

Introduced by Senator Nielsen

February 19, 2015

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 283, as introduced, Nielsen. 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 bill would also make conforming changes.

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: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

SECTION 1. Section 9050 of the Elections Code is amended to read:

9050. After the Secretary of State determines that a measure will appear on the ballot at the next statewide election, the Secretary of State shall promptly transmit a copy of the measure to the ~~Attorney General~~ *Legislative Analyst*. ~~The Attorney General~~ *Legislative Analyst* shall provide and return to the Secretary of State a ballot title and summary and ballot label for *the measure*. *The Legislative Analyst shall prepare a ballot title and summary and ballot label for* each measure submitted to the voters of the whole state by a date sufficient to meet the ballot pamphlet public display deadlines.

SEC. 2. Section 9051 of the Elections Code is amended to read:

9051. (a) (1) The ballot title and summary may differ from the legislative, circulating, or other title and summary of the measure and shall not exceed 100 words, not including the fiscal impact ~~statement~~.

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

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

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

(d) ~~The Attorney General~~ *Legislative Analyst* shall invite and consider public comment in preparing each ballot title and summary.

SEC. 3. Section 9053 of the Elections Code is amended to read:

9053. ~~Each~~ A measure shall be designated on the ballot by the ballot label certified to the Secretary of State by the ~~Attorney General~~ *Legislative Analyst*.

SEC. 4. Section 9086 of the Elections Code is amended to read:
9086. The ballot pamphlet shall contain as to each state measure to be voted upon, the following, in the order set forth in this section:

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

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

(B) The official summary prepared by the ~~Attorney General~~ *Legislative Analyst*.

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

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

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

(c) Immediately below the analysis prepared by the Legislative Analyst shall appear a printed statement that refers voters to the Secretary of State's Internet Web site for a list of committees primarily formed to support or oppose a ballot measure, and information on how to access the committee's top 10 contributors.

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

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

(f) The complete text of each measure shall appear at the back of the pamphlet. The text of the measure shall contain the provisions of the proposed measure and the existing provisions of

1 law repealed or revised by the measure. The provisions of the
2 proposed measure differing from the existing provisions of law
3 affected shall be distinguished in print, so as to facilitate
4 comparison.

5 (g) The following statement shall be printed at the bottom of
6 each page where arguments appear: “Arguments printed on this
7 page are the opinions of the authors, and have not been checked
8 for accuracy by any official agency.”

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

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

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

38 (c) The Legislative Analyst may contract with a professional
39 writer, educational specialist, or another person for assistance in
40 writing an analysis that fulfills the requirements of this section,

including the requirement that the analysis be written so that it will be easily understood by the average voter. The Legislative Analyst may also request the assistance of a state department, agency, or official in preparing his or her analysis.

(d) ~~Prior to~~ *Before* submitting the analysis to the Secretary of State, the Legislative Analyst shall submit the analysis to a committee of five persons, appointed by the Legislative Analyst, for the purpose of reviewing the analysis to confirm its clarity and easy comprehension to the average voter. The committee shall be drawn from the public at large, and one member shall be a specialist in education, one member shall be bilingual, and one member shall be a professional writer. Members of the committee shall be reimbursed for reasonable and necessary expenses incurred in performing their duties. Within five days of the submission of the analysis to the committee, the committee shall make recommendations to the Legislative Analyst as it deems appropriate to guarantee that the analysis can be easily understood by the average voter. The Legislative Analyst shall consider the committee's recommendations, and he or she shall incorporate in the analysis those changes recommended by the committee that he or she deems to be appropriate. The Legislative Analyst is solely responsible for determining the content of the analysis required by this section.

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

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

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

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

(b) If there are a greater number of candidates for an office or for a party nomination for an office than the number whose names can be placed on one pair of facing ballot pages, a series of overlaying pages printed only on the same, single side shall be used, and the ballot shall be clearly marked to indicate that the list of candidates for the office is continued on the following page or pages. If the names of candidates for the office are not required to be rotated, they shall be rotated by groups of candidates in a manner so that the name of each candidate shall appear on each page of the ballot in approximately the same number of precincts as the names of all other candidates.

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

(d) The statement of measure submitted to the voters may be abbreviated if necessary on the ballot, ~~provided that if~~ each and every statement of ~~measures~~ *measure* on that ballot is abbreviated. ~~Abbreviation~~ Any *abbreviation* of matters to be voted on throughout the state shall be composed by the ~~Attorney General~~. *Legislative Analyst*.

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

13282. Whenever the ~~Attorney General~~ *Legislative Analyst* prepares a ballot label, the ~~Attorney General~~ *Legislative Analyst* shall file a copy of the ballot label with the Secretary of State. The Secretary of State shall make a copy of the ballot label available for public examination ~~prior to~~ *before* the printing of the ballot label on any ballot. The public shall be permitted to examine the ballot label for at least 20 days, and the Secretary of State may consolidate the examination requirement under this section with the public examination requirements set forth in Section 9092. A voter may seek a writ of mandate requiring a ballot label, or portion thereof, to be amended or deleted. The provisions set forth in Section 9092 concerning the issuance of the writ and the nature of the proceedings shall be applicable to this section.

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

18602. ~~Any~~A person working for the proponent or proponents of a statewide initiative or referendum measure who covers or otherwise obscures the summary of the measure prepared by the ~~Attorney General~~ *Legislative Analyst* from the view of a prospective signer is guilty of a misdemeanor.

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

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

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

(A) The identification of the measure by number and title.

(B) The official summary prepared by the ~~Attorney General~~ *Legislative Analyst*.

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

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

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

(c) Immediately below the analysis prepared by the Legislative Analyst shall appear a printed statement that refers voters to the Secretary of State's Internet Web site for a list of committees primarily formed to support or oppose a ballot measure, and information on how to access the committee's top 10 contributors.

(d) Arguments for and against the measure shall be placed on the next left and right pages, respectively, following the page on

1 which the analysis of the Legislative Analyst ends. The rebuttals
2 shall be placed immediately below the arguments.

3 (e) If no argument against the measure has been submitted, the
4 argument for the measure shall appear on the right page facing the
5 analysis.

6 (f) The complete text of each measure shall appear at the back
7 of the pamphlet. The text of the measure shall contain the
8 provisions of the proposed measure and the existing provisions of
9 law repealed or revised by the measure. The provisions of the
10 proposed measure differing from the existing provisions of law
11 affected shall be distinguished in print, so as to facilitate
12 comparison.

13 (g) The following statement shall be printed at the bottom of
14 each page where arguments appear: "Arguments printed on this
15 page are the opinions of the authors and have not been checked
16 for accuracy by any official agency."

17 SEC. 10. The Legislature finds and declares that this bill
18 furthers the purposes of the Political Reform Act of 1974 within
19 the meaning of subdivision (a) of Section 81012 of the Government
20 Code.