

**ASSEMBLY BILL**

**No. 65**

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**Introduced by Assembly Member Gatto**

December 9, 2010

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An act to amend Section 9087 of the Elections Code, and to amend Section 88003 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 65, as introduced, Gatto. Initiatives: fiscal impact: disclaimer.

Existing law requires that a ballot pamphlet containing information regarding each statewide measure to appear on a statewide election ballot be prepared by the Secretary of State. Existing law further requires the Legislative Analyst to prepare for the ballot pamphlet an analysis of each statewide measure, including a fiscal analysis of each measure showing the amount of any increase or decrease in revenue or cost to state or local government. Existing law requires that for a statewide measure that would result in increased cost to the state, that the Legislative Analyst provide an analysis of the measure's estimated impact on the state, including an estimate of the percentage of the General Fund that would be expended due to the measure.

This bill would further require that, if the Legislative Analyst determines that an initiative measure on the ballot would have a fiscal impact on the General Fund for which additional revenues in an amount that meets or exceeds the net increase in costs are not provided, a statement be included in the ballot pamphlet that the initiative measure will have an impact on the state's General Fund, which will affect the ability of the Legislature to provide funding for enumerated General Fund purposes.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.

The act also provides that, notwithstanding this requirement, the Legislature may amend specified provisions to add to the ballot pamphlet information regarding candidates or other information.

This bill, which would permit or require additional information to be included in the ballot pamphlet, would therefore require a majority vote.

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 9087 of the Elections Code is amended  
2 to read:

3 9087. (a) (1) The Legislative Analyst shall prepare an  
4 impartial analysis of the measure describing the measure and  
5 including a fiscal analysis of the measure showing the amount of  
6 any increase or decrease in revenue or cost to state or local  
7 government. If it is estimated that a measure would result in  
8 increased cost to the state, an analysis of the measure's estimated  
9 impact on the state shall be provided, including an estimate of the  
10 percentage of the General Fund that would be expended due to the  
11 measure, using visual aids when appropriate. An estimate of  
12 increased cost to the state or local governments shall be set out in  
13 boldface print in the ballot pamphlet.

14 (2) *The Legislative Analyst's analysis required in paragraph*  
15 *(1) shall also determine whether an initiative measure will have*  
16 *a fiscal impact on the General Fund for which additional revenues*  
17 *in an amount that meets or exceeds the net increase in costs that*  
18 *impact the General Fund are not provided. If the Legislative*  
19 *Analyst determines that such additional revenues are not provided*  
20 *by the measure, the ballot pamphlet shall include the following*  
21 *statement:*

22 *"This initiative measure will have an impact on the state's*  
23 *General Fund, which will affect the ability of the Legislature to*  
24 *provide funding for such General Fund purposes as public K-12*  
25 *education, higher education, public health and human services*  
26 *programs, and environmental protection, and such state and local*

1 *funding priorities as public safety, police, and fire protection, even*  
2 *during times of crisis.”*

3 (b) The analysis shall be written in clear and concise terms, so  
4 as to be easily understood by the average voter, and shall avoid  
5 the use of technical terms wherever possible. The analysis may  
6 contain background information, including the effect of the  
7 measure on existing law and the effect of enacted legislation which  
8 will become effective if the measure is adopted, and shall generally  
9 set forth in an impartial manner the information the average voter  
10 needs to adequately understand the measure. To the extent  
11 practicable, the Legislative Analyst shall utilize a uniform method  
12 in each analysis to describe the estimated increase or decrease in  
13 revenue or cost of a measure, so that the average voter may draw  
14 comparisons among the fiscal impacts of measures. The condensed  
15 statement of the fiscal impact summary for the measure prepared  
16 by the Attorney General to appear on the ballot shall contain the  
17 uniform estimate of increase or decrease in revenue or cost of the  
18 measure prepared pursuant to this subdivision.

19 (c) The Legislative Analyst may contract with a professional  
20 writer, educational specialist, or another person for assistance in  
21 writing an analysis that fulfills the requirements of this section,  
22 including the requirement that the analysis be written so that it  
23 will be easily understood by the average voter. The Legislative  
24 Analyst may also request the assistance of a state department,  
25 agency, or official in preparing his or her analysis.

26 (d) Prior to submitting the analysis to the Secretary of State, the  
27 Legislative Analyst shall submit the analysis to a committee of  
28 five persons, appointed by the Legislative Analyst, for the purpose  
29 of reviewing the analysis to confirm its clarity and easy  
30 comprehension to the average voter. The committee shall be drawn  
31 from the public at large, and one member shall be a specialist in  
32 education, one member shall be bilingual, and one member shall  
33 be a professional writer. Members of the committee shall be  
34 reimbursed for reasonable and necessary expenses incurred in  
35 performing their duties. Within five days of the submission of the  
36 analysis to the committee, the committee shall make  
37 recommendations to the Legislative Analyst as it deems appropriate  
38 to guarantee that the analysis can be easily understood by the  
39 average voter. The Legislative Analyst shall consider the  
40 committee’s recommendations, and he or she shall incorporate in

1 the analysis those changes recommended by the committee that  
2 he or she deems to be appropriate. The Legislative Analyst is solely  
3 responsible for determining the content of the analysis required  
4 by this section.

