

Assembly Constitutional Amendment

No. 6

**Introduced by Assembly Member Gatto
(Principal coauthor: Assembly Member Gordon)**

February 11, 2013

Assembly Constitutional Amendment No. 6—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 6, as introduced, 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 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 2013–14 Regular*

1 Session commencing on the third day of December 2012,
2 two-thirds of the membership of each house concurring, hereby
3 proposes to the people of the State of California that the
4 Constitution of the State be amended as follows:

5 First—That this measure shall be known and may be cited as
6 the “Constitution Protection Act.”

7 Second—That Section 3 of Article XVIII thereof is amended
8 to read:

9 SEC. 3. (a) The electors may amend the Constitution by an
10 initiative measure approved by a minimum of 55 percent of the
11 votes cast thereon, or as specified in subdivision (b).

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

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

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

25 SEC. 4. A proposed amendment or revision shall be submitted
26 to the electors and if approved by a majority of votes thereon, or
27 by 55 percent of the votes thereon under subdivision (a) of Section
28 3, takes effect the day after the election unless the measure provides
29 otherwise. If provisions of ~~2~~ two or more measures approved at
30 the same election conflict, those of the measure receiving the
31 highest affirmative vote shall prevail.