

AMENDED IN ASSEMBLY MARCH 22, 2011  
AMENDED IN ASSEMBLY FEBRUARY 2, 2011  
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 65**

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**Introduced by Assembly Member Gatto**

December 9, 2010

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An act to amend Sections 9084 and 9086 of the Elections Code, and to amend Sections 88001 and 88002 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 65, as amended, Gatto. Elections: statewide ballot pamphlet.

Existing law specifies information that must be included in the statewide ballot pamphlet for each state measure to be voted upon.

This bill would require the Secretary of State to include in the ballot pamphlet a list of the 5 highest contributors of \$50,000 or more to each primarily formed committee supporting each state measure *and a list of the 5 highest contributors of \$50,000 or more to each primarily formed committee opposing each state measure*, as well as the total amount of their contributions, as of 110 days before election day.

The Political Reform Act of 1974, an initiative measure, generally 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 9084 of the Elections Code is amended  
 2 to read:  
 3 9084. (a) The ballot pamphlet shall contain all of the following:  
 4 (1) A complete copy of each state measure.  
 5 (2) A copy of the specific constitutional or statutory provision,  
 6 if any, that each state measure would repeal or revise.  
 7 (3) A copy of the arguments and rebuttals for and against each  
 8 state measure.  
 9 (4) A copy of the analysis of each state measure.  
 10 (5) Tables of contents, indexes, ~~art work~~ *artwork*, graphics, and  
 11 other materials that the Secretary of State determines will make  
 12 the ballot pamphlet easier to understand or more useful for the  
 13 average voter.  
 14 (6) A notice, conspicuously printed on the cover of the ballot  
 15 pamphlet, indicating that additional copies of the ballot pamphlet  
 16 will be mailed by the county elections official upon request.  
 17 (7) A written explanation of the judicial retention procedure as  
 18 required by Section 9083.  
 19 (8) The Voter Bill of Rights pursuant to Section 2300.  
 20 (9) (A) A list of the five highest contributors of fifty thousand  
 21 dollars (\$50,000) or more to each primarily formed committee  
 22 supporting each state measure and the total amount of each of their  
 23 contributions *as of 110 days before election day.* ~~Following~~  
 24 (B) *A list of the five highest contributors of fifty thousand dollars*  
 25 *(\$50,000) or more to each primarily formed committee opposing*  
 26 *each state measure and the total amount of each of their*  
 27 *contributions as of 110 days before election day.*  
 28 (C) ~~Following the list lists described in subparagraphs (A) and~~  
 29 ~~(B) shall be a statement that the list reflects lists reflect~~ only the  
 30 highest contributors of fifty thousand dollars (\$50,000) or more  
 31 as of 110 days before election day. For purposes of this paragraph,  
 32 all of the following apply:  
 33 (A)

1 (i) If a contributor is a committee controlled by a candidate, the  
2 name of the candidate shall be listed.

3 ~~(B)~~

4 (ii) If a contributor is a sponsored committee, the name of the  
5 sponsor shall be listed.

6 ~~(C)~~

7 (iii) The definitions set forth in Chapter 2 (commencing with  
8 Section 82000) of Title 9 of the Government Code apply to this  
9 paragraph.

10 (b) If the ballot contains an election for the office of United  
11 States Senator, the ballot pamphlet shall contain information on  
12 the candidates for United States Senator. A candidate for United  
13 States Senator may purchase the space to place a statement in the  
14 state ballot pamphlet that does not exceed 250 words. The  
15 statement may not make any reference to any opponent of the  
16 candidate. The statement may be submitted in accordance with  
17 timeframes and procedures set forth by the Secretary of State for  
18 the preparation of the state ballot pamphlet.

19 (c) If the ballot contains a question on the confirmation or  
20 retention of a justice of the Supreme Court, the ballot pamphlet  
21 shall contain information on the justices of the Supreme Court  
22 who are subject to confirmation or retention.

