

AMENDED IN SENATE JUNE 10, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2584

Introduced by Assembly Member Mendoza

February 22, 2008

An act to amend Sections 9050, 9051, 9052, 9053, 9054, and 13247 of, and to amend the heading of Article 5 (commencing with Section 9050) of Chapter 1 of Division 9 of, Sections 103, 9602, 11303, and 13314 of the Elections Code, relating to ~~ballot measures~~: *elections*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2584, as amended, Mendoza. ~~Ballot measures: title and summary.~~
Elections.

Existing law requires the Attorney General to provide and return to the Secretary of State a ballot title for each statewide ballot measure.

This bill would instead provide that the Attorney General give the Secretary of State a title and summary for each statewide ballot measure.

Existing law requires that a declaration setting forth specified circulation information be attached to a petition or paper submitted to an elections official.

This bill would exempt a voter from attaching that declaration to a written request for the removal of his or her signature from an initiative, referendum, or recall petition.

Existing law authorizes an elector to seek a writ of mandate alleging that an error or omission has occurred, or is about to occur, in the placing of a name on, or in the printing of, a ballot, sample ballot, voter pamphlet, or other official matter, or that any neglect of duty has occurred, or is about to occur.

This bill would require that the Secretary of State be named as a real party in interest in any proceeding concerning specific measures and candidates.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 103 of the Elections Code is amended to*
2 *read:*

3 103. ~~Any~~ *A voter who has signed an initiative, referendum or*
4 *recall petition pursuant to the Constitution or laws of this state*
5 *shall have his or her signature withdrawn from the petition upon*
6 *filing a written request therefor with the appropriate county*
7 *elections official or city elections official prior to the day the*
8 *petition is filed. A written request made under this section shall*
9 *not constitute a petition or paper for purposes of Section 104.*

10 *SEC. 2. Section 9602 of the Elections Code is amended to read:*

11 9602. ~~Any~~ *A voter who has signed*~~any~~ *an initiative or*
12 *referendum petition, and who subsequently wishes to have his or*
13 *her name withdrawn, may do so by filing a written request for the*
14 *withdrawal with the appropriate elections official. This request*
15 *shall be filed in the elections official’s office prior to the date the*
16 *petition is filed. A written request made under this section shall*
17 *not constitute a petition or paper for purposes of Section 104.*

18 *SEC. 3. Section 11303 of the Elections Code is amended to*
19 *read:*

20 11303. ~~Any~~ *A voter who has signed a recall petition shall have*
21 *his or her signature withdrawn from the petition upon filing a*
22 *written request therefor with the elections official prior to the day*
23 *the petition section bearing the voter’s signature is filed. A written*
24 *request made under this section shall not constitute a petition or*
25 *paper for purposes of Section 104.*

26 *SEC. 4. Section 13314 of the Elections Code is amended to*
27 *read:*

28 13314. (a) (1) ~~Any~~ *An elector may seek a writ of mandate*
29 *alleging that an error or omission has occurred, or is about to occur,*
30 *in the placing of*~~any~~ *a name on, or in the printing of, a ballot,*
31 *sample ballot, voter pamphlet, or other official matter, or that any*
32 *neglect of duty has occurred, or is about to occur.*

1 (2) A peremptory writ of mandate shall issue only upon proof
2 of both of the following: ~~(A) that the~~

3 (A) *That the* error, omission, or neglect is in violation of this
4 code or the Constitution, ~~and (B) that issuance.~~

5 (B) *That issuance* of the writ will not substantially interfere with
6 the conduct of the election.

7 (3) The action or appeal shall have priority over all other civil
8 matters.

9 (4) *The Secretary of State shall be named as a respondent or a*
10 *real party in interest in any proceeding under this section*
11 *concerning a measure or a candidate described in Section 15375,*
12 *except for a candidate for judge of the superior court.*

13 (b) Venue for a proceeding under this section shall be
14 exclusively in Sacramento County in any of the following cases:

15 (1) The Secretary of State is named as a real party in interest or
16 as a respondent.

17 (2) A candidate for statewide elective office is named as a party.

18 (3) A statewide measure that is to be placed on the ballot is the
19 subject of the proceeding.

