

Assembly Constitutional Amendment

No. 14

**Introduced by Assembly Member Hernandez
(Coauthor: Assembly Member Furutani)**

February 27, 2009

Assembly Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article II thereof, relating to the initiative.

LEGISLATIVE COUNSEL'S DIGEST

ACA 14, as introduced, Hernandez. Initiative measures.

The California Constitution provides electors, through the initiative, the power to propose statutes and constitutional amendments and to adopt or reject them. An initiative measure may be proposed by presenting to the Secretary of State a certified petition signed by a specified number of electors. The Secretary of State is required to submit an initiative measure at the next general election held at least 131 days after the measure qualifies or at a special statewide election held prior to that general election.

This measure would limit the number of initiative measures that the Secretary of State may place on each statewide election ballot to 5, prioritized according to the date of qualification. The measure would prohibit qualified initiative measures not placed on the statewide election ballot from being placed on the ballot at a subsequent election, but would allow a new initiative measure containing the same or a similar proposal to qualify for a subsequent election ballot.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2009–10 Regular
3 Session commencing on the first day of December 2008, two-thirds
4 of the membership of each house concurring, hereby proposes to
5 the people of the State of California that the Constitution of the
6 State be amended as follows:

7 That Section 8 of Article II thereof is amended to read:

8 SEC. 8. (a) The initiative is the power of the electors to
9 propose statutes and amendments to the Constitution and to adopt
10 or reject them.

11 (b) An initiative measure may be proposed by presenting to the
12 Secretary of State a petition that sets forth the text of the proposed
13 statute or amendment to the Constitution and is certified to have
14 been signed by electors equal in number to 5 percent in the case
15 of a statute, and 8 percent in the case of an amendment to the
16 Constitution, of the votes for all candidates for Governor at the
17 last gubernatorial election.

18 (c) ~~The~~ (1) *At each general election, and at every special*
19 *statewide election held prior to a general election, the Secretary*
20 *of State shall then submit the measure at the next general election*
21 *held at least not more than five initiative measures that qualify* 131
22 *days after it qualifies or at any special statewide election held prior*
23 *to that general or more before the date of the election. The*

24 (2) *Priority for placement on an election ballot shall be assigned*
25 *chronologically, based on the date an initiative measure qualifies*
26 *for the ballot. The Governor may call a special statewide election*
27 *for the an initiative measure.*

28 (d) An initiative measure embracing that qualifies for an election
29 ballot pursuant to paragraph (1) of subdivision (c), even if it was
30 not placed on the ballot pursuant to paragraph (2) of that
31 subdivision, shall not be placed on the ballot at a subsequent
32 election. Nothing in this subdivision prohibits a new initiative
33 measure containing the same or a similar proposal from qualifying
34 for a subsequent election ballot in the manner specified by this
35 section.

36 (e) An initiative measure embracing more than one subject may
37 shall not be submitted to the electors or have any effect.

38 (e)

39 (f) An initiative measure may shall not include or exclude any
40 political subdivision of the State from the application or effect of

1 its provisions based upon approval or disapproval of the initiative
2 measure, or based upon the casting of a specified percentage of
3 votes in favor of the measure, by the electors of that political
4 subdivision.

5 (f)

6 (g) An initiative measure ~~may~~ *shall* not contain alternative or
7 cumulative provisions wherein one or more of those provisions
8 would become law depending upon the casting of a specified
9 percentage of votes for or against the measure.

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