

AMENDED IN ASSEMBLY APRIL 23, 2013

AMENDED IN ASSEMBLY MARCH 20, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 354

Introduced by Assembly Member Dahle

February 13, 2013

An act to amend Sections 303, 303.5, ~~and~~ 9051, ~~9160~~ 9280, 9313, and 9314 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 354, as amended, Dahle. Ballot measures: ballot title and summary: ballot label: *impartial analysis*.

Under existing law, a statewide ballot measure may be placed on the ballot at a statewide election by a petition signed by the requisite number of voters or by the Legislature. Existing law requires the Attorney General to provide a ballot title and summary and ballot label for each ballot measure submitted to the voters at a statewide election. Existing law defines a ballot title and summary as a summary of the chief purpose and points of, including a summary of the fiscal impact of, a statewide ballot measure. Existing law requires a ballot label for a statewide ballot measure to be a condensed version of the ballot title and summary, including the fiscal impact summary.

This bill would require the ballot title and summary and ballot label for a statewide ballot measure to include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the Legislature.

Under existing law, a county, city, or district ballot measure may be placed on the ballot at the county, city, or district election by a petition

signed by the requisite number of voters or by the county board of supervisors, the governing body of the city, or the governing body of the district, respectively. Whenever a county, city, or district measure qualifies for a place on the ballot, existing law requires the county counsel or city attorney, as applicable, to prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure.

This bill would require the impartial analysis for a county, city, or district ballot measure to include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the county board of supervisors, city governing body, or district governing body, respectively.

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

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

- 1 SECTION 1. Section 303 of the Elections Code is amended to
- 2 read:
- 3 303. “Ballot label” means that portion of the ballot containing
- 4 the names of the candidates or a statement of a measure. For each
- 5 statewide measure, the ballot label shall contain no more than 75
- 6 words and shall be a condensed version of the ballot title and
- 7 summary, including a statement indicating whether the measure
- 8 was placed on the ballot by petition or by the Legislature and the
- 9 fiscal impact summary prepared pursuant to Section 9087 of this
- 10 code and Section 88003 of the Government Code.
- 11 SEC. 2. Section 303.5 of the Elections Code is amended to
- 12 read:
- 13 303.5. (a) “Ballot title” means the name of a statewide measure
- 14 included in the ballot label and the ballot title and summary.
- 15 (b) “Ballot title and summary” means the summary of the chief
- 16 purpose and points of, including the fiscal impact summary of, a
- 17 measure that appears in the state ballot pamphlet. The ballot title
- 18 and summary shall include a statement indicating whether the
- 19 measure was placed on the ballot by petition or by the Legislature
- 20 and a summary of the measure’s fiscal impact. The ballot title and
- 21 summary shall not exceed 100 words, not including the fiscal
- 22 impact summary.

1 (c) (1) “Circulating title and summary” means the text that is
2 required to be placed on a petition for signatures that is either one
3 of the following:

4 (A) The summary of the chief purpose and points of a proposed
5 initiative measure that affects the Constitution or laws of the state,
6 and the fiscal impact of the proposed initiative measure.

7 (B) The summary of the chief purpose and points of a
8 referendum measure that affects a law or laws of the state.

9 (2) The circulating title and summary shall not exceed 100
10 words, not including the fiscal impact summary.

11 SEC. 3. Section 9051 of the Elections Code is amended to read:

12 9051. (a) (1) The ballot title and summary may differ from
13 the legislative, circulating, or other title and summary of the
14 measure and shall not exceed 100 words, not including the fiscal
15 impact summary. The ballot title and summary shall include a
16 statement indicating whether the measure was placed on the ballot
17 by a petition signed by the requisite number of voters or by the
18 Legislature.

19 (2) The ballot title and summary shall be amended to include a
20 summary of the Legislative Analyst’s estimate of the net state and
21 local government fiscal impact prepared pursuant to Section 9087
22 of this code and Section 88003 of the Government Code.

23 (b) The ballot label shall contain no more than 75 words and
24 shall be a condensed version of the ballot title and summary,
25 including a statement indicating whether the measure was placed
26 on the ballot by petition or by the Legislature and the financial
27 impact summary prepared pursuant to Section 9087 of this code
28 and Section 88003 of the Government Code.

29 (c) In providing the ballot title and summary, the Attorney
30 General shall give a true and impartial statement of the purpose
31 of the measure in such language that the ballot title and summary
32 shall neither be an argument, nor be likely to create prejudice, for
33 or against the proposed measure.

34 SEC. 4. Section 9160 of the Elections Code is amended to read:

35 9160. (a) Whenever ~~any~~ a county measure qualifies for a place
36 on the ballot, the county elections official shall transmit a copy of
37 the measure to the county auditor and to the county counsel or to
38 the district attorney in ~~any~~ a county ~~which~~ that has no county
39 counsel.

1 (b) The county counsel or district attorney shall prepare an
 2 impartial analysis of the measure showing the effect of the measure
 3 on the existing law and the operation of the measure. *The analysis*
 4 *shall include a statement indicating whether the measure was*
 5 *placed on the ballot by a petition signed by the requisite number*
 6 *of voters or by the board of supervisors.* The analysis shall be
 7 printed preceding the arguments for and against the measure. The
 8 analysis may not exceed 500 words in length.

9 In the event the entire text of the measure is not printed on the
 10 ballot, nor in the voter information portion of the sample ballot,
 11 there shall be printed immediately below the impartial analysis,
 12 in no less than 10-point boldface type, a legend substantially as
 13 follows:

14 “The above statement is an impartial analysis of Ordinance or
 15 Measure _____. If you desire a copy of the ordinance or measure,
 16 please call the elections official’s office at (insert telephone
 17 number) and a copy will be mailed at no cost to you.”

