

Date of Hearing: April 23, 2013

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING
Paul Fong, Chair
AB 193 (Logue) – As Amended: April 16, 2013

SUBJECT: Municipal ballot measures: arguments.

SUMMARY: Requires an elections official, when no argument for or against a city ballot measure is filed, to send out a press release permitting any voter or group of voters to submit an argument. Specifically, this bill:

- 1) Requires a city elections official, if an argument in favor of or against a city measure is not submitted for inclusion with the sample ballot materials by the date fixed by the city elections official, to do the following:
 - a) Extend the deadline to submit arguments for or against the measure by one calendar day; and,
 - b) Immediately issue a press release that contains all of the following:
 - i) The impartial analysis of the measure prepared by the city attorney pursuant to existing law;
 - ii) A statement that an argument for or against the measure, or both, has not been submitted for inclusion with the sample ballot materials; and,
 - iii) A request that arguments for or against the measure, or both, as applicable, be submitted by the extended deadline.
- 2) Provides that if the city elections official extends the deadline as provided by this bill, any person or organization otherwise qualified to submit an argument relating to the city measure may submit an argument for or against the measure, as applicable, by the extended deadline. Requires the argument to be prepared and submitted in accordance with existing law.

EXISTING LAW:

- 1) Permits, for municipal measures placed on the ballot by petition, the persons filing the initiative petition to file a written argument in favor of the ordinance. Permits the legislative body to submit an argument against the ordinance.
- 2) Permits, for municipal ballot measures placed on the ballot by the legislative body, the legislative body, or any member or members of the legislative body, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, to file a written argument for or against the municipal measure.

- 3) Requires the city elections official, if more than one argument for or more than one argument against any municipal ballot measure is submitted, to select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. Requires the elections official to give preference and priority, in the order listed, to arguments written by the following groups or individuals:
 - a) The legislative body, or member or members of the legislative body authorized by that body;
 - b) The individual voter, or bona fide association of citizens, or combination of voter and associations, who are the bona fide sponsors or proponents of the measure;
 - c) Bona fide associations of citizens; and
 - d) Individual voters who are eligible to vote on the measure.
- 4) Requires the city elections official to set a deadline, as specified, after which no arguments for or against any municipal measure may be submitted for printing and distribution to the voters.
- 5) Requires the Secretary of State (SOS), in case either the argument for or the argument against any statewide ballot measure has not been prepared and filed, to issue a press release, as specified, requesting voters to submit arguments.

FISCAL EFFECT: Unknown. State-mandated local program; contains reimbursement direction.

COMMENTS:

- 1) Purpose of the Bill: According to the author:

This bill was introduced in response to an event that happened with the November 2012 ballot in the City of Sacramento. The Sacramento City Council placed a proposition on the ballot known as Measure U. Under current law, the local elected body is allowed to designate parties to write the support and opposition ballot statements. With Measure U the appointed council party submitted the supporting ballot statement, but an opposition ballot statement was not submitted by the appointed party by the deadline. As a result, the voters were denied a crucial opportunity to educate themselves on both sides of a matter. This bill would revise the law in order to give voters more of a say in their elections.

- 2) State Ballot Measures: As mentioned above, existing law requires the SOS to issue a general news release requesting voters to submit an argument in each case where either the argument for or against any statewide ballot measure has not been prepared and filed. Similar to local ballot measure arguments, if more than one argument for or against a statewide measure is submitted, current law sets up procedures for how the arguments are selected for inclusion in the ballot pamphlet. This bill sets up a similar process for city ballot measures when arguments for or against a ballot measure are not prepared and filed with the elections official. This bill requires the elections official to send out a specified press release and to extend the period of time for accepting any arguments by one calendar day. The author

argues this will ensure voters are provided with important information to educate themselves on issues they will be voting on.

- 3) Logistical Concerns? The provisions of this bill require the elections official, if no argument for or against a city ballot measure is filed with elections official, to extend the deadline for submitting arguments by one calendar day. This may pose a challenge for elections officials as they are already under tight time frames to complete their duties for conducting an election. When preparing ballots and ballot materials, current law requires the county elections officials to follow certain requirements, such as collecting, reviewing and translating measure texts, arguments, candidate names, ballot designations, and candidate statements, and to provide 10-calendar-day public examination periods. All of these steps must be completed under certain timeframes so the elections materials can subsequently print and mail the materials in accordance with current law. Consequently, even though this bill only extends the time-line by one calendar day, it could still be burdensome for the elections officials. Conversely, allowing one extra day to allow the public to submit arguments for a ballot measure where no argument for or against was prepared and filed could be helpful to voters. This bill could ensure interested voters have an avenue to share their views, especially in situations, as mentioned by author, when no argument is submitted for a measure that was placed on the ballot by the respective legislative body. Critics argue that because the legislative body is given priority when selecting arguments that some intentionally delay submitting arguments or do not submit arguments as a strategy to ensure views on the measure are intentionally limited or left out. This bill could ensure voters have a chance to have their voices and views heard.
- 4) What About County Measures? County ballot measure argument selection procedures are substantially similar to existing requirements for municipal ballot measure arguments. For instance, if more than one argument for or more than one argument against a county measure are submitted to the elections officials, current law requires a county elections officials to give preference and priority in the following order: 1) the board of supervisors or a member or members of the board (also known as the legislative body), 2) an individual, association, or a combination that are the bona fide sponsors or proponents of the measure, 3) a bona fide association of citizens, or 4) individual voters who are eligible to vote on the measure.

The committee may wish to consider whether it's prudent to change the procedures for municipal ballot measure arguments, while leaving county procedure requirements unchanged. The committee may wish to amend the bill to require the provisions of this bill to also apply to county ballot measures.

REGISTERED SUPPORT / OPPOSITION:

Support

Howard Jarvis Taxpayers Association (Introduced Version)

Opposition

Rural County Representatives of California (Introduced Version)

Analysis Prepared by: Nichole Becker / E. & R. / (916) 319-2094