

AMENDED IN SENATE MARCH 26, 2015

**SENATE BILL**

**No. 283**

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**Introduced by Senator Nielsen**

**(Coauthor: Senator Morrell)**

*(Coauthors: Assembly Members Chang, Chávez, Dahle, Lackey, and Olsen)*

February 19, 2015

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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 amended, 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:*

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 (d) The Legislative Analyst shall invite and consider public  
32 comment in preparing each ballot title and summary.

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

1 9053. A measure shall be designated on the ballot by the ballot  
2 label certified to the Secretary of State by the Legislative Analyst.

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

4 9086. The ballot pamphlet shall contain, as to each state  
5 measure to be voted upon, the ~~following~~, *following* in the order  
6 set forth in this section:

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

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

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

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

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

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

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

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

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

39 (f) The complete text of each measure shall appear at the back  
40 of the pamphlet. The text of the measure shall contain the

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

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

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

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

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

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

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

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

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

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

34 13262. (a) The ballot shall contain the same material as to  
35 candidates and measures, and shall be printed in the same order  
36 as provided for paper ballots, and may be arranged in parallel  
37 columns on one or more ballot cards as required, except that the  
38 column in which the voter marks his or her choices may be at the  
39 left of the names of candidates and the designation of measures.

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

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

19 (d) The statement of measure submitted to the voters may be  
20 abbreviated if necessary on the ballot, if each and every statement  
21 of measure on that ballot is abbreviated. Any abbreviation of  
22 matters to be voted on throughout the state shall be composed by  
23 the Legislative Analyst.

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

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

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

1 18602. A person working for the proponent or proponents of  
2 a statewide initiative or referendum measure who covers or  
3 otherwise obscures the summary of the measure prepared by the  
4 Legislative Analyst from the view of a prospective signer is guilty  
5 of a misdemeanor.

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

8 88002. The ballot pamphlet shall contain, as to each state  
9 measure to be voted upon, the following in the order set forth in  
10 this section:

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

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

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

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

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

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

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

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

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

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

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

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

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