

Introduced by Senator FullerFebruary 23, 2012

An act to amend Sections 336, 342, 9001, 9002, 9004, 9005, 9006, 9007, 9008, 9009, 9034, 9035, 9050, 9051, 9053, 9054, 9063, 9086, 9087, 13262, 13282, and 18602 of, and to repeal Section 9003 of, the Elections Code, and to amend Section 88002 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1296, as introduced, Fuller. Elections: ballot titles.

Existing law requires the Attorney General, upon receipt of a draft of a petition for a proposed initiative or referendum, to prepare a title and summary of the proposed measure. Under existing law, the Attorney General is required to determine the effect of a proposed initiative measure on revenues and expenditures of the state or local government. If the Attorney General determines that a proposed measure would affect state or local revenues or expenditures, he or she must include in the title either the estimate of the amount of change in state or local revenues or costs or an opinion as to whether a substantial net change in state or local finances would result if the proposed initiative is adopted. Existing law requires the Department of Finance and the Joint Legislative Budget Committee to prepare jointly the fiscal estimate that may be included in the title. Existing law imposes specified deadlines on the preparation of a title and summary, and a fiscal estimate.

This bill would require the Legislative Analyst, instead of the Attorney General, to prepare the ballot title and summary for all measures submitted to the voters of the state and would require the Legislative Analyst, instead of the Department of Finance and the Joint Legislative Budget Committee, to prepare any fiscal estimate or opinion required

by a proposed initiative measure. The bill would also change the deadlines applicable to the preparation of a title and summary and a fiscal estimate or opinion.

The bill would make its operation contingent upon the approval by the voters of SCA ____ of the 2011–12 Regular Session.

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 336 of the Elections Code is amended to
2 read:

3 336. The “official summary date” is the date a circulating title
4 and summary of a proposed initiative measure is delivered or
5 mailed by the ~~Attorney General~~ *Legislative Analyst* to the
6 proponents of the proposed measure.

7 SEC. 2. Section 342 of the Elections Code is amended to read:

8 342. “Proponent or proponents of an initiative or referendum
9 measure” means, for statewide initiative and referendum measures,
10 the elector or electors who submit the text of a proposed initiative
11 or referendum to the ~~Attorney General~~ *Legislative Analyst* with a
12 request that he or she prepare a circulating title and summary of
13 the chief purpose and points of the proposed measure; or for other
14 initiative and referendum measures, the person or persons who
15 publish a notice or intention to circulate petitions, or, ~~where if~~
16 publication is not required, *the person or persons* who file petitions
17 with the elections official or legislative body.

18 SEC. 3. Section 9001 of the Elections Code is amended to read:

19 9001. (a) Prior to the circulation of ~~any~~ *an* initiative or
20 referendum petition for signatures, the text of the proposed measure
21 shall be submitted to the ~~Attorney General~~ *Legislative Analyst*
22 with a written request that a circulating title and summary of the
23 chief purpose and points of the proposed measure be prepared.
24 The electors presenting the request shall be known as the
25 “proponents.” The ~~Attorney General~~ *Legislative Analyst* shall
26 preserve the written request until after the next general election.

27 (b) Each and every proponent of any proposed initiative measure
28 shall, at the time of submitting the text of the proposed measure,
29 provide both of the following:

1 (1) An original signed certification stating that “I, (insert name),
2 declare under penalty of perjury that I am a citizen of the United
3 States, 18 years of age or older, and a resident of (insert county),
4 California.”

5 (2) Public contact information.

6 (c) The proponents of any initiative measure, at the time of
7 submitting the text of the proposed measure to the ~~Attorney General~~
8 *Legislative Analyst*, shall pay a fee of two hundred dollars (\$200),
9 which shall be placed in a trust fund in the office of the Treasurer
10 and refunded to the proponents if the measure qualifies for the
11 ballot within two years from the date the summary is furnished to
12 the proponents. If the measure does not qualify within that period,
13 the fee shall be immediately paid into the General Fund of the
14 state.

