

Date of Hearing: January 12, 2022

ASSEMBLY COMMITTEE ON ELECTIONS  
Isaac G. Bryan, Chair  
AB 1416 (Santiago) – As Amended April 22, 2021

**SUBJECT:** Elections: ballot label.

**SUMMARY:** Requires the ballot label for a statewide ballot measure to include the names of specified supporters and opponents of the measure. Permits a ballot label for a local ballot measure to include the names of specified supporters and opponents of the measure.

Specifically, **this bill:**

- 1) Requires the ballot label for statewide ballot measures to include a listing of the names of the signers of the ballot arguments printed in the state voter information guide in support of and in opposition to the measure.
- 2) Requires the Secretary of State (SOS), within one week after receiving the lists of supporters and opponents of a measure, to provide the county elections officials the ballot label, consisting of the condensed ballot title and summary followed by the list of supporters and opponents for each state ballot measure.
- 3) Permits the ballot label or similar description of a county, city, district, or school measure on a county ballot to include a listing of the names of the signers of the ballot arguments printed in the voter information guide in support of and in opposition to the measure. Permits a county, at least 30 days before the deadline for submitting arguments for or against county measures, to elect not to list supporters and opponents for county, city, district, and school measures on the county ballot. Prohibits a county from including a list of supporters or opponents for any county, city, district, or school measure if the county does not include a list of supporters or opponents for all measures for which the county receives a list that meets the requirements of this bill.
- 4) Requires the ballot label for a statewide ballot measure, and the ballot label for a local ballot measure if the county chooses, to include the following after the condensed ballot title and summary:
  - a) After the text “Supporters:”, a listing of nonprofit organizations, businesses, or individuals taken from the signers of the argument in favor of the ballot measure or from the signers of the rebuttal to the argument against the ballot measure printed in the state or county voter information guide. Prohibits the list of supporters from exceeding 125 characters in length and requires each supporter to be separated by a semicolon. Prohibits a nonprofit organization or business from being listed unless it supports the ballot measure.
  - b) After the text “Opponents:”, a listing of nonprofit organizations, businesses, or individuals taken from the signers of the argument against the ballot measure or from the signers of the rebuttal to the argument in favor of the ballot measure printed in the state or county voter information guide. Prohibits the list of opponents from exceeding 125 characters in length and requires each opponent to be separated by a semicolon. Prohibits

a nonprofit organization or business from being listed unless it opposes the ballot measure.

- 5) Prohibits a signer from being listed as a supporter or opponent on a ballot label for a statewide ballot measure, or on the ballot label for a local ballot measure if the county chooses, unless it is one of the following:
  - i) A nonprofit organization that was not originally created as a committee pursuant to the Political Reform Act (PRA), that has been in existence for at least two years, and that, during the two-year period prior to the time that the organization is listed on the ballot label, either has received contributions from more than 500 donors or has had at least one full-time employee.
  - ii) A business that has been in existence for at least two years and that has had at least one full-time employee during the two-year period prior to the time that the organization is listed on the ballot label.
  - iii) A current or former elected official, who may be listed with the official's title (e.g., "State Senator Mary Smith", "Assembly Member Carlos Garcia," or "former Eureka City Council Member Amy Lee"). Permits these titles to be shortened (e.g. "Senator" or "Sen." for "State Senator" or "Asm." for "Assembly Member").
  - iv) An individual who is not a current or former elected official may be listed only with the individual's first and last name and an honorific (e.g., "Dr.", "Md", "PhD", or "Esquire"), with no other title or designation, unless it is a title representing a nonprofit organization or business that meets the requirements above and that is eligible to be listed.
- 6) Requires spaces, commas, semicolons, and any other characters to count towards the 125-character limit described above.
- 7) Prohibits a signer from being listed as a supporter or opponent on the ballot label if the signer is a political party or is representing a political party.
- 8) Permits the name of a nonprofit organization or business included in the list of supporters and opponents to be shortened using acronyms, abbreviations, or by leaving out words in their name, as specified.
- 9) Provides that if no list of supporters or opponents is provided or there are none that meet the requirements of this bill, then "Supporters" or "Opponents" shall be followed by "None submitted."
- 10) Permits the ballot, if the ballot labels for state or local ballot measures appear in more than one language on the same page, to separate the lists of supporters and opponents and list them each once in a separate paragraph below the rest of the ballot labels that are printed in the different languages. Provides in that case, that the word "Supporters:" shall be listed once either using the translation provided by the SOS pursuant to existing law for state ballot measures or using the translation for local ballot measures for each language that appears on the ballot ahead of the list of supporters required by this bill and the word "Opponents:" shall

