

Senate Bill No. 1233

Passed the Senate August 22, 2012

Secretary of the Senate

Passed the Assembly August 21, 2012

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 9001, 9002, 9004, and 9006 of, and to add Sections 9006.5, 9023, and 11042.5 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1233, Padilla. Ballot measure petitions: translations.

Existing law requires the Attorney General, upon receipt of the text of a proposed initiative or referendum measure, to prepare a circulating title and summary of the chief purpose and points of the proposed measure. 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 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 the 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.

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.

If an initiative or referendum petition is circulated in a specified county, this bill would require a copy of the applicable translated circulating title and summary prepared by the Attorney General to be attached to the petition and available to each person whom the circulator solicits in that language to sign the petition. This bill would also require a circulator to provide a copy of the applicable translated circulating title and summary to any person upon request.

Existing provisions of the California Constitution and statute authorize the recall of state officers. Existing law requires the proponents of the recall to file 2 blank copies of the petition to recall the officer with the Secretary of State, who is required to ascertain if the proposed form and wording of the petition meet specified requirements.

This bill would require the proponents of a recall of a state officer, at the time of filing the 2 blank copies of the petition with the Secretary of State, to submit a list of specified counties in which the recall petition will be circulated. If the proponents submit this list of counties, this bill would require the Secretary of State, within 10 days after ascertaining that the proposed form and wording of the recall petition meet specified requirements, to prepare a translation of the petition in each applicable minority language of the counties identified by the proponents, and provide a copy of each translation to the proponents.

Existing law requires a recall petition to use a specified format and contain certain information. Under existing law, any person who is a registered voter of the electoral jurisdiction of the officer sought to be recalled may circulate the recall petition for signatures.

If a recall petition is circulated in a specified county, this bill would require a copy of the applicable translation of the petition prepared by the Secretary of State to be attached to the petition and available to each person whom the circulator solicits in that language to sign the petition. This bill would also require the circulator to provide a copy of the translation of the petition to any person upon request.

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

SECTION 1. Section 9001 of the Elections Code is amended to read:

9001. (a) (1) Prior to the circulation of an initiative or referendum petition for signatures, the text of the proposed measure shall be submitted to the Attorney General with a written request that a circulating title and summary of the chief purpose and points of the proposed measure be prepared. The electors presenting the request shall be known as the “proponents.” The Attorney General shall preserve the written request until after the next general election.

(2) The proponents of an initiative or referendum measure, at the time of submitting the text of the proposed measure to the Attorney General, shall submit to the Attorney General a list of the counties in which the petition will be circulated that are covered by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965.

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

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

(2) Public contact information.

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

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

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

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

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

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

(c) The amendment shall be submitted to the Attorney General's Initiative Coordinator located in the Sacramento Attorney General's Office via United States Postal Service, alternative mail service, or personal delivery. Only printed documents will be accepted; facsimile or email delivery will not be accepted.

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

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

(b) Except as provided in subdivision (c), the Attorney General shall provide a copy of the circulating title and summary and its unique numeric identifier to the proponents and to the Secretary of State within 15 days after receipt of the fiscal estimate or opinion prepared by the Department of Finance and the Joint Legislative Budget Committee pursuant to Section 9005. The date the copy

is delivered or mailed to the proponents is the “official summary date.”

(c) In the event that the Attorney General is required to prepare a translation of the circulating title and summary pursuant to Section 9006.5, the Attorney General shall provide a copy of the circulating title and summary, its translation, and its unique numeric identifier to the proponents and the Secretary of State within 25 days after receipt of the fiscal estimate or opinion prepared by the Department of Finance and the Joint Legislative Budget Committee pursuant to Section 9005. The Attorney General shall also provide the Secretary of State with a list of the counties identified by the proponents pursuant to paragraph (2) of subdivision (a) of Section 9001.

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

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

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

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

(c) In the event that the Attorney General is required to prepare a translation of the circulating title and summary pursuant to Section 9006.5, the Attorney General shall provide a copy of the circulating title and summary, its translation, and its unique

numeric identifier to the proponents and the Secretary of State within 20 days after receipt of the proposed referendum.

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

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

9006.5. In the event that the proponents of an initiative or referendum measure submit to the Attorney General a list of counties pursuant to paragraph (2) of subdivision (a) of Section 9001, the Attorney General shall prepare a translation of the circulating title and summary of the proposed measure in each applicable minority language for the counties identified by the proponents that are covered by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965.

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

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

SEC. 7. Section 11042.5 is added to the Elections Code, to read:

11042.5. (a) This section applies only to the recall of state officers.

(b) At the time of the filing of two blank copies of the petition pursuant to Section 11042, the proponents shall also submit to the Secretary of State a list of the counties in which the petition will be circulated that are covered by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965.

(c) If the proponents submit a list of counties pursuant to subdivision (b), the Secretary of State, within 10 days after ascertaining that the proposed form and wording of the petition meet the requirements of this chapter, shall prepare a translation of the petition in each applicable minority language for the counties identified by the proponents that are covered by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965, and provide a copy of each translation to the proponents.

(d) If a recall petition is circulated in a county covered by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965, a copy of the applicable translation of the petition prepared by the Secretary of State shall be attached to the petition and available to each person whom the circulator solicits in that language to sign the petition. The circulator shall also provide a copy of the applicable translation of the petition to any person upon request.

Approved _____, 2012

Governor