

Date of Hearing: April 27, 2016

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Shirley Weber, Chair

AB 2265 (Mark Stone and Dahle) – As Introduced February 18, 2016

**SUBJECT:** County ballot measures: impartial analysis.

**SUMMARY:** Authorizes the county counsel to prepare a summary of the impartial analysis of a county ballot measure in a format that answers the questions "What does a yes vote mean?" and "What does a no vote mean?" Specifically, **this bill** provides that at the direction of a county elections official, the county counsel or district attorney may, in the preparation of the impartial analysis of a county measure that qualifies for the ballot, prepare additional summaries of the measure to answer the questions "What does a yes vote mean?" and "What does a no vote mean?"

- 1) Provides that the summary for each question may not exceed 75 words in length.
- 2) Provides that any summary prepared pursuant to this provision may be included in the voter information portion of the sample ballot.

**EXISTING LAW:**

- 1) Requires the county elections official, when a county measure qualifies for the ballot, to transmit a copy of the measure to the county auditor and to the county counsel or to the district attorney in a county that does not have a county counsel.
- 2) Provides that the county counsel or the district attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure.
  - a) Requires the analysis to include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters, or by the board of supervisors.
  - b) Requires the analysis to be printed preceding the arguments for and against the measure.
  - c) Provides that the analysis may not exceed 500 words in length.
- 3) Requires the elections official, if the entire text of a county ballot measure is not printed on the ballot, or in the voter information portion of the sample ballot, to inform voters of alternative ways to access the text of the measure.
- 4) Provides that not later than 88 days prior to an election that includes a county ballot measure, the board of supervisors may direct the county auditor to review the measure and determine whether the substance thereof, if adopted, would affect the revenues or expenditures of the county. Requires the auditor, if so directed, to prepare a fiscal impact statement which estimates the amount of any increase or decrease in revenues or costs to the county if the proposed measure is adopted. Limits the fiscal impact statement to 500 words or less.

**FISCAL EFFECT:** None. This bill is keyed non-fiscal by the Legislative Counsel.

**COMMENTS:**1) **Purpose of the Bill:** According to the author:

California voters are often faced with local ballot initiatives that are intended to cover a range of local municipal issues. As voters are seeing these initiatives it is important that those voters are provided with clear, unbiased information about what they are voting on. AB 2265 makes it clear that county counsels are authorized to provide an analysis which answers the questions "What does a yes vote mean?" and "What does a no vote mean?" for the measure. This analysis could not be longer than seventy-five words for each question. Providing this information will not only ensure that voters have the correct information, but that they have it in the most useful and practical form.

2) **Additional Summaries:** This bill is modeled after existing state law which requires the ballot pamphlet to contain a section that provides a concise summary of the general meaning and effect of "yes" and "no" votes on each statewide ballot measure. For state measures, summary statements are prepared by the Legislative Analyst and are not intended to provide comprehensive information on each measure.

This bill applies only to county ballot measures and allows the county elections official to authorize an additional summary of the impartial analysis to be prepared by the county counsel, or the district attorney when there is no county counsel, to answer the question of what a "yes" or "no" vote means in relation to a measure that has qualified for the ballot. Additionally, summaries prepared pursuant to this paragraph may be included in the voter information portion of the sample ballot and may not exceed 75 words in length.

3) **Argument in Support:** The Howard Jarvis Taxpayers Association writes in support, "State or local ballot measures can often be a confusing and messy conundrum where yes often means no, and no means yes. This is especially true for any [referenda] that may be on the ballot. This important summary statement will provide voters increased clarity on initiatives, helping them to be more informed as they engage in the democratic process."4) **Requested Amendment:** The Rural County Representatives of California, who have a support if amended position, have requested an amendment to give the county counsel or district attorney the sole discretion to decide whether to prepare the additional summary. It should be noted, however, that this bill already provides that the preparation of the summary is at the county's option. This amendment would permit a county counsel to refuse to prepare the additional summary even when directed to do so by the county board of supervisors.5) **Previous Legislation:** AB 354 (Dahle), Chapter 265, Statutes of 2013, requires the analysis of a local ballot measure that appears in the ballot pamphlet to include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the local governing body.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Association of Clerks and Elections Officials  
Howard Jarvis Taxpayers Association  
Rural County Representatives of California (if amended)

**Opposition**

None on file.

**Analysis Prepared by:** Lori Barber / E. & R. / (916) 319-2094