20 ~~SECTION 1. The heading of Article 5 (commencing with~~
21 ~~Section 9050) of Chapter 1 of Division 9 of the Elections Code is~~
22 ~~amended to read:~~

23
24 ~~Article 5. Ballot Titles and Summaries~~

25
26 ~~SEC. 2. Section 9050 of the Elections Code is amended to read:~~
27 ~~9050. The Attorney General shall provide and return to the~~
28 ~~Secretary of State a ballot title and summary for each measure~~
29 ~~submitted to the voters of the whole state.~~

30 ~~SEC. 3. Section 9051 of the Elections Code is amended to read:~~
31 ~~9051. Any person who is interested in any proposed measure~~
32 ~~may at any time, prior to 150 days before the election at which the~~
33 ~~measure is to be voted upon, file a copy of it with the Secretary of~~
34 ~~State, together with a request that a ballot title and summary be~~
35 ~~prepared for it. This request shall be accompanied by the address~~
36 ~~of the person or association of persons proposing the measure. The~~
37 ~~Secretary of State shall immediately transmit a copy of the measure~~
38 ~~to the Attorney General. Within 10 days after it is filed, the~~
39 ~~Attorney General shall provide and return to the Secretary of State~~
40 ~~a ballot title and summary for the measure. The ballot title and~~

1 summary may differ from the legislative or other title of the
2 measure and shall express in not exceeding 100 words the purpose
3 of the measure. In providing the ballot title, the Attorney General
4 shall give a true and impartial statement of the purpose of the
5 measure in such language that the ballot title and summary shall
6 neither be an argument, nor be likely to create prejudice, for or
7 against the proposed measure.

8 SEC. 4. Section 9052 of the Elections Code is amended to read:
9 9052. Immediately upon receipt of the ballot title and summary
10 prepared by the Attorney General, the Secretary of State shall mail
11 to all persons who may have requested the preparation of that ballot
12 title and summary, a notice addressed to them at the address
13 accompanying the request, stating that the Attorney General has
14 made and returned the ballot title and summary. The notice shall
15 also contain a copy of the ballot title and summary prepared by
16 the Attorney General.

17 SEC. 5. Section 9053 of the Elections Code is amended to read:
18 9053. Each measure shall be designated on the ballot by the
19 ballot title and summary certified to the Secretary of State by the
20 Attorney General.

21 SEC. 6. Section 9054 of the Elections Code is amended to read:
22 9054. (a) Whenever a city, county, or city and county is
23 required by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section
24 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights
25 Act of 1965 to provide a translation of ballot materials in a
26 language other than English, the Secretary of State shall provide
27 a translation of the ballot title and summary prepared pursuant to
28 Section 9050 and of the condensed statement of the ballot title and
29 summary prepared pursuant to Section 13247 in that language to
30 the city, county, or city and county for each state measure
31 submitted to the voters in a statewide election not later than 68
32 days prior to that election.

33 (b) When preparing a translation in a language other than
34 English pursuant to subdivision (a), the Secretary of State shall
35 consult with an advisory body consisting of language experts and
36 nonpartisan organizations that advocate on behalf of, or provide
37 services to, individuals that speak that language.

38 (c) All translations prepared pursuant to this section shall be
39 made available for public examination in the same time and manner
40 as the ballot pamphlet is made available for public examination in

1 ~~accordance with Section 88006 of the Government Code and~~
2 ~~Section 9092 of this code.~~

3 ~~(d) The local elections official shall use that translation of the~~
4 ~~condensed statement of the ballot title and summary on the sample~~
5 ~~ballot and the official ballot and may not select or contract with~~
6 ~~another person to provide translations of the same text.~~

7 ~~SEC. 7. Section 13247 of the Elections Code is amended to~~
8 ~~read:~~

9 ~~13247. (a) The statement of all measures submitted to the~~
10 ~~voters shall be abbreviated on the ballot. The statement shall~~
11 ~~contain not more than 75 words of each measure to be voted on,~~
12 ~~followed by the words "Yes" and "No." Abbreviation of measures~~
13 ~~to be voted on throughout the state shall be composed by the~~
14 ~~Attorney General and shall be a condensed statement of the ballot~~
15 ~~title and summary prepared by him or her.~~

16 ~~(b) For purposes of measures to be voted on throughout the~~
17 ~~state, the limitation contained in subdivision (a) shall apply to the~~
18 ~~total number of words used in the condensed statement of the ballot~~
19 ~~title and summary and the financial impact summary prepared~~
20 ~~pursuant to Section 9087 of this code and Section 88003 of the~~
21 ~~Government Code.~~