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

ASSEMBLY BILL

No. 65

Introduced by Assembly Member Gatto

December 9, 2010

~~An act to amend Sections 9084 and 9086 of the Elections Code, and to amend Sections 88001 and 88002 of the Government Code, relating~~
An act to amend Sections 9005 and 9087 of the Elections Code, and to amend Section 88003 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

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

Existing law directs the Attorney General, in preparing a circulating title and summary for a proposed ballot initiative, to include an estimate of the amount of increase or decrease of revenues or costs to the state. Existing law requires the Department of Finance and the Joint Legislative Budget Committee to jointly make and deliver that estimate to the Attorney General so that he or she may include it in the circulating title and summary.

This bill would, except as specified, based on a determination in the fiscal analysis by the Department of Finance and the Joint Legislative Budget Committee that a measure would provide new revenues for new or existing programs, require that specified language be provided to the Attorney General that may be included in the circulating title and summary advising that the revenue generated by the measure will be irrevocably and forever dedicated for the purposes specified in the

measure unless the measure is amended by the electors or amended in any other manner provided for in the measure.

Existing law directs the Legislative Analyst to prepare an unbiased fiscal analysis of a measure that is included in the ballot pamphlet stating whether the measure would result in increased or decreased costs to the state and an estimate of those costs or savings.

This bill would, except as specified, require, if a fiscal analysis prepared by the Legislative Analyst determines that a measure would provide new revenues for new or existing programs, that specified language be added to the ballot pamphlet advising that the revenue generated by the measure will be irrevocably and forever dedicated for the purposes specified in the measure unless the measure is amended by the electors or amended in any other manner provided for in the measure.

~~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 9005 of the Elections Code is amended
- 2 to read:
- 3 9005. (a) The Attorney General, in preparing a circulating title
- 4 and summary for a proposed initiative measure, shall, in boldface

1 print, include in the circulating title and summary either the
2 estimate of the amount of any increase or decrease in revenues or
3 costs to the state or local government, or an opinion as to whether
4 or not a substantial net change in state or local finances would
5 result if the proposed initiative is adopted.

6 (b) The estimate as required by this section shall be made jointly
7 by the Department of Finance and the Joint Legislative Budget
8 Committee, who shall deliver the estimate to the Attorney General
9 so that he or she may include the estimate in the circulating title
10 and summary prepared by him or her.

11 (c) The estimate shall be delivered to the Attorney General
12 within 25 working days from the date of receipt of the final version
13 of the proposed initiative measure from the Attorney General,
14 unless, in the opinion of both the Department of Finance and the
15 Joint Legislative Budget Committee, a reasonable estimate of the
16 net impact of the proposed initiative measure cannot be prepared
17 within the 25-day period. In the latter case, the Department of
18 Finance and the Joint Legislative Budget Committee shall, within
19 the 25-day period, give the Attorney General their opinion as to
20 whether or not a substantial net change in state or local finances
21 would result if the proposed initiative measure is adopted.

22 (d) A statement of fiscal impact prepared by the Legislative
23 Analyst pursuant to subdivision (b) of Section 12172 of the
24 Government Code may be used by the Department of Finance and
25 the Joint Legislative Budget Committee in the preparation of the
26 fiscal estimate or the opinion.

27 (e) (1) *Except as provided in paragraph (2), if an initiative*
28 *measure submitted for circulating title and summary is determined*
29 *in the joint analysis of the Joint Legislative Budget Committee and*
30 *Department of Finance to provide new revenues for new or existing*
31 *programs, a paragraph shall be provided to the Attorney General,*
32 *at the same time as the estimate provided pursuant to subdivision*
33 *(c), which may be included in the circulating title and summary*
34 *prepared by the Attorney General pursuant to Section 9004, stating*
35 *as follows:*

36 *“The revenue generated by this measure will be irrevocably and*
37 *forever dedicated to the purposes specified in the measure unless*
38 *the measure is amended by the electors or amended in another*
39 *manner provided for in the measure.”*

1 (2) Paragraph (1) shall not apply if the initiative measure
2 provides that the new revenues are to be deposited without
3 restriction into the General Fund commencing at a future date
4 after its enactment.

