

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 753**

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**Introduced by Assembly Member Adams**

February 26, 2009

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An act to amend Sections 303, 336, 342, 9003, 9004, 9005, 9007, 9008, ~~9014~~, 9034, 9035, 9050, 9053, 9054, 9063, 13247, and 13282 of, to add Sections 303.5, 9016, 9017, and 9018 to, to repeal Sections 9052, 13280, and 13281 of, and to repeal and add Sections 9001, 9002, 9006, 9009, 9012, 9013, ~~9014~~, 9015, and 9051 of, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 753, as amended, Adams. Ballot titles and labels.

Existing law requires the Attorney General to provide a ballot title for each measure to be submitted to the voters at a statewide election. The Attorney General is also required to prepare a summary of the chief purposes and points of each statewide ballot measure as part of the ballot title and return the measure with the ballot title and summary to the Secretary of State. Upon receipt of the ballot title and summary, the Secretary of State is required to send notification of the filing deadline and the certification deadline to the proponents of the measure and to the county elections official.

This bill would revise the provisions relating to the duties of the Attorney General and Secretary of State regarding ballot measures and the regulations and time requirements for proponents of a ballot measure. The bill would add definitions and would require the Attorney General to provide a circulating title and summary, as defined, for each proposed ballot measure that is submitted by proponents of the measure.

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 303 of the Elections Code is amended to  
2 read:

3 303. “Ballot label,” means that portion of the ballot, containing  
4 the names of the candidates or a statement of a measure. For  
5 statewide measures, the ballot label shall contain no more than 75  
6 words and shall be a condensed version of the ballot title and  
7 summary including the fiscal impact summary prepared pursuant  
8 to Section 9087 of this code and Section 88003 of the Government  
9 Code.

10 SEC. 2. Section 303.5 is added to the Elections Code, to read:

11 303.5. (a) “Ballot title” is the name of a statewide measure  
12 included in the ballot label and the ballot title and summary.

13 (b) “Ballot title and summary” means the summary of the chief  
14 purpose and points including the fiscal impact summary of any  
15 measure that appears in the state ballot pamphlet. The ballot title  
16 and summary shall include a statement of the measure’s fiscal  
17 impact. This summary shall not exceed 100 words, not including  
18 the fiscal impact statement.

19 (c) (1) “Circulating title and summary” means the text that is  
20 required to be placed on a petition for signatures that is either one  
21 of the following:

22 (A) The summary of the chief purpose and points of a proposed  
23 initiative measure that affects the Constitution or laws of the state,  
24 and the fiscal impact of the proposed initiative measure.

25 (B) The summary of the chief purpose and points of a  
26 referendum measure that affects a law or laws of the state.

27 (2) The circulating title and summary shall not exceed 100  
28 words, not including the fiscal impact summary.

29 SEC. 3. Section 336 of the Elections Code is amended to read:

30 336. The “official summary date” is the date a circulating title  
31 and summary of a proposed initiative measure is delivered or  
32 mailed by the Attorney General to the proponents of the proposed  
33 measure.

34 SEC. 4. Section 342 of the Elections Code is amended to read:

1 342. “Proponent or proponents of an initiative or referendum  
2 measure” means, for statewide initiative and referendum measures,  
3 the elector or electors who submit a draft of a petition proposing  
4 the measure to the Attorney General with a request that he or she  
5 prepare a circulating title and summary of the chief purpose and  
6 points of the proposed measure; or for other initiative and  
7 referendum measures, the person or persons who publish a notice  
8 or intention to circulate petitions, or, where publication is not  
9 required, who file petitions with the elections official or legislative  
10 body.

11 SEC. 5. Section 9001 of the Elections Code is repealed.

12 SEC. 6. Section 9001 is added to the Elections Code, to read:

13 9001. (a) Prior to the circulation of any initiative or referendum  
14 petition for signatures, a draft of the proposed measure shall be  
15 submitted to the Attorney General with a written request that a  
16 circulating title and summary of the chief purpose and points of  
17 the proposed measure be prepared. The electors presenting the  
18 request shall be known as the “proponents.” The Attorney General  
19 shall preserve the written request until after the next general  
20 election.

