

AMENDED IN ASSEMBLY JUNE 26, 2013

AMENDED IN SENATE MAY 24, 2013

AMENDED IN SENATE APRIL 1, 2013

**SENATE BILL**

**No. 654**

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**Introduced by Senators Leno and Padilla  
(Coauthors: Senators Hancock and Yee)**

February 22, 2013

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An act to amend Sections 336, 9002, 9004, and 9006 of, and to add Sections 9023 and 11042.5 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 654, as amended, Leno. Ballot measure petitions: translations.

(1) Existing law requires the Attorney General, upon receipt of the text of a proposed initiative or referendum measure, to prepare a circulating title and summary of the chief purpose and points of the proposed measure. Existing law requires the Attorney General to provide a copy of the circulating title and summary of a proposed initiative measure to the proponents of the measure and the Secretary of State within 15 days, as specified. Existing law requires the Attorney General to provide a copy of the circulating title and summary of a proposed referendum measure to the proponents of the measure and the Secretary of State within 10 days after receipt of the proposed referendum. *Existing law specifies that the official summary date of a proposed measure is the date a circulating title and summary is delivered or mailed by the Attorney General to the proponents of the proposed measure.*

This bill would require the Attorney General to provide a notice to the proponents stating that, if the proponents intend to circulate the petition for the proposed initiative or referendum measure, the

proponents shall submit a list of specified counties in which the petition will be circulated. This bill would require the proponents of ~~an~~ *a proposed* initiative or referendum measure to submit a list of specified counties in which the ~~initiative or referendum~~ petition will be circulated no later than 5 days after receipt of the circulating title and summary. Upon submission of the list, this bill would require the Attorney General to prepare a translation of the circulating title and summary of the proposed initiative or referendum measure in a language other than English under certain circumstances. This bill would require the Attorney General to provide a copy of each translation to the proponents and the Secretary of State, as specified. *If the proponents of a proposed initiative or referendum measure do not submit a list of specified counties in which the petition will be circulated, this bill would require the Attorney General to notify the Secretary of State of that fact. This bill would specify that the official summary date of a proposed initiative or referendum measure is the date a copy of each translation of the circulating title and summary is delivered or mailed to the proponents, or the date the Secretary of State receives a notice that the proponents did not submit a list of specified counties, as applicable.*

(2) Existing law permits any person who is a voter or who is qualified to register to vote in the state to circulate an initiative or referendum petition for signature and imposes certain requirements on these circulators.

If an initiative or referendum petition is circulated in a specified county, this bill would require a copy of the applicable translated circulating title and summary prepared by the Attorney General to be attached to the petition and available to each person whom the circulator solicits in that language to sign the petition. This bill would also require a circulator to provide a copy of the applicable translated circulating title and summary to any person upon request.

(3) Existing provisions of the California Constitution and statute authorize the recall of state officers. Existing law requires the proponents of the recall to file 2 blank copies of the petition to recall the officer with the Secretary of State, who is required to ascertain if the proposed form and wording of the petition meet specified requirements.

This bill would require the proponents of a recall of a state officer, at the time of filing the 2 blank copies of the petition with the Secretary of State, to submit a list of specified counties in which the recall petition will be circulated. If the proponents submit this list of counties, this bill would require the Secretary of State, within 10 days after ascertaining

that the proposed form and wording of the recall petition meet specified requirements, to prepare a translation of the petition in each applicable minority language of the counties identified by the proponents, and provide a copy of each translation to the proponents.

(4) Existing law requires a recall petition to use a specified format and contain certain information. Under existing law, any person who is a registered voter of the electoral jurisdiction of the officer sought to be recalled may circulate the recall petition for signatures.

If a recall petition is circulated in a specified county, this bill would require a copy of the applicable translation of the petition prepared by the Secretary of State to be attached to the petition and available to each person whom the circulator solicits in that language to sign the petition. This bill would also require the circulator to provide a copy of the translation of the petition to any person upon request.

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. The Legislature finds and declares all of the  
2 following:

3 (a) California is a diverse state with a government selected by  
4 the votes of its citizens. The state’s robust initiative process is  
5 designed to put lawmaking in the hands of the people, and  
6 continues to play an important role in setting public policy with  
7 regard to education, civil rights, fiscal policy, and other issues that  
8 affect the lives of all Californians, including the state’s 6.9 million  
9 limited-English-proficient residents. The referendum and recall  
10 processes also play an important role in developing public policy.

