

**Introduced by Senator DeSaulnier
(Coauthor: Senator Hancock)**

February 18, 2010

An act to amend Sections 9084 and 9086 of the Elections Code, and to amend Sections 88001 and 88002 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1202, as introduced, DeSaulnier. Elections: statewide ballot pamphlet.

Existing law specifies information that must be included in the statewide ballot pamphlet for each state measure to be voted upon.

This bill would require committees that are primarily formed to support each state measure to provide to the Secretary of State the names of the 5 highest contributors to the measure's qualification efforts and the total contributions made by each of these contributors.

This bill would require the Secretary of State to include this information in the ballot pamphlet information concerning the measure.

The Political Reform Act of 1974, an initiative measure, generally 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.

The act also provides that, notwithstanding this requirement, the Legislature may amend specified provisions to add to the ballot pamphlet information regarding candidates or other information.

This bill, which would permit or require additional information to be included in the ballot pamphlet, would therefore require a majority vote.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

SECTION 1. Section 9084 of the Elections Code is amended to read:

9084. (a) The ballot pamphlet shall contain all of the following:

~~(a)~~

(1) A complete copy of each state measure.

~~(b)~~

(2) A copy of the specific constitutional or statutory provision, if any, that each state measure would repeal or revise.

~~(c)~~

(3) A copy of the arguments and rebuttals for and against each state measure.

~~(d)~~

(4) A copy of the analysis of each state measure.

~~(e)~~

(5) Tables of contents, indexes, art work, graphics, and other materials that the Secretary of State determines will make the ballot pamphlet easier to understand or more useful for the average voter.

~~(f)~~

(6) A notice, conspicuously printed on the cover of the ballot pamphlet, indicating that additional copies of the ballot pamphlet will be mailed by the county elections official upon request.

~~(g)~~

(7) A written explanation of the judicial retention procedure as required by Section 9083.

~~(h)~~

(8) The Voter Bill of Rights pursuant to Section 2300.

(9) *A list of the five highest contributors to each primarily formed committee supporting each state measure and the total amount of each of their contributions to the qualification effort for that measure. Following the list shall be a statement that the list reflects only the highest contributors to the qualification effort. For purposes of this paragraph, the following apply:*

(A) *The treasurer of each primarily formed committee supporting the state measure shall submit a list of the committee's five highest contributors to the Secretary of State at a time specified by the Secretary of State.*

(B) *If a contributor is a committee controlled by a candidate, the name of the candidate shall be listed.*

1 (C) If a contributor is a sponsored committee, the name of the
2 sponsor shall be listed.

3 (D) The definitions set forth in Chapter 2 (commencing with
4 Section 82000) of Title 9 of the Government Code shall apply to
5 this paragraph.

6 ~~(i)~~

7 (b) If the ballot contains an election for the office of United
8 States Senator, information on candidates for United States Senator.
9 A candidate for United States Senator may purchase the space to
10 place a statement in the state ballot pamphlet that does not exceed
11 250 words. The statement may not make any reference to any
12 opponent of the candidate. The statement shall be submitted in
13 accordance with timeframes and procedures set forth by the
14 Secretary of State for the preparation of the state ballot pamphlet.

15 ~~(j)~~

16 (c) If the ballot contains a question on the confirmation or
17 retention of a justice of the Supreme Court, information on justices
18 of the Supreme Court who are subject to confirmation or retention.

19 ~~(k)~~

20 (d) If the ballot contains an election for the offices of President
21 and Vice President of the United States, a notice that refers voters
22 to the Secretary of State's Internet Web site for information about
23 candidates for the offices of President and Vice President of the
24 United States.

25 SEC. 2. Section 9086 of the Elections Code is amended to read:
26 9086. The ballot pamphlet shall contain as to each state measure
27 to be voted upon, the following, in the order set forth in this
28 section:

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

31 (1) Identification of the measure by number and title.

