

AMENDED IN ASSEMBLY MAY 23, 2011

AMENDED IN ASSEMBLY MAY 10, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

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**Assembly Constitutional Amendment**

**No. 11**

**Introduced by Assembly Member Gatto**

December 9, 2010

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Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 3 and 4 of Article XVIII thereof, relating to initiatives.

LEGISLATIVE COUNSEL'S DIGEST

ACA 11, as amended, Gatto. Initiatives: constitutional amendments: voter approval.

Existing provisions of the California Constitution provide for the electors to propose amendments to the Constitution by initiative and to adopt or reject them. Any proposed initiative measure submitted to the voters becomes effective if it is approved by a majority of votes cast.

This measure would increase the vote requirement from a majority to  $\frac{2}{3}$ , 55% of the votes cast for the electors to amend the Constitution by an initiative measure, except that this measure would permit the electors to repeal a previously adopted initiative or legislative amendment to the Constitution, including certain subsequent amendments to that constitutional amendment, by an initiative measure passed by a majority vote.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no.  
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 this measure shall be known and may be cited as*  
8 *the “Constitution Protection Act.”*

9     ~~First—~~

10     *Second—*That Section 3 of Article XVIII thereof is amended to  
11 read:

12     SEC. 3. (a) The electors may amend the Constitution by an  
13 initiative measure approved by a minimum of ~~two-thirds~~ *55 percent*  
14 of the votes cast thereon, or as specified in subdivision (b).

15     (b) (1) The electors, by an initiative measure passed by a  
16 majority of votes cast thereon, may repeal a previously adopted  
17 initiative or legislative amendment to the Constitution.

18     (2) The repeal of a previously adopted amendment to the  
19 Constitution pursuant to this subdivision shall also be deemed to  
20 repeal any subsequent amendments to that constitutional  
21 amendment. However, this subdivision is not applicable to repeal  
22 a previously adopted constitutional amendment if the measure that  
23 contained any such subsequent amendment, as adopted by the  
24 electors, also included one or more constitutional provisions that  
25 did not amend the previously adopted amendment.

26     ~~Second—~~

27     *Third—*That Section 4 of Article XVIII thereof is amended to  
28 read:

29     SEC. 4. A proposed amendment or revision shall be submitted  
30 to the electors and if approved by a majority of votes thereon, or  
31 by ~~two-thirds~~ *55 percent* of the votes thereon under subdivision  
32 (a) of Section 3, takes effect the day after the election unless the  
33 measure provides otherwise. If provisions of two or more measures  
34 approved at the same election conflict, those of the measure  
35 receiving the highest affirmative vote shall prevail.