

More Good News on Prop. 98!!

Most of the following was taken from a memo written by William and Kari Butcher who are our lead consultants on the Prop. 98 campaign.

“Public Opinion Strategies, one of the nation’s largest and most respected public opinion research companies, recently completed a statewide survey of 800 likely voters in the June primary elections. Because there are no statewide candidates, and only two ballot propositions, both of which are on the subject of eminent domain, the voter turnout will be very small, which is beneficial to Prop. 98.

The survey was completed in four days, March 12 & 13 and March 15 and 16. The survey was very extensive, with 44 questions asked.

Early in the questionnaire, prior to giving any information on Prop. 98, or our opponents competing measure, Prop. 99, voters were read each in the order they will appear on the ballot. Both 98 and 99 would pass if the election were today, but Prop. 99 would prevail by a wider margin, and only one can become law.

A Little Information Wins Votes

What is remarkable, however, is how little information voters need to learn before they switch from supporting Prop. 99 to supporting Prop. 98. The ballot language by itself does not point out that Prop. 98 covers all property, while 99 applies only to selected houses and only then under certain circumstances.

Learning this single fact, that houses of worship, rentals, small businesses, family farms and open space is protected by 98 and not 99 is all they need to know to move to Prop. 98 by enough to win this election by a large margin! BUT it will take more donations to advertise this information to the voters.

A few other powerful arguments were identified, and should be communicated to all your friends! These include that **Prop. 98**:

- Rids the state of a damaging form of rent control that is so harmful that 44 other states across the nation have already made it illegal;
- 90% of economists oppose this form of rent control because it is harmful to the economy;
- Puts its protection into the state’s constitution so it can only be changed by a vote of the people;
- Only Prop. 98 or 99 can become law, not both;
- The non-partisan Legislative Analyst has concluded that **only Prop. 98** makes any substantive change in the way politicians and politically connected developers use eminent domain to forcibly seize people’s property, and then transfer that property to these developers for their use and profit.

Victory Can Be Ours!!

After learning about the issues, voters were asked to vote again on the ballot Propositions again using the language as it will appear on the ballot. **Voters indicated a preference for Prop. 98 by a margin of 2-1 over Prop. 99 and would pass Prop. 98 with 68% of the vote!**

We remain confident that **IF** we have the financial resources to communicate our clearly defined message, we will prevail in this election. Also, we remain certain that without these resources, we will not. So... every apartment owner who reads this, better donate something to support Prop. 98, better be registered to vote and then vote YES ONLY on Prop. 98 **OR suffer the consequences and forever remain silent!**

Why Property Owners Should Support Proposition 98 – The California Property Owners and Farmland Protection Act

- **Threat is real** – According to the Institute for Justice, a non-profit organization that litigated the U.S. Supreme Court’s Kelo v. New London case, “...California is one of the biggest abusers of eminent domain in the country” and in states where reforms are lacking, eminent domain abuse is on the rise!
- **Protections Lacking** – Since the Kelo decision two years ago, more than 40 states have passed laws curbing eminent domain abuse but not California, leaving property owners vulnerable and having no alternative but to qualify a statewide ballot measure.
- **Only Ballot Measure to Protect All Property** – Proposition 98 will be the only eminent domain ballot measure to appear on the June 2008 ballot that protects all private property equally, including homes and small businesses, from government profiting by seizing property from one private property owner and giving it to another private entity.
- **Provides Full Compensation** – Prop. 98 is the only measure that provides full compensation, even when property is seized for public projects. Lifts the \$10K cap on reimbursable expenses associated with legal or other expenses. Property owners will be compensated for all reasonable costs associated with moving, loss of business, and reestablishment of the business. Should a public agency take immediate possession of property (“quick take”), the owner is entitled to prompt release of the money offered while keeping the right to challenge the agency’s offer, and its right to take the property.
- **Abandonment Clause** – Proposition 98 is the only measure that includes a provision that requires a public agency to return the seized property to its original owner if the public project is ever abandoned. Under this provision, property would also be taken at the pre-condemnation value.
- **Prohibits Price Controls on Private Transactions** – Limits government’s ability to decide the amount a property owner can charge to sell or lease their property.

- **Limited Cost to Taxpayers** – According to the Legislative Analyst’s Office the “fiscal effect on most government property would not be significant”.
- **Protects Public Projects** – Proposition 98 does not limit government’s ability to use eminent domain for public projects like roads, parks and water supply projects, nor does it limit local zoning ordinances and land use decisions, workplace regulations or projects that benefit the health and safety of a community or environment.

VOTE YES ONLY ON PROP. 98!