be listed once using the translation provided by the SOS pursuant to existing law for state ballot measures or using the translation for local ballot measures for each language that appears on the ballot ahead of the list of opponents required by this bill. Requires each supporter or opponent listed to be listed once if the translation is the same, or separated by a “/” if the translation for the supporter or opponent is different. Permits the translation, if some words in the translation of a supporter or opponent name are different and some are the same, to list the translation for only the words that are different. (E.g. for a dual English / Spanish ballot, “Assembly Member Jane Smith” may be listed as “Assembly Member Jane Smith / Miembro de la Asamblea Jane Smith” or as “Assembly Member / Miembro de la Asamblea Jane Smith”.)

- 11) Provides that if the ballot emphasizes the text “Supporters:” or “Opponents:” by use of boldface font, underlining, or any other method that differentiates that text from the list of supporters or opponents that follow, the text “Supporters:” or “Opponents:” may be displayed with only the initial letter capitalized. Provides that if that text is not emphasized, then each letter of that text shall be capitalized.
- 12) Provides that if including the list of Supporters and Opponents in the ballot labels as required by this bill would necessitate the printing of an extra ballot card compared to the ballot labels not including them, the type size of the part of all of the ballot labels starting with “Supporters” may be reduced by the minimal amount needed to stop them from necessitating an extra ballot card, as long as the type size is no smaller than 8-point and as long as the type size is reduced by the same amount for all ballot measures.
- 13) Requires the proponents and opponents of the measure to provide the list of supporters or opponents, as appropriate, to the SOS for a statewide ballot measure or to the local elections official for a local ballot measure when submitting ballot arguments related to the ballot measure. Requires, for every supporter or opponent listed that is a nonprofit organization, a business, or an individual whose title includes a nonprofit organization or business, to include a signed statement by a representative of the nonprofit organization or business, under penalty of perjury, that includes its name and business address and that attests (1) the position of the nonprofit organization or business on the measure, (2) that the nonprofit organization or business has been in existence for at least two years, (3) that the nonprofit organization or business has had at least one full-time employee for the last two years, or, if it is a nonprofit organization, that it has had at least 500 donors in the last two years, and (4) that it was not originally created as a committee pursuant to the PRA.
- 14) Requires the proponents and opponents for ballot measures, in order to enable the relevant elections official to determine whether supporters or opponents are eligible to be included as part of the ballot label pursuant to this bill, to submit specified documentation. Requires the elections official to confirm that a submission listing supporters or opponents includes the documentation required by this bill and requires the elections official to ask the proponents or opponents to resubmit a list if the requirements are not met, as specified.
- 15) Makes the following findings and declarations:
  - a) In addition to a ballot measure’s title, summary, and fiscal analysis, the identity of those who support and oppose a ballot measure provides voters with extremely important information that helps voters better evaluate and understand the value of the measure and

to make more informed decisions on how to vote.

- b) Including the names of the signers of arguments for and against a measure on the measure's ballot label serves as a useful condensed summary of those arguments in the state voter information guide in the same way that including the condensed title, summary, and fiscal analysis of the ballot measure serves as a useful condensed summary of the Legislative Analyst's full analysis in the state voter information guide.

16) Makes technical and conforming changes.