21 (b) Each and every proponent of any proposed initiative measure  
22 shall, at the time of submitting the draft of the measure, provide  
23 both of the following:

24 (1) An original signed certification stating that “I, (insert name),  
25 declare under penalty of perjury that I am a citizen of the United  
26 States, 18 years of age or older, and a resident of (insert county),  
27 California.”

28 (2) Public contact information.

29 (c) The proponents of any initiative measure, at the time of  
30 submitting the draft of the measure to the Attorney General, shall  
31 pay a fee of two hundred dollars (\$200), which shall be placed in  
32 a trust fund in the office of the Treasurer and refunded to the  
33 proponents if the measure qualifies for the ballot within two years  
34 from the date the summary is furnished to the proponents. If the  
35 measure does not qualify within that period, the fee shall be  
36 immediately paid into the General Fund of the state.

37 (d) All referenda and proposed initiative measures must be  
38 submitted to the Attorney General’s Initiative Coordinator located  
39 in the Sacramento Attorney General’s Office via U.S. Postal  
40 Service, alternative mail service, or personal delivery. Only printed

1 documents will be accepted, facsimile or e-mail delivery will not  
2 be accepted.

3 (e) The Attorney General’s office shall not deem a request for  
4 a circulating title and summary submitted until all of the  
5 requirements of this section are met.

6 SEC. 7. Section 9002 of the Elections Code is repealed.

7 SEC. 8. Section 9002 is added to the Elections Code, to read:

8 9002. (a) The proponents of a proposed initiative measure  
9 may submit an amendment to the proposed measure within 15  
10 days of the Attorney General’s original receipt of the proposed  
11 measure.

12 (b) The amendment must be submitted with a signed request  
13 by all the proponents to prepare a circulating title and summary  
14 using the amended language.

15 (c) The amendment must be submitted to the Attorney General’s  
16 Initiative Coordinator located in the Sacramento Attorney General’s  
17 Office via U.S. Postal Service, alternative mail service or personal  
18 delivery. Only printed documents will be accepted, facsimile or  
19 e-mail delivery will not be accepted.

20 SEC. 9. Section 9003 of the Elections Code is amended to read:

21 9003. In the event that the Attorney General is a proponent of  
22 a proposed measure, the circulating title and summary of the chief  
23 purpose and points of the proposed measure, including an estimate  
24 or opinion on the financial impact of the measure, shall be prepared  
25 by the Legislative Counsel, and the other duties of the Attorney  
26 General specified in this chapter with respect to the circulating  
27 title and ballot title and summary and an estimate of the financial  
28 effect of the measure shall be performed by the Legislative  
29 Counsel.

30 SEC. 10. Section 9004 of the Elections Code is amended to  
31 read:

32 9004. (a) Upon receipt of a draft of a proposed initiative  
33 measure, the Attorney General shall prepare a circulating title and  
34 summary of the chief purposes and points of the proposed measure.  
35 The circulating title and summary shall not exceed a total of 100  
36 words. The Attorney General shall also provide a unique numeric  
37 identifier for each proposed initiative measure. The circulating  
38 title and summary shall be prepared in the manner provided for  
39 the preparation of ballot titles and summaries in Article 5  
40 (commencing with Section 9050), the provisions of which in regard

1 to the preparation, filing, and settlement of ballot titles and  
2 summaries are hereby made applicable to the circulating title and  
3 summary.

4 (b) The Attorney General shall provide a copy of the circulating  
5 title and summary and its unique numeric identifier to the Secretary  
6 of State within 15 days after receipt of the fiscal estimate or opinion  
7 prepared by the Department of Finance and the Joint Legislative  
8 Budget Committee pursuant to Section 9005. The date the copy  
9 is delivered or mailed to the proponents is the “official summary  
10 date.”

11 (c) Upon receipt of the circulating title and summary from the  
12 Attorney General, the Secretary of State shall, within one business  
13 day, notify the proponents and county elections official of each  
14 county of the official summary date and provide a copy of the  
15 circulating title and summary to each county elections official.  
16 This notification shall also include a complete schedule showing  
17 the maximum filing deadline, and the certification deadline by the  
18 counties to the Secretary of State.

