

Date of Hearing: June 24, 2014

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Paul Fong, Chair

SB 1253 (Steinberg) – As Amended: June 17, 2014

SENATE VOTE: 29-8

SUBJECT: Initiative measures.

SUMMARY: Makes significant changes to the initiative process. Specifically, this bill:

- 1) Makes minor modifications to provisions of law that prescribe how words are counted for the purposes of various provisions of the Elections Code, including for the word limit on a ballot title and summary.
- 2) Requires the Attorney General (AG), upon the receipt of a request from the proponents of a proposed initiative measure for a circulating title and summary, to initiate a public review process for a period of 30 days by doing all of the following:
 - a) Posting the text of the proposed initiative measure on the AG's Internet Web site; and,
 - b) Inviting, and providing for the submission of, written public comments on the proposed initiative measure on the AG's Internet Web site. Requires the site to accept written public comments for the duration of the public review period. Requires the written comments to be public records, available for inspection upon request pursuant to existing law, but prohibits the written comments from being displayed to the public on the AG's Internet Web site during the public review period. Requires the AG to transmit any written public comments received during the public review period to the proponents of the proposed initiative measure.
- 3) Permits proponents of the proposed initiative measure, during the public review period, to submit amendments to the measure. Prohibits the submission of an amendment from extending the period to prepare the fiscal estimate required by current law. Prohibits an amendment from being accepted more than five days after the public review period is concluded. Provides that a proponent shall not be prohibited from proposing a new initiative measure and requesting that a circulating title and summary be prepared for that measure pursuant to existing law.
- 4) Deletes provisions of law that require the fiscal estimate or opinion of the proposed initiative measure be prepared by the Department of Finance (DOF) and the Joint Legislative Budget Committee (JLBC) and instead requires the estimate to be prepared by the DOF and the Legislative Analyst. Requires the fiscal estimate to be delivered to the AG within 50 days of the date of receipt of the proposed measure by the AG, instead of 25 working days from the date the AG receives the *final version* of the proposed measure.
- 5) Requires the ballot title and summary to satisfy all of the following:

- a) Be written in clear and concise terms, understandable to the average voter, and in an objective and nonpartisan manner, avoiding the use of technical terms whenever possible;
 - b) If the measure imposes or increases a tax or fee, the type and amount of the tax or fee must be described;
 - c) If the measure repeals existing law in a substantial manner, that fact shall be included; and,
 - d) If the measure is contingent on the passage or defeat of another measure or statute, that fact shall be included.
- 6) Requires the AG to invite and consider public comment in preparing each ballot title and summary.
 - 7) Requires the Legislature to provide the AG with sufficient funding for administrative and other support relating to preparation of the ballot title and summary for initiative measures, including, but not limited to, plain-language specialists.
 - 8) Extends the period of time that a proposed initiative measure petition may be circulated from 150 days to 180 days.
 - 9) Requires the proponents of a proposed initiative measure to submit certification, signed under penalty of perjury, to the Secretary of State (SOS) immediately upon the collection of 25 percent of the number of signatures needed to qualify the initiative measure for the ballot.
 - 10) Deletes provisions of law that require a proposed initiative or referendum measure petition to be deemed filed and qualified on the date the SOS receives a certificate or certificates from all the county elections officials showing the petition is signed by the requisite number of voters of the state and instead provides that upon the issuance of a certificate of qualification, an initiative or referendum measure is deemed qualified for the ballot.
 - 11) Requires the SOS, in the case of an initiative measure, to identify the date of the next statewide general election as defined by current law, or the next statewide special election, that will occur not less than 131 days after the date the SOS receives a petition certified to have been signed by the requisite number of voters.
 - 12) Requires the SOS, on the 131st day prior to the date of the election identified, to do all of the following:
 - a) Issue a certificate of qualification certifying that the initiative measure, as of that date, is qualified for the ballot at the election identified;
 - b) Notify the proponents of the initiative measure and the elections official of each county that the measure, as of that date, is qualified for the ballot at the election identified; and,
 - c) Include the initiative measure in a list of all statewide initiative measures that are eligible to be placed on the ballot at the election identified and publish the list on the SOS's

Internet Web site.

