

AMENDED IN ASSEMBLY MAY 10, 2011

AMENDED IN ASSEMBLY APRIL 26, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 732

**Introduced by Assembly Member Buchanan
(Coauthors: Assembly Members Gordon, Jeffries, and Silva)**

February 17, 2011

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

LEGISLATIVE COUNSEL'S DIGEST

AB 732, as amended, Buchanan. Bond measures: ballot pamphlet: Legislative Analyst: table.

Existing law regulates the form and content of the ballot pamphlet submitted to voters prior to each statewide election, and 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 the title and summary of a measure that appears on the ballot to be amended to contain a summary of the Legislative Analyst's estimate of the net state and local government fiscal impact.

This bill would, for state bond measures that are submitted to the voters for their approval or rejection, require the summary of the Legislative Analyst's estimate of the net state and local government fiscal impact to include an explanatory table of the information in the summary.

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 9086 of the Elections Code is amended
 2 to read:
 3 9086. The ballot pamphlet shall contain as to each state measure
 4 to be voted upon, the following, in the order set forth in this
 5 section:
 6 (a) (1) Upon the top portion of the first page, and not exceeding
 7 one-third of the page, shall appear:
 8 (1)
 9 (A) Identification of the measure by number and title.
 10 (2)
 11 (B) The official summary prepared by the Attorney General.
 12 (3)
 13 (C) The total number of votes cast for and against the measure
 14 in both the State Senate and Assembly, if the measure was passed
 15 by the Legislature.
 16 (2) *The space in the title and summary that is used for an*
 17 *explanatory table prepared pursuant to paragraph (2) of*
 18 *subdivision (e) of Section 9087 and Section 88003 of the*
 19 *Government Code shall not be included when measuring the*
 20 *amount of space the information described in paragraph (1) has*
 21 *taken for purposes of determining compliance with the restriction*
 22 *prohibiting the information described in paragraph (1) from*
 23 *exceeding one-third of the page.*
 24 (b) Beginning at the top of the right page shall appear the
 25 analysis prepared by the Legislative Analyst, provided that the
 26 analysis fits on a single page. If it does not fit on a single page,
 27 the analysis shall begin on the lower portion of the first left page
 28 and shall continue on subsequent pages until it is completed.
 29 (c) Arguments for and against the measure shall be placed on
 30 the next left and right pages, respectively, following the final page
 31 of the analysis of the Legislative Analyst. The rebuttals shall be
 32 placed immediately below the arguments.
 33 (d) If no argument against the measure has been submitted, the
 34 argument for the measure shall appear on the right page facing the
 35 analysis.

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

8 (f) The following statement shall be printed at the bottom of
9 each page where arguments appear: “Arguments printed on this
10 page are the opinions of the authors, and have not been checked
11 for accuracy by any official agency.”

12 ~~SECTION 1.~~

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

14 9087. (a) The Legislative Analyst shall prepare an impartial
15 analysis of the measure describing the measure and including a
16 fiscal analysis of the measure showing the amount of any increase
17 or decrease in revenue or cost to state or local government. If it is
18 estimated that a measure would result in increased cost to the state,
19 an analysis of the measure’s estimated impact on the state shall be
20 provided, including an estimate of the percentage of the General
21 Fund that would be expended due to the measure, using visual aids
22 when appropriate. An estimate of increased cost to the state or
23 local governments shall be set out in boldface print in the ballot
24 pamphlet.

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

1 (c) The Legislative Analyst may contract with a professional
2 writer, educational specialist, or another person for assistance in
3 writing an analysis that fulfills the requirements of this section,
4 including the requirement that the analysis be written so that it
5 will be easily understood by the average voter. The Legislative
6 Analyst may also request the assistance of a state department,
7 agency, or official in preparing his or her analysis.

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

27 (e) (1) The title and summary of any measure that appears on
28 the ballot shall be amended to contain a summary of the Legislative
29 Analyst's estimate of the net state and local government fiscal
30 impact.

31 (2) For state bond measures that are submitted to the voters for
32 their approval or rejection, the summary of the Legislative
33 Analyst's estimate described in paragraph (1) shall include an
34 explanatory table of the information in the summary.

