

AMENDED IN ASSEMBLY FEBRUARY 14, 2009

AMENDED IN ASSEMBLY JANUARY 13, 2009

CALIFORNIA LEGISLATURE—2009–10 THIRD EXTRAORDINARY SESSION

SENATE BILL

No. 11

Introduced by Senator Ducheny

January 5, 2009

An act relating to the ~~Budget Act of 2008~~ calling an election, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 11, as amended, Ducheny. ~~Budget Act of 2008~~. *Special election.*

Existing law provides that the Secretary of State is the chief elections officer of the state and requires the Secretary of State to perform specified duties, including preparing and mailing ballot pamphlets, in connection with any statewide election. Existing law further requires the Attorney General to provide for each ballot measure submitted to the voters of the state a ballot title, an official summary, and a ballot label that shall be a condensed statement of the ballot title. Existing law requires that every measure submitted to the voters comply with a specified schedule leading up to the day of the election.

This bill would call a statewide special election to be held on May 19, 2009. The bill would place 5 measures before the voters at that election, including (1) a legislative constitutional amendment relating to budget reform, (2) a legislative constitutional amendment relating to education finance, (3) a legislative measure relating to the California State Lottery, (4) a legislative measure relating to Proposition 10 approved by the voters at the November 3, 1998, statewide general election, and (5) a legislative measure relating to Proposition 63

approved by the voters at the November 2, 2004, statewide general election. This bill would further set forth language to be used for the ballot labels and the ballot titles and summaries for those measures. In addition, this bill would waive certain statutory deadlines for placement of those measures before the voters at the May 19, 2009, statewide special election, and would specify that the ballot label public examination period be limited to 8 days.

The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 19, 2008.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 19, 2008, pursuant to the California Constitution.

This bill would declare that it is to take effect immediately as an act calling an election.

This bill would declare that it is to take effect immediately as an urgency statute.

~~*This bill would express the intent of the Legislature to make statutory changes relating to the Budget Act of 2008.*~~

~~*The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 19, 2008.*~~

~~*This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 19, 2008, pursuant to the California Constitution.*~~

~~*Vote: majority ²/₃. Appropriation: no. Fiscal committee: no.*~~
yes.
 State-mandated local program: no.

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

- 1 SECTION 1. A statewide special election is hereby called to
- 2 be held throughout the state on May 19, 2009. Notwithstanding
- 3 Sections 10403 and 10406 of the Elections Code or any other
- 4 provision of law, any county, municipal, district, or other election
- 5 scheduled to be held during the period from May 19, 2009, to June
- 6 2, 2009, inclusive, may be scheduled and held on May 19, 2009,

1 *and consolidated with the statewide special election called by this*
2 *act.*

3 *SEC. 2. (a) Notwithstanding Sections 9040, 9043, 9044, 9061,*
4 *and 9082 of the Elections Code or any other provision of law, the*
5 *Secretary of State shall submit Senate Constitutional Amendment*
6 *13 of the 2007–08 Regular Session, as amended by Assembly*
7 *Constitutional Amendment 1 or Senate Constitutional Amendment*
8 *1 of the 2009–10 Third Extraordinary Session, to the voters at the*
9 *May 19, 2009, statewide special election.*

10 *(b) Notwithstanding Sections 13115 and 13117 of the Elections*
11 *Code, the measure described in subdivision (a) shall be placed as*
12 *the first ballot measure on the May 19, 2009, statewide special*
13 *election ballot and shall be designated as Proposition 1A.*

14 *(c) (1) Notwithstanding Sections 13247 and 13281 of the*
15 *Elections Code or any other provision of law, all ballots for the*
16 *May 19, 2009, statewide special election shall have printed thereon*
17 *as the ballot label for Proposition 1A the following:*

18
19 *“‘RAINY DAY’ BUDGET STABILIZATION FUND. Reforms*
20 *the budget process. Limits future deficits and overspending by*
21 *increasing the size of the state ‘rainy day’ fund and requiring*
22 *above-average revenues to be deposited into it, for use during*
23 *economic downturns.”*

24
25 *(2) Notwithstanding any other provision of law, the language*
26 *in paragraph (1) shall be the only language included in the ballot*
27 *label for the condensed statement of the ballot title, and the*
28 *Attorney General shall not supplement, subtract from, or revise*
29 *that language, except that the Attorney General shall include the*
30 *financial impact summary prepared pursuant to Section 9087 of*
31 *the Elections Code and Section 88003 of the Government Code.*
32 *The ballot label is the condensed statement of the ballot title and*
33 *the financial impact summary.*

