

Date of Hearing: April 23, 2013

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Paul Fong, Chair

AB 1117 (Donnelly) – As Amended: March 21, 2013

SUBJECT: Initiative petitions: electronic access.

SUMMARY: Requires the Secretary of State (SOS) to make petitions for proposed state initiative and referendum measures available on his or her Web site. Specifically, this bill:

- 1) Requires the SOS to make available the petition for a state initiative or referendum measure that is currently in circulation in a format that can be downloaded from the SOS's official Internet Web site and printed so a voter may sign the petition and submit it to the proponent or proponents by mail.
- 2) Requires the SOS to make the mailing address where a signed petition can be sent available to the public on the SOS's official Internet Web site.

EXISTING LAW:

- 1) Permits voters to propose statutes or amendments to the Constitution through an initiative.
- 2) Permits voters to reject statutes or parts of statutes, except as specified, through a referendum.
- 3) Specifies the format for petitions for state initiative and referendum measures.

FISCAL EFFECT: Unknown

COMMENTS:

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

Californians can renew their driver's licenses online, they can even register to vote online, but they cannot access an initiative petition online. AB 1117 simply gives Californians online access to California's initiative process. In order to be effective, government must be efficient. This bill streamlines the initiative and referendum process, by giving voters online access to initiative and referendum petitions currently in circulation.

- 2) No Barrier to Downloadable Petitions Under Existing Law: There is nothing in existing law that prohibits petitions for proposed state initiative or referendum measures from being made available online for voters to download, print, sign, and mail-in. In light of this fact, if making petitions available online for potential signers to download is an effective method of gathering signatures for proposed measures, one would expect that initiative and referendum proponents would regularly make their petitions available online for potential signers. In fact, at least some initiative proponents have made their petitions available for download on

the Web sites promoting the proposed measures.

On the other hand, if making petitions online for potential signers to download is not an effective method of gathering signatures for proposed measures, the desirability of requiring the SOS to make these petitions available on his or her Web site for download is unclear.

- 3) Preparation of Initiative and Referendum Petitions: Traditionally, it has been the responsibility of the proponents of an initiative or referendum measure to prepare the petitions to qualify that measure for the ballot, subject to certain formatting requirements. Although the SOS has developed a sample petition as part of the statewide initiative guide that the office prepares as required by state law, that office does not prepare or produce petitions for actual initiative or referendum measures. This bill would require the SOS, for the first time, to be responsible for preparing initiative and referendum petitions that can be used to collect signatures to qualify measures for the ballot.
- 4) Other States: According to the National Conference of State Legislatures, California is one of 24 states that have an initiative process. Of those 24 states, six states permit initiatives for statutes only, three states permit initiatives for constitutional amendments only, and the remaining 15 states permit initiatives both for constitutional amendments and for statutes. Two states permit referenda, but not initiatives, meaning that 26 states permit either initiatives, referenda, or both.

Of the states that permit either the initiative or the referendum process, only two (Mississippi and Nevada) appear to post petitions for the proposed initiative or referendum measures on a governmental Web site.

- 5) Arguments in Support: In support of this bill, California Common Cause writes:

Common Cause supports AB 1117 because it would improve and increase access to California's ballot initiative system. One of the biggest complaints about our initiative system is the huge costs associated with collecting signatures for qualification, which now averages between \$2.5 and \$3 million. The huge cost means access to our direct democracy is only available to the very wealthy. By allowing petitions to be accessed and downloaded on the Secretary of State's website, proponents can use the power of the Internet to mobilize grassroots movements and further democratize the initiative process. This proposal should be seriously considered and approved by the Committee as a common sense ballot measure reform.

- 6) Arguments in Opposition: In opposition to this bill, Secretary of State Debra Bowen writes:

Under existing law, initiative and referendum proponents can already post and circulate downloadable petitions on the Internet. Under Elections Code sections 106(b) and 9021, voters can—and do right now—effectively "self-circulate" an initiative or referendum petition that the voter can provide to the official[] initiative or referendum proponents.

By requiring the Secretary of State to provide initiative petitions to initiative and

referendum proponents, this measure has the effect of transferring some of the costs associated with an initiative or referendum campaign from a private proponent to the state's taxpayers.

REGISTERED SUPPORT / OPPOSITION:

Support

California Common Cause

Opposition

Secretary of State Debra Bowen

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