19 SEC. 11. Section 9005 of the Elections Code is amended to  
20 read:

21 9005. (a) The Attorney General, in preparing a circulating title  
22 and summary for a proposed initiative measure, shall include in  
23 the circulating title and summary either the estimate of the amount  
24 of any increase or decrease in revenues or costs to the state or local  
25 government, or an opinion as to whether or not a substantial net  
26 change in state or local finances would result if the proposed  
27 initiative is adopted.

28 (b) The estimates as required by this section shall be made  
29 jointly by the Department of Finance and the Joint Legislative  
30 Budget Committee, who shall deliver the estimates to the Attorney  
31 General so that he or she may include the estimates in the  
32 circulating title and summary prepared by him or her.

33 (c) The estimate shall be delivered to the Attorney General  
34 within 25 working days from the date of receipt of the final version  
35 of the proposed initiative measure from the Attorney General,  
36 unless in the opinion of both the Department of Finance and the  
37 Joint Legislative Budget Committee a reasonable estimate of the  
38 net impact of the proposed initiative measure cannot be prepared  
39 within the 25-day period. In the latter case, the Department of  
40 Finance and the Joint Legislative Budget Committee shall, within

1 the 25-day period, give the Attorney General their opinion as to  
2 whether or not a substantial net change in state or local finances  
3 would result if the proposed initiative measure is adopted.

4 (d) Any statement of fiscal impact prepared by the Legislative  
5 Analyst pursuant to subdivision (b) of Section 12172 of the  
6 Government Code may be used by the Department of Finance and  
7 the Joint Legislative Budget Committee in the preparation of the  
8 fiscal estimate or the opinion.

9 SEC. 12. Section 9006 of the Elections Code is repealed.

10 SEC. 13. Section 9006 is added to the Elections Code, to read:

11 9006. (a) Upon receipt of a draft of a proposed referendum,  
12 the Attorney General shall prepare a circulating title and summary  
13 of the chief purpose and points of the proposed statute at issue.  
14 The circulating title and summary shall not exceed a total of 100  
15 words. No fiscal analysis shall be included.

16 (b) The Attorney General shall provide a copy of the circulating  
17 title and summary of the proposed referendum to the proponents  
18 and to Secretary of State within 10 days after receipt of the  
19 proposed referendum.

20 (c) Upon receipt of the circulating title and summary from the  
21 Attorney General, the Secretary of State shall, within one business  
22 day, notify the proponents and county elections official of each  
23 county of the official summary date and provide a copy of the  
24 circulating title and summary to each county elections official.  
25 This notification shall also include a complete schedule showing  
26 the maximum filing deadline, and the certification deadline by the  
27 counties to the Secretary of State.

28 SEC. 14. Section 9007 of the Elections Code is amended to  
29 read:

30 9007. Immediately upon the preparation of the circulating title  
31 and summary of a proposed initiative or referendum measure, the  
32 Attorney General shall forthwith transmit copies of the text of the  
33 measure and the circulating title and summary to the Senate and  
34 Assembly. The appropriate committees of each house may hold  
35 public hearings on the subject of the measure. However, nothing  
36 in this section shall be construed as authority for the Legislature  
37 to alter the measure or prevent it from appearing on the ballot.

38 SEC. 15. Section 9008 of the Elections Code is amended to  
39 read:

1 9008. Every proposed initiative measure, prior to circulation,  
2 shall have placed across the top of the petition in 12-point or larger  
3 roman boldface type, all of the following:

4 (a) The Attorney General’s unique numeric identifier placed  
5 before the circulating title and summary upon each page where  
6 the circulating title and summary is to appear.

7 (b) The circulating title and summary prepared by the Attorney  
8 General upon each page of the petition on which signatures are to  
9 appear.

10 (c) The circulating title and summary prepared by the Attorney  
11 General upon each section of the petition preceding the text of the  
12 measure.

13 (d) The circulating title and summary prepared by the Attorney  
14 General as required by subdivision (c) shall be preceded by the  
15 following statement: “Initiative measure to be submitted directly  
16 to the voters.”