15 (d) All referenda and proposed initiative measures must be
16 submitted to the ~~Attorney General’s~~ *Legislative Analyst’s* Initiative
17 Coordinator located in the Sacramento ~~Attorney General’s~~
18 *Legislative Analyst’s* Office via ~~U.S. United States~~ Postal Service,
19 alternative mail service, or personal delivery. Only printed
20 documents will be accepted;; facsimile or e-mail delivery will not
21 be accepted.

22 (e) ~~The Attorney General’s office~~ *Legislative Analyst’s Office*
23 shall not deem a request for a circulating title and summary
24 submitted until all of the requirements of this section are met.

25 SEC. 4. Section 9002 of the Elections Code is amended to read:

26 9002. (a) ~~The Attorney General~~ *Legislative Analyst* shall
27 provide a copy of the title and summary to the Secretary of State
28 within ~~15~~ 30 days after receipt of the final version of a proposed
29 initiative measure, ~~or, if a fiscal estimate or opinion is to be~~
30 ~~included, within 15 days after receipt of the fiscal estimate or~~
31 ~~opinion prepared by the Department of Finance and the Joint~~
32 ~~Legislative Budget Committee pursuant to Section 9005.~~ If during
33 the ~~15-day~~ 30-day period the proponents of the proposed initiative
34 measure submit amendments, other than technical, nonsubstantive
35 amendments, to the final version of the measure, the ~~Attorney~~
36 ~~General~~ *Legislative Analyst* shall provide a copy of the title and
37 summary to the Secretary of State within ~~15~~ 30 days after receipt
38 of the amendments.

(b) The amendment must be submitted with a signed request by all the proponents to prepare a circulating title and summary using the amended language.

(c) The amendment must be submitted to the ~~Attorney General's~~ *Legislative Analyst's* Initiative Coordinator located in the Sacramento ~~Attorney General's~~ *Legislative Analyst's* Office via U.S. *United States* Postal Service, alternative mail service, or personal delivery. Only printed documents will be accepted;; facsimile or e-mail delivery will not be accepted.

SEC. 5. Section 9003 of the Elections Code is repealed.

~~9003. In the event that the Attorney General is a proponent of a proposed measure, the circulating title and summary of the chief purpose and points of the proposed measure, including an estimate or opinion on the financial impact of the measure, shall be prepared by the Legislative Counsel, and the other duties of the Attorney General specified in this chapter with respect to the circulating title and ballot title and summary and an estimate of the financial effect of the measure shall be performed by the Legislative Counsel.~~

SEC. 6. Section 9004 of the Elections Code is amended to read:

9004. (a) Upon receipt of the text of a proposed initiative measure, the ~~Attorney General~~ *Legislative Analyst* shall prepare a circulating title and summary of the chief purposes and points of the proposed measure. The circulating title and summary shall not exceed a total of 100 words. The ~~Attorney General~~ *Legislative Analyst* shall also provide a unique numeric identifier for each proposed initiative measure. The circulating title and summary shall be prepared in the manner provided for the preparation of ballot titles and summaries in Article 5 (commencing with Section 9050), the provisions of which, in regard to the preparation, filing, and settlement of ballot titles and summaries, are ~~hereby made~~ applicable to the circulating title and summary.

(b) The ~~Attorney General~~ *Legislative Analyst* shall provide a copy of the circulating title and summary and its unique numeric identifier to the proponents and to the Secretary of State within ~~15~~ 30 days after receipt of the ~~fiscal estimate or opinion prepared by the Department~~ *final version of Finance and the Joint Legislative Budget Committee pursuant to Section 9005 a proposed initiative measure*. The date the copy is delivered or mailed to the proponents is the "official summary date."

(c) Upon receipt of the circulating title and summary from the ~~Attorney General~~ *Legislative Analyst*, the Secretary of State shall, within one business day, notify the proponents and county elections official of each county of the official summary date and provide a copy of the circulating title and summary to each county elections official. This notification shall also include a complete schedule showing the maximum filing deadline, and the certification deadline by the counties to the Secretary of State.

