

Introduced by Senator Hancock

February 17, 2011

Senate Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 10 of Article II thereof, relating to initiatives.

LEGISLATIVE COUNSEL'S DIGEST

SCA 9, as introduced, Hancock. Initiatives.

The California Constitution provides to voters, through the initiative, the power to propose statutes and constitutional amendments and to adopt or reject them. The California Constitution further provides that the Legislature may amend or repeal an initiative statute only by another statute approved by the voters, unless the initiative statute permits amendment or repeal without the approval of the voters.

This measure would apply the provisions that authorize direct amendment or repeal by the Legislature as permitted by an initiative statute only to initiative statutes approved by the voters on or before its effective date. As to an initiative statute that is approved by the voters after that effective date, this measure would instead authorize the Legislature to directly amend or repeal the initiative statute not sooner than 3 years after the date the initiative statute is approved by the voters, unless the initiative statute allows that action by the Legislature at an earlier date. The measure would require that a direct amendment or repeal of an initiative statute by the Legislature pursuant to this authority be passed by a percentage of the membership of each house that exceeds the percentage of voters who approved the initiative statute or, if applicable, that approved the most recent amendment of the initiative statute.

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 That Section 10 of Article II thereof is amended to read:

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

13 (b) If provisions of ~~2~~ *two* or more measures approved at the
14 same election conflict, those of the measure receiving the highest
15 affirmative vote shall prevail.

16 (c) (1) The Legislature may amend or repeal referendum
17 statutes. ~~It~~

18 (2) *In regard to an initiative statute that is approved by the*
19 *electors on or before the effective date of paragraph (3), the*
20 *Legislature may amend or repeal an the initiative statute by another*
21 *statute that becomes effective only when approved by the electors*
22 *unless the initiative statute permits amendment or repeal without*
23 *their approval.*

24 (3) (A) *An initiative statute that is approved by the electors*
25 *after the effective date of this paragraph may be amended or*
26 *repealed either by another statute that becomes effective only when*
27 *approved by the electors, or directly by the Legislature by means*
28 *of another statute that takes effect not sooner than three years*
29 *from the date that the initiative statute was approved by the*
30 *electors, unless the initiative statute permits an amendment or*
31 *repeal by the Legislature at an earlier date.*

32 (B) *The direct amendment or repeal of an initiative statute*
33 *pursuant to this paragraph shall be pursuant to a bill that is passed*
34 *by a percentage of the membership of each house of the Legislature*
35 *that exceeds the percentage of electors that approved the initiative*
36 *statute or, in the case of an initiative statute that has been amended*

1 *by the electors, that approved the most recent amendment of the*
2 *initiative statute.*

3 (d) Prior to circulation of an initiative or referendum petition
4 for signatures, a copy shall be submitted to the Attorney General
5 who shall prepare a title and summary of the measure as provided
6 by law.

7 (e) The Legislature shall provide the manner in which ~~petitions~~
8 *a petition* shall be circulated, presented, and certified, and ~~measures~~
9 *the manner in which a measure is* submitted to the electors.