32 (2) The official summary prepared by the Attorney General.

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

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

1 (c) Immediately below the analysis by the Legislative Analyst
2 shall appear the list of the five highest contributors to the
3 qualification effort, as required by paragraph (9) of subdivision
4 (a) of Section 9084.

5 (e)

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

10 (d)

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

14 (e)

15 (f) The complete text of each measure shall appear at the back
16 of the pamphlet. The text of the measure shall contain the
17 provisions of the proposed measure and the existing provisions of
18 law repealed or revised by the measure. The provisions of the
19 proposed measure differing from the existing provisions of law
20 affected shall be distinguished in print, so as to facilitate
21 comparison.

22 (f)

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

27 SEC. 3. Section 88001 of the Government Code, as amended
28 by Section 3 of Chapter 137 of the Statutes of 2008, is amended
29 to read:

30 88001. (a) The ballot pamphlet shall contain all of the
31 following:

32 (a)

33 (1) A complete copy of each state measure.

34 (b)

35 (2) A copy of the specific constitutional or statutory provision,
36 if any, that would be repealed or revised by each state measure.

37 (c)

38 (3) A copy of the arguments and rebuttals for and against each
39 state measure.

40 (d)

1 (4) A copy of the analysis of each state measure.

2 ~~(e)~~

3 (5) Tables of contents, indexes, art work, graphics and other
4 materials that the Secretary of State determines will make the ballot
5 pamphlet easier to understand or more useful for the average voter.

6 ~~(f)~~

7 (6) A notice, conspicuously printed on the cover of the ballot
8 pamphlet, indicating that additional copies of the ballot pamphlet
9 will be mailed by the county elections official upon request.

10 ~~(g)~~

11 (7) A written explanation of the judicial retention procedure as
12 required by Section 9083 of the Elections Code.

13 ~~(h)~~

14 (8) The Voter Bill of Rights pursuant to Section 2300 of the
15 Elections Code.

16 (9) *A list of the five highest contributors to each primarily*
17 *formed committee supporting each state measure and the total*
18 *amount of each of their contributions to the qualification effort*
19 *for that measure. Following the list shall be a statement that the*
20 *list only reflects the highest contributors to the qualification effort.*
21 *For purposes of this paragraph, the following apply:*

22 (A) *The treasurer of each primarily formed committee*
23 *supporting the state measure shall submit a list of the committee's*
24 *five highest contributors to the Secretary of State at a time specified*
25 *by the Secretary of State.*

26 (B) *If a contributor is a committee controlled by a candidate,*
27 *the name of the candidate shall be listed.*

28 (C) *If a contributor is a sponsored committee, the name of the*
29 *sponsor shall be listed.*

30 ~~(i)~~

31 (b) If the ballot contains an election for the office of United
32 States Senator, information on candidates for United States Senator.
33 A candidate for United States Senator may purchase the space to
34 place a statement in the state ballot pamphlet that does not exceed
35 250 words. The statement may not make any reference to any
36 opponent of the candidate. The statement shall be submitted in
37 accordance with timeframes and procedures set forth by the
38 Secretary of State for the preparation of the state ballot pamphlet.

39 ~~(j)~~

(c) If the ballot contains a question as to the confirmation or retention of a justice of the Supreme Court, information on justices of the Supreme Court who are subject to confirmation or retention.

~~(k)~~

(d) If the ballot contains an election for the offices of President and Vice President of the United States, a notice that refers voters to the Secretary of State's Internet Web site for information about candidates for the offices of President and Vice President of the United States.

SEC. 4. Section 88001 of the Government Code, as amended by Section 63 of Chapter 1 of the Statutes of 2009, is amended to read:

88001. (a) The ballot pamphlet shall contain all of the following:

~~(a)~~

(1) A complete copy of each state measure.

~~(b)~~

(2) A copy of the specific constitutional or statutory provision, if any, that would be repealed or revised by each state measure.

