

AMENDED IN SENATE JULY 13, 2011

AMENDED IN SENATE JUNE 27, 2011

AMENDED IN ASSEMBLY MARCH 22, 2011

AMENDED IN ASSEMBLY FEBRUARY 2, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 65**

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### Introduced by Assembly Member Gatto

December 9, 2010

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An act to amend Sections 9005 and 9087 of the Elections Code, and to amend Section 88003 of the Government Code, relating to elections.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 65, as amended, Gatto. Elections: statewide ballot pamphlet.

*The California Constitution requires the Attorney General to prepare a title and summary of an initiative measure prior to its circulation for signatures.* Existing law directs the Attorney General, in preparing ~~a~~ the circulating title and summary for ~~a proposed ballot~~ an initiative, to include an estimate of the amount of increase or decrease of revenues or costs to the state. Existing law requires the Department of Finance and the Joint Legislative Budget Committee to jointly make and deliver that estimate to the Attorney General so that he or she may include it in the circulating title and summary.

This bill would, except as specified, based on a determination in the fiscal analysis by the Department of Finance and the Joint Legislative Budget Committee that a measure would provide new revenues for new or existing programs, require that specified language ~~be provided to the Attorney General that may be included in the circulating title and~~

~~summary advising, which advises that the revenue generated by the measure will be irrevocably and forever dedicated for the purposes specified in the measure unless the measure is amended by the electors or amended in any other manner provided for in the measure changed by a future initiative, be provided to the Attorney General and included in the circulatory title and summary.~~

*The Political Reform Act of 1974 requires the Legislative Analyst to prepare an impartial analysis of each initiative measure to appear on the ballot, and provides that the Legislative Analyst is solely responsible for determining the content of the analysis. Existing law directs the Legislative Analyst to prepare an unbiased fiscal analysis of a measure that is included in the ballot pamphlet stating whether the measure would result in increased or decreased costs to the state and an estimate of those costs or savings.*

*The Political Reform Act of 1974, an initiative statute, generally provides that the Legislature may amend the act to further the act's purposes upon a 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 of the act to add to the ballot pamphlet information regarding candidates or other information.*

This bill would, except as specified, require, if a fiscal analysis prepared by the Legislative Analyst determines that a measure would provide new revenues for new or existing programs, that specified language be added to the ballot pamphlet advising that the revenue generated by the measure will be ~~irrevocably and forever dedicated for~~ to the purposes specified in the measure unless the measure is ~~amended by the electors or amended in any other manner provided for in the~~ changed by a future initiative measure. The bill also would contain a finding and declaration of the Legislature that the bill permits or requires additional information to be included in the ballot pamphlet in accordance with the provision of the Political Reform Act of 1974 described above that authorizes the Legislature to add information to the ballot pamphlet.

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 9005 of the Elections Code is amended  
2 to read:

3     9005. (a) The Attorney General, in preparing a circulating title  
4 and summary for a proposed initiative measure, shall, in boldface  
5 print, include in the circulating title and summary either the  
6 estimate of the amount of any increase or decrease in revenues or  
7 costs to the state or local government, or an opinion as to whether  
8 or not a substantial net change in state or local finances would  
9 result if the proposed initiative is adopted.

10    (b) The estimate as required by this section shall be made jointly  
11 by the Department of Finance and the Joint Legislative Budget  
12 Committee, who shall deliver the estimate to the Attorney General  
13 so that he or she may include the estimate in the circulating title  
14 and summary prepared by him or her.

15    (c) The estimate shall be delivered to the Attorney General  
16 within 25 working days from the date of receipt of the final version  
17 of the proposed initiative measure from the Attorney General,  
18 unless, in the opinion of both the Department of Finance and the  
19 Joint Legislative Budget Committee, a reasonable estimate of the  
20 net impact of the proposed initiative measure cannot be prepared  
21 within the 25-day period. In the latter case, the Department of  
22 Finance and the Joint Legislative Budget Committee shall, within  
23 the 25-day period, give the Attorney General their opinion as to  
24 whether or not a substantial net change in state or local finances  
25 would result if the proposed initiative measure is adopted.

26    (d) A statement of fiscal impact prepared by the Legislative  
27 Analyst pursuant to subdivision (b) of Section 12172 of the  
28 Government Code may be used by the Department of Finance and  
29 the Joint Legislative Budget Committee in the preparation of the  
30 fiscal estimate or the opinion.