**EXISTING LAW:**

- 1) Defines a ballot label to mean the portion of the ballot containing the names of the candidates or a statement of a measure.
- 2) Requires the ballot label for statewide measures to contain no more than 75 words and to be the condensed version of the ballot title and summary including the fiscal impact summary prepared pursuant to existing law.
- 3) Permits any voter or group of voters to prepare and file with the SOS an argument for or against any state ballot measure for which arguments have not been prepared or filed by the official proponent, or the measure's author in the case of a legislative ballot measure.
- 4) Provides that no more than three signatures shall appear with an argument printed in the state voter information guide. Provides that in case an argument is signed by more than three persons the signatures of the first three shall be printed.
- 5) Permits the board of supervisors or any member or members of the board, or an individual voter who is eligible to vote on a county ballot measure, or bona fide association of citizens, or a combination of these voters and associations to file a written argument for or against any county measure, as specified.
- 6) Permits, for a municipal measure placed on the ballot by petition, the persons filing the initiative petition to file a written argument in favor of the ordinance, and permits the legislative body to submit an argument against the ordinance, as specified. Permits, for measures placed on the ballot by the legislative body, the legislative body, or a member or members of the legislative body authorized by that body, or an individual voter who is eligible to vote on the measure, or bona fide association of citizens, or a combination of voters and associations, to file a written argument for or against any city measure, as specified.
- 7) Defines a "committee," for the purposes of the PRA, to mean any person or combination of persons who directly or indirectly does any of the following:
  - a) Receives contributions totaling two thousand dollars (\$2,000) or more in a calendar year.
  - b) Makes independent expenditures totaling one thousand dollars (\$1,000) or more in a calendar year; or

- c) Makes contributions totaling ten thousand dollars (\$10,000) or more in a calendar year to or at the behest of candidates or committees

**FISCAL EFFECT:** Unknown. State-mandated local program: contains a crimes and infractions disclaimer; contains reimbursement direction.

**COMMENTS:**

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

In California, voters are responsible for weighing in on statewide policy through ballot measures. In recent elections, ballot measure campaigns have used significant funds to inundate media outlets with advertisements intended to sway, and at times, mislead voters. Although voters can look to the voter information guide to decipher the facts on ballot measures, this document can be long and confusing for voters to navigate.

AB 1416 is a common sense solution that will bring transparency to ballot measure campaigns and provide voters with the critical information they need to cast an informed vote. This bill will require ballot measure labels to include a short list of those who support and oppose each measure, and require that each list be limited to no more than 15 words. Similar to the way in which voters look to party affiliation or occupancy when voting for a candidate, AB 1416 will provide them with clear information right on their ballot.

- 2) **Ballot Form:** Current law requires a ballot to comply with a variety of laws that dictate its content. For example, a ballot must contain the title of each office, the names of all qualified candidates, as specified, ballot designations, as specified, titles and summaries of measures submitted to voters, and instructions to voters, among other things. Moreover, current law requires a ballot to be printed in a certain form, as specified. Once all of these requirements are met, there is limited space left on the ballot to accommodate further requirements. Consequently, it is common practice to include other important election information in the voter information guide that is sent to all registered voters.
- 3) **Longer Ballots:** As detailed above, this bill requires the names of persons and organizations supporting and opposing a state ballot measure to be added onto the ballot. If this bill is signed into law, it could significantly increase the length of the ballot. This is especially true for statewide general election ballots, since state initiative and referendum measures do not appear on primary election ballots. The following are a list of the most recent statewide general elections and the number of state ballot measures that appeared on those ballots:

2020 statewide November general election ballot contained 12 state ballot measures  
2018 statewide November general election ballot contained 12 state ballot measures  
2016 statewide November general election ballot contained 17 state ballot measures  
2014 statewide November general election ballot contained 6 state ballot measures  
2012 statewide November general election ballot contained 11 state ballot measures  
2010 statewide November general election ballot contained 9 state ballot measures

Moreover, many county elections officials are required to translate ballot materials into multiple languages under state and federal law. To comply with these requirements, some counties include English and other languages on a single ballot, while other counties print separate ballots in languages other than English. For example, all Sacramento County ballots include information in English, Spanish, and Chinese.

Furthermore, the ballot could increase even further in length if a county chose to include this information on the ballot for local ballot measures.

- 4) **Practical Effect:** As mentioned above, this bill mandates the ballot label for a state ballot measure to list the names of supporters and opponents in the arguments for and against the measure, as specified. Additionally, this bill authorizes local elections officials the option to choose whether or not to provide this information on the ballot label for local measures. The committee may wish to consider whether it is prudent public policy to have different ballot labeling requirements for different ballot measures. Would this create confusion for voters to have this information on the ballot for state measures and not for local measures?

Furthermore, there are local governments, such as school districts, whose jurisdiction spans more than one county. Would there be voter confusion if one county chose to include this information on the ballot for the school district measure and the other county did not?