35 *SEC. 3. Section 88002 of the Government Code is amended to*
36 *read:*

37 88002. The ballot pamphlet shall contain as to each state
38 measure to be voted upon, the following in the order set forth in
39 this section:

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

3 ~~(1)~~

4 (A) The identification of the measure by number and title.

5 ~~(2)~~

6 (B) The official summary prepared by the Attorney General.

7 ~~(3)~~

8 (C) The total number of votes cast for and against the measure
9 in both the State Senate and Assembly if the measure was passed
10 by the Legislature.

11 (2) *The space in the title and summary that is used for an*
12 *explanatory table prepared pursuant to paragraph (2) of*
13 *subdivision (e) of Section 9087 of the Elections Code and Section*
14 *88003 shall not be included when measuring the amount of space*
15 *the information described in paragraph (1) has taken for purposes*
16 *of determining compliance with the restriction prohibiting the*
17 *information described in paragraph (1) from exceeding one-third*
18 *of the page.*

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

24 (c) Arguments for and against the measure shall be placed on
25 the next left and right pages, respectively, following the page on
26 which the analysis of the Legislative Analyst ends. The rebuttals
27 shall be placed immediately below the arguments.

28 (d) If no argument against the measure has been submitted, the
29 argument for the measure shall appear on the right page facing the
30 analysis.

31 (e) The complete text of each measure shall appear at the back
32 of the pamphlet. The text of the measure shall contain the
33 provisions of the proposed measure and the existing provisions of
34 law repealed or revised by the measure. The provisions of the
35 proposed measure differing from the existing provisions of law
36 affected shall be distinguished in print, so as to facilitate
37 comparison.

38 (f) The following statement shall be printed at the bottom of
39 each page where arguments appear: "Arguments printed on this

1 page are the opinions of the authors and have not been checked
2 for accuracy by any official agency.”

3 ~~SEC. 2.~~

4 *SEC. 4.* Section 88003 of the Government Code is amended
5 to read:

6 88003. 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. Any
10 estimate of increased cost to local governments shall be set out in
11 boldface print in the ballot pamphlet. The analysis shall be written
12 in clear and concise terms which will easily be understood by the
13 average voter, and shall avoid the use of technical terms wherever
14 possible. The analysis may contain background information,
15 including the effect of the measure on existing law and the effect
16 of enacted legislation which will become effective if the measure
17 is adopted, and shall generally set forth in an impartial manner the
18 information which the average voter needs to understand the
19 measure adequately. The Legislative Analyst may contract with
20 professional writers, educational specialists or other persons for
21 assistance in writing an analysis that fulfills the requirements of
22 this section, including the requirement that the analysis be written
23 so that it will be easily understood by the average voter. The
24 Legislative Analyst may also request the assistance of any state
25 department, agency, or official in preparing his or her analysis.
26 Prior to submission of 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 shall be bilingual, and one shall be a professional
33 writer. Members of the committee shall be reimbursed for
34 reasonable and necessary expenses incurred in performing their
35 duties. Within five days of the submission of the analysis to the
36 committee, the committee shall make such recommendations to
37 the Legislative Analyst as it deems appropriate to guarantee that
38 the analysis can be easily understood by the average voter. The
39 Legislative Analyst shall consider the committee’s
40 recommendations, and he or she shall incorporate in the analysis

1 those changes recommended by the committee that he or she deems
2 to be appropriate. The Legislative Analyst is solely responsible
3 for determining the content of the analysis required by this section.
4 The title and summary of any measure which appears on the ballot
5 shall be amended to contain a summary of the Legislative Analyst's
6 estimate of the net state and local government financial impact.
7 For state bond measures that are submitted to the voters for their
8 approval or rejection, the summary of the Legislative Analyst's
9 estimate of the net state and local government fiscal impact shall
10 include an explanatory table of the information in the summary.

11 ~~SEC. 3.~~

12 *SEC. 5.* The Legislature finds and declares that this act permits
13 or requires the inclusion of additional information on the ballot
14 pamphlet in accordance with Section 88007 of the Government
15 Code.

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