11 (b) The signature-gathering phase to qualify these proposed  
12 measures for the ballot is an integral part of the state’s electoral  
13 system.

14 (c) The federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971  
15 et seq.) prohibits discriminatory voting practices and protects the  
16 rights of voters with limited English proficiency by requiring  
17 covered jurisdictions to provide voting materials in the language  
18 of specified minority groups. However, ballot measure petitions,  
19 which are circulated for signature in hopes of qualifying a measure  
20 for the ballot, are not required to be provided in other languages  
21 under existing law. As a result, millions of voters with limited

1 English proficiency are excluded from playing a role in determining  
2 which proposed measures qualify for the ballot.

3 (d) The provision of translated versions of circulating titles and  
4 summaries of initiative and referendum measures, and of translated  
5 versions of recall petitions, will further the purpose of the federal  
6 Voting Rights Act of 1965 and ensure that voters with limited  
7 English proficiency have the ability to exercise their fundamental  
8 democratic rights.

9 *SEC. 2. Section 336 of the Elections Code is amended to read:*

10 336. ~~The “official “Official summary date” is the date a~~  
11 ~~circulating title and summary of a proposed initiative measure is~~  
12 ~~delivered or mailed by the Attorney General to the proponents of~~  
13 ~~the proposed measure. means either of the following:~~

14 (a) *The date a copy of each translation of a circulating title and*  
15 *summary of a proposed initiative or referendum measure is*  
16 *delivered or mailed by the Attorney General to the proponents of*  
17 *the proposed measure.*

18 (b) *The date the Secretary of State receives a notice from the*  
19 *Attorney General that the proponents of a proposed initiative or*  
20 *referendum measure did not submit a list of counties in accordance*  
21 *with subdivision (c) of Section 9004 or subdivision (c) of Section*  
22 *9006.*

23 ~~SEC. 2.~~

24 *SEC. 3. Section 9002 of the Elections Code is amended to read:*

25 9002. (a) The Attorney General shall provide a copy of the  
26 title and summary to *the Secretary of State and* the proponents  
27 within 15 days after receipt of the final version of a proposed  
28 initiative measure, or, if a fiscal estimate or opinion is to be  
29 included, within 15 days after receipt of the fiscal estimate or  
30 opinion prepared by the Department of Finance and the Joint  
31 Legislative Budget Committee pursuant to Section 9005. If during  
32 the 15-day period the proponents of the proposed initiative measure  
33 submit amendments, other than technical, nonsubstantive  
34 amendments, to the final version of the measure, the Attorney  
35 General shall provide a copy of the title and summary to the  
36 Secretary of State within 15 days after receipt of the amendments.

37 (b) The amendment shall be submitted with a signed request by  
38 all the proponents to prepare a circulating title and summary using  
39 the amended language.

1 (c) The amendment shall be submitted to the Attorney General’s  
2 Initiative Coordinator located in the Sacramento Attorney General’s  
3 Office via United States Postal Service, alternative mail service,  
4 or personal delivery. Only printed documents will be accepted;  
5 facsimile or e-mail delivery will not be accepted.

6 ~~SEC. 3.~~

7 *SEC. 4.* Section 9004 of the Elections Code is amended to read:

8 9004. (a) Upon receipt of the text of a proposed initiative  
9 measure, the Attorney General shall prepare a circulating title and  
10 summary of the chief purposes and points of the proposed measure.  
11 The circulating title and summary shall not exceed a total of 100  
12 words. The Attorney General shall also provide a unique numeric  
13 identifier for each proposed initiative measure. The circulating  
14 title and summary shall be prepared in the manner provided for  
15 the preparation of ballot titles and summaries in Article 5  
16 (commencing with Section 9050), the provisions of which, in  
17 regard to the preparation, filing, and settlement of ballot titles and  
18 summaries, are hereby made applicable to the circulating title and  
19 summary.

