

AMENDED IN SENATE APRIL 12, 2012

**Senate Constitutional Amendment**

**No. 19**

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**Introduced by Senator *Senators Fuller and La Malfa***  
**(Coauthors: *Senators Dutton, Gaines, Harman, Huff, and Runner*)**  
**(Coauthors: *Assembly Members Jeffries and Olsen*)**

February 23, 2012

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Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 9 and 10 of, *and adding Section 7.5 to*, Article II thereof, and by amending Section 8 of Article IV thereof, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SCA 19, as amended, Fuller. Elections: ~~initiatives and referenda~~ *ballot measures*.

The California Constitution provides that the electors may propose a statute or an amendment to the California Constitution by initiative and approve or reject a statute by referendum. An initiative measure may be proposed by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the Constitution, and is certified to have been signed by the required number of electors, as prescribed. A referendum measure may be proposed by presenting to the Secretary of State a petition that sets forth the statute or part of the statute to be submitted to the electors, and is certified to have been signed by the required number of electors. Prior to the circulation of an initiative or referendum petition for signatures, the California Constitution requires that a copy of the petition be submitted to the Attorney General, who must prepare a title and summary of the measure.

*Existing statutory law also directs the Attorney General to prepare the ballot label, and the ballot title and summary that is included in the ballot pamphlet, for each measure that appears on a statewide ballot.*

This measure would require that an initiative or referendum petition be submitted to the Legislative Analyst instead of the Attorney General, and would transfer from the Attorney General to the Legislative Analyst the duty of preparing the title and summary for ~~a proposed~~ *an initiative or referendum that is to be circulated.* ~~The~~

*The measure would also require, for each measure that appears on a statewide ballot, that the Legislative Analyst to prepare the official ballot label, and the official ballot title and summary for the ballot pamphlet.*

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
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 7.5 is added to Article II thereof, to read:*  
8 *SEC. 7.5. For each measure that appears on a statewide ballot,*  
9 *the Legislative Analyst shall prepare the ballot label, and the ballot*  
10 *title and summary for the ballot pamphlet.*

11 ~~First—~~

12 *Second—That Section 9 of Article II thereof is amended to read:*  
13 *SEC. 9. (a) The referendum is the power of the electors to*  
14 *approve or reject statutes or parts of statutes except urgency*  
15 *statutes, statutes calling elections, and statutes providing for tax*  
16 *levies or appropriations for usual current expenses of the State.*

17 *(b) A referendum measure may be proposed by presenting to*  
18 *the Secretary of State, within 90 days after the enactment date of*  
19 *the statute, a petition certified to have been signed by electors*  
20 *equal in number to 5 percent of the votes for all candidates for*  
21 *Governor at the last gubernatorial election, asking that the statute*  
22 *or part of it be submitted to the electors. In the case of a statute*  
23 *enacted by a bill passed by the Legislature on or before the date*  
24 *the Legislature adjourns for a joint recess to reconvene in the*  
25 *second calendar year of the biennium of the legislative session,*

1 and in the possession of the Governor after that date, the petition  
2 may not be presented on or after January 1 next following the  
3 enactment date unless a copy of the petition is submitted to the  
4 Legislative Analyst pursuant to subdivision (d) of Section 10 before  
5 January 1.

6 (c) The Secretary of State shall then submit the measure at the  
7 next general election held at least 31 days after it qualifies or at a  
8 special statewide election held prior to that general election. The  
9 Governor may call a special statewide election for the measure.

10 ~~Second—~~

11 *Third*—That Section 10 of Article II thereof is amended to read:

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

17 (b) If provisions of two or more measures approved at the same  
18 election conflict, those of the measure receiving the highest number  
19 of affirmative votes shall prevail.

20 (c) The Legislature may amend or repeal a referendum statute.  
21 The Legislature may amend or repeal an initiative statute by  
22 another statute that becomes effective only when approved by the  
23 electors unless the initiative statute permits amendment or repeal  
24 without the approval of the electors.

25 (d) Prior to circulation of an initiative or referendum petition  
26 for signatures, a copy shall be submitted to the Legislative Analyst,  
27 who shall prepare a title and summary of the measure as provided  
28 by law. ~~The Legislative Analyst shall also prepare the official~~  
29 ~~ballot label, and the official ballot title and summary for the ballot~~  
30 ~~pamphlet.~~

31 (e) The Legislature shall provide the manner in which petitions  
32 shall be circulated, presented, and certified, and measures submitted  
33 to the electors.

34 ~~Third—~~

35 *Fourth*—That Section 8 of Article IV thereof is amended to  
36 read:

37 SEC. 8. (a) At regular sessions a bill other than the budget bill  
38 may not be heard or acted on by committee or either house until  
39 the 31st day after the bill is introduced unless the house dispenses

1 with this requirement by rollcall vote entered in the journal,  
2 three-fourths of the membership concurring.

3 (b) The Legislature may make no law except by statute and may  
4 enact no statute except by bill. A bill may not be passed unless it  
5 is read by title on three days in each house, except that the house  
6 may dispense with this requirement by rollcall vote entered in the  
7 journal, two-thirds of the membership concurring. A bill may not  
8 be passed until the bill with amendments has been printed and  
9 distributed to the members. A bill may not be passed unless, by  
10 rollcall vote entered in the journal, a majority of the membership  
11 of each house concurs.

12 (c) (1) Except as provided in paragraphs (2) and (3), a statute  
13 enacted at a regular session shall go into effect on January 1 next  
14 following a 90-day period from the date of enactment of the statute  
15 and a statute enacted at a special session shall go into effect on the  
16 91st day after adjournment of the special session at which the bill  
17 was passed.

18 (2) A statute, other than a statute establishing or changing  
19 boundaries of an election district, enacted by a bill passed by the  
20 Legislature on or before the date the Legislature adjourns for a  
21 joint recess to reconvene in the second calendar year of the  
22 biennium of the legislative session, and in the possession of the  
23 Governor after that date, shall go into effect on January 1 next  
24 following the enactment date of the statute unless, before January  
25 1, a copy of a referendum petition affecting the statute is submitted  
26 to the Legislative Analyst pursuant to subdivision (d) of Section  
27 10 of Article II, in which event the statute shall go into effect on  
28 the 91st day after the enactment date unless the petition has been  
29 presented to the Secretary of State pursuant to subdivision (b) of  
30 Section 9 of Article II.

31 (3) Statutes calling elections, statutes providing for tax levies  
32 or appropriations for the usual current expenses of the State, and  
33 urgency statutes shall go into effect immediately upon their  
34 enactment.

35 (d) Urgency statutes are those necessary for immediate  
36 preservation of the public peace, health, or safety. A statement of  
37 facts constituting the necessity shall be set forth in one section of  
38 the bill. In each house the section and the bill shall be passed  
39 separately, each by rollcall vote entered in the journal, two-thirds  
40 of the membership concurring. An urgency statute may not create

- 1 or abolish any office or change the salary, term, or duties of any
- 2 office, or grant any franchise or special privilege, or create any
- 3 vested right or interest.

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