31    (e) (1) Except as provided in paragraph (2), if an initiative  
32 measure submitted for circulating title and summary is determined  
33 in the joint analysis of the Joint Legislative Budget Committee  
34 and Department of Finance to provide new revenues for new or  
35 existing programs, a paragraph shall be provided to the Attorney  
36 General, at the same time as the estimate provided pursuant to  
37 subdivision (c), which ~~may~~ *shall* be included in the circulating

1 title and summary prepared by the Attorney General pursuant to  
2 Section 9004, stating as follows:

3 ~~“The revenue generated by this measure will be irrevocably and~~  
4 ~~forever dedicated to the purposes specified in the measure unless~~  
5 ~~the measure is amended by the electors or amended in another~~  
6 ~~manner provided for in the measure.”~~

7 *“Unless changed by a future initiative, the taxpayer dollars*  
8 *generated by this initiative will be forever dedicated to the purposes*  
9 *listed in this initiative, and cannot be used by the state for any*  
10 *other purpose, even during a budget emergency.”*

11 (2) Paragraph (1) shall not apply if the initiative measure  
12 provides that the new revenues are to be deposited without  
13 restriction into the General Fund commencing at a future date after  
14 its enactment.

15 SEC. 2. Section 9087 of the Elections Code is amended to read:

16 9087. (a) The Legislative Analyst shall prepare an impartial  
17 analysis of the measure describing the measure and including a  
18 fiscal analysis of the measure showing the amount of any increase  
19 or decrease in revenue or cost to state or local government. If it is  
20 estimated that a measure would result in increased cost to the state,  
21 an analysis of the measure’s estimated impact on the state shall be  
22 provided, including an estimate of the percentage of the General  
23 Fund that would be expended due to the measure, using visual aids  
24 when appropriate. An estimate of increased cost to the state or  
25 local governments shall be set out in boldface print in the ballot  
26 pamphlet.

27 (b) The analysis shall be written in clear and concise terms, so  
28 as to be easily understood by the average voter, and shall avoid  
29 the use of technical terms wherever possible. The analysis may  
30 contain background information, including the effect of the  
31 measure on existing law and the effect of enacted legislation which  
32 will become effective if the measure is adopted, and shall generally  
33 set forth in an impartial manner the information the average voter  
34 needs to adequately understand the measure. To the extent  
35 practicable, the Legislative Analyst shall utilize a uniform method  
36 in each analysis to describe the estimated increase or decrease in  
37 revenue or cost of a measure, so that the average voter may draw  
38 comparisons among the fiscal impacts of measures. The condensed  
39 statement of the fiscal impact summary for the measure prepared  
40 by the Attorney General to appear on the ballot shall contain the

1 uniform estimate of increase or decrease in revenue or cost of the  
2 measure prepared pursuant to this subdivision.

3 (c) The Legislative Analyst may contract with a professional  
4 writer, educational specialist, or another person for assistance in  
5 writing an analysis that fulfills the requirements of this section,  
6 including the requirement that the analysis be written so that it  
7 will be easily understood by the average voter. The Legislative  
8 Analyst may also request the assistance of a state department,  
9 agency, or official in preparing his or her analysis.

10 (d) Prior to submitting the analysis to the Secretary of State, the  
11 Legislative Analyst shall submit the analysis to a committee of  
12 five persons, appointed by the Legislative Analyst, for the purpose  
13 of reviewing the analysis to confirm its clarity and easy  
14 comprehension to the average voter. The committee shall be drawn  
15 from the public at large, and one member shall be a specialist in  
16 education, one member shall be bilingual, and one member shall  
17 be a professional writer. Members of the committee shall be  
18 reimbursed for reasonable and necessary expenses incurred in  
19 performing their duties. Within five days of the submission of the  
20 analysis to the committee, the committee shall make  
21 recommendations to the Legislative Analyst as it deems appropriate  
22 to guarantee that the analysis can be easily understood by the  
23 average voter. The Legislative Analyst shall consider the  
24 committee's recommendations, and he or she shall incorporate in  
25 the analysis those changes recommended by the committee that  
26 he or she deems to be appropriate. The Legislative Analyst is solely  
27 responsible for determining the content of the analysis required  
28 by this section.

29 (e) The title of the measure that appears on the ballot shall be  
30 amended to contain a summary of the Legislative Analyst's  
31 estimate of the net state and local government fiscal impact.