- 13) Requires the SOS, in the case of a referendum measure, upon the receipt of a petition certified to have been signed by the requisite number of qualified voters, to do all of the following:
 - a) Issue a certificate of qualification certifying that the referendum measure, as of that date, is qualified for the ballot;
 - b) Notify the proponents of the referendum measure and the elections official of each county that the measure, as of that date, is qualified for the ballot; and
 - c) Include the referendum measure in a list of all statewide referendum measures that are qualified for the ballot and publish the list on the SOS's Internet Web site.
- 14) 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 measure qualifies for the ballot.
- 15) Requires a state or local initiative petition to contain a statement informing voters that the proponents have the right to withdraw the petition at any time before the SOS certifies that the measure has qualified for the ballot.
- 16) Deletes provisions of law that require Senate and Assembly committees to hold a joint public hearing on the subject of each initiative measure that qualifies for the ballot before the 30th day prior to the date of the election and instead requires the Senate and Assembly committees to hold a joint public hearing on the subject of each initiative measure not later than 131 days before the date of the election at which the measure is to be voted upon.
- 17) Requires the SOS to create an Internet Web site, or use other available technology, to consolidate information about each state ballot measure in a manner that is easy for voters to access and understand. Requires the information to include all of the following:
 - a) A summary of the ballot measure's content;
 - b) A current list of the top 10 contributors supporting and opposing the ballot measure, as compiled by the Fair Political Practices Commission (FPPC) pursuant to existing law;
 - c) A list of each committee primarily formed to support or oppose the ballot measure pursuant to existing law, and a means to access information about the sources of contributions reported to each committee; and,
 - d) Any other information deemed relevant by the SOS.
- 18) Requires information about sources of contributions to be updated as new information becomes available to the public pursuant to existing law.
- 19) Requires the SOS, if a committee identified above receives at least one million dollars (\$1,000,000) in contributions for an election, to provide a means to access online information

about the committee's top 10 contributors reported to the FPPC pursuant to current law. Requires the FPPC to automatically provide any list of top 10 contributors, and any subsequent updates to that list, to the SOS for purposes of compliance with this section.

- 20) Extends the time period that the SOS must make the ballot pamphlet available for public examination from 20 days to 25 days.
- 21) Requires the SOS to establish processes to enable a voter to do both of the following:
 - a) Opt out of receiving the state ballot pamphlet by mail pursuant to existing law; and
 - b) When the state ballot pamphlet is available, to receive either the state ballot pamphlet in an electronic format or an electronic notification making the pamphlet available by means of online access.
- 22) Requires the processes described above to become effective only after the SOS has certified that the state has a statewide voter registration database that complies with the federal Help America Vote Act of 2002 (HAVA).
- 23) Makes it a crime for a proponent of a statewide initiative measure to seek, solicit, bargain for, or obtain any money or thing of value of or from any person, firm, or corporation for the purposes of withdrawing an initiative petition after filing it with the appropriate elections official.
- 24) Makes other conforming changes.
- 25) Creates the Ballot Initiative Transparency Act (Act) and makes the following Legislative findings and declarations:
 - a) Initiative measures, also known as ballot measures or propositions, allow California voters to participate directly in lawmaking. California voters have enjoyed the right to enact laws through the initiative process since 1911. However, many voters find it difficult to understand the language of an initiative measure and to learn who is behind an initiative measure.
 - b) States the intent of the Legislature in enacting this Act is to update the initiative process, which is more than 100 years old, by doing all of the following:
 - i) Providing voters with more useful information so that they are able to make an informed decision about an initiative measure. Under this Act, the SOS will be required to give voters one-stop access to a clear explanation of each measure and information about the individuals and groups behind each measure. This gives voters updated information about who is spending large sums of money to support or oppose each initiative measure. Voters will also be allowed to request an electronic copy of ballot materials, thereby reducing the expenses of printing and mailing.
 - ii) Providing a voter-friendly explanation of each initiative measure. This Act requires that ballot materials be drafted in clear and impartial language.

iii) Identifying and correcting flaws in an initiative measure before it appears on the ballot. Currently, proponents of an initiative measure have few options to correct the language of an initiative measure or to withdraw a petition for a proposed initiative measure, even when flaws are identified. This Act gives voters an opportunity to comment on an initiative measure before the petition is circulated for signatures. Public comment may address perceived errors in the drafting of, or perceived unintended consequences of, the proposed initiative measure. By extending the time for gathering signatures, this Act will give the Legislature the opportunity to hold earlier public hearings to review initiative measures. This Act also allows the proponents of an initiative measure to withdraw the measure after the petition and signatures are submitted to elections officials, but before the measure qualifies for the ballot.

