

**Assembly Constitutional Amendment**

**No. 9**

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**Introduced by Assembly Member Gatto**

December 9, 2010

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Assembly Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 8 and 10 of Article II thereof, relating to initiatives.

LEGISLATIVE COUNSEL'S DIGEST

ACA 9, as introduced, Gatto. Initiative measures: supermajority requirement.

The California Constitution provides that the electors may propose statutes or amendments to the state constitution through the initiative process by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the Constitution and is certified to have been signed by a certain number of electors.

This measure would require that an initiative that would increase the current vote requirement for an action by either the electors or by the Legislature, or would impose an extraordinary vote requirement for the amendment of an initiative statute by the Legislature without approval by the electors, itself receive the same affirmative vote percentage in order to be approved by the electors.

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,

1 two-thirds of the membership of each house concurring, hereby  
2 proposes to the people of the State of California that the  
3 Constitution of the State be amended as follows:

4 First—That Section 8 of Article II thereof is amended to read:

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

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

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

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

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

27 (f) An initiative measure may not contain alternative or  
28 cumulative provisions wherein one or more of those provisions  
29 would become law depending upon the casting of a specified  
30 percentage of votes for or against the measure.

31 (g) *An initiative measure that would increase the vote*  
32 *requirement for any action by the electors or the Legislature may*  
33 *be approved by the electors only if that measure receives no less*  
34 *than the same percentage of affirmative votes from the electors as*  
35 *the percentage applied by the measure to that vote requirement.*  
36 *If the initiative measure contains more than one such vote*  
37 *requirement, the highest such vote requirement imposed by the*  
38 *initiative shall be required for the initiative's approval by the*  
39 *voters.*

1 Second—That Section 10 of Article II thereof is amended to  
2 read:

3 SEC. 10. (a) ~~An~~ *Except as provided in subdivision (c), an*  
4 *initiative statute or referendum approved by a majority of votes*  
5 *thereon takes effect the day after the election unless the measure*  
6 *provides otherwise. If a referendum petition is filed against a part*  
7 *of a statute the remainder shall not be delayed from going into*  
8 *effect.*

9 (b) *If provisions of ~~2~~ two or more measures approved at the*  
10 *same election conflict, those of the measure receiving the highest*  
11 *affirmative vote shall prevail.*

12 (c) (1) *The Legislature may amend or repeal referendum*  
13 *statutes. It may amend or repeal an initiative statute by another*  
14 *statute that becomes effective only when approved by the electors*  
15 *unless the initiative statute permits amendment or repeal without*  
16 *their approval.*

17 (2) *An initiative measure that authorizes the Legislature to*  
18 *amend its statutory provisions without approval by the electors*  
19 *by a vote greater than a majority in each house may itself be*  
20 *approved by the electors only if the measure receives no less than*  
21 *the same percentage of affirmative votes from the electors as the*  
22 *percentage of the vote that would be required for the Legislature*  
23 *to amend the measure's statutory provisions without the electors'*  
24 *approval.*

25 (d) *Prior to circulation of an initiative or referendum petition*  
26 *for signatures, a copy shall be submitted to the Attorney General*  
27 *who shall prepare a title and summary of the measure as provided*  
28 *by law.*

29 (e) *The Legislature shall provide the manner in which petitions*  
30 *shall be circulated, presented, and certified, and measures submitted*  
31 *to the electors.*