

AMENDED IN SENATE APRIL 21, 2014

SENATE BILL

No. 1294

Introduced by Senator Huff

(Coauthor: Senator Gaines)

(Coauthors: Assembly Members Allen, Hagman, and Jones)

February 21, 2014

An act to amend Sections 9050, 9051, 9053, 9086, 9087, 13262, 13282, and 18602 of the Elections Code, and to amend Section 88002 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1294, as amended, Huff. Elections: ballot titles and summaries.

Existing law requires the Attorney General to provide a ballot label and a ballot title for each measure to be submitted to the voters at a statewide election. Existing law requires the Attorney General to prepare a summary of the chief purposes and points of each statewide ballot measure as part of the ballot title. Existing law, including provisions of the Political Reform Act of 1974, requires that the ballot pamphlet contain, among other things, the official summary prepared by the Attorney General.

This bill would require the Legislative Analyst, instead of the Attorney General, to prepare the ballot label and the ballot title and summary for all measures submitted to the voters of the state.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 9050 of the Elections Code is amended
2 to read:
3 9050. After the Secretary of State determines that a measure
4 will appear on the ballot at the next statewide election, the
5 Secretary of State shall promptly transmit a copy of the measure
6 to the Legislative Analyst. The Legislative Analyst shall provide
7 and return to the Secretary of State a ballot title and summary and
8 ballot label for the measure. The Legislative Analyst shall prepare
9 a ballot title and summary and ballot label for each measure
10 submitted to the voters of the whole state by a date sufficient to
11 meet the ballot pamphlet public display deadlines.

12 SEC. 2. Section 9051 of the Elections Code is amended to read:
13 9051. (a) (1) The ballot title and summary may differ from
14 the legislative, circulating, or other title and summary of the
15 measure and shall not exceed 100 words, not including the fiscal
16 impact.

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

21 (b) The ballot label shall not contain more than 75 words and
22 shall be a condensed version of the ballot title and summary
23 including the financial impact summary prepared pursuant to
24 Section 9087 of this code and Section 88003 of the Government
25 Code.

26 (c) In preparing the ballot title and summary, the Legislative
27 Analyst shall give a true and impartial statement of the purpose of
28 the measure in such language that the ballot title and summary
29 shall neither be an argument, nor be likely to create prejudice, for
30 or against the proposed measure.

31 SEC. 3. Section 9053 of the Elections Code is amended to read:
32 9053. A measure shall be designated on the ballot by the ballot
33 label certified to the Secretary of State by the Legislative Analyst.

34 SEC. 4. Section 9086 of the Elections Code is amended to read:

1 9086. The ballot pamphlet shall contain, as to each state
2 measure to be voted upon, the following, in the order set forth in
3 this section:

4 (a) (1) Upon the top portion of the first page, and not exceeding
5 one-third of the page, shall appear:

6 (A) Identification of the measure by number and title.

7 (B) The official summary prepared by the Legislative Analyst.

8 (C) The total number of votes cast for and against the measure
9 in both the State Senate and Assembly, if the measure was passed
10 by the Legislature.

11 (2) The space in the title and summary that is used for an
12 explanatory table prepared pursuant to paragraph (2) of subdivision
13 (e) of Section 9087 of this code and Section 88003 of the
14 Government Code shall not be included when measuring the
15 amount of space the information described in paragraph (1) has
16 taken for purposes of determining compliance with the restriction
17 prohibiting the information described in paragraph (1) from
18 exceeding one-third of the page.

19 (b) Beginning at the top of the right page shall appear the
20 analysis prepared by the Legislative Analyst, provided that the
21 analysis fits on a single page. If it does not fit on a single page,
22 the analysis shall begin on the lower portion of the first left page
23 and shall continue on subsequent pages until it is completed.

24 (c) Arguments for and against the measure shall be placed on
25 the next left and right pages, respectively, following the final page
26 of the analysis of the Legislative Analyst. The rebuttals shall be
27 placed immediately below the arguments.

28 (d) If no argument against the measure has been submitted, the
29 argument for the measure shall appear on the right page facing the
30 analysis.

31 (e) The complete text of each measure shall appear at the back
32 of the pamphlet. The text of the measure shall contain the
33 provisions of the proposed measure and the existing provisions of
34 law repealed or revised by the measure. The provisions of the
35 proposed measure differing from the existing provisions of law
36 affected shall be distinguished in print, so as to facilitate
37 comparison.

