

**Introduced by Senator Wyland**

August 17, 2011

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Senate Constitutional Amendment No. 16—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

SCA 16, as introduced, Wyland. Initiatives.

Existing provisions of the California Constitution define the initiative as the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them. Existing provisions of the California Constitution specify the procedure for proposing and collecting signatures on an initiative measure and for submitting the measure to the electorate.

This measure would revise the procedure for proposing an initiative measure. This measure would require the text of the proposed initiative measure to be submitted to the Attorney General. This measure would require the Attorney General to prepare a circulating title and summary of the chief purpose and points of the proposed measure, and provide a copy thereof to the Secretary of State. This measure would require the Secretary of State to immediately notify the proponents of the initiative measure of the date upon which the Secretary of State received a copy of the circulating title and summary. This measure would allow the proponents 2 years from the date the Secretary of State received a copy of the circulating title and summary to present to the Secretary of State a petition that sets forth the text of the proposed measure and is signed by the required number of electors.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no.  
 State-mandated local program: no.

1     *Resolved by the Senate, the Assembly 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,  
 4 two-thirds of the membership of each house concurring, hereby  
 5 proposes to the people of the State of California that the  
 6 Constitution of the State be amended as follows:

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

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

11     (b) ~~An initiative measure may be proposed by presenting~~ *To*  
 12 *propose an initiative measure, the proponents shall first submit*  
 13 *the text of the measure to the Attorney General. The Attorney*  
 14 *General shall prepare a circulating title and summary of the chief*  
 15 *purpose and points of the proposed measure as provided by law,*  
 16 *and provide a copy thereof to the Secretary of State. The Secretary*  
 17 *of State shall immediately notify the proponents of the initiative*  
 18 *measure of the date upon which the Secretary of State received*  
 19 *the circulating title and summary. The proponents shall have two*  
 20 *years from that date within which to present to the Secretary of*  
 21 *State a petition that sets forth the text of the proposed statute or*  
 22 *amendment to the Constitution and is certified to have been signed*  
 23 *by electors equal in number to 5 percent in the case of a statute,*  
 24 *and 8 percent in the case of an amendment to the Constitution, of*  
 25 *the votes for all candidates for Governor at the last gubernatorial*  
 26 *election. The Secretary of State shall immediately certify whether*  
 27 *the petition presented complies with this signature requirement.*

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

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

34     (e) An initiative measure may not include or exclude any  
 35 political subdivision of the State from the application or effect of  
 36 its provisions based upon approval or disapproval of the initiative  
 37 measure, or based upon the casting of a specified percentage of

1 votes in favor of the measure, by the electors of that political  
2 subdivision.

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

7 Second—That Section 10 of Article II thereof is amended to  
8 read:

9 SEC. 10. (a) An initiative statute or referendum approved by  
10 a majority of votes thereon takes effect the day after the election  
11 unless the measure provides otherwise. If a referendum petition is  
12 filed against a part of a statute the remainder shall not be delayed  
13 from going into effect.

14 (b) If provisions of ~~two~~ two or more measures approved at the  
15 same election conflict, those of the measure receiving the highest  
16 affirmative vote shall prevail.

17 (c) The Legislature may amend or repeal referendum statutes.  
18 It may amend or repeal an initiative statute by another statute that  
19 becomes effective only when approved by the electors unless the  
20 initiative statute permits amendment or repeal without their  
21 approval.

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

26 (e)

27 (d) The Legislature shall provide the manner in which petitions  
28 shall be circulated, presented, and certified, and measures submitted  
29 to the electors.