

Assembly Constitutional Amendment

No. 10

Introduced by Assembly Member Gatto

December 9, 2010

Assembly Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 10 of Article II thereof, relating to initiatives.

LEGISLATIVE COUNSEL'S DIGEST

ACA 10, as introduced, Gatto. Initiatives.

The California Constitution provides voters, through the initiative, the power to propose statutes and constitutional amendments and to adopt or reject them. The California Constitution further provides that the Legislature may amend or repeal an initiative statute only by another statute approved by the voters, unless the initiative statute permits amendment or repeal without the approval of the voters.

This measure would instead authorize the Legislature to amend or repeal an initiative statute, effective 4 years or more after the date the initiative statute is approved by the voters, unless the initiative statute allows that action by the Legislature at an earlier date. The measure would require that an amendment or repeal of an initiative statute by the Legislature be passed by a percentage of the membership of each house that exceeds the percentage of voters that approved the initiative statute or, if applicable, that approved the most recent amendment of the initiative statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2011–12 Regular
3 Session commencing on the sixth day of December 2010,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California that the
6 Constitution of the State be amended as follows:

7 That Section 10 of Article II thereof is amended to read:

8 SEC. 10. (a) An initiative statute or referendum approved by
9 a majority of votes thereon takes effect the day after the election
10 unless the measure provides otherwise. If a referendum petition is
11 filed against a part of a statute the remainder shall not be delayed
12 from going into effect.

13 (b) If provisions of ~~two~~ two or more measures approved at the
14 same election conflict, those of the measure receiving the highest
15 affirmative vote shall prevail.

16 (c) (1) The Legislature may amend or repeal referendum
17 statutes. ~~At~~ *The Legislature* may amend or repeal an initiative statute
18 by another statute that ~~becomes effective only when approved by~~
19 ~~the electors~~ *takes effect not sooner than four years from the date*
20 *that the initiative statute was approved by the electors, unless the*
21 *initiative statute permits amendment or repeal without their*
22 *approval by the Legislature at an earlier date.*

23 (2) *An amendment or repeal of an initiative statute pursuant to*
24 *this subdivision shall be passed by a percentage of the membership*
25 *of each house of the Legislature that exceeds the percentage of*
26 *electors that approved the initiative statute or, in the case of an*
27 *initiative statute that has been amended by the electors, that*
28 *approved the most recent amendment of the initiative statute.*

29 (d) Prior to circulation of an initiative or referendum petition
30 for signatures, a copy shall be submitted to the Attorney General
31 who shall prepare a title and summary of the measure as provided
32 by law.

33 (e) The Legislature shall provide the manner in which ~~petitions~~
34 *a petition* shall be circulated, presented, and certified, and ~~measures~~
35 *the manner in which a measure is* submitted to the electors.