38 (f) The following statement shall be printed at the bottom of
39 each page where arguments appear: "Arguments printed on this

1 page are the opinions of the authors, and have not been checked
2 for accuracy by any official agency.”

3 SEC. 5. Section 9087 of the Elections Code is amended to read:

4 9087. (a) The Legislative Analyst shall prepare an impartial
5 analysis of the measure describing the measure and including a
6 fiscal analysis of the measure showing the amount of any increase
7 or decrease in revenue or cost to state or local government. If it is
8 estimated that a measure would result in increased cost to the state,
9 an analysis of the measure’s estimated impact on the state shall be
10 provided, including an estimate of the percentage of the General
11 Fund that would be expended due to the measure, using visual aids
12 when appropriate. An estimate of increased cost to the state or
13 local governments shall be set out in boldface print in the ballot
14 pamphlet.

15 (b) The analysis shall be written in clear and concise terms, so
16 as to be easily understood by the average voter, and shall avoid
17 the use of technical terms wherever possible. The analysis may
18 contain background information, including the effect of the
19 measure on existing law and the effect of enacted legislation which
20 will become effective if the measure is adopted, and shall generally
21 set forth in an impartial manner the information the average voter
22 needs to adequately understand the measure. To the extent
23 practicable, the Legislative Analyst shall use a uniform method in
24 each analysis to describe the estimated increase or decrease in
25 revenue or cost of a measure, so that the average voter may draw
26 comparisons among the fiscal impacts of measures. The condensed
27 statement of the fiscal impact summary for the measure prepared
28 by the Legislative Analyst to appear on the ballot shall contain the
29 uniform estimate of increase or decrease in revenue or cost of the
30 measure prepared pursuant to this subdivision.

31 (c) The Legislative Analyst may contract with a professional
32 writer, educational specialist, or another person for assistance in
33 writing an analysis that fulfills the requirements of this section,
34 including the requirement that the analysis be written so that it
35 will be easily understood by the average voter. The Legislative
36 Analyst may also request the assistance of a state department,
37 agency, or official in preparing his or her analysis.

38 (d) Before submitting the analysis to the Secretary of State, the
39 Legislative Analyst shall submit the analysis to a committee of
40 five persons, appointed by the Legislative Analyst, for the purpose

1 of reviewing the analysis to confirm its clarity and easy
2 comprehension to the average voter. The committee shall be drawn
3 from the public at large, and one member shall be a specialist in
4 education, one member shall be bilingual, and one member shall
5 be a professional writer. Members of the committee shall be
6 reimbursed for reasonable and necessary expenses incurred in
7 performing their duties. Within five days of the submission of the
8 analysis to the committee, the committee shall make
9 recommendations to the Legislative Analyst as it deems appropriate
10 to guarantee that the analysis can be easily understood by the
11 average voter. The Legislative Analyst shall consider the
12 committee's recommendations, and he or she shall incorporate in
13 the analysis those changes recommended by the committee that
14 he or she deems to be appropriate. The Legislative Analyst is solely
15 responsible for determining the content of the analysis required
16 by this section.

17 (e) (1) The title and summary of any measure that appears on
18 the ballot shall be amended to contain a summary of the Legislative
19 Analyst's estimate of the net state and local government fiscal
20 impact.

21 (2) For state bond measures that are submitted to the voters for
22 their approval or rejection, the summary of the Legislative
23 Analyst's estimate described in paragraph (1) shall include an
24 explanatory table of the information in the summary.

25 SEC. 6. Section 13262 of the Elections Code is amended to
26 read:

27 13262. (a) The ballot shall contain the same material as to
28 candidates and measures, and shall be printed in the same order
29 as provided for paper ballots, and may be arranged in parallel
30 columns on one or more ballot cards as required, except that the
31 column in which the voter marks his or her choices may be at the
32 left of the names of candidates and the designation of measures.

33 (b) If there are a greater number of candidates for an office or
34 for a party nomination for an office than the number whose names
35 can be placed on one pair of facing ballot pages, a series of
36 overlaying pages printed only on the same, single side shall be
37 used, and the ballot shall be clearly marked to indicate that the list
38 of candidates for the office is continued on the following page or
39 pages. If the names of candidates for the office are not required to
40 be rotated, they shall be rotated by groups of candidates in a

1 manner so that the name of each candidate shall appear on each
2 page of the ballot in approximately the same number of precincts
3 as the names of all other candidates.

