

AMENDED IN ASSEMBLY SEPTEMBER 8, 2011

AMENDED IN ASSEMBLY SEPTEMBER 2, 2011

**SENATE BILL**

**No. 202**

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**Introduced by Senator Hancock**

*(Principal coauthor: Assembly Member Gordon)*

February 8, 2011

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An act to amend Section ~~9001~~ 9016 of the Elections Code, and to repeal Section 1 of Chapter 732 of the Statutes of 2010, relating to ~~ballot initiatives elections~~.

LEGISLATIVE COUNSEL'S DIGEST

SB 202, as amended, Hancock. ~~Ballot initiatives: filing fees. Elections:~~ *ballot measures.*

*Existing law permits the voters to propose and adopt a statute or constitutional amendment through the power of the initiative, and to approve or reject a statute or a part of a statute through the power of the referendum, by presenting to the Secretary of State a petition that sets forth the text of the proposed measure and is certified to have been signed by a specified number of electors.*

*Existing law requires the Secretary of State to submit a certified initiative measure at the next general election held at least 131 days after the measure qualifies for the ballot or at any statewide special election that is held prior to that general election and is held at least 131 days after the measure qualifies for the ballot, and further requires the Secretary of State to submit a certified referendum measure at the next general election held at least 31 days after the measure qualifies for the ballot or at any statewide special election that is held prior to that general election. Under existing law, "general election" is defined to mean either the election held throughout the state on the first Tuesday*

after the first Monday in November of each even-numbered year or any statewide election held on a regular election date, as specified.

This bill would provide that, notwithstanding the above definition of “general election,” that term means, for purposes of submitting to the voters an initiative or referendum measure that is certified for the ballot on or after July 1, 2011, only the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year.

Existing law requires the Secretary of State to submit ACA 4 of the 2009–10 Regular Session, a proposed legislative constitutional amendment relating to state finance, to the voters at the 2012 statewide presidential primary election, as specified.

This bill would repeal those provisions and would, instead, require the Secretary of State to submit ACA 4 to the voters at the November 4, 2014, statewide general election.

Existing law requires a fee of \$200 to be paid by the proponents when a proposed ballot initiative or referendum is submitted to the Attorney General for preparation of a circulating title and summary.

This bill would find that the current \$200 fee is inadequate to cover the costs to the state to process a proposed initiative and would increase the filing fee from \$200 to \$2,000.

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 9016 of the Elections Code is amended  
2 to read:

3 9016. (a) Notwithstanding any Section 324, for purposes of  
4 subdivision (c) of Section 8 of, and subdivision (c) of Section 9 of,  
5 Article II of the California Constitution, “general election” means  
6 only the election held throughout the state on the first Tuesday  
7 after the first Monday in November of each even-numbered year  
8 with respect to an initiative or referendum measure that is certified  
9 for the ballot on or after July 1, 2011.

10 (b) Notwithstanding any other provision of law, ~~no~~ an initiative  
11 measure shall not be placed on submitted to the voters at a  
12 statewide special election ballot that qualifies held less than 131  
13 days before the date of the election after the date the measure is  
14 certified for the ballot.

1     ~~SEC. 2. Section 1 of Chapter 732 of the Statutes of 2010 is~~  
2     ~~repealed.~~

3     ~~Section 1. (a) Notwithstanding Section 9040 of the Elections~~  
4     ~~Code or any other provision of law, the Secretary of State shall~~  
5     ~~submit, as applicable, Assembly Constitutional Amendment 4 or~~  
6     ~~Senate Constitutional Amendment 10 of the 2009-10 Regular~~  
7     ~~Session to the voters at the 2012 statewide presidential primary~~  
8     ~~election.~~

9     ~~(b) (1) Notwithstanding Sections 9050, 9051, and 9053 of the~~  
10    ~~Elections Code or any other provision of law, all ballots for the~~  
11    ~~2012 statewide presidential primary election shall have printed~~  
12    ~~thereon as the ballot label for the measure identified in subdivision~~  
13    ~~(a) the following:~~

14  
15    ~~“‘RAINY DAY’ BUDGET STABILIZATION FUND. Changes~~  
16    ~~the budget process. Could limit future deficits and spending by~~  
17    ~~increasing the size of the state ‘rainy day’ fund and requiring~~  
18    ~~above-average revenues to be deposited into it, for use during~~  
19    ~~economic downturns and other purposes.’”~~

20  
21    ~~(2) Notwithstanding any other provision of law, the language~~  
22    ~~in paragraph (1) shall be the only language included in the ballot~~  
23    ~~label for the condensed statement of the ballot title, and the~~  
24    ~~Attorney General shall not supplement, subtract from, or revise~~  
25    ~~that language, except that the Attorney General shall include the~~  
26    ~~financial impact summary prepared pursuant to Section 9087 of~~  
27    ~~the Elections Code and Section 88003 of the Government Code.~~  
28    ~~The ballot label is the condensed statement of the ballot title and~~  
29    ~~the financial impact summary.~~

30    ~~(c) (1) Notwithstanding Sections 9050, 9051, 9063, and 9086~~  
31    ~~of the Elections Code or any other provision of law, the Secretary~~  
32    ~~of State shall use as the ballot title and summary for the measure~~  
33    ~~identified in subdivision (a) the following:~~

