

AMENDED IN SENATE JUNE 9, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 753

Introduced by Assembly Member Adams

February 26, 2009

An act to amend Sections 303, 336, 342, 9003, 9004, 9005, 9007, 9008, 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,~~ *label*” means that portion of the ballot,
4 containing the names of the candidates or a statement of a measure.
5 For statewide measures, the ballot label shall contain no more than
6 75 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.

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

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

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 Section 9001 of the Elections Code is repealed.

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

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

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

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

29 (2) Public contact information.

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

38 (d) All referenda and proposed initiative measures must be
39 submitted to the Attorney General's Initiative Coordinator located
40 in the Sacramento Attorney General's Office via U.S. Postal

1 Service, alternative mail service, or personal delivery. Only printed
2 documents will be accepted, facsimile or e-mail delivery will not
3 be accepted.

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

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

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

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

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

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

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

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

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

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

1 (commencing with Section 9050), the provisions of which, in
2 regard to the preparation, filing, and settlement of ballot titles and
3 summaries, are hereby made applicable to the circulating title and
4 summary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Initiative Measure to Be Submitted Directly to the Voters

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

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

To the Honorable Secretary of State of California

We, the undersigned, registered, qualified voters of California, residents of ____ County (or City and County), hereby propose amendments to the Constitution of California (the ____ Code, relating to ____) and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or as otherwise provided

1 by law. The proposed constitutional (or statutory) amendments
2 (full title and text of the measure) read as follows:

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

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

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

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

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

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

16 SEC. 22. Section 9014 of the Elections Code is repealed.

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

18 9014. A petition for a proposed initiative measure or
19 referendum shall not be circulated for signatures prior to the official
20 summary date. A petition with signatures on a proposed initiative
21 measure shall be filed with the county elections official not later
22 than 150 days from the official summary date, and no county
23 elections official shall accept a petition on the proposed initiative
24 measure after that period. A petition for a proposed referendum
25 measure shall be filed with the county elections officials not later
26 than 90 days from the date the legislative bill was chaptered by
27 the Secretary of State, and a county elections official shall not
28 accept a petition for the proposed referendum after that period.

29 SEC. 24. Section 9015 of the Elections Code is repealed.

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

31 9015. Officers required by law to receive or file in their offices
32 any initiative or referendum petition shall not receive or file any
33 initiative or referendum petition not in conformity with this article.

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

35 9016. Notwithstanding any other provision of law, no initiative
36 measure shall be placed on a statewide special election ballot that
37 qualifies less than 131 days before the date of the election.

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

39 9017. If, for any reason, any initiative or referendum measure
40 proposed by petition as provided by this article is not submitted

1 to the voters at the next succeeding statewide election, that failure
2 shall not prevent its submission at a succeeding statewide election.

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

4 9018. The Secretary of State shall prepare and provide to any
5 person, upon request, a pamphlet describing the procedures and
6 requirements for preparing and circulating a statewide initiative
7 measure and for filing sections of the petition, and describing the
8 procedure used in determining and verifying the number of
9 qualified voters who have signed the petition.

10 SEC. 29. Section 9034 of the Elections Code is amended to
11 read:

12 9034. Upon the certification of an initiative measure for the
13 ballot, the Secretary of State shall transmit copies of the initiative
14 measure, together with the circulating title and summary as
15 prepared by the Attorney General pursuant to Section 9004, to the
16 Senate and *the* Assembly. Each house shall assign the initiative
17 measure to its appropriate committees. The appropriate committees
18 shall hold joint public hearings on the subject of such measure
19 prior to the date of the election at which the measure is to be voted
20 upon. However, no hearing may be held within 30 days prior to
21 the date of the election.

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

25 SEC. 30. Section 9035 of the Elections Code is amended to
26 read:

27 9035. An initiative measure may be proposed by presenting to
28 the Secretary of State a petition that sets forth the text of the
29 proposed statute or amendment to the Constitution and is certified
30 to have been signed by registered voters equal in number to 5
31 percent in the case of a statute, and 8 percent in the case of an
32 amendment to the Constitution, of the voters for all candidates for
33 Governor at the last gubernatorial election preceding the issuance
34 of the circulating title and summary for the initiative measure by
35 the Attorney General.

36 SEC. 31. Section 9050 of the Elections Code is amended to
37 read:

38 9050. After the Secretary of State determines that a measure
39 will appear on the ballot at the next statewide election, the
40 Secretary of State shall promptly transmit a copy of the measure

1 to the Attorney General. The Attorney General shall provide and
2 return to the Secretary of State a ballot title and summary and
3 ballot label for each measure submitted to the voters of the whole
4 state by a date sufficient to meet the ballot pamphlet public display
5 ~~deadlines~~ *deadlines*.

6 SEC. 32. Section 9051 of the Elections Code is repealed.

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

8 9051. (a) (1) The ballot title and summary may differ from
9 the legislative, circulating, or other title and summary of the
10 measure and shall not exceed 100 words, not including the fiscal
11 impact.

12 (2) The ballot title and summary shall be amended to include a
13 summary of the Legislative Analyst's estimate of the net state and
14 local government fiscal impact prepared pursuant to Section 9087,
15 and Section 88003 of the Government Code.

16 (b) The ballot label shall contain no more than 75 words and
17 shall be a condensed version of the ballot title and summary
18 including the financial impact summary prepared pursuant to
19 Section 9087 of this code and Section 88003 of the Government
20 Code.

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

26 SEC. 34. Section 9052 of the Elections Code is repealed.

27 SEC. 35. Section 9053 of the Elections Code is amended to
28 read:

29 9053. Each measure shall be designated on the ballot by the
30 ballot label certified to the Secretary of State by the Attorney
31 General.

32 SEC. 36. Section 9054 of the Elections Code is amended to
33 read:

34 9054. (a) Whenever a city, county, or city and county is
35 required by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section
36 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights
37 Act of 1965 to provide a translation of ballot materials in a
38 language other than English, the Secretary of State shall provide
39 a translation of the ballot title and summary prepared pursuant to
40 Section 9004 and of the ballot label prepared pursuant to Section

1 13247 in that language to the city, county, or city and county for
2 each state measure submitted to the voters in a statewide election
3 not later than 68 days prior to that election.

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

9 (c) All translations prepared pursuant to this section shall be
10 made available for public examination in the same time and manner
11 as the ballot pamphlet is made available for public examination in
12 accordance with Section 88006 of the Government Code and
13 Section 9092 of this code.

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

18 SEC. 37. Section 9063 of the Elections Code is amended to
19 read:

20 9063. The summary of a measure given in the press release
21 shall be the official circulating title and summary that has been
22 prepared by the Attorney General. The Legislative Counsel Bureau
23 shall prepare the summary on all other measures.

24 SEC. 38. Section 13247 of the Elections Code is amended to
25 read:

26 13247. The statement of all measures submitted to the voters
27 shall be abbreviated on the ballot in a ballot label as provided for
28 in Section 9051. The ballot label shall be followed by the words,
29 “Yes” and “No.”

30 SEC. 39. Section 13280 of the Elections Code is repealed.

31 SEC. 40. Section 13281 of the Elections Code is repealed.

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

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

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

O