SEC. 7. Section 9005 of the Elections Code is amended to read:

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

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

(c)

~~(b) The estimate shall be delivered to completed by the Attorney General~~ *Legislative Analyst* within 25 working days from the date of receipt of the final version of the proposed initiative measure ~~from the Attorney General period specified in Section 9002, unless, in the opinion of both the Department of Finance and the Joint Legislative Budget Committee Analyst, a reasonable estimate of the net impact of the proposed initiative measure cannot be prepared within the 25-day that period. In the latter case, the Department of Finance and the Joint Legislative Budget Committee Analyst shall, within the 25-day period specified in Section 9002, give the Attorney General their his or her opinion as to whether or not a substantial net change in state or local finances would result if the proposed initiative measure is adopted.~~

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

1 SEC. 8. Section 9006 of the Elections Code is amended to read:
2 9006. (a) Upon receipt of the text of a proposed referendum,
3 ~~the Attorney General~~ *Legislative Analyst* shall prepare a circulating
4 title and summary of the chief purpose and points of the proposed
5 statute at issue. The circulating title and summary shall not exceed
6 a total of 100 words. No fiscal analysis shall be included.

7 (b) ~~The Attorney General~~ *Legislative Analyst* shall provide a
8 copy of the circulating title and summary of the proposed
9 referendum to the proponents and to the Secretary of State within
10 10 days after receipt of the proposed referendum.

11 (c) Upon receipt of the circulating title and summary from the
12 ~~Attorney General~~ *Legislative Analyst*, the Secretary of State shall,
13 within one business day, notify the proponents and county elections
14 official of each county of the official summary date and provide
15 a copy of the circulating title and summary to each county elections
16 official. This notification shall also include a complete schedule
17 showing the maximum filing deadline, and the certification
18 deadline by the counties to the Secretary of State.

19 SEC. 9. Section 9007 of the Elections Code is amended to read:

20 9007. Immediately upon the preparation of the circulating title
21 and summary of a proposed initiative or referendum measure, the
22 ~~Attorney General~~ *Legislative Analyst* shall forthwith transmit
23 copies of the text of the measure and the circulating title and
24 summary to the Senate and the Assembly. The appropriate
25 committees of each house may hold public hearings on the subject
26 of the measure. However, nothing in this section shall be construed
27 as authority for the Legislature to alter the measure or prevent it
28 from appearing on the ballot.

29 SEC. 10. Section 9008 of the Elections Code is amended to
30 read:

31 9008. Every proposed initiative measure, prior to circulation,
32 shall have placed across the top of the petition in 12-point or larger
33 roman boldface type; all of the following:

34 (a) ~~The Attorney General's~~ *Legislative Analyst's* unique numeric
35 identifier placed before the circulating title and summary upon
36 each page where the circulating title and summary is to appear.

37 (b) The circulating title and summary prepared by the ~~Attorney~~
38 ~~General~~ *Legislative Analyst* upon each page of the petition on
39 which signatures are to appear.

1 (c) The circulating title and summary prepared by the ~~Attorney~~
2 ~~General~~ *Legislative Analyst* upon each section of the petition
3 preceding the text of the measure.

4 (d) The circulating title and summary prepared by the ~~Attorney~~
5 ~~General~~ *Legislative Analyst* as required by subdivision (c) shall
6 be preceded by the following statement: "Initiative measure to be
7 submitted directly to the voters."

8 SEC. 11. Section 9009 of the Elections Code is amended to
9 read:

10 9009. The heading of an initiative petition shall be in
11 substantially the following form:

12 Initiative Measure to Be Submitted Directly to the Voters

13 The ~~Attorney General~~ *Legislative Analyst* of California has
14 prepared the following circulating title and summary of the chief
15 purpose and points of the proposed measure:

16 (Here set forth the unique numeric identifier provided by the
17 ~~Attorney General~~ *Legislative Analyst* and circulating title and
18 summary prepared by the ~~Attorney General~~ *Legislative Analyst*.
19 Both the ~~Attorney General's~~ *Legislative Analyst's* unique numeric
20 identifier and the circulating title and summary must also be printed
21 across the top of each page of the petition whereon signatures are
22 to appear.)

