

AMENDED IN SENATE MARCH 27, 2012

SENATE BILL

No. 1233

Introduced by Senator Padilla

February 23, 2012

An act to amend ~~Section~~ Sections 9001, 9002, 9004, and 9006 of, and to add Sections 9006.5 and 9023 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1233, as amended, Padilla. Initiative and referendum petitions: *translation of circulating title and summary.*

Existing law ~~require~~ *requires* the ~~proponents of an Attorney General, upon receipt of the text of a proposed initiative or referendum petition, prior to circulating the petition for signatures, to submit the text of the proposed measure to the Attorney General with a written request that measure, to prepare a circulating title and summary of the chief purpose and points of the proposed measure ~~be prepared~~. *Existing law requires the Attorney General to provide a copy of the circulating title and summary of a proposed initiative measure to the proponents of the measure and the Secretary of State within 15 days, as specified. Existing law requires the Attorney General to provide a copy of the circulating title and summary of a proposed referendum measure to the proponents of the measure and the Secretary of State within 10 days after receipt of the proposed referendum.*~~

This bill would ~~make technical, nonsubstantive changes to this provision~~ *require the proponents of an initiative or referendum measure, at the time of submitting the text of the proposed measure to the Attorney General, to submit a list of specified counties in which the initiative or referendum petition will be circulated. Upon submission of the list, this*

bill would require the Attorney General to prepare a translation of the circulating title and summary of a proposed initiative or referendum measure in a language other than English under certain circumstances. If the Attorney General is required to prepare a translation, this bill would require the Attorney General to provide a copy of the circulating title and summary and its translation to the proponents and the Secretary of State within 25 days, as specified, for a proposed initiative measure and within 20 days after receipt of a proposed referendum measure. This bill also would require a copy of each applicable translation to be attached to the initiative or referendum petition prior to circulation.

Existing law permits any person who is a voter or who is qualified to register to vote in the state to circulate an initiative or referendum petition for signature and imposes certain requirements on these circulators.

This bill would require the circulator of an initiative or referendum petition to make available a copy of the translated circulating title and summary to each person whom the circulator solicits in that language to sign the petition and to provide a copy of the translated circulating title and summary to any person upon request.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9001 of the Elections Code is amended
2 to read:
3 9001. (a) (1) Prior to the circulation of an initiative or
4 referendum petition for signatures, the text of the proposed measure
5 shall be submitted to the Attorney General with a written request
6 that a circulating title and summary of the chief purpose and points
7 of the proposed measure be prepared. The electors presenting the
8 request shall be known as the “proponents.” The Attorney General
9 shall preserve the written request until after the next general
10 election.
11 (2) *The proponents of an initiative or referendum measure, at*
12 *the time of submitting the text of the proposed measure to the*
13 *Attorney General, shall submit to the Attorney General a list of*
14 *the counties in which the petition will be circulated that are*
15 *covered by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section*

1 *4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights*
2 *Act of 1965.*

3 (b) Each proponent of a proposed initiative measure shall, at
4 the time of submitting the text of the proposed measure, provide
5 both of the following:

6 (1) An original signed certification stating that “I, (insert name),
7 declare under penalty of perjury that I am a citizen of the United
8 States, 18 years of age or older, and a resident of (insert county),
9 California.”

10 (2) Public contact information.

11 (c) The proponents of an initiative measure, at the time of
12 submitting the text of the proposed measure to the Attorney
13 General, shall pay a fee of two hundred dollars (\$200), which shall
14 be placed in a trust fund in the office of the Treasurer and refunded
15 to the proponents if the measure qualifies for the ballot within two
16 years from the date the summary is furnished to the proponents.
17 If the measure does not qualify within that period, the fee shall be
18 immediately paid into the General Fund of the state.

19 (d) All referenda and proposed initiative measures shall be
20 submitted to the Attorney General’s Initiative Coordinator located
21 in the Sacramento Attorney General’s Office via United States
22 Postal Service, alternative mail service, or personal delivery. Only
23 printed documents will be accepted; facsimile or email delivery
24 will not be accepted.

25 (e) The Attorney General shall not deem a request for a
26 circulating title and summary submitted until all of the
27 requirements of this section are met.

28 *SEC. 2. Section 9002 of the Elections Code is amended to read:*

29 9002. (a) ~~The~~ *Except as provided in subdivision (c) of Section*
30 *9004, the* Attorney General shall provide a copy of the title and
31 summary to the Secretary of State within 15 days after receipt of
32 the final version of a proposed initiative measure, or, if a fiscal
33 estimate or opinion is to be included, within 15 days after receipt
34 of the fiscal estimate or opinion prepared by the Department of
35 Finance and the Joint Legislative Budget Committee pursuant to
36 Section 9005. If during the 15-day period the proponents of the
37 proposed initiative measure submit amendments, other than
38 technical, nonsubstantive amendments, to the final version of the
39 measure, the Attorney General shall provide a copy of the title and

1 summary to the Secretary of State within 15 days after receipt of
2 the amendments.

3 (b) The amendment ~~must~~ *shall* be submitted with a signed
4 request by all the proponents to prepare a circulating title and
5 summary using the amended language.

6 (c) The amendment ~~must~~ *shall* be submitted to the Attorney
7 General's Initiative Coordinator located in the Sacramento Attorney
8 General's Office via ~~U.S.~~ *United States* Postal Service, alternative
9 mail service, or personal delivery. Only printed documents will
10 be accepted;; facsimile or e-mail delivery will not be accepted.