34 *(d) (1) Notwithstanding Sections 9050, 9053, and 9086 of the*
35 *Elections Code or any other provision of law, the Secretary of*
36 *State shall use the following as the ballot title and summary for*
37 *Proposition 1A:*

38
39 *“STABILIZES STATE BUDGET. REFORMS CALIFORNIA*
40 *BUDGET PROCESS. LIMITS STATE SPENDING. INCREASES*

1 *‘RAINY DAY’ BUDGET STABILIZATION FUND. Increases size*
2 *of state ‘rainy day’ fund from 5% to 12.5% of the General Fund.*
3 *A portion of the annual deposits into that fund would be dedicated*
4 *to savings for future economic downturns, and the remainder would*
5 *be available to fund education, infrastructure, and debt repayment,*
6 *or for use in a declared emergency. Requires additional revenue*
7 *above historic trends to be deposited into state ‘rainy day’ fund,*
8 *limiting unsustainable spending of one-time spikes in revenue.”*
9

10 (2) *Notwithstanding any other provision of law, the language*
11 *in paragraph (1) shall be the only language included in the ballot*
12 *title and summary, and the Attorney General shall not supplement,*
13 *subtract from, or revise that language, except that the Attorney*
14 *General shall include the financial impact summary prepared*
15 *pursuant to Section 9087 of the Elections Code and Section 88003*
16 *of the Government Code.*

17 (e) *At the appropriate location on the ballot, in the manner*
18 *prescribed by law, there shall be provided the opportunity for*
19 *voters to indicate whether they vote for or against the measure.*

20 (f) *Where the voting in the election is done by means of voting*
21 *machines used pursuant to law in the manner that carries out the*
22 *intent of this section, the use of the voting machines and the*
23 *expression of the voters’ choices by means thereof are in*
24 *compliance with this section.*

25 SEC. 3. (a) *Notwithstanding Sections 9040, 9043, 9044, 9061,*
26 *and 9082 of the Elections Code or any other provision of law, the*
27 *Secretary of State shall submit Assembly Constitutional Amendment*
28 *2 or Senate Constitutional Amendment 2 of the 2009–10 Third*
29 *Extraordinary Session to the voters at the May 19, 2009, statewide*
30 *special election.*

31 (b) *Notwithstanding Sections 13115 and 13117 of the Elections*
32 *Code, the measure described in subdivision (a) shall be placed as*
33 *the second ballot measure on the May 19, 2009, statewide special*
34 *election ballot and shall be designated as Proposition 1B.*

35 (c) (1) *Notwithstanding Sections 13247 and 13281 of the*
36 *Elections Code or any other provision of law, all ballots for the*
37 *May 19, 2009, statewide special election shall have printed thereon*
38 *as the ballot label for Proposition 1B the following:*
39

1 “EDUCATION FUNDING. PAYMENT PLAN. Requires
2 supplemental payments to local school districts and community
3 colleges to address recent budget cuts.”
4

5 (2) Notwithstanding any other provision of law, the language
6 in paragraph (1) shall be the only language included in the ballot
7 label for the condensed statement of the ballot title, and the
8 Attorney General shall not supplement, subtract from, or revise
9 that language, except that the Attorney General shall include the
10 financial impact summary prepared pursuant to Section 9087 of
11 the Elections Code and Section 88003 of the Government Code.
12 The ballot label is the condensed statement of the ballot title and
13 the financial impact summary.

14 (d) (1) Notwithstanding Sections 9050, 9053, and 9086 of the
15 Elections Code or any other provision of law, the Secretary of
16 State shall use the following as the ballot title and summary for
17 Proposition 1B:
18

19 “EDUCATION FUNDING. PAYMENT PLAN. Requires
20 supplemental payments to local school districts and community
21 colleges to address recent budget cuts. Annual payments begin in
22 2011–12. Payments are funded from the state’s Budget
23 Stabilization Fund until the total amount has been paid. Payments
24 to local school districts will be allocated in proportion to average
25 daily attendance and may be used for classroom instruction,
26 textbooks and other local educational programs.”
27

28 (2) Notwithstanding any other provision of law, the language
29 in paragraph (1) shall be the only language included in the ballot
30 title and summary, and the Attorney General shall not supplement,
31 subtract from, or revise that language, except that the Attorney
32 General shall include the financial impact summary prepared
33 pursuant to Section 9087 of the Elections Code and Section 88003
34 of the Government Code.

