

Introduced by Senator DuchenyFebruary 13, 2008

An act to amend Sections 9004 and 9005 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1208, as introduced, Ducheny. Elections: title and summary: fiscal estimate.

Existing law requires the Attorney General, upon receipt of a draft of a petition for a proposed measure, to draft a title and summary of the proposed measure. Existing law requires the Attorney General to determine whether a proposed measure would affect the revenues or expenditures of the state or local government. If the Attorney General determines that a proposed measure would affect state or local revenues or expenditures, he or she must include in the title either the estimate of the amount of change in state or local revenues or costs, or an opinion as to whether or not a substantial net change in state or local finances would result if the proposed initiative is adopted. Existing law requires the Department of Finance and the Joint Legislative Budget Committee to prepare jointly the fiscal estimate that is included in the title.

This bill would require that the fiscal estimate included in the title be prepared by the Legislative Analyst, who may request the assistance of any state department, agency, or official in preparing the fiscal estimate.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9004 of the Elections Code is amended
2 to read:

3 9004. (a) Upon receipt of a draft of a petition, the Attorney
4 General shall prepare a summary of the chief purposes and points
5 of the proposed measure. The summary shall be prepared in the
6 manner provided for the preparation of ballot titles in Article 5
7 (commencing with Section 9050), the provisions of which in regard
8 to the preparation, filing, and settlement of titles and summaries
9 are hereby made applicable to the summary. The Attorney General
10 shall provide a copy of the title and summary to the Secretary of
11 State within 15 days after receipt of the final version of a proposed
12 initiative measure, or if a fiscal estimate or opinion is to be
13 included, within 15 days after receipt of the fiscal estimate or
14 opinion prepared by the ~~Department of Finance and the Joint~~
15 ~~Legislative Budget Committee~~ *Legislative Analyst* pursuant to
16 Section 9005.

17 (b) If during the 15-day period, the ~~proponents~~ *proponent* of
18 the proposed initiative measure ~~submit amendments~~ *submits an*
19 *amendment*, other than a technical, nonsubstantive ~~amendments~~
20 *amendment*, to the final version of the measure, the Attorney
21 General shall provide a copy of the title and summary to the
22 Secretary of State within 15 days after receipt of the ~~amendments~~
23 *amendment*.

24 (c) The ~~proponents~~ *proponent* of ~~any~~ *an* initiative measure, at
25 the time of submitting the draft of the measure to the Attorney
26 General, shall pay a fee of two hundred dollars (\$200), which shall
27 be placed in a trust fund in the office of the Treasurer and refunded
28 to the ~~proponents~~ *proponent* if the measure qualifies for the ballot
29 within two years from the date the summary is furnished to the
30 ~~proponents~~ *proponent*. If the measure does not qualify within that
31 period, the fee shall be immediately paid into the General Fund of
32 the state.

33 SEC. 2. Section 9005 of the Elections Code is amended to read:

34 9005. (a) Notwithstanding Section 9004, the Attorney General,
35 in preparing a title or summary for an initiative measure, shall
36 determine whether the substance thereof if adopted would affect
37 the ~~revenues~~ *revenue* or expenditures of the state or local
38 government, and if he or she determines that it would, he or she

1 shall include in the title either the estimate of the amount of ~~any~~
2 increase or decrease in ~~revenues~~ *revenue* or ~~costs~~ *cost* to the state
3 or local government, or an opinion as to whether or not a
4 substantial net change in state or local finances would result if the
5 proposed initiative is adopted.

6 (b) ~~The estimates~~ *estimate* as required by this section shall be
7 made ~~jointly by the Department of Finance and the Joint Legislative~~
8 ~~Budget Committee~~ *Legislative Analyst*, who shall deliver ~~them~~ *the*
9 *estimate* to the Attorney General so that he or she may include
10 ~~them~~ *the estimate* in the ~~titles~~ *title* prepared by him or her. *The*
11 *Legislative Analyst may request the assistance of any state*
12 *department, agency, or official in preparing his or her estimate.*

13 (c) The estimate shall be delivered to the Attorney General
14 within 25 working days from the date of receipt of the final version
15 of the proposed initiative from the Attorney General, unless in the
16 opinion of ~~both the Department of Finance and the Joint Legislative~~
17 ~~Budget Committee~~ *the Legislative Analyst* a reasonable estimate
18 of the net impact of the proposed ~~initiative~~ *measure* cannot be
19 prepared within the 25-day period. In the latter case, the
20 ~~Department of Finance and the Joint Legislative Budget Committee~~
21 *Legislative Analyst* shall, within the 25-day period, ~~give advise~~
22 the Attorney General ~~their opinion~~ as to whether or not a substantial
23 net change in state or local finances would result if the proposed
24 ~~initiative~~ *measure* is adopted.

25 ~~Any statement of fiscal impact prepared by the Legislative~~
26 ~~Analyst pursuant to subdivision (b) of Section 12172 of the~~
27 ~~Government Code may be used by the Department of Finance and~~
28 ~~the Joint Legislative Budget Committee in the preparation of the~~
29 ~~fiscal estimate or the opinion.~~