5 SEC. 2. Section 9087 of the Elections Code is amended to read:

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

17 (b) The analysis shall be written in clear and concise terms, so
18 as to be easily understood by the average voter, and shall avoid
19 the use of technical terms wherever possible. The analysis may
20 contain background information, including the effect of the
21 measure on existing law and the effect of enacted legislation which
22 will become effective if the measure is adopted, and shall generally
23 set forth in an impartial manner the information the average voter
24 needs to adequately understand the measure. To the extent
25 practicable, the Legislative Analyst shall utilize a uniform method
26 in each analysis to describe the estimated increase or decrease in
27 revenue or cost of a measure, so that the average voter may draw
28 comparisons among the fiscal impacts of measures. The condensed
29 statement of the fiscal impact summary for the measure prepared
30 by the Attorney General to appear on the ballot shall contain the
31 uniform estimate of increase or decrease in revenue or cost of the
32 measure prepared pursuant to this subdivision.

33 (c) The Legislative Analyst may contract with a professional
34 writer, educational specialist, or another person for assistance in
35 writing an analysis that fulfills the requirements of this section,
36 including the requirement that the analysis be written so that it
37 will be easily understood by the average voter. The Legislative
38 Analyst may also request the assistance of a state department,
39 agency, or official in preparing his or her analysis.

1 (d) Prior to submitting the analysis to the Secretary of State, the
2 Legislative Analyst shall submit the analysis to a committee of
3 five persons, appointed by the Legislative Analyst, for the purpose
4 of reviewing the analysis to confirm its clarity and easy
5 comprehension to the average voter. The committee shall be drawn
6 from the public at large, and one member shall be a specialist in
7 education, one member shall be bilingual, and one member shall
8 be a professional writer. Members of the committee shall be
9 reimbursed for reasonable and necessary expenses incurred in
10 performing their duties. Within five days of the submission of the
11 analysis to the committee, the committee shall make
12 recommendations to the Legislative Analyst as it deems appropriate
13 to guarantee that the analysis can be easily understood by the
14 average voter. The Legislative Analyst shall consider the
15 committee's recommendations, and he or she shall incorporate in
16 the analysis those changes recommended by the committee that
17 he or she deems to be appropriate. The Legislative Analyst is solely
18 responsible for determining the content of the analysis required
19 by this section.

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

23 (f) (1) *Except as provided in paragraph (2), if a measure*
24 *qualifies for the ballot and the Legislative Analyst's analysis*
25 *prepared pursuant to this section determines that the measure*
26 *would provide new revenues for new or existing programs, a*
27 *paragraph shall be added to the summary statement prepared*
28 *pursuant to Section 9085 of the ballot pamphlet prepared pursuant*
29 *to Section 9081, stating as follows:*

30 *"The revenue generated by this measure will be irrevocably and*
31 *forever dedicated to the purposes specified in the measure unless*
32 *the measure is amended by the electors or amended in another*
33 *manner provided for in the measure."*

34 (2) *Paragraph (1) shall not apply if the measure provides that*
35 *the new revenues are to be deposited without restriction into the*
36 *General Fund commencing at a future date after its enactment.*

37 SEC. 3. *Section 88003 of the Government Code is amended to*
38 *read:*

39 88003. (a) The Legislative Analyst shall prepare an impartial
40 analysis of the measure describing the measure and including a