32 (f) (1) Except as provided in paragraph (2), if ~~a~~ *an initiative*  
33 measure qualifies for the ballot and the Legislative Analyst's  
34 analysis prepared pursuant to this section determines that the  
35 *initiative* measure would provide new revenues for new or existing  
36 programs, a paragraph shall be added to the summary statement  
37 prepared pursuant to Section 9085 of the ballot pamphlet prepared  
38 pursuant to Section 9081, stating as follows:

39 ~~"The revenue generated by this measure will be irrevocably and~~  
40 ~~forever dedicated to the purposes specified in the measure unless~~

1 ~~the measure is amended by the electors or amended in another~~  
2 ~~manner provided for in the measure.”~~

3 *“Unless changed by a future initiative, the taxpayer dollars*  
4 *generated by this initiative will be forever dedicated to the purposes*  
5 *listed in this initiative, and cannot be used by the state for any*  
6 *other purpose, even during a budget emergency.”*

7 (2) Paragraph (1) shall not apply if the measure provides that  
8 the new revenues are to be deposited without restriction into the  
9 General Fund commencing at a future date after its enactment.

10 SEC. 3. Section 88003 of the Government Code is amended  
11 to read:

12 88003. (a) The Legislative Analyst shall prepare an impartial  
13 analysis of the measure describing the measure and including a  
14 fiscal analysis of the measure showing the amount of any increase  
15 or decrease in revenue or cost to state or local government. Any  
16 estimate of increased cost to local governments shall be set out in  
17 boldface print in the ballot pamphlet. The analysis shall be written  
18 in clear and concise terms which will easily be understood by the  
19 average voter, and shall avoid the use of technical terms wherever  
20 possible. The analysis may contain background information,  
21 including the effect of the measure on existing law and the effect  
22 of enacted legislation which will become effective if the measure  
23 is adopted, and shall generally set forth in an impartial manner the  
24 information which the average voter needs to understand the  
25 measure adequately. The Legislative Analyst may contract with  
26 professional writers, educational specialists or other persons for  
27 assistance in writing an analysis that fulfills the requirements of  
28 this section, including the requirement that the analysis be written  
29 so that it will be easily understood by the average voter. The  
30 Legislative Analyst may also request the assistance of any state  
31 department, agency, or official in preparing his or her analysis.  
32 Prior to submission of the analysis to the Secretary of State, the  
33 Legislative Analyst shall submit the analysis to a committee of  
34 five persons appointed by the Legislative analyst for the purpose  
35 of reviewing the analysis to confirm its clarity and easy  
36 comprehension to the average voter. The committee shall be drawn  
37 from the public at large, and one member shall be a specialist in  
38 education, one shall be bilingual, and one shall be a professional  
39 writer. Members of the committee shall be reimbursed for  
40 reasonable and necessary expenses incurred in performing their

1 duties. Within five days of the submission of the analysis to the  
2 committee, the committee shall make such recommendations to  
3 the Legislative Analyst as it deems appropriate to guarantee that  
4 the analysis can be easily understood by the average voter. The  
5 Legislative Analyst shall consider the committee's  
6 recommendations, and he or she shall incorporate in the analysis  
7 those changes recommended by the committee that he or she deems  
8 to be appropriate. The Legislative Analyst is solely responsible  
9 for determining the content of the analysis required by this section.  
10 The title of the measure which appears on the ballot shall be  
11 amended to contain a summary of the Legislative Analyst's  
12 estimate of the net state and local government financial impact.

13 (b) (1) Except as provided in paragraph (2), if ~~a~~ *an initiative*  
14 measure qualifies for the ballot and the Legislative Analyst's  
15 analysis prepared pursuant to this section determines that the  
16 *initiative* measure would provide new revenues for new or existing  
17 programs, a paragraph shall be added to the summary statement  
18 prepared pursuant to Section 9085 of the Elections Code of the  
19 ballot pamphlet prepared pursuant to Section 9081 of the Elections  
20 Code, stating as follows:

21 ~~"The revenue generated by this measure will be irrevocably and~~  
22 ~~forever dedicated to the purposes specified in the measure unless~~  
23 ~~the measure is amended by the electors or amended in another~~  
24 ~~manner provided for in the measure."~~

25 *"Unless changed by a future initiative, the taxpayer dollars*  
26 *generated by this initiative will be forever dedicated to the purposes*  
27 *listed in this initiative, and cannot be used by the state for any*  
28 *other purpose, even during a budget emergency."*

29 (2) Paragraph (1) shall not apply if the measure provides that  
30 the new revenues are to be deposited without restriction into the  
31 General Fund commencing at a future date after its enactment.

32 SEC. 4. The Legislature finds and declares that this act permits  
33 or requires the inclusion of additional information on the ballot  
34 pamphlet in accordance with Section 88007 of the Government  
35 Code.