate your measure into the ballot question. The framing of this question is crucial, as it is the final (and in many cases only) representation of your measure people will see before they vote.

Before the question is finalized for the ballot, many cities or counties provide a formal hearing to appeal the wording.
USE IT

Can you spot the stronger question?

Shall the City impose a new gross receipts tax of 1% on revenues a business receives from leasing warehouse space in San Francisco, and 3.5% on revenues a business receives from leasing some commercial spaces in San Francisco, to fund quality early care and education for young children and for other public purposes?

WEAK

RECEIVED
50%

OF THE VOTE

To expand access to childcare and preschool for low- and middle-income families; help homeless and at-risk children, including help preventing child abuse and neglect; attract and retain quality childcare workers; and add spaces for childcare at locations throughout the county, shall the County of Alameda enact a 30-year ½% sales tax providing approximately 140 million dollars annually with citizens' oversight, public disclosure of spending, and mandatory annual audits?

STRONG

RECEIVED
65%

OF THE VOTE



Links to libraries of measures & questions

- [1. Ordinances/ballot measure language](#)
- [2. Ballot *questions*](#)