1 fiscal analysis of the measure showing the amount of any increase
2 or decrease in revenue or cost to state or local government. Any
3 estimate of increased cost to local governments shall be set out in
4 boldface print in the ballot pamphlet. The analysis shall be written
5 in clear and concise terms which will easily be understood by the
6 average voter, and shall avoid the use of technical terms wherever
7 possible. The analysis may contain background information,
8 including the effect of the measure on existing law and the effect
9 of enacted legislation which will become effective if the measure
10 is adopted, and shall generally set forth in an impartial manner the
11 information which the average voter needs to understand the
12 measure adequately. The Legislative Analyst may contract with
13 professional writers, educational specialists or other persons for
14 assistance in writing an analysis that fulfills the requirements of
15 this section, including the requirement that the analysis be written
16 so that it will be easily understood by the average voter. The
17 Legislative Analyst may also request the assistance of any state
18 department, agency, or official in preparing his or her analysis.
19 Prior to submission of the analysis to the Secretary of State, the
20 Legislative Analyst shall submit the analysis to a committee of
21 five persons appointed by the Legislative analyst for the purpose
22 of reviewing the analysis to confirm its clarity and easy
23 comprehension to the average voter. The committee shall be drawn
24 from the public at large, and one member shall be a specialist in
25 education, one shall be bilingual, and one shall be a professional
26 writer. Members of the committee shall be reimbursed for
27 reasonable and necessary expenses incurred in performing their
28 duties. Within five days of the submission of the analysis to the
29 committee, the committee shall make such recommendations to
30 the Legislative Analyst as it deems appropriate to guarantee that
31 the analysis can be easily understood by the average voter. The
32 Legislative Analyst shall consider the committee's
33 recommendations, and he or she shall incorporate in the analysis
34 those changes recommended by the committee that he or she deems
35 to be appropriate. The Legislative Analyst is solely responsible
36 for determining the content of the analysis required by this section.
37 The title of the measure which appears on the ballot shall be
38 amended to contain a summary of the Legislative Analyst's
39 estimate of the net state and local government financial impact.

1 (b) (1) Except as provided in paragraph (2), if a measure
2 qualifies for the ballot and the Legislative Analyst's analysis
3 prepared pursuant to this section determines that the measure
4 would provide new revenues for new or existing programs, a
5 paragraph shall be added to the summary statement prepared
6 pursuant to Section 9085 of the Elections Code of the ballot
7 pamphlet prepared pursuant to Section 9081 of the Elections Code,
8 stating as follows:

9 "The revenue generated by this measure will be irrevocably and
10 forever dedicated to the purposes specified in the measure unless
11 the measure is amended by the electors or amended in another
12 manner provided for in the measure."

13 (2) Paragraph (1) shall not apply if the measure provides that
14 the new revenues are to be deposited without restriction into the
15 General Fund commencing at a future date after its enactment.

16 SEC. 4. The Legislature finds and declares that this act permits
17 or requires the inclusion of additional information on the ballot
18 pamphlet in accordance with Section 88007 of the Government
19 Code.

20 SECTION 1. ~~Section 9084 of the Elections Code is amended~~
21 ~~to read:~~

22 9084. (a) ~~The ballot pamphlet shall contain all of the following:~~

23 (1) ~~A complete copy of each state measure.~~

24 (2) ~~A copy of the specific constitutional or statutory provision,~~
25 ~~if any, that each state measure would repeal or revise.~~

26 (3) ~~A copy of the arguments and rebuttals for and against each~~
27 ~~state measure.~~

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

29 (5) ~~Tables of contents, indexes, artwork, graphics, and other~~
30 ~~materials that the Secretary of State determines will make the ballot~~
31 ~~pamphlet easier to understand or more useful for the average voter.~~

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

35 (7) ~~A written explanation of the judicial retention procedure as~~
36 ~~required by Section 9083.~~

37 (8) ~~The Voter Bill of Rights pursuant to Section 2300.~~

38 (9) (A) ~~A list of the five highest contributors of fifty thousand~~
39 ~~dollars (\$50,000) or more to each primarily formed committee~~

1 supporting each state measure and the total amount of each of their
2 contributions as of 110 days before election day.

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

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

12 ~~(i) If a contributor is a committee controlled by a candidate, the
13 name of the candidate shall be listed.~~

14 ~~(ii) If a contributor is a sponsored committee, the name of the
15 sponsor shall be listed.~~

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

19 ~~(b) If the ballot contains an election for the office of United
20 States Senator, the ballot pamphlet shall contain information on
21 the candidates for United States Senator. A candidate for United
22 States Senator may purchase the space to place a statement in the
23 state ballot pamphlet that does not exceed 250 words. The
24 statement may not make any reference to any opponent of the
25 candidate. The statement may be submitted in accordance with
26 timeframes and procedures set forth by the Secretary of State for
27 the preparation of the state ballot pamphlet.~~