11 *SEC. 3. Section 9004 of the Elections Code is amended to read:*

12 9004. (a) Upon receipt of the text of a proposed initiative
13 measure, the Attorney General shall prepare a circulating title and
14 summary of the chief purposes and points of the proposed measure.
15 The circulating title and summary shall not exceed a total of 100
16 words. The Attorney General shall also provide a unique numeric
17 identifier for each proposed initiative measure. The circulating
18 title and summary shall be prepared in the manner provided for
19 the preparation of ballot titles and summaries in Article 5
20 (commencing with Section 9050), the provisions of which, in
21 regard to the preparation, filing, and settlement of ballot titles and
22 summaries, are hereby made applicable to the circulating title and
23 summary.

24 (b) ~~The~~ *Except as provided in subdivision (c), the* Attorney
25 General shall provide a copy of the circulating title and summary
26 and its unique numeric identifier to the proponents and to the
27 Secretary of State within 15 days after receipt of the fiscal estimate
28 or opinion prepared by the Department of Finance and the Joint
29 Legislative Budget Committee pursuant to Section 9005. The date
30 the copy is delivered or mailed to the proponents is the "official
31 summary date."

32 (c) *In the event that the Attorney General is required to prepare*
33 *a translation of the circulating title and summary pursuant to*
34 *Section 9006.5, the Attorney General shall provide a copy of the*
35 *circulating title and summary, its translation, and its unique*
36 *numeric identifier to the proponents and the Secretary of State*
37 *within 25 days after receipt of the fiscal estimate or opinion*
38 *prepared by the Department of Finance and the Joint Legislative*
39 *Budget Committee pursuant to Section 9005. The Attorney General*
40 *shall also provide the Secretary of State with a list of the counties*

1 *identified by the proponents pursuant to paragraph (2) of*
2 *subdivision (a) of Section 9001.*

3 (e)

4 (d) Upon receipt of the circulating title and summary from the
5 Attorney General, the Secretary of State shall, within one business
6 day, notify the proponents and county elections official of each
7 county of the official summary date and provide a copy of the
8 circulating title and summary to each county elections official. *In*
9 *the event that the Secretary of State receives from the Attorney*
10 *General a translation of the circulating title and summary pursuant*
11 *to subdivision (c), the Secretary of State shall provide the relevant*
12 *translation to the county elections official in each county identified*
13 *by the proponents pursuant to paragraph (2) of subdivision (a) of*
14 *Section 9001. This notification shall also include a complete*
15 *schedule showing the maximum filing deadline, and the*
16 *certification deadline by the counties to the Secretary of State.*

17 *SEC. 4. Section 9006 of the Elections Code is amended to read:*

18 9006. (a) Upon receipt of the text of a proposed referendum,
19 the Attorney General shall prepare a circulating title and summary
20 of the chief purpose and points of the proposed statute at issue.
21 The circulating title and summary shall not exceed a total of 100
22 words. No fiscal analysis shall be included.

23 (b) ~~The~~ *Except as provided in subdivision (c), the Attorney*
24 *General shall provide a copy of the circulating title and summary*
25 *of the proposed referendum to the proponents and to the Secretary*
26 *of State within 10 days after receipt of the proposed referendum.*

27 (c) *In the event that the Attorney General is required to prepare*
28 *a translation of the circulating title and summary pursuant to*
29 *Section 9006.5, the Attorney General shall provide a copy of the*
30 *circulating title and summary, its translation, and its unique*
31 *numeric identifier to the proponents and the Secretary of State*
32 *within 20 days after receipt of the proposed referendum.*

33 (e)

34 (d) Upon receipt of the circulating title and summary from the
35 Attorney General, the Secretary of State shall, within one business
36 day, notify the proponents and county elections official of each
37 county of the official summary date and provide a copy of the
38 circulating title and summary to each county elections official. *In*
39 *the event that the Secretary of State receives from the Attorney*
40 *General a translation of the circulating title and summary pursuant*

1 to subdivision (c), the Secretary of State shall provide the relevant
2 translation to the county elections official in each county identified
3 by the proponents pursuant to paragraph (2) of subdivision (a) of
4 Section 9001. This notification shall also include a complete
5 schedule showing the maximum filing deadline, and the
6 certification deadline by the counties to the Secretary of State.

7 SEC. 5. Section 9006.5 is added to the Elections Code, to read:

8 9006.5. In the event that the proponents of an initiative or
9 referendum measure submit to the Attorney General a list of
10 counties pursuant to paragraph (2) of subdivision (a) of Section
11 9001, the Attorney General shall prepare a translation of the
12 circulating title and summary of the proposed measure in each
13 applicable minority language for the counties identified by the
14 proponents that are covered by Section 203 (42 U.S.C. Sec.
15 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the
16 federal Voting Rights Act of 1965. A copy of each applicable
17 translation shall be attached to the initiative or referendum petition
18 prior to circulation of the petition.

19 SEC. 6. Section 9023 is added to the Elections Code, to read:

20 9023. In the event that the circulator of an initiative or
21 referendum petition circulates the petition in a county covered by
22 Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42
23 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965,
24 the circulator shall make available a copy of the applicable
25 translated circulating title and summary prepared by the Attorney
26 General to each person whom the circulator solicits in that
27 language to sign the petition and shall provide a copy of the
28 translated circulating title and summary to any person upon
29 request.