23 To the Honorable Secretary of State of California

24 We, the undersigned, registered, qualified voters of California,
25 residents of ____ County (or City and County), hereby propose
26 amendments to the Constitution of California (the ____ Code,
27 relating to ____) and petition the Secretary of State to submit the
28 same to the voters of California for their adoption or rejection at
29 the next succeeding general election or at any special statewide
30 election held prior to that general election or as otherwise provided
31 by law. The proposed constitutional (or statutory) amendments
32 (full title and text of the measure) read as follows:

33 SEC. 12. Section 9034 of the Elections Code is amended to
34 read:

35 9034. Upon the certification of an initiative measure for the
36 ballot, the Secretary of State shall transmit copies of the initiative
37 measure, together with the circulating title and summary as
38 prepared by the ~~Attorney General~~ *Legislative Analyst* pursuant to
39 Section 9004, to the Senate and the Assembly. Each house shall
40 assign the initiative measure to its appropriate committees. The

1 appropriate committees shall hold joint public hearings on the
2 subject of ~~such~~ *the* measure prior to the date of the election at
3 which the measure is to be voted upon. However, no hearing may
4 be held within 30 days prior to the date of the election.

5 Nothing in this section shall be construed as authority for the
6 Legislature to alter the initiative measure or prevent it from
7 appearing on the ballot.

8 SEC. 13. Section 9035 of the Elections Code is amended to
9 read:

10 9035. An initiative measure may be proposed by presenting to
11 the Secretary of State a petition that sets forth the text of the
12 proposed statute or amendment to the Constitution and is certified
13 to have been signed by registered voters equal in number to 5
14 percent in the case of a statute, and 8 percent in the case of an
15 amendment to the *California* Constitution, of the voters for all
16 candidates for Governor at the last gubernatorial election preceding
17 the issuance of the circulating title and summary for the initiative
18 measure by the ~~Attorney General~~ *Legislative Analyst*.

19 SEC. 14. Section 9050 of the Elections Code is amended to
20 read:

21 9050. After the Secretary of State determines that a measure
22 will appear on the ballot at the next statewide election, the
23 Secretary of State shall promptly transmit a copy of the measure
24 to the ~~Attorney General~~ *Legislative Analyst*. The ~~Attorney General~~
25 *Legislative Analyst* shall provide and return to the Secretary of
26 State a ballot title and summary and ballot label for ~~each~~ *a* measure
27 submitted to the voters of the whole state by a date sufficient to
28 meet the ballot pamphlet public display deadlines.

29 SEC. 15. Section 9051 of the Elections Code is amended to
30 read:

31 9051. (a) (1) The ballot title and summary may differ from
32 the legislative, circulating, or other title and summary of the
33 measure and shall not exceed 100 words, not including the fiscal
34 impact.

35 (2) The ballot title and summary shall be amended to include a
36 summary of the Legislative Analyst's estimate of the net state and
37 local government fiscal impact prepared pursuant to Section 9087;
38 *of this code* and Section 88003 of the Government Code.

39 (b) The ballot label shall contain no more than 75 words and
40 shall be a condensed version of the ballot title and summary

including the financial impact summary prepared pursuant to Section 9087 *of this code* and Section 88003 of the Government Code.

(c) In providing the ballot title and summary, the ~~Attorney General~~ *Legislative Analyst* shall give a true and impartial statement of the purpose of the measure in such language that the ballot title and summary shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure.

SEC. 16. Section 9053 of the Elections Code is amended to read:

9053. ~~Each~~ A measure shall be designated on the ballot by the ballot label certified to the Secretary of State by the ~~Attorney General~~ *Legislative Analyst*.

SEC. 17. Section 9054 of the Elections Code is amended to read:

9054. (a) Whenever a city, county, or city and county is required by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965 to provide a translation of ballot materials in a language other than English, the Secretary of State shall provide a translation of the ballot title and summary prepared pursuant to Sections 9050 and 9051 and of the ballot label prepared pursuant to Section 13247 in that language to the city, county, or city and county for ~~each~~ a state measure submitted to the voters in a statewide election not later than 68 days prior to that election.