28 ~~(e) If the ballot contains a question on the confirmation or
29 retention of a justice of the Supreme Court, the ballot pamphlet
30 shall contain information on the justices of the Supreme Court
31 who are subject to confirmation or retention.~~

32 ~~(d) If the ballot contains an election for the offices of President
33 and Vice President of the United States, the ballot pamphlet shall
34 contain a notice that refers voters to the Secretary of State's Internet
35 Web site for information about the candidates for the offices of
36 President and Vice President of the United States.~~

37 ~~SEC. 2. Section 9086 of the Elections Code is amended to read:~~

38 ~~9086. The ballot pamphlet shall contain as to each state measure
39 to be voted upon, the following, in the order set forth in this
40 section:~~

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

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

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

5 ~~(3) The total number of votes cast for and against the measure~~
6 ~~in both the State Senate and Assembly, if the measure was passed~~
7 ~~by the Legislature.~~

8 ~~(b) Beginning at the top of the right page shall appear the~~
9 ~~analysis prepared by the Legislative Analyst, provided that the~~
10 ~~analysis fits on a single page. If it does not fit on a single page,~~
11 ~~the analysis shall begin on the lower portion of the first left page~~
12 ~~and shall continue on subsequent pages until it is completed.~~

13 ~~(c) Immediately below the analysis by the Legislative Analyst~~
14 ~~shall appear a list of the five highest contributors of fifty thousand~~
15 ~~dollars (\$50,000) or more to each primarily formed committee~~
16 ~~supporting each state measure and a list of the five highest~~
17 ~~contributors of fifty thousand dollars (\$50,000) or more to each~~
18 ~~primarily formed committee opposing each state measure, as~~
19 ~~required by paragraph (9) of subdivision (a) of Section 9084.~~

20 ~~(d) Arguments for and against the measure shall be placed on~~
21 ~~the next left and right pages, respectively, following the final page~~
22 ~~of the analysis of the Legislative Analyst. The rebuttals shall be~~
23 ~~placed immediately below the arguments.~~

24 ~~(e) If no argument against the measure has been submitted, the~~
25 ~~argument for the measure shall appear on the right page facing the~~
26 ~~analysis.~~

27 ~~(f) The complete text of each measure shall appear at the back~~
28 ~~of the pamphlet. The text of the measure shall contain the~~
29 ~~provisions of the proposed measure and the existing provisions of~~
30 ~~law repealed or revised by the measure. The provisions of the~~
31 ~~proposed measure differing from the existing provisions of law~~
32 ~~affected shall be distinguished in print, so as to facilitate~~
33 ~~comparison.~~

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

38 ~~SEC. 3. Section 88001 of the Government Code is amended~~
39 ~~to read:~~

1 88001. ~~(a) The ballot pamphlet shall contain all of the~~
2 ~~following:~~
3 ~~(1) A complete copy of each state measure.~~
4 ~~(2) A copy of the specific constitutional or statutory provision,~~
5 ~~if any, that would be repealed or revised by each state measure.~~
6 ~~(3) A copy of the arguments and rebuttals for and against each~~
7 ~~state measure.~~
8 ~~(4) A copy of the analysis of each state measure.~~
9 ~~(5) Tables of contents, indexes, artwork, graphics, and other~~
10 ~~materials that the Secretary of State determines will make the ballot~~
11 ~~pamphlet easier to understand or more useful for the average voter.~~
12 ~~(6) A notice, conspicuously printed on the cover of the ballot~~
13 ~~pamphlet, indicating that additional copies of the ballot pamphlet~~
14 ~~will be mailed by the county elections official upon request.~~
15 ~~(7) A written explanation of the judicial retention procedure as~~
16 ~~required by Section 9083 of the Elections Code.~~
17 ~~(8) The Voter Bill of Rights pursuant to Section 2300 of the~~
18 ~~Elections Code.~~
19 ~~(9) (A) A list of the five highest contributors of fifty thousand~~
20 ~~dollars (\$50,000) or more to each primarily formed committee~~
21 ~~supporting each state measure and the total amount of each of their~~
22 ~~contributions as of 110 days before election day.~~
23 ~~(B) A list of the five highest contributors of fifty thousand~~
24 ~~dollars (\$50,000) or more to each primarily formed committee~~
25 ~~opposing each state measure and the total amount of each of their~~
26 ~~contributions as of 110 days before election day.~~
27 ~~(C) Following the lists described in subparagraphs (A) and (B)~~
28 ~~shall be a statement that the lists reflect only the highest~~
29 ~~contributors of fifty thousand dollars (\$50,000) or more as of 110~~
30 ~~days before election day. For purposes of this paragraph, all of the~~
31 ~~following apply:~~
32 ~~(i) If a contributor is a committee controlled by a candidate, the~~
33 ~~name of the candidate shall be listed.~~
34 ~~(ii) If a contributor is a sponsored committee, the name of the~~
35 ~~sponsor shall be listed.~~
36 ~~(b) If the ballot contains an election for the office of United~~
37 ~~States Senator, the ballot pamphlet shall contain information on~~
38 ~~the candidates for United States Senator. A candidate for United~~
39 ~~States Senator may purchase the space to place a statement in the~~
40 ~~state ballot pamphlet that does not exceed 250 words. The~~