17 SEC. 16. Section 9009 of the Elections Code is repealed.

18 SEC. 17. Section 9009 is added to the Elections Code, to read:

19 9009. The heading of an initiative petition shall be in  
20 substantially the following form:

21 Initiative Measure to Be Submitted Directly to the Voters

22 The Attorney General of California has prepared the following  
23 circulating title and summary of the chief purpose and points of  
24 the proposed measure:

25 (Here set forth the unique numeric identifier provided by the  
26 Attorney General and circulating title and summary prepared by  
27 the Attorney General. Both the Attorney General’s unique numeric  
28 identifier and the circulating title and summary must also be printed  
29 across the top of each page of the petition whereon signatures are  
30 to appear.)

31 To the Honorable Secretary of State of California

32 We, the undersigned, registered, qualified voters of California,  
33 residents of \_\_\_\_ County (or City and County), hereby propose  
34 amendments to the Constitution of California (the \_\_\_\_ Code,  
35 relating to \_\_\_\_ ) and petition the Secretary of State to submit the  
36 same to the voters of California for their adoption or rejection at  
37 the next succeeding general election or at any special statewide  
38 election held prior to that general election or as otherwise provided  
39 by law. The proposed constitutional (or statutory) amendments  
40 (full title and text of the measure) read as follows:

1 SEC. 18. Section 9012 of the Elections Code is repealed.

2 SEC. 19. Section 9012 is added to the Elections Code, to read:

3 9012. Any proposed initiative measure or referendum petition  
4 may be presented in sections, but each section shall contain a full  
5 and correct copy of the circulating title and summary and text of  
6 the proposed measure. The text of the proposed measure shall be  
7 printed in type not smaller than 8 point.

8 SEC. 20. Section 9013 of the Elections Code is repealed.

9 SEC. 21. Section 9013 is added to the Elections Code, to read:

10 9013. A space at least one inch wide shall be left blank across  
11 the top of each page of every initiative and referendum petition  
12 and after the name of each voter who has signed the petition for  
13 the use of the county elections official in verifying the petition.

14 ~~SEC. 22. Section 9014 of the Elections Code is amended to~~  
15 ~~read:~~

16 ~~9014. Any initiative or referendum petition may be presented~~  
17 ~~in sections, but each section shall contain a full and correct copy~~  
18 ~~of the title and text of the proposed measure. The text of the~~  
19 ~~measure shall be printed in type not smaller than 8 point.~~

20 ~~No petitions for a proposed initiative measure or referendum~~  
21 ~~shall be circulated for signatures prior to the official summary~~  
22 ~~date. Petitions with signatures on a proposed initiative measure~~  
23 ~~shall be filed with the county elections official not later than 150~~  
24 ~~days from the official summary date, and no county elections~~  
25 ~~official shall accept petitions on the proposed initiative measure~~  
26 ~~after that period. Petitions for a proposed referendum measure~~  
27 ~~shall be filed with the county elections officials not later than 90~~  
28 ~~days from the date the legislative bill was chaptered by the~~  
29 ~~Secretary of State, and no county elections official shall accept~~  
30 ~~petitions for the proposed referendum after that period.~~

31 *SEC. 22. Section 9014 of the Elections Code is repealed.*

32 ~~9014. Any initiative or referendum petition may be presented~~  
33 ~~in sections, but each section shall contain a full and correct copy~~  
34 ~~of the title and text of the proposed measure. The text of the~~  
35 ~~measure shall be printed in type not smaller than 8 point.~~

36 *SEC. 23. Section 9014 is added to the Elections Code, to read:*

37 *9014. A petition for a proposed initiative measure or*  
38 *referendum shall not be circulated for signatures prior to the*  
39 *official summary date. A petition with signatures on a proposed*  
40 *initiative measure shall be filed with the county elections official*

1 *not later than 150 days from the official summary date, and no*  
2 *county elections official shall accept a petition on the proposed*  
3 *initiative measure after that period. A petition for a proposed*  
4 *referendum measure shall be filed with the county elections*  
5 *officials not later than 90 days from the date the legislative bill*  
6 *was chaptered by the Secretary of State, and a county elections*  
7 *official shall not accept a petition for the proposed referendum*  
8 *after that period.*

9 ~~SEC. 23.~~

10 ~~SEC. 24.~~ Section 9015 of the Elections Code is repealed.

