

by **Sheridan Swanson**

March 14, 2023

Capistrano Unified: A Case Study in Opposing Bad Bonds

A practical way for citizens to fight ill-conceived school bond measures

View our full [School Bonds Toolkit](#) *here* for additional resources.

School bonds are designed to fund the building and maintenance of school facilities, but there have been increasing concerns about bond oversight and how districts utilize bonds. Too often, school districts put bond measures on the ballot that sound good on paper but lack accountability, leaving voters with higher taxes for decades with little to show for it.

When voters approve a bond, it allows the school district to borrow money (go into debt), and taxpayers are on the hook for that debt. Yet increasingly, special interests and teachers unions treat bonds like a blank check. Concerned citizens looking to defeat bad bond proposals have a highly effective strategy at their fingertips that often remains overlooked: publishing their arguments in the official voter pamphlet.

An excellent case study in how taxpayers successfully used this strategy can be found in Capistrano Unified, a large school district in southern Orange County. It's a story going back more than 20 years, starting with Measure A passed in 1999.

Capistrano voters passed Measure A with a 73.2% yes vote. It authorized \$65 million in bonds to fund school facility repair and maintenance, earthquake retrofitting, asbestos removal, leaky roof repair, safety/fire upgrades, and more.

Seventeen years later, in 2016, another district-wide bond was proposed for Capistrano Unified: Measure M, known as the "billion dollar bond" (which would have been the total cost including interest). A primary criticism of Measure M was that the bonds were to be

used to fund school maintenance in Dana Point, Laguna Niguel, and San Clemente, while taxpayers outside of these areas would be paying for them because it was a district-wide bond.

Taxpayers stand up to oppose Measure M

Concerned citizens stepped up in opposition to the bond by submitting arguments to the Orange County Registrar of Voters to be included in the voter pamphlet. Two types of opposition arguments can be submitted to a County's Registrar of Voters: an argument against the bond measure, and a rebuttal to the argument in favor of the bond measure. (To submit a rebuttal, the rebuttal author must first have turned in an argument against the bond proposal).

The citizens' argument against Measure M featured in the voter pamphlet highlighted the taxes residents already pay toward school administration and maintenance, such as property taxes and existing school bond taxes, as well as mello roos taxes, income taxes, and more.

The citizens' voter pamphlet argument against Measure M succeeded, and the bond was defeated with a 54.53% no vote.

The district continues to push more bad bonds

Four years later in 2020, district officials and teachers unions were at it again: they proposed Measure H (a \$120 million bond) and Measure I (a \$300 million bond).

Measure H's proponents, such as a San Clemente High School Principal who signed the Argument in Favor of the Bond, claimed the schools in San Clemente and Capistrano Beach needed repair and modernization, including roof repair and earthquake retrofitting. Similar arguments were made in support of Measure I, for schools in Aliso Viejo, Dana Point, and Laguna Niguel.

But Measure A, passed in 1999, was supposed to have fixed those same problems already. Why should residents have to pay twice for the same type of repair in the same schools?

Again, concerned citizens submitted strong arguments against the bond proposals to the Registrar of Voters that were included in the voter pamphlet. The result: the voters who would have had to pay for Measures H and I rejected them, with 55.84% and 54.23% no votes, respectively.

In 2022, the district again asked voters for more bond borrowing by proposing Measure G for Aliso Viejo schools. The district pushed the measure against the advice of the district's Facilities and Finance Advisory committee, which — after surveying the reasons for the defeat of M, H, and I — recommended the district not propose any new bonds until 2024.

The district proceeded with proposing the 2022 Measure G bond anyway, and six members of the committee resigned, writing in their memo that “it is abundantly apparent to us that the district's decision to move forward with 2022 bonds, without consulting our full committee (or even giving us advance notice of their course of action), clearly represents a fundamental shift away from our role as advisors.” The resignation shows that even people who are highly favorable to school bonds get angry when districts disregard prudence with their bond proposals.

Aliso Niguel High School was one of the campuses to be repaired under Measure G. But concerned taxpayers pointed out that approximately one-third of the students at that high school came from Laguna Niguel. Thus, Aliso Viejo residents would be paying for the bond in its entirety, and not Laguna Niguel residents whose children would attend that school.

Again, citizens' submitted compelling arguments against Measure G to the Registrar of Voters that were included in the voter pamphlet. Measure G failed with a 53.35% no vote.

Capistrano Unified's Measure A, passed in 1999, is set to be paid off by the district (via taxpayers) in 2024. Thanks to the hard work of vigilant citizens, taxpayers have avoided hundreds of millions of dollars in additional bond debt and taxes.

The ABCs of submitting an argument against a bad bond proposal

As seen in Capistrano Unified, the strategy of everyday concerned voters submitting arguments against bad bond proposals to the local Registrar of Voters is highly effective. And – importantly – it's free. Other strategies, such as sending out mailers opposing bond measures to area voters, become expensive quickly.

Note that if you are going to pursue the argument submission strategy, it requires a reasonable degree of vigilance: arguments must be submitted within ten days after the Registrar of Voters receives the text of the bond. Furthermore, a bond issue may be featured on a Primary Ballot, rather than a General Election ballot. This means voters must be informed about bond issues and argument deadlines during both primary and general election seasons.

The Registrar of Voters has guidelines explaining how arguments will be published in the voter pamphlet. When more than one person or group submits an argument, preference is given to those with related experience or status, such as being a member of the county Board of Supervisors or a bona fide (recognized) association of citizens.

There are word limits for published arguments, but you can also create a web site where you can make a longer case against the bond proposal. You can then list its web address as part of your Argument Against and Rebuttal to the Argument in Favor. Keep in mind that most voters won't take that extra step, so your voter guide argument should be as complete as possible.

When writing an argument in opposition to a bond measure, here are some points you could include:

- Information on existing bonds, how much debt remains on them, and what they were/are supposed to fix.
- Note the total cost of the bond – principal and interest combined.
- Californians are already among the highest taxed in the nation: income taxes, gas taxes, sales taxes and now, inflation.

- Salaries of administrators in the district.
- History of bond oversight in the district; has the district been transparent and accountable?
- Whether the purposes of the bond will outlive the bond itself. For example, a bond that taxpayers will be paying off for 30 years should not be used for short-lived items like repainting and classroom technology. To quote the rebuttal to the argument in favor of Measure H: “It is not good governance to finance what should have been short term repairs into long term debt.”

For examples of how to write voter pamphlet arguments and rebuttals, see the [Sample Arguments Appendix, linked here](#), for real arguments used to successfully oppose bonds in Capistrano Unified.

Check with your local Registrar of Voters for a handbook on how to submit arguments and rebuttals. You can also review Orange County’s example, the [2023 Handbook for Submitting Ballot Arguments and Rebuttal Arguments for Countywide Measures](#), which answers questions like, “How do I know a measure will appear on the ballot?” and “Who may author and sign an argument?”

Sheridan Swanson is a Research Associate at California Policy Center