

Assembly Constitutional Amendment

No. 20

Introduced by Assembly Member Niello

March 31, 2009

Assembly Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 9 and 10 of Article II thereof, and by amending Section 8 of Article IV thereof, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

ACA 20, as introduced, Niello. Elections: initiatives and referenda.

The California Constitution provides that the electors may propose a statute or an amendment to the California Constitution by initiative and approve or reject a statute by referendum. An initiative measure may be proposed by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the Constitution, and is certified to have been signed by the required number of electors, as prescribed. A referendum measure may be proposed by presenting to the Secretary of State a petition that sets forth the statute or part of the statute to be submitted to the electors, and is certified to have been signed by the required number of electors. Prior to the circulation of an initiative or referendum petition for signatures, the California Constitution requires that a copy of the petition be submitted to the Attorney General, who must prepare a title and summary of the measure.

This measure would transfer from the Attorney General to the Legislative Analyst the duty of preparing the title and summary for a proposed initiative or referendum.

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

1 *Resolved by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2009–10 Regular
3 Session commencing on the first day of December 2008, two-thirds
4 of the membership of each house concurring, hereby proposes to
5 the people of the State of California that the Constitution of the
6 State be amended as follows:

7 First—That Section 9 of Article II thereof is amended to read:

8 SEC. 9. (a) The referendum is the power of the electors to
9 approve or reject statutes or parts of statutes except urgency
10 statutes, statutes calling elections, and statutes providing for tax
11 levies or appropriations for usual current expenses of the State.

12 (b) A referendum measure may be proposed by presenting to
13 the Secretary of State, within 90 days after the enactment date of
14 the statute, a petition certified to have been signed by electors
15 equal in number to 5 percent of the votes for all candidates for
16 Governor at the last gubernatorial election, asking that the statute
17 or part of it be submitted to the electors. In the case of a statute
18 enacted by a bill passed by the Legislature on or before the date
19 the Legislature adjourns for a joint recess to reconvene in the
20 second calendar year of the biennium of the legislative session,
21 and in the possession of the Governor after that date, the petition
22 may not be presented on or after January 1 next following the
23 enactment date unless a copy of the petition is submitted to the
24 ~~Attorney General~~ *Legislative Analyst* pursuant to subdivision (d)
25 of Section 10 of Article II before January 1.

26 (c) The Secretary of State shall then submit the measure at the
27 next general election held at least 31 days after it qualifies or at a
28 special statewide election held prior to that general election. The
29 Governor may call a special statewide election for the measure.

30 Second—That Section 10 of Article II thereof is amended to
31 read:

32 SEC. 10. (a) An initiative statute or referendum approved by
33 a majority of votes *cast* thereon takes effect the day after the
34 election unless the measure provides otherwise. If a referendum
35 petition is filed against a part of a statute, the remainder *of the*
36 *statute* shall not be delayed from going into effect.

1 (b) If provisions of ~~2~~ *two* or more measures approved at the
2 same election conflict, those of the measure receiving the highest
3 ~~affirmative vote~~ *number of votes* shall prevail.

4 (c) The Legislature may amend or repeal ~~a referendum statute~~
5 *statute*. ~~‡ The Legislature~~ may amend or repeal an initiative statute
6 by another statute that becomes effective only when approved by
7 the electors unless the initiative statute permits amendment or
8 repeal without ~~their~~ *the approval of the electors*.

9 (d) Prior to circulation of an initiative or referendum petition
10 for signatures, a copy shall be submitted to the ~~Attorney General~~
11 *Legislative Analyst* who shall prepare a title and summary of the
12 measure as provided by law.

13 (e) The Legislature shall provide the manner in which petitions
14 shall be circulated, presented, and certified, and measures submitted
15 to the electors.

16 Third—That Section 8 of Article IV thereof is amended to read:

17 SEC. 8. (a) At regular sessions ~~no~~ *a* bill other than the budget
18 bill may *not* be heard or acted on by committee or either house
19 until the 31st day after the bill is introduced unless the house
20 dispenses with this requirement by rollcall vote entered in the
21 journal, ~~three-fourths~~ *three-fourths* of the membership concurring.

22 (b) The Legislature may make no law except by statute and may
23 enact no statute except by bill. ~~No~~ *A* bill may *not* be passed unless
24 it is read by title on ~~3~~ *three* days in each house, except that the
25 house may dispense with this requirement by rollcall vote entered
26 in the journal, ~~two-thirds~~ *two-thirds* of the membership concurring.
27 ~~No~~ *A* bill may *not* be passed until the bill with amendments has
28 been printed and distributed to the members. ~~No~~ *A* bill may *not* be
29 passed unless, by rollcall vote entered in the journal, a majority of
30 the membership of each house concurs.

31 (c) (1) Except as provided in paragraphs (2) and (3) ~~of this~~
32 ~~subdivision~~, a statute enacted at a regular session shall go into
33 effect on January 1 next following a 90-day period from the date
34 of enactment of the statute and a statute enacted at a special session
35 shall go into effect on the 91st day after adjournment of the special
36 session at which the bill was passed.

37 (2) A statute, other than a statute establishing or changing
38 boundaries of ~~any~~ *a* legislative, congressional, or other election
39 district, enacted by a bill passed by the Legislature on or before
40 the date the Legislature adjourns for a joint recess to reconvene in

1 the second calendar year of the biennium of the legislative session,
2 and in the possession of the Governor after that date, shall go into
3 effect on January 1 next following the enactment date of the statute
4 unless, before January 1, a copy of a referendum petition affecting
5 the statute is submitted to the ~~Attorney General~~ *Legislative Analyst*
6 pursuant to subdivision (d) of Section 10 of Article II, in which
7 event the statute shall go into effect on the 91st day after the
8 enactment date unless the petition has been presented to the
9 Secretary of State pursuant to subdivision (b) of Section 9 of
10 Article II.

11 (3) Statutes calling elections, statutes providing for tax levies
12 or appropriations for the usual current expenses of the State, and
13 urgency statutes shall go into effect immediately upon their
14 enactment.

15 (d) Urgency statutes are those necessary for immediate
16 preservation of the public peace, health, or safety. A statement of
17 facts constituting the necessity shall be set forth in one section of
18 the bill. In each house the section and the bill shall be passed
19 separately, each by rollcall vote entered in the journal, ~~two-thirds~~
20 *two-thirds* of the membership concurring. An urgency statute may
21 not create or abolish any office or change the salary, term, or duties
22 of any office, or grant any franchise or special privilege, or create
23 any vested right or interest.