EXISTING LAW:

- 1) Defines a ballot title and summary to mean the summary of the chief purpose and points, including the fiscal impact summary, of any measure that appears in the state ballot pamphlet.
- 2) Defines a circulating title and summary to mean the text that is required to be placed on the petition for signatures that is either of the following:
 - a) The summary of the chief purpose and points of a proposed initiative measure that affects the Constitution or laws of the state, and the fiscal impact of the proposed initiative measure; or,
 - b) The summary of the chief purpose and points of a referendum measure that affects a law or laws of the state.
- 3) Requires the proponents of a proposed initiative or referendum measure to submit the text of the proposed measure to the AG with a written request that a circulating title and summary of the measure be prepared, prior to circulating the petition for signatures. Requires proponents of any initiative measure, at the time of submitting the text of the proposed initiative measure to the AG, to pay a fee of two hundred dollars (\$200).
- 4) Requires the AG to give a true and impartial statement of the purpose of the measure in such language that the ballot title and summary shall neither be an argument nor be likely to create prejudice, for or against that proposed measure.
- 5) Requires the AG to provide a copy of the circulating title and summary to the SOS within 15 days after receipt of the final version of a proposed initiative measure, or if a fiscal estimate or opinion is to be included, within 15 days after receipt of the fiscal estimate or opinion prepared by the DOF and the JLBC. Requires the DOF and the JLBC to deliver the fiscal estimate to the AG within 25 working days from the date of receipt of the final version of the proposed measure.
- 6) Requires the SOS, upon request of the proponents of an initiative measure which is to be submitted to the voters, to review the provisions of the initiative measure after it is prepared prior to its circulation. Requires the SOS, in conducting the review, to analyze and comment

on the provisions of the measure with respect to form and language clarity and request and obtain a statement of fiscal impact from the Legislative Analyst. Provides that the review performed shall be for the purpose of suggestion only and shall not have any binding effect on the proponents of the initiative measure.

- 7) Requires the Legislative Counsel to cooperate with the proponents of an initiative measure in its preparation when requested in writing by 25 or more electors proposing the measure when, in the judgment of the Legislative Counsel, there is reasonable probability that the measure will be submitted to the voters of the State under the laws relating to the submission of initiatives.
- 8) Allows the proponents of a proposed initiative measure to amend the proposed measure prior to the preparation of a circulating title and summary, as specified.
- 9) Defines official summary date to mean the date a circulating title and summary of a proposed initiative measure is delivered or mailed by the AG to the proponents of the proposed measure.
- 10) Prohibits a petition for a proposed statewide initiative or referendum from being circulated prior to the official summary date. Requires a petition with signatures on a proposed initiative measure to be filed with the county elections official no later than 150 days from the official summary date.
- 11) Requires that state initiative petitions circulated for signature to include a prescribed notice to the public.
- 12) Provides that an initiative or referendum measure petition is deemed filed and the measure qualified on the date that the SOS receives certificates from all of the county elections officials showing that the petition has been signed by the requisite number of voters.
- 13) Requires the SOS to notify the proponents, and immediately transmit to the elections official or registrar of voter of every county or city and county in the state a certificate, when the SOS has received from one or more elections officials or registrars a petition certified to have been signed by the requisite number of qualified voters.
- 14) Requires the SOS, upon certification of an initiative measure to appear on the ballot, to transmit copies of an initiative measure and its circulating title and summary to the Senate and the Assembly.
- 15) Requires that each house of the Legislature assign the initiative measure to its appropriate committees. Requires the committees to hold a joint public hearing on the subject of the proposed measure prior to the date of the election at which the measure is to be voted upon. Prohibits a hearing from being held within 30 days prior to the date of the election.
- 16) Authorizes the proponents of a statewide initiative or referendum measure to withdraw the measure at any time before filing the petition with the appropriate elections official, as specified.