18 The elections official may, at his or her discretion, add the
 19 following message: “You may also access the full text of the
 20 measure on the county Web site at the following Web site address
 21 (insert Web site address).”

22 (c) Not later than 88 days prior to an election that includes a
 23 county ballot measure, the board of supervisors may direct the
 24 county auditor to review the measure and determine whether the
 25 substance thereof, if adopted, would affect the revenues or
 26 expenditures of the county. He or she shall prepare a fiscal impact
 27 statement which estimates the amount of any increase or decrease
 28 in revenues or costs to the county if the proposed measure is
 29 adopted. The fiscal impact statement is “official matter” within
 30 the meaning of Section 13303, and shall be printed preceding the
 31 arguments for and against the measure. The fiscal impact statement
 32 may not exceed 500 words in length.

33 *SEC. 5. Section 9280 of the Elections Code is amended to read:*
 34 9280. Whenever ~~any~~ a city measure qualifies for a place on
 35 the ballot, the governing body may direct the city elections official
 36 to transmit a copy of the measure to the city attorney, unless the
 37 organization or salaries of the office of the city attorney are
 38 affected. The city attorney shall prepare an impartial analysis of
 39 the measure showing the effect of the measure on the existing law
 40 and the operation of the measure. *The analysis shall include a*

1 *statement indicating whether the measure was placed on the ballot*
2 *by a petition signed by the requisite number of voters or by the*
3 *governing body of the city.* If the measure affects the organization
4 or salaries of the office of the city attorney, the governing board
5 may direct the city elections official to prepare the impartial
6 analysis. The analysis shall be printed preceding the arguments
7 for and against the measure. The analysis shall not exceed 500
8 words in length.

9 In the event the entire text of the measure is not printed on the
10 ballot, nor in the voter information portion of the sample ballot,
11 there shall be printed immediately below the impartial analysis,
12 in no less than 10-point bold type, a legend substantially as follows:

13 “The above statement is an impartial analysis of Ordinance or
14 Measure _____. If you desire a copy of the ordinance or measure,
15 please call the elections official’s office at (insert telephone
16 number) and a copy will be mailed at no cost to you.”

17 *SEC. 6. Section 9313 of the Elections Code is amended to read:*

18 9313. Except as provided in Section 9314, whenever ~~any~~
19 ~~petition~~ *a district measure* is submitted to the voters, the district
20 elections official shall transmit a copy of the measure to the county
21 counsel, or to the district attorney if there is no county counsel, of
22 the county that contains the largest number of registered voters of
23 the district. The county counsel or district attorney shall prepare
24 an impartial analysis of the measure showing the effect of the
25 measure on the existing law and the operation of the measure. *The*
26 *analysis shall include a statement indicating whether the measure*
27 *was placed on the ballot by a petition signed by the requisite*
28 *number of voters or by the governing body of the district.* The
29 analysis shall be printed preceding the arguments for and against
30 the measure. The analysis shall not exceed 500 words in length.

31 In the event the entire text of the measure is not printed on the
32 ballot nor in the voter information portion of the sample ballot,
33 there shall be printed immediately below the impartial analysis,
34 in no less than 10-point bold type, a legend substantially as follows:

35 “The above statement is an impartial analysis of Ordinance or
36 Measure _____. If you desire a copy of the ordinance or measure,
37 please call the district elections official’s office at (insert telephone
38 number) and a copy will be mailed at no cost to you.”

39 *SEC. 7. Section 9314 of the Elections Code is amended to read:*

1 9314. (a) Whenever ~~any petition~~ *a district measure* is
 2 submitted to the voters of a water district, the district elections
 3 official shall transmit a copy of the measure to the legal counsel
 4 for the water district, or to the county counsel if there is no legal
 5 counsel for the water district, of the county that contains the largest
 6 number of registered voters of the water district. Except as
 7 otherwise provided in subdivision (b), if there is a legal counsel
 8 for the water district, he or she shall prepare, subject to review and
 9 revision by the county counsel, an impartial analysis of the measure
 10 showing the effect of the measure on the existing law and the
 11 operation of the measure. *The analysis shall include a statement*
 12 *indicating whether the measure was placed on the ballot by a*
 13 *petition signed by the requisite number of voters or by the*
 14 *governing body of the water district.* The analysis shall be printed
 15 preceding the arguments for and against the measure. The analysis
 16 shall not exceed 500 words in length.

17 In the event the entire text of the measure is not printed on the
 18 ballot nor in the voter information portion of the sample ballot,
 19 there shall be printed immediately below the impartial analysis,
 20 in no less than 10-point bold type, a legend substantially as follows:

21 “The above statement is an impartial analysis of Ordinance or
 22 Measure _____. If you desire a copy of the ordinance or measure,
 23 please call the district elections official’s office at (insert telephone
 24 number) and a copy will be mailed at no cost to you.”

25 (b) If there is no legal counsel for the water district, or if the
 26 legal counsel for the water district and the county counsel so agree,
 27 the county counsel shall prepare the impartial analysis.

28 (c) As used in this section:

29 (1) “Legal counsel for the water district” means the attorney
 30 designated under the district’s conflict of interest code as its legal
 31 officer pursuant to *Article 3 (commencing with Section 87300 et*
 32 *seq. 87300) of Chapter 7 of Title 9 of the Government Code.*

33 (2) “County counsel” means the district attorney if there is no
 34 county counsel.

35 (3) “Water district” means a water district as defined in Section
 36 20200 of the Water Code.