

AMENDED IN SENATE JUNE 1, 2016
AMENDED IN ASSEMBLY MAY 5, 2015
AMENDED IN ASSEMBLY APRIL 22, 2015
AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 884

Introduced by Assembly Member ~~Rendon~~ Gordon
(Principal coauthor: Senator Volk)

February 26, 2015

An act to amend Section ~~9004~~ of the Elections Code, relating to ~~initiatives: 10248 of~~, and to repeal and add Section 9026.5 of, the Government Code, relating to the Legislature, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 884, as amended, ~~Rendon~~ Gordon. ~~Initiative petitions: title and summary.~~ Legislature: legislative proceeding: audiovisual recordings.

Existing law prohibits a television signal generated by the Assembly from being used for any political or commercial purpose, including, but not limited to, any campaign for elective public office or any campaign supporting or opposing a ballot proposition submitted to the electors. Existing law provides that a person or organization who violates this prohibition is guilty of a misdemeanor.

Existing law requires the Legislative Counsel, with the advice of the Assembly Committee on Rules and the Senate Committee on Rules, to make certain information available to the public in electronic form, including, among other things, the text of each bill introduced in each

current legislative session, including each amended, enrolled, and chaptered form of each bill.

This bill would repeal the prohibition against using Assembly-generated television signals for political or commercial purposes. The bill would require the Legislature to cause audiovisual recordings to be made of all open and public proceedings of each house of the Legislature and the standing committees thereof. The bill would require those recordings to be posted on the Internet by the Legislative Counsel within one business day after the proceeding being recorded has been recessed or adjourned for the day. The bill would require a posted recording to be retrievable in a perceivable format for the duration of the biennial session in which the recording is made and the biennial session immediately following. The bill would require the Legislative Counsel to preserve and secure these recordings in an electronic form and store them in an archive for not less than 20 years. The bill would also authorize the televised or other audiovisual recordings of the public proceedings of each house of the Legislature and the standing committees thereof to be used for any lawful purpose and without the imposition of any fee due to the State or any public agency or public corporation thereof.

This bill would specify that it is contingent upon voter approval of a specified constitutional amendment at the November 8, 2016, statewide general election.

This bill would declare that it is to take effect immediately as an urgency statute.

~~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, and requires the Attorney General to prepare as part of the ballot title a summary of the chief purposes and points of each statewide ballot measure that does not exceed 100 words.~~

~~This bill would require the Attorney General, if he or she determines during preparation of the circulating title and summary for a statewide initiative measure that the measure would likely result in a violation of an individual's constitutional rights, to include a specified statement in the title and summary. The bill would specify that the statement does not count toward the 100-word limit and would authorize any elector to seek a writ of mandate challenging the inclusion of the statement.~~

Vote: ~~majority~~^{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 9026.5 of the Government Code is~~
2 ~~repealed.~~

3 ~~9026.5. (a) No television signal generated by the Assembly~~
4 ~~shall be used for any political or commercial purpose, including,~~
5 ~~but not limited to, any campaign for elective public office or any~~
6 ~~campaign supporting or opposing a ballot proposition submitted~~
7 ~~to the electors.~~

8 ~~As used in this section, “commercial purpose” does not include~~
9 ~~either of the following:~~

10 ~~(1) The use of any television signal generated by the Assembly~~
11 ~~by an accredited news organization or any nonprofit organization~~
12 ~~for educational or public affairs programming.~~

13 ~~(2) As authorized by the Assembly, the transmission by a third~~
14 ~~party to paid subscribers of an unedited video feed of the television~~
15 ~~signal generated by the Assembly.~~

16 ~~(b) Any person or organization who violates this section is guilty~~
17 ~~of a misdemeanor.~~