- 17) Requires the SOS to submit an initiative measure at the next general election held at least 131 days after it qualifies or at any special statewide election held prior to that general election. Permits the Governor to call a special statewide election for the measure.
- 18) Requires the SOS to submit a referendum measure at the next general election held at least 31 days after it qualifies or at a special statewide election held prior to that general election. Permits the Governor to call a special statewide election for the measure.
- 19) Provides that a "general election" means only the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year with respect to an initiative or referendum, as specified. Prohibits an initiative measure from being submitted to the voters at a statewide special election held less than 131 days after the date the measure is certified for the ballot.
- 20) Requires the SOS to disseminate the complete state ballot pamphlet over the Internet.
- 21) Requires the SOS to establish a process to enable a voter to opt out of receiving the state ballot pamphlet by mail, as specified. Requires this process to become effective only after the SOS certifies that the state has a statewide voter registration database that complies with the HAVA.
- 22) Requires the SOS to develop a program to utilize modern communications and information processing technology to enhance the availability and accessibility of information on statewide candidates and ballot initiatives, including making information available online as well as through other information processing technology.
- 23) Makes certain activities relating to the circulation of an initiative, referendum, or recall petition a criminal offense.
- 24) Requires a committee that is primarily formed to support or oppose a state ballot measure or state candidate, and that raises one million dollars (\$1,000,000) or more for an election, to maintain an accurate list of the committee's top 10 contributors, as specified by the FPPC. Requires a current list of the top 10 contributors to be disclosed on the FPPC's Internet Web site, as specified. Requires the FPPC to update the top 10 contributor list as specified. Requires the FPPC to adopt regulations to govern the manner in which the FPPC displays to top 10 contributor lists. Requires the FPPC to provide the top 10 contributor lists to the SOS, upon request of the SOS, for the purpose of additionally posting the contributor lists on the SOS's Internet Web site.
- 25) Requires the FPPC to compile, maintain, and display on its Internet Web site a current list of the top contributors supporting and opposing each state ballot measure, as specified.
- 26) Requires the state ballot pamphlet to contain a written explanation of the top 10 contributor lists described above, including a description of the Internet Web site where the lists are available to the public.

FISCAL EFFECT: According to the Senate Appropriations Committee, annual costs of \$114,326 to AG's office. (General Fund)

The AG's office indicates the need for one Personnel Year (PY) at Associate Governmental Program Analyst position to handle the additional workload related to monitoring the required public comment section and associated duties.

The SOS has indicated that amending the initiative qualification process will have minor cost implications for providing notice to the Legislature and providing a certification of all voter initiated measures that qualify for the ballot.

Existing law requires the SOS, upon the completion of VoteCal, to establish a process to allow voters to opt-out of receiving the Voter Information Guide (VIG). This bill would require that, when opting out, the voter would have the option to receive the VIG "in an electronic format." If this is interpreted to mean the SOS will be required to email the VIG to voters electing this option, numerous changes to VoteCal and county election management systems (EMS) would be required. A website function would need to be developed for voters to choose a VIG delivery option of paper, email, or no delivery. Both VoteCal and the county EMS would need to be modified to capture email addresses and store VIG delivery options. Other system changes include the voter registration interface between VoteCal and the EMS, functions for elections officials to extract email addresses, record in the voter record system activity, and more. The costs to modify VoteCal and county EMS systems to send the VIG electronically to those opting out are estimated to be \$500,000.

To the degree that voters elected to either not receive the VIG or to receive it in electronic format, there would be unknown, but significant, printing and postage cost savings.

Additionally, the SOS indicates the need for two PY's with a first year cost of \$215,000 and \$205,000 ongoing relating to the provision requiring the online posting of consolidated ballot measure summaries and the top 10 donors.

COMMENTS:

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

Californians, in 1911, won the right to enact legislation through the initiative process, giving them the power equal to the legislative branch of government. The initiative process has been a well-used tool for Californians to act on a broad range of issues. In recent years, voters have been asked to decide on an increasing number of highly complex, sometimes confusing initiatives. Although voters overwhelmingly continue to support the initiative process, they're becoming increasingly concerned over various aspects.

The Public Policy Institute of California's (PPIC) 2013 Statewide Survey results substantiated the public's desire to maintain the initiative process but with targeted improvements. The PPIC survey found that 83% of voters "say the wording of initiatives is often too complicated," 75% of voters favor "giving initiative sponsors more time to qualify initiatives if they use only volunteers to gather signatures," and 77% of voters "support a review and revision process to avoid legal issues and drafting errors."

