

AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

Assembly Constitutional Amendment

No. 10

Introduced by Assembly Member Gatto

December 9, 2010

Assembly Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending ~~Section~~ *Sections 8 and 10* of Article II thereof, *and by amending Section 4 of Article XVIII thereof*, relating to initiatives.

LEGISLATIVE COUNSEL'S DIGEST

ACA 10, as amended, Gatto. ~~Initiatives~~ *Initiative constitutional amendments: qualification and approval.*

(1) *The California Constitution allows the proposal of an initiative measure by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the Constitution and is certified to have been signed by electors equal in number to 5% in the case of a statute, and 8% in the case of an amendment to the Constitution, of the votes for all candidates for Governor at the last gubernatorial election.*

This measure would require, in the case of a petition that proposes an amendment to the Constitution, that the petition include signatures from each of 27 of the Senatorial districts in the State equal in number to 8% of the votes for all candidates for Governor cast in that district at the last gubernatorial election.

(2) *The California Constitution requires that a proposed amendment or revision of the Constitution be approved by a majority of votes thereon in order to take effect.*

This measure would require that an amendment to the Constitution proposed by initiative be approved by 55% of the votes thereon, except that only a majority of votes thereon would be required if the sole effect of the measure is to repeal one or more amendments to the Constitution previously approved by the electors.

~~The California Constitution provides voters, through the initiative, the power to propose statutes and constitutional amendments and to adopt or reject them. The California Constitution further provides that the Legislature may amend or repeal an initiative statute only by another statute approved by the voters, unless the initiative statute permits amendment or repeal without the approval of the voters.~~

~~This measure would instead authorize the Legislature to amend or repeal an initiative statute, effective 4 years or more after the date the initiative statute is approved by the voters, unless the initiative statute allows that action by the Legislature at an earlier date. The measure would require that an amendment or repeal of an initiative statute by the Legislature be passed by a percentage of the membership of each house that exceeds the percentage of voters that approved the initiative statute or, if applicable, that approved the most recent amendment of the initiative statute.~~

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: ~~no~~-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 2011–12 Regular
3 Session commencing on the sixth day of December 2010,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California that the
6 Constitution of the State be amended as follows:

7 *First—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~~ *as follows:*

15 (1) *In the case of a statute, by electors equal in number to 5*
16 ~~percent in the case of a statute, and 8 percent in the case of an~~

1 ~~amendment to the Constitution~~, of the votes for all candidates for
2 Governor at the last gubernatorial election.

3 (2) *In the case of an amendment to the Constitution, by electors*
4 *equal in number to 8 percent of the votes for all candidates for*
5 *Governor at the last gubernatorial election, including signatures*
6 *from each of 27 of the Senatorial districts in the State equal in*
7 *number to 8 percent of the votes for all candidates for Governor*
8 *cast in that district at the last gubernatorial election.*

9 (c) The Secretary of State shall then submit the measure at the
10 next general election held at least 131 days after it qualifies or at
11 any special statewide election held prior to that general election.
12 The Governor may call a special statewide election for the measure.

13 (d) An initiative measure embracing more than one subject may
14 not be submitted to the electors or have any effect.

15 (e) An initiative measure may not include or exclude any
16 political subdivision of the State from the application or effect of
17 its provisions based upon approval or disapproval of the initiative
18 measure, or based upon the casting of a specified percentage of
19 votes in favor of the measure, by the electors of that political
20 subdivision.

21 (f) An initiative measure may not contain alternative or
22 cumulative provisions wherein one or more of those provisions
23 would become law depending upon the casting of a specified
24 percentage of votes for or against the measure.

25 (g) (1) *Except as provided in paragraph (2), to take effect, an*
26 *initiative measure shall be approved by a majority of votes thereon.*

27 (2) *To take effect, an initiative measure to amend the*
28 *Constitution shall be approved by 55 percent of the votes thereon,*
29 *unless the sole effect of the initiative measure would be to repeal*
30 *one or more amendments to the Constitution previously approved*
31 *by the electors.*

32 *Second*—That Section 10 of Article II thereof is amended to
33 read:

34 SEC. 10. (a) An initiative statute or referendum approved by
35 ~~a majority of votes thereon~~ *the electors* takes effect the day after
36 the election unless the measure provides otherwise. If a referendum
37 petition is filed against a part of a statute the remainder shall not
38 be delayed from going into effect.

1 (b) If provisions of two or more measures approved at the same
 2 election conflict, those of the measure receiving the highest
 3 affirmative vote shall prevail.

4 (c) ~~(1) The Legislature may amend or repeal referendum~~
 5 ~~statutes. The Legislature may amend or repeal an initiative statute~~
 6 ~~by another statute that takes effect not sooner than four years from~~
 7 ~~the date that the initiative statute was approved by the electors;~~
 8 *becomes effective only when approved by the electors*, unless the
 9 initiative statute permits amendment or repeal by the Legislature
 10 at an earlier date *without their approval*.

11 ~~(2) An amendment or repeal of an initiative statute pursuant to~~
 12 ~~this subdivision shall be passed by a percentage of the membership~~
 13 ~~of each house of the Legislature that exceeds the percentage of~~
 14 ~~electors that approved the initiative statute or, in the case of an~~
 15 ~~initiative statute that has been amended by the electors, that~~
 16 ~~approved the most recent amendment of the initiative statute.~~

17 (d) Prior to circulation of an initiative or referendum petition
 18 for signatures, a copy shall be submitted to the Attorney General
 19 who shall prepare a title and summary of the measure as provided
 20 by law.

21 (e) The Legislature shall provide the manner in which a petition
 22 shall be circulated, presented, and certified, and the manner in
 23 which a measure is submitted to the electors.

24 *Third—That Section 4 of Article XVIII thereof is amended to*
 25 *read:*

26 SEC. 4. ~~A proposed~~ *(a) An amendment or revision proposed*
 27 *by the Legislature shall be submitted to the electors and, if*
 28 *approved by a majority of votes thereon, takes effect the day after*
 29 *the election unless the measure provides otherwise.* ~~If~~

30 *(b) If provisions of two or more measures approved at the*
 31 *same election conflict, those of the measure receiving the highest*
 32 *affirmative vote shall prevail.*