5 (e) The title of the measure that appears on the ballot shall be  
6 amended to contain a summary of the Legislative Analyst's  
7 estimate of the net state and local government fiscal impact.

8 SEC. 2. Section 88003 of the Government Code is amended  
9 to read:

10 88003. (a) (1) The Legislative Analyst shall prepare an  
11 impartial analysis of the measure describing the measure and  
12 including a fiscal analysis of the measure showing the amount of  
13 any increase or decrease in revenue or cost to state or local  
14 government. ~~Any estimate of increased cost to~~ *If it is estimated*  
15 *that a measure would result in increased cost to the state, an*  
16 *analysis of the measure's estimated impact on the state shall be*  
17 *provided, including an estimate of the percentage of the General*  
18 *Fund that would be expended due to the measure, using visual*  
19 *aids when appropriate. An estimate of increased cost to the state*  
20 *or local governments shall be set out in boldface print in the ballot*  
21 *pamphlet. The*

22 (2) *The Legislative Analyst's analysis required in paragraph*  
23 *(1) shall also determine whether an initiative measure will have*  
24 *a fiscal impact on the General Fund for which additional revenues*  
25 *in an amount that meets or exceeds the net increase in costs that*  
26 *impact the General Fund are not provided. If the Legislative*  
27 *Analyst determines that such additional revenues are not provided*  
28 *by the measure, the ballot pamphlet shall include the following*  
29 *statement:*

30 *"This initiative measure will have an impact on the state's*  
31 *General Fund, which will affect the ability of the Legislature to*  
32 *provide funding for such General Fund purposes as public K-12*  
33 *education, higher education, public health and human services*  
34 *programs, and environmental protection, and such state and local*  
35 *funding priorities as public safety, police, and fire protection, even*  
36 *during times of crisis."*

37 (b) *The analysis shall be written in clear and concise terms which*  
38 *will, so as to be easily be understood by the average voter, and*  
39 *shall avoid the use of technical terms wherever possible. The*  
40 *analysis may contain background information, including the effect*

1 of the measure on existing law and the effect of enacted legislation  
2 which will become effective if the measure is adopted, and shall  
3 generally set forth in an impartial manner the information ~~which~~  
4 the average voter needs to *adequately* understand the measure  
5 ~~adequately~~. ~~The~~ *To the extent practicable, the Legislative Analyst*  
6 *shall utilize a uniform method in each analysis to describe the*  
7 *estimated increase or decrease in revenue or cost of a measure,*  
8 *so that the average voter may draw comparisons among the fiscal*  
9 *impacts of measures. The condensed statement of the fiscal impact*  
10 *summary for the measure prepared by the Attorney General to*  
11 *appear on the ballot shall contain the uniform estimate of increase*  
12 *or decrease in revenue or cost of the measure prepared pursuant*  
13 *to this subdivision.*

14 (c) ~~The~~ Legislative Analyst may contract with *a professional*  
15 ~~writers~~ *writer, educational specialists specialist, or other persons*  
16 *another person* for assistance in writing an analysis that fulfills  
17 the requirements of this section, including the requirement that the  
18 analysis be written so that it will be easily understood by the  
19 average voter. The Legislative Analyst may also request the  
20 assistance of ~~any~~ *a state department, agency, or official* in preparing  
21 his or her analysis. ~~Prior~~

22 (d) ~~Prior to submission of~~ *submitting* the analysis to the  
23 Secretary of State, the Legislative Analyst shall submit the analysis  
24 to a committee of five persons appointed by the Legislative ~~analyst~~  
25 *Analyst*, for the purpose of reviewing the analysis to confirm its  
26 clarity and easy comprehension to the average voter. The  
27 committee shall be drawn from the public at large, and one member  
28 shall be a specialist in education, one *member* shall be bilingual,  
29 and one *member* shall be a professional writer. Members of the  
30 committee shall be reimbursed for reasonable and necessary  
31 expenses incurred in performing their duties. Within five days of  
32 the submission of the analysis to the committee, the committee  
33 shall make ~~such~~ recommendations to the Legislative Analyst as it  
34 deems appropriate to guarantee that the analysis can be easily  
35 understood by the average voter. The Legislative Analyst shall  
36 consider the committee's recommendations, and he or she shall  
37 incorporate in the analysis those changes recommended by the  
38 committee that he or she deems to be appropriate. The Legislative  
39 Analyst is solely responsible for determining the content of the  
40 analysis required by this section. ~~The~~

1 (e) *The* title of the measure—~~which~~ *that* appears on the ballot  
2 shall be amended to contain a summary of the Legislative Analyst’s  
3 estimate of the net state and local government—~~financial~~ *fiscal*  
4 impact.

5 SEC. 3. The Legislature finds and declares that this act amends  
6 the Political Reform Act of 1974 by permitting or requiring the  
7 inclusion of additional information on the ballot pamphlet in  
8 accordance with Section 88007 of the Government Code.

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