4 (c) Space shall be provided on the ballot or on a separate write-in
5 ballot to permit voters to write in names not printed on the ballot
6 when authorized by law. The size of the voting square and the
7 spacing of the material may be varied to suit the conditions
8 imposed by the use of ballot cards, provided the size of the type
9 is not reduced below the minimum size requirements set forth in
10 Chapter 2 (commencing with Section 13100).

11 (d) The statement of measure submitted to the voters may be
12 abbreviated if necessary on the ballot, if each and every statement
13 of measure on that ballot is abbreviated. Any abbreviation of
14 matters to be voted on throughout the state shall be composed by
15 the Legislative Analyst.

16 SEC. 7. Section 13282 of the Elections Code is amended to
17 read:

18 13282. Whenever the Legislative Analyst prepares a ballot
19 label, the Legislative Analyst shall file a copy of the ballot label
20 with the Secretary of State. The Secretary of State shall make a
21 copy of the ballot label available for public examination before
22 the printing of the ballot label on any ballot. The public shall be
23 permitted to examine the ballot label for at least 20 days, and the
24 Secretary of State may consolidate the examination requirement
25 under this section with the public examination requirements set
26 forth in Section 9092. A voter may seek a writ of mandate requiring
27 a ballot label, or portion thereof, to be amended or deleted. The
28 provisions set forth in Section 9092 concerning the issuance of the
29 writ and the nature of the proceedings shall be applicable to this
30 section.

31 SEC. 8. Section 18602 of the Elections Code is amended to
32 read:

33 18602. A person working for the proponent or proponents of
34 a statewide initiative or referendum measure who covers or
35 otherwise obscures the summary of the measure prepared by the
36 Legislative Analyst from the view of a prospective signer is guilty
37 of a misdemeanor.

38 SEC. 9. Section 88002 of the Government Code is amended
39 to read:

1 88002. The ballot pamphlet shall contain as to each state
2 measure to be voted upon, the following in the order set forth in
3 this section:

4 (a) (1) Upon the top portion of the first page and not exceeding
5 one-third of the page shall appear:

- 6 (A) The identification of the measure by number and title.
- 7 (B) The official summary prepared by the Legislative Analyst.
- 8 (C) The total number of votes cast for and against the measure
9 in both the State Senate and Assembly if the measure was passed
10 by the Legislature.

11 (2) The space in the title and summary that is used for an
12 explanatory table prepared pursuant to paragraph (2) of subdivision
13 (e) of Section 9087 of the Elections Code and Section 88003 of
14 this code shall not be included when measuring the amount of
15 space the information described in paragraph (1) has taken for
16 purposes of determining compliance with the restriction prohibiting
17 the information described in paragraph (1) from exceeding
18 one-third of the page.

19 (b) Beginning at the top of the right page shall appear the
20 analysis prepared by the Legislative Analyst, provided that the
21 analysis fits on a single page. If it does not fit on a single page,
22 then the analysis shall begin on the lower portion of the first left
23 page and shall continue on subsequent pages until it is completed.

24 (c) Arguments for and against the measure shall be placed on
25 the next left and right pages, respectively, following the page on
26 which the analysis of the Legislative Analyst ends. The rebuttals
27 shall be placed immediately below the arguments.

28 (d) If no argument against the measure has been submitted, the
29 argument for the measure shall appear on the right page facing the
30 analysis.

31 (e) The complete text of each measure shall appear at the back
32 of the pamphlet. The text of the measure shall contain the
33 provisions of the proposed measure and the existing provisions of
34 law repealed or revised by the measure. The provisions of the
35 proposed measure differing from the existing provisions of law
36 affected shall be distinguished in print, so as to facilitate
37 comparison.

38 (f) The following statement shall be printed at the bottom of
39 each page where arguments appear: "Arguments printed on this

1 page are the opinions of the authors and have not been checked
2 for accuracy by any official agency.”
3 SEC. 10. The Legislature finds and declares that this bill
4 furthers the purposes of the Political Reform Act of 1974 within
5 the meaning of subdivision (a) of Section 81012 of the Government
6 Code.

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