23 (d) If the ballot contains an election for the offices of President  
24 and Vice President of the United States, the ballot pamphlet shall  
25 contain a notice that refers voters to the Secretary of State's Internet  
26 Web site for information about the candidates for the offices of  
27 President and Vice President of the United States.

28 SEC. 2. Section 9086 of the Elections Code is amended to read:  
29 9086. The ballot pamphlet shall contain as to each state measure  
30 to be voted upon, the following, in the order set forth in this  
31 section:

32 (a) Upon the top portion of the first page, and not exceeding  
33 one-third of the page, shall appear:

34 (1) Identification of the measure by number and title.

35 (2) The official summary prepared by the Attorney General.

36 (3) The total number of votes cast for and against the measure  
37 in both the State Senate and Assembly, if the measure was passed  
38 by the Legislature.

39 (b) Beginning at the top of the right page shall appear the  
40 analysis prepared by the Legislative Analyst, provided that the

1 analysis fits on a single page. If it does not fit on a single page,  
2 the analysis shall begin on the lower portion of the first left page  
3 and shall continue on subsequent pages until it is completed.

4 (c) Immediately below the analysis by the Legislative Analyst  
5 shall appear ~~the~~ *a* list of the five highest contributors of fifty  
6 thousand dollars (\$50,000) or more to each primarily formed  
7 committee supporting each state measure *and a list of the five*  
8 *highest contributors of fifty thousand dollars (\$50,000) or more*  
9 *to each primarily formed committee opposing each state measure,*  
10 as required by paragraph (9) of subdivision (a) of Section 9084.

11 (d) Arguments for and against the measure shall be placed on  
12 the next left and right pages, respectively, following the final page  
13 of the analysis of the Legislative Analyst. The rebuttals shall be  
14 placed immediately below the arguments.

15 (e) If no argument against the measure has been submitted, the  
16 argument for the measure shall appear on the right page facing the  
17 analysis.

18 (f) The complete text of each measure shall appear at the back  
19 of the pamphlet. The text of the measure shall contain the  
20 provisions of the proposed measure and the existing provisions of  
21 law repealed or revised by the measure. The provisions of the  
22 proposed measure differing from the existing provisions of law  
23 affected shall be distinguished in print, so as to facilitate  
24 comparison.

25 (g) The following statement shall be printed at the bottom of  
26 each page where arguments appear: "Arguments printed on this  
27 page are the opinions of the authors; and have not been checked  
28 for accuracy by any official agency."

29 SEC. 3. Section 88001 of the Government Code is amended  
30 to read:

31 88001. (a) The ballot pamphlet shall contain all of the  
32 following:

33 (1) A complete copy of each state measure.

34 (2) A copy of the specific constitutional or statutory provision,  
35 if any, that would be repealed or revised by each state measure.

36 (3) A copy of the arguments and rebuttals for and against each  
37 state measure.

38 (4) A copy of the analysis of each state measure.

39 (5) Tables of contents, indexes, ~~art work~~ *artwork*, graphics, and  
40 other materials that the Secretary of State determines will make

1 the ballot pamphlet easier to understand or more useful for the  
2 average voter.

3 (6) A notice, conspicuously printed on the cover of the ballot  
4 pamphlet, indicating that additional copies of the ballot pamphlet  
5 will be mailed by the county elections official upon request.

6 (7) A written explanation of the judicial retention procedure as  
7 required by Section 9083 of the Elections Code.

8 (8) The Voter Bill of Rights pursuant to Section 2300 of the  
9 Elections Code.

10 (9) (A) A list of the five highest contributors of fifty thousand  
11 dollars (\$50,000) or more to each primarily formed committee  
12 supporting each state measure and the total amount of each of their  
13 contributions as of 110 days before election day. ~~Following~~

14 (B) *A list of the five highest contributors of fifty thousand dollars*  
15 *(\$50,000) or more to each primarily formed committee opposing*  
16 *each state measure and the total amount of each of their*  
17 *contributions as of 110 days before election day.*

18 (C) ~~Following the list~~ lists described in subparagraphs (A) and  
19 (B) shall be a statement that the ~~list only reflects~~ lists reflect only  
20 the highest contributors of fifty thousand dollars (\$50,000) or more  
21 as of 110 days before election day. For purposes of this paragraph,  
22 all of the following apply:

23 ~~(A)~~

24 (i) If a contributor is a committee controlled by a candidate, the  
25 name of the candidate shall be listed.