35 (e) At the appropriate location on the ballot, in the manner
36 prescribed by law, there shall be provided the opportunity for
37 voters to indicate whether they vote for or against the measure.

38 (f) Where the voting in the election is done by means of voting
39 machines used pursuant to law in the manner that carries out the
40 intent of this section, the use of the voting machines and the

1 expression of the voters' choices by means thereof are in
2 compliance with this section.

3 SEC. 4. (a) Notwithstanding Sections 9040, 9043, 9044, 9061,
4 and 9082 of the Elections Code or any other provision of law, the
5 Secretary of State shall submit to the voters as a single measure
6 at the May 19, 2009, statewide special election Senate
7 Constitutional Amendment 12 of the 2007–08 Regular Session and
8 the provisions of Sections 1 to 7, inclusive, Section 12, and Sections
9 14 to 17, inclusive, of Assembly Bill 1654 of the 2007–08 Regular
10 Session, as amended by Assembly Bill 12 or Senate Bill 12 of the
11 2009–10 Third Extraordinary Session.

12 (b) Notwithstanding Sections 13115 and 13117 of the Elections
13 Code, the measure described in subdivision (a) shall be placed as
14 the third ballot measure on the May 19, 2009, statewide special
15 election ballot and shall be designated as Proposition 1C.

16 (c) (1) Notwithstanding Sections 13247 and 13281 of the
17 Elections Code or any other provision of law, all ballots for the
18 May 19, 2009, statewide special election shall have printed thereon
19 as the ballot label for Proposition 1C the following:

20
21 “LOTTERY MODERNIZATION ACT. Allows the state lottery
22 to be modernized to improve its performance with increased
23 payouts, improved marketing, and effective management. Requires
24 the state to maintain ownership of the lottery and authorizes
25 additional accountability measures. Protects funding levels for
26 schools currently provided by lottery revenues. Increased lottery
27 revenues will be used to address current budget deficit and reduce
28 the need for additional tax increases and cuts to state programs.”
29

30 (2) Notwithstanding any other provision of law, the language
31 in paragraph (1) shall be the only language included in the ballot
32 label for the condensed statement of the ballot title, and the
33 Attorney General shall not supplement, subtract from, or revise
34 that language, except that the Attorney General shall include the
35 financial impact summary prepared pursuant to Section 9087 of
36 the Elections Code and Section 88003 of the Government Code.
37 The ballot label is the condensed statement of the ballot title and
38 the financial impact summary.

39 (d) (1) Notwithstanding Sections 9050, 9053, and 9086 of the
40 Elections Code or any other provision of law, the Secretary of

1 State shall use the following as the ballot title and summary for
2 Proposition 1C:

3
4 “LOTTERY MODERNIZATION ACT. Allows the state lottery
5 to be modernized to improve its performance with increased
6 payouts, improved marketing, and effective management. Requires
7 the state to maintain ownership of the lottery and authorizes
8 additional accountability measures. Protects funding levels for
9 schools currently provided by lottery revenues. Increased lottery
10 revenues will be used to address current budget deficit and reduce
11 the need for additional tax increases and cuts to state programs.”
12

13 (2) Notwithstanding any other provision of law, the language
14 in paragraph (1) shall be the only language included in the ballot
15 title and summary, and the Attorney General shall not supplement,
16 subtract from, or revise that language, except that the Attorney
17 General shall include the financial impact summary prepared
18 pursuant to Section 9087 of the Elections Code and Section 88003
19 of the Government Code.

20 (e) At the appropriate location on the ballot, in the manner
21 prescribed by law, there shall be provided the opportunity for
22 voters to indicate whether they vote for or against the measure.

23 (f) Where the voting in the election is done by means of voting
24 machines used pursuant to law in the manner that carries out the
25 intent of this section, the use of the voting machines and the
26 expression of the voters’ choices by means thereof are in
27 compliance with this section.

28 SEC. 5. (a) Notwithstanding Sections 9040, 9043, 9044, 9061,
29 and 9082 of the Elections Code or any other provision of law, the
30 Secretary of State shall submit the provisions of Assembly Bill 9
31 or Senate Bill 9 of the 2009–10 Third Extraordinary Session to
32 the voters at the May 19, 2009, statewide special election.

