

# MCLE SELF-STUDY

## THE RIGHT OF LOCAL INITIATIVE IN CALIFORNIA

BY JAY CHAFETZ

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## MCLE SELF-STUDY TEST

- 1 The right of local initiative and the right of statewide initiative were adopted into the California constitution at the same time.  
 True                       False
- 2 The procedures for exercising the right of local initiative are set locally.  
 True                       False
- 3 The procedures for exercising the right of local initiative are in the Government Code.  
 True                       False
- 4 Notice and hearing requirements that generally apply to action taken by a city council do not generally apply to initiative passed by local voters.  
 True                       False
- 5 When local voters propose an initiative, it can be adopted by the city council without a vote of the electorate.  
 True                       False
- 6 At least one case has held that a land use initiative may be adopted under certain circumstances without CEQA review.  
 True                       False
- 7 If a constitutional provision requires that a law dealing with taxes be placed on the ballot for a general election, the constitutional right of local initiative may never compel it to be placed on the ballot for a special election instead.  
 True                       False
- 8 Under current law, there is a rebuttable presumption in favor of the right of local initiative.  
 True                       False
- 9 Under current law, the Court may only construe a law to constrain the right of local initiative if there is a direct reference to that effect in a statute.  
 True                       False
- 10 While procedural requirements in a general law do not limit the right of local initiative, substantive requirements do.  
 True                       False
- 11 Even though a city council may not adopt an internally inconsistent General Plan, the local electorate may do so through an initiative.  
 True                       False

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MCLE SELF-STUDY TEST, CONTINUED FROM PAGE 1

- 12 A general law that requires a local initiative to be passed by a super-majority imposes a substantive requirement that constrains the right of local initiative.  
 True  False
- 13 The argument that an initiative is invalid because it was not preceded by the type of public hearing required for City Council action is valid today.  
 True  False
- 14 A general law setting requirements for the contents of an ordinance after it is passed applies to an initiative ordinance too.  
 True  False
- 15 Today, the California Supreme Court construes the right of local initiative so broadly that the voters of a city may pass any ordinance they like regardless of any conflict with general laws.  
 True  False

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