26 ~~(B)~~

27 (ii) If a contributor is a sponsored committee, the name of the  
28 sponsor shall be listed.

29 (b) If the ballot contains an election for the office of United  
30 States Senator, the ballot pamphlet shall contain information on  
31 the candidates for United States Senator. A candidate for United  
32 States Senator may purchase the space to place a statement in the  
33 state ballot pamphlet that does not exceed 250 words. The  
34 statement shall not make any reference to any opponent of the  
35 candidate. The statement shall be submitted in accordance with  
36 timeframes and procedures set forth by the Secretary of State for  
37 the preparation of the state ballot pamphlet.

38 (c) If the ballot contains a question as to the confirmation or  
39 retention of a justice of the Supreme Court, the ballot pamphlet

1 shall contain information on the justices of the Supreme Court  
2 who are subject to confirmation or retention.

3 (d) If the ballot contains an election for the offices of President  
4 and Vice President of the United States, the ballot pamphlet shall  
5 contain a notice that refers voters to the Secretary of State's Internet  
6 Web site for information about the candidates for the offices of  
7 President and Vice President of the United States.

8 (e) A written explanation of the appropriate election procedures  
9 for party-nominated, voter-nominated, and nonpartisan offices as  
10 required by Section 9083.5 of the Elections Code.

11 SEC. 4. Section 88002 of the Government Code is amended  
12 to read:

13 88002. The ballot pamphlet shall contain as to each state  
14 measure to be voted upon, the following in the order set forth in  
15 this section:

16 (a) Upon the top portion of the first page and not exceeding  
17 one-third of the page shall appear:

18 (1) The identification of the measure by number and title.

19 (2) The official summary prepared by the Attorney General.

20 (3) The total number of votes cast for and against the measure  
21 in both the State Senate and Assembly if the measure was passed  
22 by the Legislature.

23 (b) Beginning at the top of the right page shall appear the  
24 analysis prepared by the Legislative Analyst, provided that the  
25 analysis fits on a single page. If it does not fit on a single page,  
26 then the analysis shall begin on the lower portion of the first left  
27 page and shall continue on subsequent pages until it is completed.

28 (c) Immediately below the analysis by the Legislative Analyst  
29 shall appear ~~the~~ a list of the five highest contributors of fifty  
30 thousand dollars (\$50,000) or more to each primarily formed  
31 committee supporting each state measure *and a list of the five*  
32 *highest contributors of fifty thousand dollars (\$50,000) or more*  
33 *to each primarily formed committee opposing each state measure,*  
34 as required by paragraph (9) of subdivision (a) of Section 88001.

35 (d) Arguments for and against the measure shall be placed on  
36 the next left and right pages, respectively, following the page on  
37 which the analysis of the Legislative Analyst ends. The rebuttals  
38 shall be placed immediately below the arguments.

1 (e) If no argument against the measure has been submitted, the  
2 argument for the measure shall appear on the right page facing the  
3 analysis.

4 (f) The complete text of each measure shall appear at the back  
5 of the pamphlet. The text of the measure shall contain the  
6 provisions of the proposed measure and the existing provisions of  
7 law repealed or revised by the measure. The provisions of the  
8 proposed measure differing from the existing provisions of law  
9 affected shall be distinguished in print, so as to facilitate  
10 comparison.

11 (g) The following statement shall be printed at the bottom of  
12 each page where arguments appear: "Arguments printed on this  
13 page are the opinions of the authors and have not been checked  
14 for accuracy by any official agency."

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

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