20 (b) The Attorney General shall provide a copy of the circulating  
21 title and summary and its unique numeric identifier to *the Secretary*  
22 *of State* and the proponents within 15 days, as specified in Section  
23 9002. ~~The date the copy is delivered or mailed to the proponents~~  
24 ~~is the “official summary date.”~~ The Attorney General shall include  
25 with the copy of the circulating title and summary a notice stating  
26 that, if the proponents intend to circulate the proposed initiative  
27 measure, the proponents shall, no later than five days after receipt  
28 of the copy of the circulating title and summary, submit to the  
29 Attorney General a list of the counties in which the petition will  
30 be circulated that are covered by Section 203 (42 U.S.C. Sec.  
31 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the  
32 federal Voting Rights Act of 1965.

33 (c) (1) If the proponents intend to circulate the initiative  
34 measure petition, the proponents shall, no later than five days after  
35 receipt of the copy of the circulating title and summary, submit to  
36 the Attorney General a list of the counties in which the petition  
37 will be circulated that are covered by Section 203 (42 U.S.C. Sec.  
38 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the  
39 federal Voting Rights Act of 1965. Upon receipt of the list of  
40 counties, the Attorney General shall prepare a translation of the

1 circulating title and summary of the proposed initiative measure  
 2 in each applicable minority language for the counties identified  
 3 by the proponents that are covered by Section 203 (42 U.S.C. Sec.  
 4 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the  
 5 federal Voting Rights Act of 1965. The Attorney General shall  
 6 provide a copy of each translation to the proponents no later than  
 7 10 days after receipt of the list of counties. *The date the copy of*  
 8 *each translation is delivered or mailed to the proponents is the*  
 9 *“official summary date.”*

10 ~~(d)~~

11 (2) The Attorney General shall provide a copy of ~~the circulating~~  
 12 ~~title and summary, its unique numeric identifier,~~ the list of counties  
 13 identified by the ~~proponents,~~ *proponents* and each translation of  
 14 the circulating title and summary to the Secretary of State within  
 15 10 days after receipt of the list of counties identified by the  
 16 proponents.

17 *(d) If the proponents do not submit a list of counties in*  
 18 *accordance with subdivision (c), the Attorney General shall notify*  
 19 *the Secretary of State of that fact. The date upon which the*  
 20 *Secretary of State receives a notice from the Attorney General that*  
 21 *the proponents did not submit a list of counties in accordance with*  
 22 *subdivision (c) is the “official summary date.”*

23 (e) Upon receipt of ~~the each translation of the~~ circulating title  
 24 and summary from the Attorney General, *or upon receipt of the*  
 25 *notice that the proponents did not submit a list of counties in*  
 26 *accordance with subdivision (c),* the Secretary of State shall, within  
 27 one business day, notify the proponents and county elections  
 28 official of each county of the official summary date and provide  
 29 a copy of the circulating title and summary to each county elections  
 30 official. The Secretary of State shall also provide the relevant  
 31 translation to the county elections official in each county identified  
 32 by the ~~proponents,~~ *proponents, if applicable.* The notification  
 33 provided pursuant to this subdivision shall also include a complete  
 34 schedule showing the maximum filing deadline, and the  
 35 certification deadline by the counties to the Secretary of State.

36 ~~SEC. 4.~~

37 *SEC. 5.* Section 9006 of the Elections Code is amended to read:

38 9006. (a) Upon receipt of the text of a proposed referendum,  
 39 the Attorney General shall prepare a circulating title and summary  
 40 of the chief purpose and points of the proposed statute at issue.

1 The circulating title and summary shall not exceed a total of 100  
2 words. No fiscal analysis shall be included.

3 (b) The Attorney General shall provide a copy of the circulating  
4 title and summary of the proposed referendum to the *Secretary of*  
5 *State and the* proponents within 10 days after receipt of the  
6 proposed referendum. The Attorney General shall include with  
7 the copy of the circulating title and summary a notice stating that,  
8 if the proponents intend to circulate the proposed referendum  
9 measure, the proponents shall, no later than five days after receipt  
10 of the copy of the circulating title and summary, submit to the  
11 Attorney General a list of the counties in which the petition will  
12 be circulated that are covered by Section 203 (42 U.S.C. Sec.  
13 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the  
14 federal Voting Rights Act of 1965.