11 ~~SEC. 24.~~

12 ~~SEC. 25.~~ Section 9015 is added to the Elections Code, to read:

13 9015. Officers required by law to receive or file in their offices  
14 any initiative or referendum petition shall not receive or file any  
15 initiative or referendum petition not in conformity with this article.

16 ~~SEC. 25.~~

17 ~~SEC. 26.~~ Section 9016 is added to the Elections Code, to read:

18 9016. Notwithstanding any other provision of law, no initiative  
19 measure shall be placed on a statewide special election ballot that  
20 qualifies less than 131 days before the date of the election.

21 ~~SEC. 26.~~

22 ~~SEC. 27.~~ Section 9017 is added to the Elections Code, to read:

23 9017. If, for any reason, any initiative or referendum measure  
24 proposed by petition as provided by this article is not submitted  
25 to the voters at the next succeeding statewide election, that failure  
26 shall not prevent its submission at a succeeding statewide election.

27 ~~SEC. 27.~~

28 ~~SEC. 28.~~ Section 9018 is added to the Elections Code, to read:

29 9018. The Secretary of State shall prepare and provide to any  
30 person, upon request, a pamphlet describing the procedures and  
31 requirements for preparing and circulating a statewide initiative  
32 measure and for filing sections of the petition, and describing the  
33 procedure used in determining and verifying the number of  
34 qualified voters who have signed the petition.

35 ~~SEC. 28.~~

36 ~~SEC. 29.~~ Section 9034 of the Elections Code is amended to  
37 read:

38 9034. Upon the certification of an initiative measure for the  
39 ballot, the Secretary of State shall transmit copies of the initiative  
40 measure, together with the circulating title and summary as

1 prepared by the Attorney General pursuant to Section 9004, to the  
2 Senate and Assembly. Each house shall assign the initiative  
3 measure to its appropriate committees. The appropriate committees  
4 shall hold joint public hearings on the subject of such measure  
5 prior to the date of the election at which the measure is to be voted  
6 upon. However, no hearing may be held within 30 days prior to  
7 the date of the election.

8 Nothing in this section shall be construed as authority for the  
9 Legislature to alter the initiative measure or prevent it from  
10 appearing on the ballot.

11 ~~SEC. 29.~~

12 *SEC. 30.* Section 9035 of the Elections Code is amended to  
13 read:

14 9035. An initiative measure may be proposed by presenting to  
15 the Secretary of State a petition that sets forth the text of the  
16 proposed statute or amendment to the Constitution and is certified  
17 to have been signed by registered voters equal in number to 5  
18 percent in the case of a statute, and 8 percent in the case of an  
19 amendment to the Constitution, of the voters for all candidates for  
20 Governor at the last gubernatorial election preceding the issuance  
21 of the circulating title and summary for the initiative measure by  
22 the Attorney General.

23 ~~SEC. 30.~~

24 *SEC. 31.* Section 9050 of the Elections Code is amended to  
25 read:

26 9050. After the Secretary of State determines that a measure  
27 will appear on the ballot at the next statewide election, the  
28 Secretary of State shall promptly transmit a copy of the measure  
29 to the Attorney General. The Attorney General shall provide and  
30 return to the Secretary of State a ballot title and summary and  
31 ballot label for each measure submitted to the voters of the whole  
32 state by a date sufficient to meet the ballot pamphlet public display  
33 deadlines .

34 ~~SEC. 31.~~

35 *SEC. 32.* Section 9051 of the Elections Code is repealed.

36 ~~SEC. 32.~~

37 *SEC. 33.* Section 9051 is added to the Elections Code, to read:

38 9051. (a) (1) The ballot title and summary may differ from  
39 the legislative, circulating, or other title and summary of the

1 measure and shall not exceed 100 words, not including the fiscal  
2 impact.