~~(c)~~

(3) A copy of the arguments and rebuttals for and against each state measure.

~~(d)~~

(4) A copy of the analysis of each state measure.

~~(e)~~

(5) Tables of contents, indexes, art work, graphics and other materials that the Secretary of State determines will make the ballot pamphlet easier to understand or more useful for the average voter.

~~(f)~~

(6) A notice, conspicuously printed on the cover of the ballot pamphlet, indicating that additional copies of the ballot pamphlet will be mailed by the county elections official upon request.

~~(g)~~

(7) A written explanation of the judicial retention procedure as required by Section 9083 of the Elections Code.

~~(h)~~

(8) The Voter Bill of Rights pursuant to Section 2300 of the Elections Code.

(9) *A list of the five highest contributors to each primarily formed committee supporting each state measure and the total*

1 amount of each of their contributions to the qualification effort
2 for that measure. Following the list shall be a statement that the
3 list only reflects the highest contributors to the qualification effort.
4 For purposes of this paragraph the following apply:

5 (A) The treasurer of each primarily formed committee
6 supporting the state measure shall submit a list of the committee's
7 five highest contributors to the Secretary of State at a time specified
8 by the Secretary of State.

9 (B) If a contributor is a committee controlled by a candidate,
10 the name of the candidate shall be listed.

11 (C) If a contributor is a sponsored committee, the name of the
12 sponsor shall be listed.

13 (i)

14 (b) If the ballot contains an election for the office of United
15 States Senator, information on candidates for United States Senator.
16 A candidate for United States Senator may purchase the space to
17 place a statement in the state ballot pamphlet that does not exceed
18 250 words. The statement may not make any reference to any
19 opponent of the candidate. The statement shall be submitted in
20 accordance with timeframes and procedures set forth by the
21 Secretary of State for the preparation of the state ballot pamphlet.

22 (j)

23 (c) If the ballot contains a question as to the confirmation or
24 retention of a justice of the Supreme Court, information on justices
25 of the Supreme Court who are subject to confirmation or retention.

26 (k)

27 (d) If the ballot contains an election for the offices of President
28 and Vice President of the United States, a notice that refers voters
29 to the Secretary of State's Internet Web site for information about
30 candidates for the offices of President and Vice President of the
31 United States.

32 (l)

33 (e) A written explanation of the appropriate election procedures
34 for party-nominated, voter-nominated, and nonpartisan offices as
35 required by Section 9083.5 of the Elections Code.

36 SEC. 5. Section 88002 of the Government Code is amended
37 to read:

38 88002. The ballot pamphlet shall contain as to each state
39 measure to be voted upon, the following in the order set forth in
40 this section:

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

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

4 (2) The official summary prepared by the Attorney General.

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

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

13 (c) *Immediately below the analysis by the Legislative Analyst*
14 *shall appear the list of the five highest contributors to the*
15 *qualification effort, as required by paragraph (9) of subdivision*
16 *(a) of Section 88001.*

17 (c)

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

22 (d)

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

26 (e)

27 (f) The complete text of each measure shall appear at the back
28 of the pamphlet. The text of the measure shall contain the
29 provisions of the proposed measure and the existing provisions of
30 law repealed or revised by the measure. The provisions of the
31 proposed measure differing from the existing provisions of law
32 affected shall be distinguished in print, so as to facilitate
33 comparison.

34 (f)

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

39 SEC. 6. The amendments to Section 88001 of the Government
40 Code contained in Section 4 of this act shall become operative

1 only if Senate Constitutional Amendment 4 of the 2009–10 Regular
2 Session is approved by the voters, in which case Section 3 shall
3 not become operative.

4 SEC. 7. The Legislature finds and declares that this act amends
5 the Political Reform Act of 1974 by permitting or requiring the
6 inclusion of additional information on the ballot pamphlet in
7 accordance with Section 88007 of the Government Code.

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