Over the years, the use of the initiative has swelled in frequency – 112 propositions have been put before voters since 2002 – and complexity. Both are major concerns among

voters. SB 1253 would require ballot title and summaries to be written in non-technical terms that are easily understood by voters.

Additionally, SB 1253 establishes a mechanism for public input on changes to an initiative before it qualifies for the ballot. Currently no such mechanism exists. For example, in 1996, Proposition 212 – an ethics and campaign reform initiative – included an unintended provision that repealed a ban on gifts to legislators and other public officials. Unfortunately, proponents were not allowed to fix their mistake and the initiative failed.

There is also no mechanism for a proponent to remove a ballot initiative in the event the proponent comes to some form of negotiated resolution. Such an instance occurred in 2004. The League of Cities qualified a local government protection initiative (Proposition 65) on the ballot. Before the election, they then came to a compromise through a separate measure with the Legislature and Governor, which also went on the same ballot as Prop 1A. There was no way for the League of Cities to remove Prop 65, resulting in them actively opposing it and supporting Prop 1A.

There have been many discussions about the initiative process and possible improvements. SB 1253 takes a reasonable approach to initiative reform that addresses the concerns many Californians have voiced with the current system.

- 2) AG's Process for Preparing Ballot Summaries and Titles: Before circulating a measure, current law requires initiative proponents to first submit a draft of the proposed initiative or referendum measure to the AG with a written request that a circulating title and summary of the chief purpose of the points of the measure be prepared. At the time of submitting the draft, current law requires the proponents to pay a \$200 fee. Upon receipt of the fee and request, the AG is required to prepare a circulating title, which will be the official title and summary of the proposed measure. In addition, existing law requires the AG to provide a copy of the title and summary to the SOS within 15 days after receipt of the final version of the proposed initiative measure. If during that 15-day period, if the proponents submit amendments, other than technical, non-substantive amendments, to the initiative measure, the AG must submit the title and summary to the SOS within 15 days after receipt of such amendments. In addition, if a fiscal estimate or opinion is required, additional time is allotted and existing law requires the DOF and the JLBC to jointly prepare an estimate, as specified, within 25 working days from the date they receive the final version of the proposed measure. In practice, the Legislative Analyst typically prepares the fiscal estimate on behalf of the JLBC, and that estimate is reviewed and approved by the DOF.

When the official title and summary is complete, the AG sends it and the text of the measure to the Senate and the Assembly. The Legislature may conduct public hearings on the proposed initiative measure but cannot amend it.

This bill conforms state law to existing practice by requiring the DOF and the Legislative Analyst to prepare the fiscal estimate. In addition, this bill increases the time period allotted for the fiscal analysis to be prepared from 25 working days to 50 days.

- 3) Public Comment: In addition to the changes mentioned above, this bill makes other substantial changes to the AG's process. This bill adds a 30 day public review period and

requires the AG to post the text of the proposed initiative measure on the AG's Internet Web site and provide for the submission of written public comments on the proposed initiative measure. However, this bill prohibits the written comments from being displayed to the public and instead requires the AG to transmit the written public comments to the proponents of the measure. According to the author, this establishes a mechanism for the public to provide input on changes to an initiative that could help fix perceived drafting errors and avert perceived unintended consequences of the proposed initiative measure.

While the author's goal is laudable, nothing in current law prohibits proponents from posting the initiative text online for public comment. In addition, there are other avenues in which initiative proponents can obtain assistance when drafting the text of their proposed initiative measure. Current law permits initiative measure proponents to obtain assistance from the Office of the Legislative Counsel in drafting the language of the proposed law. In order to do so, the proponents must obtain the signatures of 25 or more electors on a request for a draft of the proposed law before submitting their proposal to the Legislative Counsel. Moreover, current law allows initiative proponents to submit the text of their proposed initiative measure to the SOS for review, as specified. Finally, proponents are permitted to seek the assistance of their own private counsel to help draft the text of the proposed law. In practice, initiative proponents with greater financial resources tend to use private counsel or legal firms that specialize in certain issue areas, such as the Political Reform Act, when drafting the text of a proposed initiative.

- 4) Possibility of "Spot" Initiatives: During the public review period, this bill permits proponents of a proposed initiative measure to submit amendments to the measure. However, this bill does not place any limitation on the amendments submitted by the proponents. Consequently, this bill does not prevent a proponent from receiving public comments on the text of a "spot" initiative, and then submitting a substantially revised initiative text to the AG after the 30 day public comment period for the ballot title and summary preparation. This scenario renders the public review process meaningless. Moreover, the proponents of a proposed measure could do this and circumvent paying another \$200 filing fee.