(b) When preparing a translation in a language other than English pursuant to subdivision (a), the Secretary of State shall consult with an advisory body consisting of language experts and nonpartisan organizations that advocate on behalf of, or provide services to, individuals that speak that language.

(c) ~~All translations~~ *Translations* prepared pursuant to this section shall be made available for public examination in the same time and manner as the ballot pamphlet is made available for public examination in accordance with Section 88006 of the Government Code and Section 9092 of this code.

(d) The local elections official shall use ~~that~~ *the* translation of the ballot label *prepared pursuant to this section* on the sample ballot and the official ballot and may not select or contract with another person to provide translations of the same text.

1 SEC. 18. Section 9063 of the Elections Code is amended to
2 read:

3 9063. The summary of a measure given in the press release
4 shall be the official circulating title and summary that has been
5 prepared by the ~~Attorney General~~ *Legislative Analyst*. The
6 Legislative Counsel Bureau shall prepare the summary on all other
7 measures.

8 SEC. 19. Section 9086 of the Elections Code is amended to
9 read:

10 9086. The ballot pamphlet shall contain as to each state measure
11 to be voted upon, the following, in the order set forth in this
12 section:

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

15 (A) Identification of the measure by number and title.

16 (B) The official summary prepared by the ~~Attorney General~~
17 *Legislative Analyst*.

18 (C) The total number of votes cast for and against the measure
19 in both the State Senate and Assembly, if the measure was passed
20 by the Legislature.

21 (2) The space in the title and summary that is used for an
22 explanatory table prepared pursuant to paragraph (2) of subdivision
23 (e) of Section 9087 and Section 88003 of the Government Code
24 shall not be included when measuring the amount of space the
25 information described in paragraph (1) has taken for purposes of
26 determining compliance with the restriction prohibiting the
27 information described in paragraph (1) from exceeding one-third
28 of the page.

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

34 (c) Arguments for and against the measure shall be placed on
35 the next left and right pages, respectively, following the final page
36 of the analysis of the Legislative Analyst. The rebuttals shall be
37 placed immediately below the arguments.

38 (d) If no argument against the measure has been submitted, the
39 argument for the measure shall appear on the right page facing the
40 analysis.

1 (e) The complete text of each measure shall appear at the back
2 of the pamphlet. The text of the measure shall contain the
3 provisions of the proposed measure and the existing provisions of
4 law repealed or revised by the measure. The provisions of the
5 proposed measure differing from the existing provisions of law
6 affected shall be distinguished in print, so as to facilitate
7 comparison.

8 (f) The following statement shall be printed at the bottom of
9 each page where arguments appear: “Arguments printed on this
10 page are the opinions of the authors, and have not been checked
11 for accuracy by any official agency.”

12 SEC. 20. Section 9087 of the Elections Code is amended to
13 read:

14 9087. (a) The Legislative Analyst shall prepare an impartial
15 analysis of the measure describing the measure and including a
16 fiscal analysis of the measure showing the amount of any increase
17 or decrease in revenue or cost to state or local government. If it is
18 estimated that a measure would result in increased cost to the state,
19 an analysis of the measure’s estimated impact on the state shall be
20 provided, including an estimate of the percentage of the General
21 Fund that would be expended due to the measure, using visual aids
22 when appropriate. An estimate of increased cost to the state or
23 local governments shall be set out in boldface print in the ballot
24 pamphlet.

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

1 revenue or cost of the measure prepared pursuant to this
2 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) (1) The title and summary of any measure that appears on
30 the ballot shall be amended to contain a summary of the Legislative
31 Analyst's estimate of the net state and local government fiscal
32 impact.

33 (2) For state bond measures that are submitted to the voters for
34 their approval or rejection, the summary of the Legislative
35 Analyst's estimate described in paragraph (1) shall include an
36 explanatory table of the information in the summary.

