

Date of Hearing: June 13, 2018

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

SB 1153 (Stern) – As Amended March 20, 2018

**SENATE VOTE:** 36-0

**SUBJECT:** Local initiatives: review.

**SUMMARY:** Permits the proponent of a county, municipal, or special district initiative to withdraw the initiative at any time before the 88th day before the election, whether or not the petition has already been found sufficient by the elections official.

**EXISTING LAW:**

- 1) Requires a county or a city, when it receives an initiative petition that is signed by a specified number of voters, to do one of the following:
  - a) Adopt the initiative without alteration;
  - b) Submit the initiative to the voters at a regular or special election, as specified; or,
  - c) Order a specified report on the initiative, to be completed within 30 days, before deciding whether to adopt it or submit it to the voters. The report is prepared by one or more county or city agencies.
- 2) Requires a special district, when it receives an initiative petition that is signed by a specified number of voters, to do one of the following:
  - a) Adopt the initiative without alteration; or,
  - b) Submit the initiative to the voters at a regular or special election, as specified.
- 3) Requires the election for a county, municipal, or district initiative to be held not less than 88 days after the date of the order of the election.
- 4) Provides that any person may engage in good faith bargaining between competing interests to secure legislative approval of matters embraced in a statewide or local initiative or referendum measure, and the proponents may, as a result of these negotiations, withdraw the measure at any time before filing the petition with the appropriate elections official(s).
- 5) Permits proponents of a statewide initiative or referendum measure to withdraw the measure after filing the petition with the appropriate elections official at any time before the 131st day before the election at which the measure will appear on the ballot, as specified.

**FISCAL EFFECT:** According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

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

Unlike proponents of statewide initiative measures, proponents of local initiatives are not currently permitted to withdraw their measures once they have submitted their petitions to elections officials for signature verification.

Pursuant to SB 1253, proponents of statewide initiatives can withdraw an initiative up to the qualification deadline even if it has enough valid signatures to qualify for the ballot. The option to withdraw gives the official initiative proponents an extended opportunity to work with the legislature to forge a mutually beneficial solution to the problem addressed by the initiative.

SB 1153 extends a similar option to the official proponents of city, county and special district initiative measures. Proponents would be able to withdraw their measures any time prior to the 88th day before the election whether or not the elections official has determined they have sufficient valid signatures to qualify for the ballot.

Extending the option to withdraw initiatives to local jurisdictions will give proponents and local government leaders more flexibility toward solving important local issues and in some instances, avoiding often expensive election related costs.

SB 1153 could have prevented voter confusion and saved taxpayer dollars occurred in 2017 when two competing plans to regulate cannabis appeared simultaneously on the ballot in the City of Los Angeles.

2) **Arguments in Support:** The Service Employees International Union writes in support of the bill:

Currently, there is no process at the local level for proponents to withdraw ballot measures once they have qualified. At the state level, due to Senate Bill 1253 (2014) proponents are allowed to withdraw an initiative 131 days before election day if the proponents of an initiative feel the legislature has addressed the issue. SB 1253 also requires that the legislature hears every initiative that qualifies for the ballot and that a period of public comment is held.

In 2017 there were two competing cannabis regulations on the ballot in the city of Los Angeles. The initial measure, Proposition N, was drafted and put on the ballot by the Cannabis industry. After the measure qualified, the Los Angeles City Council and the Cannabis industry came to an agreement and drafted a separate initiative, Proposition M. Since the city of Los Angeles did not have a process in place to withdraw an initiative once it had qualified, both measures were on the ballot, which forced the original proponents of measure N to abandon it and jointly campaign with the city council for measure M. Voter turnout in California, especially in off cycle elections, tends to be drastically low, which means that it doesn't take many votes for a ballot measure to pass at the local level. SB 1153 would address this by expanding the SB 1253 regulations to local

jurisdictions. As a result local jurisdictions would have more flexibility in their ballot measure process and in some instances prevent costly special elections.

- 3) **Previous Legislation:** SB 1253 (Steinberg), Chapter 679, Statutes of 2014, permits proponents of statewide initiatives to withdraw an initiative up to the qualification deadline even if it has enough valid signatures to qualify for the ballot, among other provisions.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Service Employees International Union (sponsor)  
California Common Cause  
City of Sacramento  
League of California Cities  
League of Women Voters

**Opposition**

None on file.

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