

AMENDED IN ASSEMBLY OCTOBER 7, 2010

SENATE BILL

No. 859

Introduced by Committee on Budget and Fiscal Review

January 11, 2010

An act relating to ~~the Budget Act of 2010 elections~~, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 859, as amended, Committee on Budget and Fiscal Review.
~~Budget Act of 2010 Elections.~~

Existing law provides that a constitutional amendment submitted to the people by the Legislature shall appear on the ballot of the first statewide election occurring at least 131 days after the adoption of the proposal by the Legislature. Existing law further provides that the Secretary of State is the chief elections officer of the state and requires the Secretary of State to perform specified duties, including preparing and mailing ballot pamphlets, in connection with any statewide election. Existing law requires the Attorney General to provide for each ballot measure submitted to the voters of the state a ballot title, an official summary, and a ballot label that shall be a condensed statement of the ballot title and summary.

This bill would waive the 131-day requirement in order to place before the voters at the November 6, 2012, statewide general election a legislative constitutional amendment relating to state finance. In addition, this bill would set forth language to be used for the ballot label and the ballot title and summary for that measure.

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

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2010.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~^{yes}. State-mandated local program: no.

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

1 SECTION 1. (a) Notwithstanding Section 9040 of the Elections
2 Code or any other provision of law, the Secretary of State shall
3 submit Assembly Constitutional Amendment 4 or Senate
4 Constitutional Amendment 10 of the 2009–10 Regular Session to
5 the voters at the November 6, 2012, statewide general election.

6 (b) (1) Notwithstanding Sections 9050, 9051, and 9053 of the
7 Elections Code or any other provision of law, all ballots for the
8 November 6, 2012, statewide general election shall have printed
9 thereon as the ballot label for the measure identified in subdivision
10 (a) the following:

11
12 “‘RAINY DAY’ BUDGET STABILIZATION FUND. Changes
13 the budget process. Could limit future deficits and spending by
14 increasing the size of the state ‘rainy day’ fund and requiring
15 above-average revenues to be deposited into it, for use during
16 economic downturns and other purposes.”

17
18 (2) Notwithstanding any other provision of law, the language
19 in paragraph (1) shall be the only language included in the ballot
20 label for the condensed statement of the ballot title, and the
21 Attorney General shall not supplement, subtract from, or revise
22 that language, except that the Attorney General shall include the
23 financial impact summary prepared pursuant to Section 9087 of
24 the Elections Code and Section 88003 of the Government Code.
25 The ballot label is the condensed statement of the ballot title and
26 the financial impact summary.

27 (c) (1) Notwithstanding Sections 9050, 9051, 9063, and 9086
28 of the Elections Code or any other provision of law, the Secretary
29 of State shall use as the ballot title and summary for the measure
30 identified in subdivision (a) the following:

31
32 “STATE BUDGET. CHANGES CALIFORNIA BUDGET
33 PROCESS. LIMITS STATE SPENDING. INCREASES ‘RAINY

DAY' BUDGET STABILIZATION FUND. Increases amount of potential savings in the state 'rainy day' fund from 5% to 10% of the General Fund. Requires 3% of the general revenues to be deposited each year into the state 'rainy day' fund, except when revenues drop below last year's budget, adjusted for population and inflation. Requires unexpected revenues above historic trends to be deposited into the state 'rainy day' fund, limiting spending. In many years, there will be increased amounts of money in the state 'rainy day' fund. Limits spending of the state 'rainy day' fund to when state revenues drop below last year's budget, adjusted for population and inflation, and other limited purposes, including for a declared emergency. Once the state 'rainy day' fund becomes full, additional revenues can only be used for one-time expenses like infrastructure, debt repayment, or retained in the state 'rainy day' fund."

(2) Notwithstanding any other provision of law, the language in paragraph (1) shall be the only language included in the ballot title and summary, and the Attorney General shall not supplement, subtract from, or revise that language, except that the Attorney General shall include the financial impact summary prepared pursuant to Section 9087 of the Elections Code and Section 88003 of the Government Code.

(d) At the appropriate location on the ballot, in the manner prescribed by law, there shall be provided the opportunity for voters to indicate whether they vote for or against the measure.

(e) Where the voting in the election is done by means of voting machines used pursuant to law in the manner that carries out the intent of this section, the use of the voting machines and the expression of the voters' choices by means thereof are in compliance with this section.

(f) The Secretary of State shall include in the ballot pamphlets for the November 6, 2012, statewide general election, mailed pursuant to Section 9094 of the Elections Code, the information specified in Section 9084 of the Elections Code regarding the measure identified in subdivision (a).

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

1 *In order to ensure that one of the measures identified in this act*
2 *is placed on the ballot at the appropriate election for the approval*
3 *of the people, it is necessary that this act take effect immediately.*

4 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
5 ~~changes relating to the Budget Act of 2010.~~