1 ~~statement shall not make any reference to any opponent of the~~
2 ~~candidate. The statement shall be submitted in accordance with~~
3 ~~timeframes and procedures set forth by the Secretary of State for~~
4 ~~the preparation of the state ballot pamphlet.~~

5 ~~(e) If the ballot contains a question as to the confirmation or~~
6 ~~retention of a justice of the Supreme Court, the ballot pamphlet~~
7 ~~shall contain information on the justices of the Supreme Court~~
8 ~~who are subject to confirmation or retention.~~

9 ~~(d) If the ballot contains an election for the offices of President~~
10 ~~and Vice President of the United States, the ballot pamphlet shall~~
11 ~~contain a notice that refers voters to the Secretary of State's Internet~~
12 ~~Web site for information about the candidates for the offices of~~
13 ~~President and Vice President of the United States.~~

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

17 ~~SEC. 4. Section 88002 of the Government Code is amended~~
18 ~~to read:~~

19 ~~88002. The ballot pamphlet shall contain as to each state~~
20 ~~measure to be voted upon, the following in the order set forth in~~
21 ~~this section:~~

22 ~~(a) Upon the top portion of the first page and not exceeding~~
23 ~~one-third of the page shall appear:~~

- 24 ~~(1) The identification of the measure by number and title.~~
- 25 ~~(2) The official summary prepared by the Attorney General.~~
- 26 ~~(3) The total number of votes cast for and against the measure~~
27 ~~in both the State Senate and Assembly if the measure was passed~~
28 ~~by the Legislature.~~

29 ~~(b) Beginning at the top of the right page shall appear the~~
30 ~~analysis prepared by the Legislative Analyst, provided that the~~
31 ~~analysis fits on a single page. If it does not fit on a single page,~~
32 ~~then the analysis shall begin on the lower portion of the first left~~
33 ~~page and shall continue on subsequent pages until it is completed.~~

34 ~~(c) Immediately below the analysis by the Legislative Analyst~~
35 ~~shall appear a list of the five highest contributors of fifty thousand~~
36 ~~dollars (\$50,000) or more to each primarily formed committee~~
37 ~~supporting each state measure and a list of the five highest~~
38 ~~contributors of fifty thousand dollars (\$50,000) or more to each~~
39 ~~primarily formed committee opposing each state measure, as~~
40 ~~required by paragraph (9) of subdivision (a) of Section 88001.~~

1 ~~(d) Arguments for and against the measure shall be placed on~~
2 ~~the next left and right pages, respectively, following the page on~~
3 ~~which the analysis of the Legislative Analyst ends. The rebuttals~~
4 ~~shall be placed immediately below the arguments.~~

5 ~~(e) If no argument against the measure has been submitted, the~~
6 ~~argument for the measure shall appear on the right page facing the~~
7 ~~analysis.~~

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

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

19 ~~SEC. 5. The Legislature finds and declares that this act amends~~
20 ~~the Political Reform Act of 1974 by permitting or requiring the~~
21 ~~inclusion of additional information on the ballot pamphlet in~~
22 ~~accordance with Section 88007 of the Government Code.~~