18 ~~SEC. 2. Section 9026.5 is added to the Government Code, to~~
19 ~~read:~~

20 ~~9026.5. (a) (1) Commencing on January 1 of the second~~
21 ~~calendar year after this section is operative, the Legislature shall~~
22 ~~cause audiovisual recordings to be made of all open and public~~
23 ~~proceedings of each house of the Legislature and the standing~~
24 ~~committees thereof.~~

25 ~~(2) The Legislative Counsel shall post all recordings made~~
26 ~~pursuant to subdivision (a) on the Internet within one business~~
27 ~~day after the proceeding being recording has been recessed or~~
28 ~~adjourned for the day. Posted recordings shall be retrievable in~~
29 ~~a perceivable format for public use for the duration of both the~~
30 ~~biennial session of the Legislature in which the recording is made~~
31 ~~and the biennial session immediately following.~~

32 ~~(3) The Legislative Counsel shall preserve and secure all~~
33 ~~recordings made pursuant to subdivision (a) in an electronic form~~
34 ~~and store them in an archive for not less than 20 years. Archived~~
35 ~~recordings shall be reasonably available for use by the public in~~
36 ~~the medium in which the recording was originally made.~~

37 ~~(b) Televised or other audiovisual recordings of the public~~
38 ~~proceedings of each house of the Legislature and the standing~~

1 *committees thereof may be used for any lawful purpose and without*
2 *the imposition of any fee due to the state or any public agency or*
3 *public corporation thereof.*

4 *SEC. 3. Section 10248 of the Government Code is amended to*
5 *read:*

6 10248. (a) The Legislative Counsel shall, with the advice of
7 the Assembly Committee on Rules and the Senate Committee on
8 Rules, make all of the following information available to the public
9 in electronic form:

10 (1) The legislative calendar, the schedule of legislative
11 committee hearings, a list of matters pending on the floors of both
12 houses of the Legislature, and a list of the committees of the
13 Legislature and their members.

14 (2) The text of each bill introduced in each current legislative
15 session, including each amended, enrolled, and chaptered form of
16 each bill.

17 (3) The bill history of each bill introduced and amended in each
18 current legislative session.

19 (4) The bill status of each bill introduced and amended in each
20 current legislative session.

21 (5) All bill analyses prepared by legislative committees in
22 connection with each bill in each current legislative session.

23 (6) *All audiovisual recordings of legislative proceedings that*
24 *have been caused to be made by the Legislature in accordance*
25 *with paragraph (2) of subdivision (a) of Section 9026.5.*

26 ~~(6)~~

27 (7) All vote information concerning each bill in each current
28 legislative session.

29 ~~(7)~~

30 (8) Any veto message concerning a bill in each current
31 legislative session.

32 ~~(8)~~

33 (9) The California Codes.

34 ~~(9)~~

35 (10) The California Constitution.

36 ~~(10)~~

37 (11) All statutes enacted on or after January 1, 1993.

38 (b) The information identified in subdivision (a) shall be made
39 available to the public by means of access by way of the largest
40 nonproprietary, nonprofit cooperative public computer network.

1 The information shall be made available in one or more formats
2 and by one or more means in order to provide the greatest feasible
3 access to the general public in this state. Any person who accesses
4 the information may access all or any part of the information. The
5 information may also be made available by any other means of
6 access that would facilitate public access to the information. The
7 information that is maintained in the legislative information system
8 that is operated and maintained by the Legislative Counsel shall
9 be made available in the shortest feasible time after the information
10 is available in the information system. The information that is not
11 maintained in the information system shall be made available in
12 the shortest feasible time after it is available to the Legislative
13 Counsel.

14 (c) Any documentation that describes the electronic digital
15 formats of the information identified in subdivision (a) and is
16 available to the public shall be made available by means of access
17 by way of the computer network specified in subdivision (b).

18 (d) Personal information concerning a person who accesses the
19 information may be maintained only for the purpose of providing
20 service to the person.

21 (e) No fee or other charge may be imposed by the Legislative
22 Counsel as a condition of accessing the information that is
23 accessible by way of the computer network specified in subdivision
24 (b).

