

Date of Hearing: May 7, 2013

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Paul Fong, Chair

AB 354 (Dahle) – As Amended: April 23, 2013

SUBJECT: Ballot measures: ballot title and summary: ballot label: impartial analysis.

SUMMARY: Requires a statement indicating whether a state or local ballot measure was placed on the ballot by a petition signed by the requisite number of voters or by the legislative body, respectively, to be included in the ballot measure analysis and on the ballot. Specifically, this bill:

- 1) Requires the ballot label for each statewide measure to include a statement indicating whether the measure was placed on the ballot by petition or by the Legislature. Requires the ballot title and summary that appears in the ballot pamphlet to include a statement indicating whether the measure was placed on the ballot by petition or by the Legislature.
- 2) Requires the analysis of a county ballot measure, prepared by the county counsel or district attorney, to include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the board of supervisors.
- 3) Requires the analysis of a city ballot measure, prepared by the city attorney, to include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the city.
- 4) Requires the analysis of a district ballot measure, prepared by the county counsel or district attorney as specified, to include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the district.
- 5) Requires the analysis of a water district ballot measure, prepared by the legal counsel of the water district or the county counsel as specified, to include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the water district.

EXISTING LAW:

- 1) Requires the Attorney General (AG) to prepare a title and summary of the chief purpose and points of a proposed statewide ballot measure that appears in the state ballot pamphlet. Requires the title and summary to not exceed a total of 100 words, including the fiscal impact statement. Requires the AG, in providing the ballot title and summary, to give a true and impartial statement of the purpose of the measure in such language that the ballot title shall neither be an argument, nor likely to create prejudice, for or against the proposed measure.
- 2) Requires the AG, during the preparation of a title and summary for a proposed statewide ballot measure, to determine whether the measure would affect the revenues or expenditures of the state or local government. Requires the Department of Finance (DOF) and the Joint Legislative Budget Committee (JLBC) to prepare an estimate of the impact on revenues or

expenditures if the AG determines that the initiative would affect revenues or expenditures. Provides that a statement of fiscal impact prepared by the Legislative Analyst may be used by JLBC and DOF in the preparation of the fiscal estimate or opinion. Requires the AG to include this estimate in the title and summary.

- 3) Requires the AG to prepare a ballot label for each statewide ballot measure, which is the portion of the ballot that contains the names of candidates or a statement of a ballot measure. Requires statewide ballot measure ballot labels to contain no more than 75 words and to be a condensed version of the ballot title and summary, including the fiscal impact summary.
- 4) Requires a county counsel or district attorney to prepare an impartial analysis of a qualified county ballot measure showing the effect of the measure on existing law and the operation of the measure. Provides that the analysis shall not exceed 500 words in length.
- 5) Requires a city attorney, unless the organization or salaries of the office of the city attorney are affected, to prepare an impartial analysis of a qualified city ballot measure showing the effect of the measure on existing law and the operation of the measure. Provides that the analysis shall not exceed 500 words in length.
- 6) Requires the county counsel or, if there is no county counsel, the district attorney of the county that contains the largest number of registered voters of the district, to prepare an impartial analysis of a district measure showing the effect of the measure on existing law and the operation of the measure. Provides that the analysis shall not exceed 500 words in length.
- 7) Requires the legal counsel for a water district or, if there is no legal counsel for the water district, the county counsel of the county that contains the largest number of registered voters of the water district, to prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. Provides that the analysis shall not exceed 500 words in length.
- 8) Requires the Secretary of State (SOS) to prepare a state ballot pamphlet for every statewide election.
- 9) Requires the state ballot pamphlet to contain, among other things, the following items:
 - a) A complete copy of each state ballot measure;
 - b) A copy of the specific constitutional or statutory provision, if any, that each state measure would repeal or revise;
 - c) A copy of the arguments and rebuttals for and against each state measure; and,
 - d) A copy of the analysis of each state measure, prepared by the Legislative Analyst.
- 10) Requires the state ballot pamphlet, for each statewide ballot measure, to contain the following, among other things:
 - a) Identification of the measure by number and title;

- b) The official summary prepared by the AG; and,
- c) The total number of votes cast for and against the measure in both the Senate and Assembly, if the measure was passed by the Legislature.