33 (b) Notwithstanding Sections 13115 and 13117 of the Elections
34 Code, the measure described in subdivision (a) shall be placed as
35 the fourth ballot measure on the May 19, 2009, statewide special
36 election ballot and shall be designated as Proposition 1D.

37 (c) (1) Notwithstanding Sections 13247 and 13281 of the
38 Elections Code or any other provision of law, all ballots for the
39 May 19, 2009, statewide special election shall have printed thereon
40 as the ballot label for Proposition 1D the following:

1
2 *“CHILDREN’S SERVICES FUNDING. Temporarily provides*
3 *greater flexibility in funding to preserve health and human services*
4 *for young children while helping balance the state budget in a*
5 *difficult economy.”*
6

7 *(2) Notwithstanding any other provision of law, the language*
8 *in paragraph (1) shall be the only language included in the ballot*
9 *label for the condensed statement of the ballot title, and the*
10 *Attorney General shall not supplement, subtract from, or revise*
11 *that language, except that the Attorney General shall include the*
12 *financial impact summary prepared pursuant to Section 9087 of*
13 *the Elections Code and Section 88003 of the Government Code.*
14 *The ballot label is the condensed statement of the ballot title and*
15 *the financial impact summary.*

16 *(d) (1) Notwithstanding Sections 9050, 9053, and 9086 of the*
17 *Elections Code or any other provision of law, the Secretary of*
18 *State shall use the following as the ballot title and summary for*
19 *Proposition 1D:*
20

21 *“PROTECTS CHILDREN’S SERVICES FUNDING. HELPS*
22 *BALANCE STATE BUDGET. Provides more than \$600 million to*
23 *protect children’s programs in difficult economic times. Redirects*
24 *existing tobacco tax money to protect health and human services*
25 *for children, including services for at-risk families, services for*
26 *children with disabilities, and services for foster children.*
27 *Temporarily allows the redirection of existing money to fund health*
28 *and human service programs for children 5 years old and under.*
29 *Ensures counties retain funding for local priorities. Helps balance*
30 *state budget.”*
31

32 *(2) Notwithstanding any other provision of law, the language*
33 *in paragraph (1) shall be the only language included in the ballot*
34 *title and summary, and the Attorney General shall not supplement,*
35 *subtract from, or revise that language, except that the Attorney*
36 *General shall include the financial impact summary prepared*
37 *pursuant to Section 9087 of the Elections Code and Section 88003*
38 *of the Government Code.*

1 (e) At the appropriate location on the ballot, in the manner
2 prescribed by law, there shall be provided the opportunity for
3 voters to indicate whether they vote for or against the measure.

4 (f) Where the voting in the election is done by means of voting
5 machines used pursuant to law in the manner that carries out the
6 intent of this section, the use of the voting machines and the
7 expression of the voters' choices by means thereof are in
8 compliance with this section.

9 SEC. 6. (a) Notwithstanding Sections 9040, 9043, 9044, 9061,
10 and 9082 of the Elections Code or any other provision of law, the
11 Secretary of State shall submit Assembly Bill 10 or Senate Bill 10
12 of the 2009–10 Third Extraordinary Session to the voters at the
13 May 19, 2009, statewide special election.

14 (b) Notwithstanding Sections 13115 and 13117 of the Elections
15 Code, the measure described in subdivision (a) shall be placed as
16 the fifth ballot measure on the May 19, 2009, statewide special
17 election ballot and shall be designated as Proposition 1E.

18 (c) (1) Notwithstanding Sections 13247 and 13281 of the
19 Elections Code or any other provision of law, all ballots for the
20 May 19, 2009, statewide special election shall have printed thereon
21 as the ballot label for Proposition 1E the following:

22
23 “MENTAL HEALTH FUNDING BUDGET. Helps balance the
24 state budget and preserve funding for children's mental health
25 services by providing temporary flexibility in the Mental Health
26 Services Act to fund the Early and Periodic Screening, Diagnosis,
27 and Treatment Program for children.”

28
29 (2) Notwithstanding any other provision of law, the language
30 in paragraph (1) shall be the only language included in the ballot
31 label for the condensed statement of the ballot title, and the
32 Attorney General shall not supplement, subtract from, or revise
33 that language, except that the Attorney General shall include the
34 financial impact summary prepared pursuant to Section 9087 of
35 the Elections Code and Section 88003 of the Government Code.
36 The ballot label is the condensed statement of the ballot title and
37 the financial impact summary.

