

**Assembly Constitutional Amendment**

**No. 12**

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**Introduced by Assembly Member Gatto**

December 9, 2010

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Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of, and by adding Section 8.5 to, Article II thereof, relating to initiatives.

LEGISLATIVE COUNSEL'S DIGEST

ACA 12, as introduced, Gatto. Statewide initiative measures: legislative amendment.

Existing provisions of the California Constitution provide that the initiative is the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject those proposals. Those provisions require the Secretary of State to submit the measure at the next general election held at least 131 days after it qualifies or at any special statewide election held prior to that general election. The Governor may also call a special statewide election on the measure.

This measure would require the Secretary of State to transmit a copy of an initiative measure certified for the ballot to each house of the Legislature no later than 176 days prior to the election at which the measure is to be voted upon. Within 30 days, the Legislature may propose an amended form of the initiative measure by adopting a concurrent resolution. If the Legislature proposes an amended form of the initiative measure, the measure would provide that if the proponent, or a majority of the proponents if there is more than one proponent, of the initiative measure accepts the proposed amendments, the Legislature's proposal would appear on the ballot in place of the certified

initiative measure. The measure would require that, if the amended form proposed by the Legislature is not accepted, information regarding the proposed amended form be included in the ballot materials relating to the initiative measure, as prescribed by statute.

The measure would make conforming election changes.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
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     First—That Section 8 of Article II thereof is amended to read:

8     SEC. 8. (a) The initiative is the power of the electors to  
9     propose statutes and amendments to the Constitution and to adopt  
10    or reject them.

11    (b) An initiative measure may be proposed by presenting to the  
12    Secretary of State a petition that sets forth the text of the proposed  
13    statute or amendment to the Constitution and is certified to have  
14    been signed by electors equal in number to 5 percent in the case  
15    of a statute, and 8 percent in the case of an amendment to the  
16    Constitution, of the votes for all candidates for Governor at the  
17    last gubernatorial election.

18    (c) The Secretary of State shall then submit the measure at the  
19    next general election held at least ~~131~~ 176 days after it qualifies  
20    or at any special statewide election held prior to that general  
21    election. The Governor may call a special statewide election for  
22    the measure.

23    (d) An initiative measure embracing more than one subject may  
24    not be submitted to the electors or have any effect.

25    (e) An initiative measure may not include or exclude any  
26    political subdivision of the State from the application or effect of  
27    its provisions based upon approval or disapproval of the initiative  
28    measure, or based upon the casting of a specified percentage of  
29    votes in favor of the measure, by the electors of that political  
30    subdivision.

31    (f) An initiative measure may not contain alternative or  
32    cumulative provisions wherein one or more of those provisions

1 would become law depending upon the casting of a specified  
2 percentage of votes for or against the measure.

3 Second—That Section 8.5 is added to Article II thereof, to read:

4 SEC. 8.5. (a) (1) The Secretary of State shall transmit a copy  
5 of each initiative measure certified for the ballot to each house of  
6 the Legislature not later than 176 days prior to the date of the  
7 election at which the measure is to be voted upon.

8 (2) Not later than 30 days after both houses of the Legislature  
9 receive a copy of a certified initiative measure pursuant to  
10 paragraph (1), the Legislature may propose one amended form of  
11 the measure by a concurrent resolution adopted by each house, a  
12 majority of the membership concurring.

13 (3) An amended form of a certified initiative measure proposed  
14 by the Legislature shall address only the subject matter addressed  
15 by the certified initiative measure.

16 (b) Immediately upon adoption of the concurrent resolution  
17 proposing an amended form of the certified initiative measure, the  
18 Legislature shall deliver it to both the proponent of the measure  
19 and the Secretary of State. If the proponent, or a majority of the  
20 proponents if there is more than one proponent, accepts the  
21 amended form proposed in the concurrent resolution not later than  
22 131 days prior to the date of the election at which the certified  
23 initiative measure is to be voted upon, the amended form shall be  
24 placed on the ballot in place of the proposal set forth in the certified  
25 initiative measure. If the proposed amended form is not accepted  
26 by that date, that substitution shall not occur, but information  
27 regarding the proposed amended form shall be included in the  
28 ballot materials relating to the initiative measure, as may be  
29 prescribed by statute.

30 (c) For purposes of this section, “proponent” means a person  
31 or entity that presented the Secretary of State with a petition for  
32 an initiative measure that has been certified pursuant to subdivision  
33 (b) of Section 8.