

AMENDED IN SENATE APRIL 12, 2010

SENATE BILL

No. 1202

**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 amended, 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 a list of the 5 highest contributors to each primarily formed committee supporting each state measure, as well as the total amount of their contributions, as of 110 days before election day.~~

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:

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

3 9084. (a) The ballot pamphlet shall contain all of the following:

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

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

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

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

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

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

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

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

19 (9) A list of the five highest contributors to each primarily
20 formed committee supporting each state measure and the total
21 amount of each of their contributions ~~to the qualification effort for~~
22 ~~that measure~~. Following the list shall be a statement that the list
23 reflects only the highest contributors ~~to the qualification effort as~~
24 ~~of 110 days before election day~~. For purposes of this paragraph,
25 the following apply:

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

30 (B)

1 (A) If a contributor is a committee controlled by a candidate,
2 the name of the candidate shall be listed.

3 ~~(C)~~

4 (B) If a contributor is a sponsored committee, the name of the
5 sponsor shall be listed.

6 ~~(D)~~

7 (C) The definitions set forth in Chapter 2 (commencing with
8 Section 82000) of Title 9 of the Government Code shall apply to
9 this paragraph.

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

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

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

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

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

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

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

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

37 (b) Beginning at the top of the right page shall appear the
38 analysis prepared by the Legislative Analyst, provided that the
39 analysis fits on a single page. If it does not fit on a single page,

1 the analysis shall begin on the lower portion of the first left page
2 and shall continue on subsequent pages until it is completed.

3 (c) Immediately below the analysis by the Legislative Analyst
4 shall appear the list of the five highest contributors to ~~the~~
5 ~~qualification effort~~ *each primarily formed committee supporting*
6 *each state measure*, as required by paragraph (9) of subdivision
7 (a) of Section 9084.

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

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

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

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

29 88001. (a) The ballot pamphlet shall contain all of the
30 following:

- 31 (1) A complete copy of each state measure.
- 32 (2) A copy of the specific constitutional or statutory provision,
33 if any, that would be repealed or revised by each state measure.
- 34 (3) A copy of the arguments and rebuttals for and against each
35 state measure.
- 36 (4) A copy of the analysis of each state measure.
- 37 (5) Tables of contents, indexes, art work, graphics, and other
38 materials that the Secretary of State determines will make the ballot
39 pamphlet easier to understand or more useful for the average voter.

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

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

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

8 (9) A list of the five highest contributors to each primarily
9 formed committee supporting each state measure and the total
10 amount of each of their contributions ~~to the qualification effort for~~
11 ~~that measure as of 110 days before election day.~~ Following the list
12 shall be a statement that the list only reflects the highest
13 contributors ~~to the qualification effort as of 110 days before~~
14 ~~election day.~~ For purposes of this paragraph, the following apply:

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

19 ~~(B)~~

20 (A) If a contributor is a committee controlled by a candidate,
21 the name of the candidate shall be listed.

22 ~~(C)~~

23 (B) If a contributor is a sponsored committee, the name of the
24 sponsor shall be listed.

25 (b) If the ballot contains an election for the office of United
26 States Senator, information on candidates for United States Senator.
27 A candidate for United States Senator may purchase the space to
28 place a statement in the state ballot pamphlet that does not exceed
29 250 words. The statement may not make any reference to any
30 opponent of the candidate. The statement shall be submitted in
31 accordance with timeframes and procedures set forth by the
32 Secretary of State for the preparation of the state ballot pamphlet.

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

36 (d) If the ballot contains an election for the offices of President
37 and Vice President of the United States, a notice that refers voters
38 to the Secretary of State's Internet Web site for information about
39 candidates for the offices of President and Vice President of the
40 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:

(1) A complete copy of each state measure.

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

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

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

(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.

(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.

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

(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 amount of each of their contributions ~~to the qualification effort for that measure as of 110 days before election day.~~ Following the list shall be a statement that the list only reflects the highest contributors ~~to the qualification effort as of 110 days before election day.~~ 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)~~

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

~~(C)~~

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

(b) If the ballot contains an election for the office of United States Senator, information on candidates for United States Senator.

1 A candidate for United States Senator may purchase the space to
2 place a statement in the state ballot pamphlet that does not exceed
3 250 words. The statement may not make any reference to any
4 opponent of the candidate. The statement shall be submitted in
5 accordance with timeframes and procedures set forth by the
6 Secretary of State for the preparation of the state ballot pamphlet.

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

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

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

18 SEC. 5. Section 88002 of the Government Code is amended
19 to read:

20 88002. The ballot pamphlet shall contain as to each state
21 measure to be voted upon, the following in the order set forth in
22 this section:

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

- 25 (1) The identification of the measure by number and title.
26 (2) The official summary prepared by the Attorney General.
27 (3) The total number of votes cast for and against the measure
28 in both the State Senate and Assembly if the measure was passed
29 by the Legislature.

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

35 (c) Immediately below the analysis by the Legislative Analyst
36 shall appear the list of the five highest contributors to ~~the~~
37 ~~qualification effort~~ *each primarily formed committee supporting*
38 *each state measure*, as required by paragraph (9) of subdivision
39 (a) of Section 88001.

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

5 (e) If no argument against the measure has been submitted, the
6 argument for the measure shall appear on the right page facing the
7 analysis.

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

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

19 SEC. 6. The amendments to Section 88001 of the Government
20 Code contained in Section 4 of this act shall become operative
21 only if Senate Constitutional Amendment 4 of the 2009–10 Regular
22 Session is approved by the voters, in which case Section 3 shall
23 not become operative.

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