

Introduced by Senator Ducheny

January 26, 2009

Senate Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of, and by adding Section 8.5 to, Article II thereof, relating to initiatives.

LEGISLATIVE COUNSEL'S DIGEST

SCA 10, as introduced, Ducheny. Statewide initiative measures: legislative amendment.

Existing provisions of the California Constitution provide that the initiative is the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject those proposals. Those provisions require the Secretary of State to submit the measure at the next general election held at least 131 days after it qualifies or at any special statewide election held prior to that general election. The Governor may also call a special statewide election on the measure.

This measure would require the Secretary of State to transmit a copy of an initiative measure certified for the ballot that would amend the Constitution to each house of the Legislature no later than 176 days prior to the election at which the measure is to be voted upon. Within 30 days the Legislature may propose an amended form of the initiative measure by adopting a concurrent resolution. If the Legislature proposes an amended form of the initiative measure, the measure would provide that if the proponent, or a majority of the proponents if there is more than one proponent, of the initiative measure accepts the proposed amendments, the Legislature's proposal would appear on the ballot in place of the certified initiative measure. The measure would require that, if the amended form proposed by the Legislature is not accepted,

information regarding the proposed amended form be included in the ballot materials relating to the initiative measure, as prescribed by statute.

The measure would make conforming election changes.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

1 *Resolved by the Senate, the Assembly 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 8 of Article II thereof is amended to read:

8 SEC. 8. (a) The initiative is the power of the electors to
9 propose statutes and amendments to the Constitution and to adopt
10 or reject them.

11 (b) An initiative measure may be proposed by presenting to the
12 Secretary of State a petition that sets forth the text of the proposed
13 statute or amendment to the Constitution and is certified to have
14 been signed by electors equal in number to 5 percent in the case
15 of a statute, and 8 percent in the case of an amendment to the
16 Constitution, of the votes for all candidates for Governor at the
17 last gubernatorial election.

18 (c) The Secretary of State shall then submit the measure at the
19 next general election held at least 131 days after it qualifies or at
20 any special statewide election held prior to that general election,
21 *except that an initiative measure that proposes to amend the*
22 *Constitution shall be submitted by the Secretary of State at the*
23 *next general or special statewide election held at least 176 days*
24 *after the measure qualifies.* The Governor may call a special
25 statewide election for the measure.

26 (d) An initiative measure embracing more than one subject may
27 not be submitted to the electors or have any effect.

28 (e) An initiative measure may not include or exclude any
29 political subdivision of the State from the application or effect of
30 its provisions based upon approval or disapproval of the initiative
31 measure, or based upon the casting of a specified percentage of
32 votes in favor of the measure, by the electors of that political
33 subdivision.

1 (f) An initiative measure may not contain alternative or
2 cumulative provisions wherein one or more of those provisions
3 would become law depending upon the casting of a specified
4 percentage of votes for or against the measure.

5 Second—That Section 8.5 is added to Article II thereof, to read:

6 SEC. 8.5. (a) (1) The Secretary of State shall transmit a copy
7 of each initiative measure certified for the ballot that proposes to
8 amend the Constitution to each house of the Legislature not later
9 than 176 days prior to the date of the election at which the measure
10 is to be voted upon.

11 (2) Not later than 30 days after both houses of the Legislature
12 receive a copy of a certified initiative measure pursuant to
13 paragraph (1), the Legislature may propose one amended form of
14 the measure by a concurrent resolution adopted by each house, a
15 majority of the membership concurring. If a certified initiative
16 measure proposes both a statute and amendment to the Constitution,
17 the concurrent resolution may propose changes to both the statutory
18 and constitutional provisions of the measure.

19 (3) An amended form of a certified initiative measure proposed
20 by the Legislature shall address only the subject matter addressed
21 by the certified initiative measure.

22 (b) Immediately upon adoption of the concurrent resolution
23 proposing an amended form of the certified initiative measure, the
24 Legislature shall deliver it to both the proponent of the measure
25 and the Secretary of State. If the proponent, or a majority of the
26 proponents if there is more than one proponent, accepts the
27 amended form proposed in the concurrent resolution not later than
28 131 days prior to the date of the election at which the certified
29 initiative measure is to be voted upon, the amended form shall be
30 placed on the ballot in place of the proposal set forth in the certified
31 initiative measure. If the proposed amended form is not accepted
32 by that date, that substitution shall not occur, but information
33 regarding the proposed amended form shall be included in the
34 ballot materials relating to the initiative measure, as may be
35 prescribed by statute.

36 (c) For purposes of this section, “proponent” means a person
37 or entity that presented the Secretary of State with a petition for

- 1 an initiative measure that has been certified pursuant to subdivision
- 2 (b) of Section 8.

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