

AMENDED IN SENATE MARCH 24, 2008

SENATE BILL

No. 1208

Introduced by Senator Ducheny

February 13, 2008

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1208, as amended, 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 Legislative Analyst pursuant to Section
15 9005.

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

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

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

31 9005. (a) Notwithstanding Section 9004, the Attorney General,
32 in preparing a title or summary for an initiative measure, shall
33 determine whether the substance thereof if adopted would affect
34 the revenue or expenditures of the state or local government, and
35 if he or she determines that it would, he or she shall include in the
36 title either the estimate of the amount of increase or decrease in
37 revenue or cost to the state or local government, or an opinion as

1 to whether or not a substantial net change in state or local finances
2 would result if the proposed initiative is adopted.

3 (b) The estimate as required by this section shall be made by
4 the Legislative Analyst, who shall deliver the estimate to the
5 Attorney General so that he or she may include the estimate in the
6 title prepared by him or her. The Legislative Analyst may request
7 the assistance of any state department, agency, or official in
8 preparing his or her estimate.

9 (c) The estimate shall be delivered to the Attorney General
10 within 25 working days from the date of receipt of the final version
11 of the proposed initiative from the Attorney General, unless in the
12 opinion of the Legislative Analyst a reasonable estimate of the net
13 impact of the proposed measure cannot be prepared within the
14 25-day period. In the latter case, the Legislative Analyst shall,
15 within the 25-day period, advise the Attorney General as to whether
16 or not a substantial net change in state or local finances would
17 result if the proposed measure is adopted.

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