15 (c) (1) If the proponents intend to circulate the referendum  
16 measure petition, the proponents shall, no later than five days after  
17 receipt of the copy of the circulating title and summary, submit to  
18 the Attorney General a list of the counties in which the petition  
19 will be circulated that are covered by Section 203 (42 U.S.C. Sec.  
20 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the  
21 federal Voting Rights Act of 1965. Upon receipt of the list of  
22 counties, the Attorney General shall prepare a translation of the  
23 circulating title and summary of the proposed referendum measure  
24 in each applicable minority language for the counties identified  
25 by the proponents that are covered by Section 203 (42 U.S.C. Sec.  
26 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the  
27 federal Voting Rights Act of 1965. The Attorney General shall  
28 provide a copy of each translation to the proponents no later than  
29 10 days after receipt of the list of counties. *The date the copy of*  
30 *each translation is delivered or mailed to the proponents is the*  
31 *“official summary date.”*

32 (d)

33 (2) The Attorney General shall provide a copy of ~~the circulating~~  
34 ~~title and summary, its unique numeric identifier, the list of counties~~  
35 ~~identified by the proponents, proponents and each translation of~~  
36 ~~the circulating title and summary to the Secretary of State within~~  
37 ~~10 days after receipt of the list of counties identified by the~~  
38 ~~proponents.~~

39 (d) *If the proponents do not submit a list of counties in*  
40 *accordance with subdivision (c), the Attorney General shall notify*

1 *the Secretary of State of that fact. The date upon which the*  
 2 *Secretary of State receives a notice from the Attorney General that*  
 3 *the proponents did not submit a list of counties in accordance with*  
 4 *subdivision (c) is the “official summary date.”*

5 (e) Upon receipt of *each translation of the circulating title and*  
 6 *summary from the Attorney General, or upon receipt of the notice*  
 7 *that the proponents did not submit a list of counties in accordance*  
 8 *with subdivision (c), the Secretary of State shall, within one*  
 9 *business day, notify the proponents and county elections official*  
 10 *of each county of the official summary date and provide a copy*  
 11 *of the circulating title and summary to each county elections*  
 12 *official. The Secretary of State shall also provide the relevant*  
 13 *translation to the county elections official in each county identified*  
 14 *by the ~~proponents~~; proponents, if applicable. The notification*  
 15 *~~provide~~ provided pursuant to this subdivision shall also include*  
 16 *a complete schedule showing the maximum filing deadline, and*  
 17 *the certification deadline by the counties to the Secretary of State.*

18 ~~SEC. 5.~~

19 *SEC. 6.* Section 9023 is added to the Elections Code, to read:

20 9023. In the event that the circulator of an initiative or  
 21 referendum petition circulates the petition in a county covered by  
 22 Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42  
 23 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965,  
 24 a copy of the applicable translated circulating title and summary  
 25 prepared by the Attorney General shall be attached to the petition  
 26 and available to each person whom the circulator solicits in that  
 27 language to sign the petition. The circulator shall also provide a  
 28 copy of the applicable translated circulating title and summary to  
 29 any person upon request.

30 ~~SEC. 6.~~

31 *SEC. 7.* Section 11042.5 is added to the Elections Code, to  
 32 read:

33 11042.5. (a) This section applies only to the recall of state  
 34 officers.

35 (b) At the time of the filing of two blank copies of the petition  
 36 pursuant to Section 11042, the proponents shall also submit to the  
 37 Secretary of State a list of the counties in which the petition will  
 38 be circulated that are covered by Section 203 (42 U.S.C. Sec.  
 39 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the  
 40 federal Voting Rights Act of 1965.

1 (c) If the proponents submit a list of counties pursuant to  
2 subdivision (b), the Secretary of State, within 10 days after  
3 ascertaining that the proposed form and wording of the petition  
4 meet the requirements of this chapter, shall prepare a translation  
5 of the petition in each applicable minority language for the counties  
6 identified by the proponents that are covered by Section 203 (42  
7 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec.  
8 1973b(f)(4)) of the federal Voting Rights Act of 1965, and provide  
9 a copy of each translation to the proponents.

10 (d) If a recall petition is circulated in a county covered by  
11 Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42  
12 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965,  
13 a copy of the applicable translation of the petition prepared by the  
14 Secretary of State shall be attached to the petition and available  
15 to each person whom the circulator solicits in that language to sign  
16 the petition. The circulator shall also provide a copy of the  
17 applicable translation of the petition to any person upon request.

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