3 (2) The ballot title and summary shall be amended to include a  
4 summary of the Legislative Analyst’s estimate of the net state and  
5 local government fiscal impact prepared pursuant to Section 9087,  
6 and Section 88003 of the Government Code.

7 (b) The ballot label shall contain no more than 75 words and  
8 shall be a condensed version of the ballot title and summary  
9 including the financial impact summary prepared pursuant to  
10 Section 9087 of this code and Section 88003 of the Government  
11 Code.

12 (c) In providing the ballot title and summary, the Attorney  
13 General shall give a true and impartial statement of the purpose  
14 of the measure in such language that the ballot title and summary  
15 shall neither be an argument, nor be likely to create prejudice, for  
16 or against the proposed measure.

17 ~~SEC. 33.~~

18 *SEC. 34.* Section 9052 of the Elections Code is repealed.

19 ~~SEC. 34.~~

20 *SEC. 35.* Section 9053 of the Elections Code is amended to  
21 read:

22 9053. Each measure shall be designated on the ballot by the  
23 ballot label certified to the Secretary of State by the Attorney  
24 General.

25 ~~SEC. 35.~~

26 *SEC. 36.* Section 9054 of the Elections Code is amended to  
27 read:

28 9054. (a) Whenever a city, county, or city and county is  
29 required by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section  
30 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights  
31 Act of 1965 to provide a translation of ballot materials in a  
32 language other than English, the Secretary of State shall provide  
33 a translation of the ballot title and summary prepared pursuant to  
34 Section 9004 and of the ballot label prepared pursuant to Section  
35 13247 in that language to the city, county, or city and county for  
36 each state measure submitted to the voters in a statewide election  
37 not later than 68 days prior to that election.

38 (b) When preparing a translation in a language other than  
39 English pursuant to subdivision (a), the Secretary of State shall  
40 consult with an advisory body consisting of language experts and

1 nonpartisan organizations that advocate on behalf of, or provide  
2 services to, individuals that speak that language.

3 (c) All translations prepared pursuant to this section shall be  
4 made available for public examination in the same time and manner  
5 as the ballot pamphlet is made available for public examination in  
6 accordance with Section 88006 of the Government Code and  
7 Section 9092 of this code.

8 (d) The local elections official shall use that translation of the  
9 ballot label on the sample ballot and the official ballot and may  
10 not select or contract with another person to provide translations  
11 of the same text.

12 ~~SEC. 36.~~

13 *SEC. 37.* Section 9063 of the Elections Code is amended to  
14 read:

15 9063. The summary of a measure given in the press release  
16 shall be the official circulating title and summary that has been  
17 prepared by the Attorney General. The Legislative Counsel Bureau  
18 shall prepare the summary on all other measures.

19 ~~SEC. 37.~~

20 *SEC. 38.* Section 13247 of the Elections Code is amended to  
21 read:

22 13247. The statement of all measures submitted to the voters  
23 shall be abbreviated on the ballot in a ballot label as provided for  
24 in Section 9051. The ballot label shall be followed by the words,  
25 “Yes” and “No.”

26 ~~SEC. 38.~~

27 *SEC. 39.* Section 13280 of the Elections Code is repealed.

28 ~~SEC. 39.~~

29 *SEC. 40.* Section 13281 of the Elections Code is repealed.

30 ~~SEC. 40.~~

31 *SEC. 41.* Section 13282 of the Elections Code is amended to  
32 read:

33 13282. Whenever the Attorney General prepares a ballot label,  
34 the Attorney General shall file a copy of the ballot label with the  
35 Secretary of State. The Secretary of State shall make a copy of the  
36 ballot label available for public examination prior to the printing  
37 of the ballot label on any ballot. The public shall be permitted to  
38 examine the ballot label for at least 20 days, and the Secretary of  
39 State may consolidate the examination requirement under this  
40 section with the public examination requirements set forth in

1 Section 9092. A voter may seek a writ of mandate requiring a  
2 ballot label, or portion thereof, to be amended or deleted. The  
3 provisions set forth in Section 9092 concerning the issuance of the  
4 writ and the nature of the proceedings shall be applicable to this  
5 section.

O