25 (f) The electronic public access provided by way of the computer
26 network specified in subdivision (b) shall be in addition to other
27 electronic or print distribution of the information.

28 (g) No action taken pursuant to this section shall be deemed to
29 alter or relinquish any copyright or other proprietary interest or
30 entitlement of the State of California relating to any of the
31 information made available pursuant to this section.

32 *SEC. 4. This act shall become operative only if Senate*
33 *Constitutional Amendment No. 14 of the 2015–16 Regular Session*
34 *is approved by the voters at the November 8, 2016, statewide*
35 *general election.*

36 *SEC. 5. This act is an urgency statute necessary for the*
37 *immediate preservation of the public peace, health, or safety within*
38 *the meaning of Article IV of the Constitution and shall go into*
39 *immediate effect. The facts constituting the necessity are:*

1 *Because of the importance of ensuring public access to all*
2 *legislative proceedings, it is necessary that this bill take effect*
3 *immediately.*

4 SECTION 1. Section 9004 of the Elections Code is amended
5 to read:

6 9004. ~~(a) Upon receipt of the text of a proposed initiative~~
7 ~~measure, and after the public review period provided for in Section~~
8 ~~9002, the Attorney General shall prepare a circulating title and~~
9 ~~summary of the chief purposes and points of the proposed measure.~~
10 ~~The circulating title and summary shall not exceed 100 words. The~~
11 ~~Attorney General shall also provide a unique numeric identifier~~
12 ~~for each proposed initiative measure. The circulating title and~~
13 ~~summary shall be prepared in the manner provided for the~~
14 ~~preparation of ballot titles and summaries in Article 5 (commencing~~
15 ~~with Section 9050), the provisions of which, in regard to the~~
16 ~~preparation, filing, and settlement of ballot titles and summaries,~~
17 ~~apply to the circulating title and summary.~~

18 ~~(b) (1) If, during his or her preparation of the circulating title~~
19 ~~and summary for a proposed initiative measure, the Attorney~~
20 ~~General determines that the measure would likely result in a~~
21 ~~violation of an individual's constitutional rights, he or she shall~~
22 ~~include the following statement in the circulating title and~~
23 ~~summary:~~

24 ~~“The Attorney General has determined that this initiative~~
25 ~~measure, if approved by the voters, would likely result in a~~
26 ~~violation of an individual's rights under the United States~~
27 ~~Constitution or the California Constitution.”~~

28 ~~(2) If the Attorney General includes the statement described in~~
29 ~~paragraph (1) in the circulating title and summary, that statement~~
30 ~~does not count toward the 100-word limit on the length of the~~
31 ~~circulating title and summary, as provided in subdivision (a).~~

32 ~~(3) If the Attorney General includes the statement described in~~
33 ~~paragraph (1) in the circulating title and summary, any elector may~~
34 ~~seek a writ of mandate pursuant to Section 13314 challenging the~~
35 ~~inclusion of the statement.~~

36 ~~(e) The Attorney General shall provide a copy of the circulating~~
37 ~~title and summary and its unique numeric identifier to the~~
38 ~~proponents and to the Secretary of State within 15 days after receipt~~
39 ~~of the fiscal estimate or opinion prepared by the Department of~~
40 ~~Finance and the Legislative Analyst pursuant to Section 9005. The~~

1 ~~date the copy is delivered or mailed to the proponents is the~~
2 ~~“official summary date.”~~

3 ~~(d) Upon receipt of the circulating title and summary from the~~
4 ~~Attorney General, the Secretary of State shall, within one business~~
5 ~~day, notify the proponents and county elections official of each~~
6 ~~county of the official summary date and provide a copy of the~~
7 ~~circulating title and summary to each county elections official.~~
8 ~~This notification shall also include a complete schedule showing~~
9 ~~the maximum filing deadline, and the certification deadline by the~~
10 ~~counties to the Secretary of State.~~