- 5) **Ballot Design Guidelines:** In 2007, American Institute of Graphic Arts (AIGA) Design for Democracy, a nonprofit professional association for design, developed a report on best practices for ballot and polling place design on behalf of the U.S. Election Assistance Commission (EAC). Subsequently, in 2013 the Center for Civic Design developed a series of field guides, known as Field Guides To Ensuring Voter Intent, to provide an easy-to-use resource that highlights essential content from the EAC report and covers field-researched, critical election techniques for designing usable ballots, writing instructions that voters understand, and testing ballots for usability.

According to the EAC, “ballot standards are important, but need to be realistic. While states have legislation on topics, such as ballot layout, type size and instructions, this may serve as a constraint. Experts state that many of these rules were put in place without extensive usability testing. Usability testing is how officials can discover voter frustration or confusion and catch ballot design challenges prior to Election Day.”

According to the Testing Ballots for Usability field guide, “usability testing is a tool for learning where people interacting with a design – such as a ballot – encounter frustration, and translating what you see and hear to make a better design that will eliminate those frustrations.” Usability testing is different from conducting a survey or a focus group as usability testing is a simple technique that entails watching and listening to people who are like your voters as they use a design as they normally would (or as close to normal as you can get). According to the field guide, “testing helps ensure that voters can vote the way they intend.” Furthermore, the field guide states that testing is a good idea for determining how to improve ballot design and to understand training issues for election workers, such as when something major has changed, such as new legislation, or something happens that may cause the overall layout to change, such as removing a candidate or a question.

- 6) **Survey:** In arguments in support of this bill, the author's office and sponsor of the bill reference a poll conducted by the sponsor of this bill in summer 2019. According to the author's office and the bill's sponsor, the results from that poll indicate that the vast majority of voters think it's important to know who supports and opposes ballot measures, but very few are confident they know them when they vote and don't read or even remember receiving the voter guide. Moreover, that the vast majority of voters across all political parties support adding a short list of supporters and opponents to the ballot.

While this information from the survey may be valuable, according to the author's office and the sponsors, no usability testing has been done on the changes proposed by this bill. In other words, there was no behavioral research conducted on how voters would actually respond to having information about supporters and opponents of ballot measures appear on the ballot. Without more meaningful information on how voters would respond to this information on the ballot, it is challenging to evaluate the effectiveness of this bill in accomplishing the author's goal.

- 7) **Arguments in Support:** In support of this bill, Voices For Progress writes:

This past election, California saw a state-record \$785 million poured into efforts to support and oppose the 12 measures on the ballot. The lack of transparency coupled with limitless amounts of money played an outsized role in Californians voting against ballot measures that passed with overwhelming majorities in the legislature. Much of this massive amount of money came not from individual Californians but from corporations and outside forces funding misleading campaigns to sink proposals that were initially popular prior to the campaign.

To avoid such outcomes in the future, voters need more clarity on who is supporting and opposing ballot measures. This clarity will allow them to more critically evaluate which messages to trust. Disclosing supporters and opponents on ballots themselves is a much-needed step towards transparency in our political process. We must work to restore trust in the ballot initiative process.

Polling shows that Californians support increased transparency on ballots. A poll of California voters conducted before the November 2020 election showed nearly four in five voters (79%) want to know who supports and opposes ballot measures, but those same voters aren't confident they know this information or can find it easily. The same poll found 75% of likely voters favor adding a short list of the supporters and opponents of each ballot proposition to the ballot—precisely what AB 1416 proposes to do.

- 8) **Related Legislation:** SB 90 (Stern), which is substantially similar to this bill, is pending in the Senate Elections & Constitutional Amendments Committee.
- 9) **Previous Legislation:** SB 636 (Stern) of 2019, would have required the ballot label for a statewide ballot measure to include a listing of the signers of the ballot arguments printed in the state voter information guide that support and oppose the measure, as specified. SB 636 was heard in this committee and was held without recommendation.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Clean Money Campaign (sponsor)  
American Family Voices  
California Alliance for Retired Americans  
California Church IMPACT  
California Common Cause  
California Environmental Voters  
Californians Against Waste  
CALPIRG  
City of Mountain View  
Courage California  
Democratic Party of Contra Costa County  
Democratic Party of the San Fernando Valley  
Endangered Habitats League  
Indivisible CA: StateStrong  
League of Women Voters of California  
MapLight  
Money Out People In  
Money Out Voters In  
Pax World LLC  
Progressive Democrats of California  
Public Citizen  
Voices for Progress  
Western Center on Law and Poverty  
One individual

**Opposition**

None on file.

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