34  
35    ~~“STATE BUDGET. CHANGES CALIFORNIA BUDGET~~  
36    ~~PROCESS. LIMITS STATE SPENDING. INCREASES ‘RAINY~~  
37    ~~DAY’ BUDGET STABILIZATION FUND. Increases amount of~~  
38    ~~potential savings in the state ‘rainy day’ fund from 5% to 10% of~~  
39    ~~the General Fund. Requires 3% of the general revenues to be~~  
40    ~~deposited each year into the state ‘rainy day’ fund, except when~~

1 revenues drop below last year's budget, adjusted for population  
2 and inflation. Requires unexpected revenues above historic trends  
3 to be deposited into the state 'rainy day' fund, limiting spending.  
4 In many years, there will be increased amounts of money in the  
5 state 'rainy day' fund. Limits spending of the state 'rainy day'  
6 fund to when state revenues drop below last year's budget, adjusted  
7 for population and inflation, and other limited purposes, including  
8 for a declared emergency. Once the state 'rainy day' fund becomes  
9 full, additional revenues can only be used for one-time expenses  
10 like infrastructure, debt repayment, or retained in the state 'rainy  
11 day' fund.”  
12

13 (2) Notwithstanding any other provision of law, the language  
14 in paragraph (1) shall be the only language included in the ballot  
15 title and summary, and the Attorney General shall not supplement,  
16 subtract from, or revise that language, except that the Attorney  
17 General shall include the financial impact summary prepared  
18 pursuant to Section 9087 of the Elections Code and Section 88003  
19 of the Government Code.

20 (d) At the appropriate location on the ballot, in the manner  
21 prescribed by law, there shall be provided the opportunity for  
22 voters to indicate whether they vote for or against the measure.

23 (e) Where the voting in the election is done by means of voting  
24 machines used pursuant to law in the manner that carries out the  
25 intent of this section, the use of the voting machines and the  
26 expression of the voters' choices by means thereof are in  
27 compliance with this section.

28 (f) The Secretary of State shall include in the ballot pamphlets  
29 for the 2012 statewide presidential primary election, mailed  
30 pursuant to Section 9094 of the Elections Code, the information  
31 specified in Section 9084 of the Elections Code regarding the  
32 measure identified in subdivision (a).

33 *SEC. 3. Notwithstanding Section 9040 of the Elections Code*  
34 *or any other provision of law, the Secretary of State shall submit*  
35 *Assembly Constitutional Amendment 4 of the 2009–10 Regular*  
36 *Session to the voters at the November 4, 2014, statewide general*  
37 *election.*

38 SECTION 1. The Legislature finds and declares all of the  
39 following:

1 ~~(1) That the current two-hundred-dollar (\$200) fee imposed for~~  
2 ~~filing a proposed ballot initiative with the Attorney General is~~  
3 ~~inadequate to cover the administrative costs to the state to process~~  
4 ~~the proposed initiative.~~

5 ~~(2) Originally set in 1943, the \$200 fee was intended to cover~~  
6 ~~the administrative costs of the initiative process to the state.~~

7 ~~(3) According to the Consumer Price Index, the value of the~~  
8 ~~\$200 in 1943 corresponds to approximately \$2,480 today.~~

9 ~~SEC. 2. Section 9001 of the Elections Code is amended to read:~~

10 ~~9001. (a) Prior to the circulation of any initiative or referendum~~  
11 ~~petition for signatures, the text of the proposed measure shall be~~  
12 ~~submitted to the Attorney General with a written request that a~~  
13 ~~circulating title and summary of the chief purpose and points of~~  
14 ~~the proposed measure be prepared. The electors presenting the~~  
15 ~~request shall be known as the "proponents." The Attorney General~~  
16 ~~shall preserve the written request until after the next general~~  
17 ~~election.~~

18 ~~(b) Each and every proponent of any proposed initiative measure~~  
19 ~~shall, at the time of submitting the text of the proposed measure,~~  
20 ~~provide both of the following:~~

21 ~~(1) An original signed certification stating that "I, (insert name),~~  
22 ~~declare under penalty of perjury that I am a citizen of the United~~  
23 ~~States, 18 years of age or older, and a resident of (insert county),~~  
24 ~~California."~~

25 ~~(2) Public contact information.~~

26 ~~(c) The proponents of any initiative measure, at the time of~~  
27 ~~submitting the text of the proposed measure to the Attorney~~  
28 ~~General, shall pay a fee to the Attorney General of two thousand~~  
29 ~~dollars (\$2,000), which shall be placed in a trust fund in the office~~  
30 ~~of the Treasurer and refunded to the proponents if the measure~~  
31 ~~qualifies for the ballot within two years from the date the summary~~  
32 ~~is furnished to the proponents. If the measure does not qualify~~  
33 ~~within that period, the fee shall be immediately paid into the~~  
34 ~~General Fund of the state.~~

35 ~~(d) All referenda and proposed initiative measures must be~~  
36 ~~submitted to the Attorney General's Initiative Coordinator located~~  
37 ~~in the Sacramento Attorney General's Office via U.S. Postal~~  
38 ~~Service, alternative mail service, or personal delivery. Only printed~~  
39 ~~documents will be accepted, facsimile or e-mail delivery will not~~  
40 ~~be accepted.~~

1     ~~(e) The Attorney General's office shall not deem a request for~~  
2     ~~a circulating title and summary submitted until all of the~~  
3     ~~requirements of this section are met.~~

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