Furthermore, because this bill does not prevent the submission of a "spot" initiative, the time period that the Legislative Analyst and DOF have to prepare the fiscal estimate could be negatively impacted. This bill, which extends the time for the DOF and the Legislative Analyst to prepare the fiscal estimate from 25 working days to 50 days, also permits the proponents to submit amendments 5 days after the 30 day public review period. As a result, if the proponents submit an amendment that substantively changes the initiative text, the DOF and Legislative Analyst will only have 15 days to prepare a new fiscal estimate.

- 5) New Title and Summary Criteria: When the AG is drafting the title and summary for a proposed initiative measure, current law requires the AG to give a true and impartial statement of the purpose of the measure in such language that the ballot title and summary shall neither be an argument nor be likely to create prejudice, for or against that proposed measure. This bill adds substantial new requirements on how a ballot title and summary must be drafted. This bill requires the ballot title and summary to satisfy all of the following criteria: 1) be written in clear and concise terms, understandable to the average voter, and in an objective and nonpartisan manner, avoiding the use of technical terms whenever possible, 2) include the type and amount of the tax and fee if the measure imposes or increases a tax or fee, 3) indicate whether the measure repeals existing law in any substantial manner, and 4)

indicate whether the measure is contingent on the passage or defeat of another measure or statute. According to the author, this bill aims to result in ballot titles and summaries that are written in non-technical terms that are easily understood by voters. Notwithstanding the author's goal, these new criteria are ambiguous and subjective, and consequently could result in more litigation surrounding the ballot titles and summaries created by the AG.

- 6) Initiative and Referendum Qualification Changes: Current law provides that an initiative or referendum measure petition is deemed filed and the measure qualified on the date that the SOS receives certificates from all of the county elections officials showing that the petition has been signed by the requisite number of voters. This bill makes significant changes to that process and instead provides for a two-step process for initiative measures. The first step requires the SOS to identify the date of the next statewide general election or the next statewide special election that will occur not less than 131 days after the date the SOS receives a petition certified to have been signed by the requisite number of qualified voters. Secondly, the SOS waits until the 131st day prior to the date of the election identified to issue a certificate of qualification that the measure, as of that date, is qualified for the ballot at the election identified. Under the provisions of this bill, an initiative or referendum measure is deemed to be qualified for the ballot upon the issuance of a certificate of qualification by the SOS, instead of being qualified on the date that the SOS receives certificates from all of the county elections officials showing that the petition has been signed by the requisite number of voters.

There could be a significant amount of time between the date when the SOS receives certificates certifying that the requisite number of voters had signed the petition and the 131st day prior to the date of the election identified by the SOS. According to the author, this two-step process is designed to increase the time between the completion of the verification of signatures on a petition and the date that the measure is technically qualified to appear on the ballot. Allowing a longer period of time between these two steps will provide the initiative proponents more time to negotiate with the Legislature or other entities and perhaps come to an agreement or settlement.

In addition, increasing the time period will also provide the proponents with the ability to withdraw the initiative if an agreement or settlement is reached. Current law permits the proponents of a statewide or local initiative or referendum measure to withdraw the measure at any time before filing the petition with the appropriate elections official. This bill extends that period of time and permits the proponents of a statewide initiative or referendum to withdraw the measure after filing the petition with the appropriate elections official at any time before the SOS certifies that the measure has qualified for the ballot.

It is unclear, however, whether this bill could be interpreted to be in conflict with the California Constitution. Under current law, the Governor is permitted to call a statewide special election for an initiative or referendum measure that is qualified for the ballot. As mentioned above, even if an initiative has been signed by the requisite number of qualified voters, the initiative, under the provisions of this bill, is not deemed to be qualified until after the SOS issues a certification of qualification on the 131st day prior to the identified election. It is unclear whether this new process negates the Governor's ability to call a statewide special election for an initiative measure that has received enough signatures to qualify for the ballot, but is not deemed to be qualified under the provisions of this bill. In order to provide legal assurance, the committee may wish to obtain a legal opinion from the Office of

Legislative Counsel to verify that this bill does not restrict the Governor's ability to call a statewide special election for an initiative measure.