11) Requires the county elections official to prepare a sample ballot for each election.

12) Requires the sample ballot to contain, among other things, the following items:

- a) A copy of the official ballot used in the election;
- b) A notice of the polling place to each voter;
- c) A complete copy of the each local measure;
- d) A copy of the arguments and rebuttals for and against each local measure; and,
- e) A copy of the analysis of each local measure.

FISCAL EFFECT: Keyed non-fiscal by the Legislative Counsel.

COMMENTS:

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

Current law does not require that a source of a qualified ballot initiative be noted on the ballot or within the ballot summary. AB 354 would simply require that the source of the initiative be noted in the ballot summary and on the ballot itself. This will help voters determine how an initiative got on the ballot, especially when there are competing issues.

2) Limited Ballot Space: Existing law requires the elections official to prepare the ballot and include, among other things, the title of each office, the names of all qualified candidates, titles and summaries of measures, instructions to voters on marking the ballot, and translations. Additionally, strict requirements are in place regarding the ballot design, format, font style and size, among other things. Consequently, due to the strict requirements in place for ballots, it is challenging for elections official to find space on the ballot to add more information.

In addition, as mentioned above, current law has strict requirements in place pertaining to the length of a title and summary placed in the state ballot pamphlet, the county sample ballot and on the ballot. For instance, existing law requires the title and summary for state ballot measure to not exceed a total of 100 words in length, which includes the fiscal impact statement. Additionally, current law requires the ballot label of a statewide ballot measure to contain no more than 75 words and to be a condensed version of the ballot title and summary, including the fiscal impact summary. The statement required by this bill would count toward the word count limit thereby limiting other information that can be included in ballot labels and titles and summaries.

Although, it is plausible that the statement could be relatively short in length, the statement

would still be required to be included in the strict word count requirements.

Moreover, the author's statement states that the intent of this bill to require the statement to be placed in the ballot measure summary and on the ballot itself. However, it is unclear whether this bill accomplishes the author's goals. While this bill requires the statement described above to be included in the ballot pamphlet and on the ballot for statewide measures, it is unclear whether the provisions of this bill require the statement to be included on the ballot for local measures. According to the author's staff, it is not the author's intention to treat state and ballot measures differently. Consequently, in order to provide consistency for all ballot measures the committee may wish to amend the bill to ensure all ballots contain the statement described above.

Alternatively, due to the limited space on the ballot and because there is more flexibility with respect to the state ballot pamphlet and the county sample ballot, the committee may wish to consider deleting the requirement for the statement to be included on the ballot for state and local measures and instead only require the statement to be included in the state ballot pamphlet and the sample ballots.

- 3) Ballot Pamphlets and Sample Ballots: Existing law requires the SOS to prepare the state ballot pamphlet for each statewide election, which includes information about ballot measures that will appear on the ballot. Among the information that is included for each ballot measure is an impartial analysis of the measure, arguments for and against the measure, and the full text of the measure, and, for measures passed by the Legislature, the total number of votes cast for and against the measure in both the Senate and Assembly.

The requirement in this bill to include a statement indicating whether the measure was placed on the ballot by petition or by the Legislature may be redundant for statewide ballot measures, as existing law requires statewide ballot measures placed on the ballot by the Legislature to include the votes cast for and against each measure in both the Senate Assembly. Conversely, because this requirement is not in place for local ballot measures placed on the ballot by their respective governing bodies, it may be of value as it will ensure voters receive consistent information for all ballot measures.

- 4) What about School Districts Measures? As mentioned above, this bill requires a statement indicating whether a state, county, city, district, and water district ballot measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body, to be included in the analysis and on the ballot. However, this bill does not apply these same requirements to school district measures. According to the author's staff, it is the author's intention to apply these requirements to all ballot measures, ensuring there is uniformity across all jurisdictions. The committee may wish to amend the bill to apply the same requirements to school district ballot measures.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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