37 SEC. 21. Section 13262 of the Elections Code is amended to
38 read:

39 13262. (a) The ballot shall contain the same material as to
40 candidates and measures, and shall be printed in the same order

as provided for paper ballots, and may be arranged in parallel columns on one or more ballot cards as required, except that the column in which the voter marks his or her choices may be at the left of the names of candidates and the designation of measures.

(b) If there are a greater number of candidates for an office or for a party nomination for an office than the number whose names can be placed on one pair of facing ballot pages, a series of overlaying pages printed only on the same, single side shall be used, and the ballot shall be clearly marked to indicate that the list of candidates for the office is continued on the following page or pages. If the names of candidates for the office are not required to be rotated, they shall be rotated by groups of candidates in a manner so that the name of each candidate shall appear on each page of the ballot in approximately the same number of precincts as the names of all other candidates.

(c) Space shall be provided on the ballot or on a separate write-in ballot to permit voters to write in names not printed on the ballot when authorized by law. The size of the voting square and the spacing of the material may be varied to suit the conditions imposed by the use of ballot cards, provided the size of the type is not reduced below the minimum size requirements set forth in Chapter 2 (commencing with Section 13100).

(d) The statement of measure submitted to the voters may be abbreviated if necessary on the ballot, ~~provided that if~~ each and every statement of measures on that ballot is abbreviated. Abbreviation of matters to be voted on throughout the state shall be composed by the ~~Attorney General~~ *Legislative Analyst*.

SEC. 22. Section 13282 of the Elections Code is amended to read:

13282. Whenever the ~~Attorney General~~ *Legislative Analyst* prepares a ballot label, the ~~Attorney General~~ *Legislative Analyst* shall file a copy of the ballot label with the Secretary of State. The Secretary of State shall make a copy of the ballot label available for public examination prior to the printing of the ballot label on any ballot. The public shall be permitted to examine the ballot label for at least 20 days, and the Secretary of State may consolidate the examination requirement under this section with the public examination requirements set forth in Section 9092. A voter may seek a writ of mandate requiring a ballot label, or portion thereof, to be amended or deleted. The provisions set forth in

1 Section 9092 concerning the issuance of the writ and the nature
2 of the proceedings shall be applicable to this section.

3 SEC. 23. Section 18602 of the Elections Code is amended to
4 read:

5 18602. ~~Any~~A person working for the proponent or proponents
6 of a statewide initiative or referendum measure who covers or
7 otherwise obscures the summary of the measure prepared by the
8 ~~Attorney General~~ *Legislative Analyst* from the view of a
9 prospective signer is guilty of a misdemeanor.

10 SEC. 24. Section 88002 of the Government Code is amended
11 to read:

12 88002. The ballot pamphlet shall contain as to each state
13 measure to be voted upon, the following in the order set forth in
14 this section:

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

17 (A) The identification of the measure by number and title.

18 (B) The official summary prepared by the ~~Attorney General~~
19 *Legislative Analyst*.

20 (C) The total number of votes cast for and against the measure
21 in both the State Senate and Assembly if the measure was passed
22 by the Legislature.

23 (2) The space in the title and summary that is used for an
24 explanatory table prepared pursuant to paragraph (2) of subdivision
25 (e) of Section 9087 of the Elections Code and Section 88003 shall
26 not be included when measuring the amount of space the
27 information described in paragraph (1) has taken for purposes of
28 determining compliance with the restriction prohibiting the
29 information described in paragraph (1) from exceeding one-third
30 of the page.

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

36 (c) Arguments for and against the measure shall be placed on
37 the next left and right pages, respectively, following the page on
38 which the analysis of the Legislative Analyst ends. The rebuttals
39 shall be placed immediately below the arguments.

1 (d) If no argument against the measure has been submitted, the
2 argument for the measure shall appear on the right page facing the
3 analysis.

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

11 (f) The following statement shall be printed at the bottom of
12 each page where arguments appear: "Arguments printed on this
13 page are the opinions of the authors and have not been checked
14 for accuracy by any official agency."

15 SEC. 25. Sections 1 to 24, inclusive, of this act shall become
16 operative only if Senate Constitutional Amendment ____ of the
17 2011–12 Regular Session is approved by voters at a statewide
18 general election.