

Date of Hearing: June 19, 2019

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

SB 681 (Stern) – As Introduced February 22, 2019

SENATE VOTE: 38-0

SUBJECT: Local referenda and charter amendments: withdrawal.

SUMMARY: Permits the proponent of a local referendum or charter amendment initiative to withdraw the referendum or initiative at any time before the 88th day before the election, as specified.

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 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 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. Permits proponents of a statewide referendum measure to withdraw the measure after filing the petition with the appropriate elections official at any time before it is deemed qualified pursuant to applicable provisions of the California Constitution.

- 6) Permits the proponent of a county, municipal, or 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.
- 7) Provides, pursuant to the California Constitution, that the referendum is the power of the electors to approve or reject statutes or parts of statutes via the petition process and referendum powers may be exercised by the electors of each county or city under procedures that the Legislature provides.
- 8) Provides that amendments to municipal charters may be proposed for the ballot through the initiative petition process, as specified.
- 9) Provides, generally, that county, municipal, and district ballot measures may be presented to the voters at an election occurring not less than 88 days from the day the measures qualify, 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:

With the chaptering of SB 1153 last year there was a huge amount of progress made in ensuring that the issues placed on the ballot in state elections are accurate representations of the issues affecting the local and/or state community. SB 1153 permitted a proponent to an initiative to remove the initiative from the ballot up to 88 days prior to the election date. This bill would extend the SB 1153 provisions to include a referendum. SB 681 will give local jurisdictions more flexibility toward solving important local issues by authorizing the proponents of a county, municipal, or district referendum to withdraw a referendum at any time before the 88th day before the election, whether or not the petition has already been found sufficient by the elections official. The bill would grant the same authority to withdraw to the proponent of an amendment of a city or county charter.

The interest to keep ballots clean, direct, and relevant is critical, and its execution is constantly evolving. This interest was a driving force behind the enactment of SB 1153 last year, however the exclusion of “referendum” from SB 1153 leaves a vital aspect of state elections outside the protection of the measure. By addition this technical revision it will extend the same interests and rights that were enacted last year and create a more comprehensive and cohesive law.

- 2) **Competing Ballot Measures:** In 2017 two competing plans to regulate cannabis appeared simultaneously on the ballot in the City of Los Angeles. The initial measure, Measure N, was placed on the ballot by representatives of the cannabis industry through the initiative process. After Measure N qualified, the Los Angeles City Council and the cannabis industry representatives came to an agreement and the Council placed the alternative, Measure M, on the same ballot. The law at the time would not permit either of the proponents to withdraw their initiative after submitting their petitions. As a result the proponents for Measure N abandoned support of their initiative and campaigned together with the Council for passage

of the Measure M. With no option for withdrawal, the City had to incur expenses associated with having both Measures appear on the ballot and in the local voter information guide.

Last year the Legislature approved SB 1153 (Stern), Chapter 155, Statutes of 2018, to permit proponents of county, municipal, or special district initiatives to withdraw their measures at any time before the 88th day before the election, whether or not the petition has already been found sufficient by elections officials.

This bill will extend the same ability to withdraw a petition to proponents of an amendment of a city or county charter or local referendum.

- 3) **Arguments in Support:** The California State Council of the Service Employees International Union, writes, “SB 1153 (Stern), which was signed by the governor last year (Chapter 155, Statutes of 2018), allows local jurisdictions to withdraw initiatives. However, it does not apply to referendums or charter amendments. This can result in costly elections and confuse voters. SB 681 would extend current law to include referendums and amendments.

“Policy is always best when handled through the legislative process than through the ballot. This change will [give] both local governments and proponents more options to address these important issues.”

- 4) **Previous Legislation:** SB 1153 (Stern), Chapter 155, Statutes of 2018, 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.

SB 1253 (Steinberg), Chapter 679, Statutes of 2014, permits proponents of a statewide initiative to withdraw the 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

California State Council of the Service Employees International Union (co-sponsor)
City of Sacramento
League of California Cities
League of Women Voters of California

Opposition

None on file.

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