- 7) Increased Timeframes: Current law requires a petition for a proposed initiative measure to be filed with the county elections official not later than 150 days from the official summary date. This bill extends the circulation time period to 180 days. While the addition of 30 days may be minor, it is unknown how this additional time will impact the current initiative process. Presumably adding extra days to the circulation period could increase the number of initiatives on the ballot.

In addition, current law requires the SOS to make a copy of the state ballot pamphlet available for public examination not less than 20 days before the SOS submits the ballot pamphlet to the State Printer. This bill extends the public display period to 25 days.

While both of these time changes may seem minor, in fact they could have a significant impact on the current initiative process. For example, there are many tasks that must be completed and important deadlines that must be met before the final version of the ballot pamphlet goes on public display. Conversely, there are tasks and many statutory deadlines that must be met after the public display period. For instance, if there are any legal challenges to the contents of the SOS's ballot pamphlet or AG's ballot labels and ballot titles and summaries, these challenges must be resolved in court. In addition, time needs to be allocated for the State Printer to print millions of state ballot pamphlets and for the final version of the state ballot pamphlet to be translated into nine foreign languages as required by law. Aside from those tasks, there are other statutory deadlines that must be met. For example, current law requires county elections official to finish sending military and overseas ballots 45 days before election day. Consequently, the lengthening of any statutory requirement could reduce the time available for the SOS to prepare the statewide ballot pamphlet, and may reduce the time available to county elections officials to prepare, print, and mail sample ballots, and print the official ballots for their voters.

- 8) Related Legislation: SB 844 (Pavley), which is also being heard in this committee today, contains similar provisions to portions of this bill. SB 844 requires the SOS, among other provisions, to create an Internet Web site, as specified, and consolidate information about each ballot measure in a manner that is easy for voters to access and understand on any computer system platform. Specifically, SB 844 requires the web site to include, among other information, a summary of each ballot measure, a current list of the top 10 contributors supporting or opposing a ballot measure, as specified, a list of each committee primarily formed to support or oppose a ballot measure, as specified, and for committees primarily formed to support or oppose a state ballot measure that raise \$1,000,000 or more for an election, a list of the committee's top 10 contributors as provided by the FPPC, as specified.
- 9) Previous Legislation: SB 27 (Correa), Chapter 16, Statutes of 2014, requires a primarily formed committee formed to support or oppose a state ballot measure or state candidate, and that raises \$1,000,000 or more for an election, to maintain an accurate list of their top 10 contributors and to disclose those lists on the FPPC's Internet Web site, as specified. Additionally, SB 27 requires the FPPC to compile, maintain, and display on its Internet Web site a current list of the top contributors supporting and opposing each state ballot measure, as specified, among other provisions.

AB 2524 (Evans) of 2010, which was held on the Senate Appropriations suspense file, would have required the AG to submit a copy of the text of a proposed initiative measure to the SOS for posting on the SOS's Internet Web site for 30 days to facilitate public comment prior to the AG drafting the ballot title and summary for the proposed measure.

AB 1245 (Laird) of 2003, which was vetoed by Governor Gray Davis, would have required a 30 day public comment period prior to the AG drafting the ballot title and summary. In his veto message, Governor Davis stated that, "I am concerned that an initiative could receive either a negative or positive comment while displayed on the SOS web site; the proponents may then revise the initiative, but is not required to repost it. Consequently, the public may see one version of the initiative prior to the election and an entirely different initiative during the election."

SB 1715 (Margett) of 2006, which failed passage in the Senate Elections & Constitutional Amendments Committee, would have extended the signature gathering period from 150 days to 365 days.

10) Political Reform Act of 1974: California voters passed an initiative, Proposition 9, in 1974 that created the FPPC and codified significant restrictions and prohibitions on candidates, officeholders, and lobbyists. That initiative is commonly known as the Political Reform Act (PRA). Amendments to the PRA that are not submitted to the voters, such as those contained in this bill, must further the purposes of the proposition and require a two-thirds vote of each house of the Legislature.

REGISTERED SUPPORT / OPPOSITION:

Support

California Common Cause (sponsor)
AARP California
American Association of University Women
California Chamber of Commerce
California School Employees Association
Disability Rights California
Sierra Club California

Opposition

California Teachers Association

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