38 (d) (1) Notwithstanding Sections 9050, 9053, and 9086 of the
39 Elections Code or any other provision of law, the Secretary of

1 State shall use the following as the ballot title and summary for
2 Proposition 1E:

3

4 “ENSURES FUNDING FOR CHILDREN’S MENTAL HEALTH
5 SERVICES. HELPS BALANCE STATE BUDGET. Guarantees
6 that certain funding intended for mental health programs goes
7 toward mental health services for children. Provides a temporary,
8 two-year flexibility in the Mental Health Services Act (Proposition
9 63 of 2004) to allow the state to fund the Early and Periodic
10 Screening, Diagnosis, and Treatment Program for children and
11 young adults under age 21. Guarantees and protects more than
12 \$225 million in flexible funding for mental health programs. Helps
13 balance state budget during this difficult economic time.”

14

15 (2) Notwithstanding any other provision of law, the language
16 in paragraph (1) shall be the only language included in the ballot
17 title and summary, and the Attorney General shall not supplement,
18 subtract from, or revise that language, except that the Attorney
19 General shall include the financial impact summary prepared
20 pursuant to Section 9087 of the Elections Code and Section 88003
21 of the Government Code.

22 (e) At the appropriate location on the ballot, in the manner
23 prescribed by law, there shall be provided the opportunity for
24 voters to indicate whether they vote for or against the measure.

25 (f) Where the voting in the election is done by means of voting
26 machines used pursuant to law in the manner that carries out the
27 intent of this section, the use of the voting machines and the
28 expression of the voters’ choices by means thereof are in
29 compliance with this section.

30 SEC. 7. (a) The Secretary of State shall include in the ballot
31 pamphlets mailed pursuant to Section 9094 of the Elections Code
32 the information specified in Section 9084 of the Elections Code
33 regarding all of the following:

34 (1) Proposition 1A, as described in subdivision (a) of Section
35 2.

36 (2) Proposition 1B, as described in subdivision (a) of Section
37 3.

38 (3) Proposition 1C, as described in subdivision (a) of Section
39 4.

1 (4) Proposition 1D, as described in subdivision (a) of Section

2 5.

3 (5) Proposition 1E, as described in subdivision (a) of Section

4 6.

5 (b) Notwithstanding Section 9054 of the Elections Code or any
6 other provision of law, the translations of the ballot titles and the
7 condensed statements of the ballot titles required pursuant to
8 Section 9054 may be made available for public examination at a
9 later date than the start of the public examination period for the
10 ballot pamphlet, provided that the translations of the ballot titles
11 and the condensed statements of the ballot titles must remain
12 available for public examination for eight days.

13 (c) Notwithstanding Section 13282 of the Elections Code or any
14 other provision of law, the public shall be permitted to examine
15 the condensed statements of the ballot titles for eight days. Any
16 voter may seek a writ of mandate for the purpose of requiring the
17 condensed statements of the ballot titles, or portions thereof, to
18 be amended or deleted only within that eight-day period.

19 SEC. 8. This act addresses the fiscal emergency declared by
20 the Governor by proclamation on December 19, 2008, pursuant
21 to subdivision (f) of Section 10 of Article IV of the California
22 Constitution.

23 SEC. 9. This act calls an election within the meaning of Article
24 IV of the Constitution and shall go into immediate effect.

25 SEC. 10. This act is an urgency statute necessary for the
26 immediate preservation of the public peace, health, or safety within
27 the meaning of Article IV of the Constitution and shall go into
28 immediate effect. The facts constituting the necessity are:

29 In order to ensure that the measures identified in this act be
30 placed on the ballot for the approval of the people at the earliest
31 possible time to address the state's current budgetary crisis, it is
32 necessary that this act take effect immediately.

33 ~~SECTION 1. It is the intent of the Legislature to make statutory~~
34 ~~changes relating to the Budget Act of 2008.~~

35 ~~SEC. 2. This act addresses the fiscal emergency declared by~~
36 ~~the Governor by proclamation on December 19, 2008, pursuant~~
37 ~~to subdivision (f) of Section 10 of Article IV of the California~~
38 ~~Constitution.~~

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