

Senate Bill No. 520

CHAPTER 408

An act relating to elections, to take effect immediately, as an act calling an election.

[Approved by Governor August 27, 1998. Filed with Secretary of State August 27, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

SB 520, Rainey. Elections.

Existing provisions of the California Constitution permit the Legislature to enact statutes calling elections, and make those statutes effective immediately upon enactment.

This bill would call an election to be consolidated with the November 3, 1998, statewide general election and require, notwithstanding certain provisions of existing law, the submission of ACA 10 to the voters at that election. The bill, in addition, would make various provisions necessary for the placement of that measure on the ballot for the November 3, 1998, statewide general election.

Because local elections officials would be required to undertake additional duties to submit ACA 10 on the ballot at the consolidated election, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

This bill would declare that it is to take effect immediately as an act calling an election.

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding the requirements of Sections 9040, 9043, 9044, 9061, and 9082 of the Elections Code or any other provision of law, the Secretary of State shall submit Assembly Constitutional Amendment 10 of the 1997-98 Regular Session to the voters at the November 3, 1998, statewide general election.



SEC. 2. (a) Notwithstanding any other provision of law, all ballots of the November 3, 1998, general election shall have printed thereon and in a square thereof, the words: "Local Sales and Use Taxes—Revenue Sharing. This measure would authorize local governments to voluntarily enter into sales tax revenue sharing agreements by a two-thirds vote of the local city council or board of supervisors of each participating jurisdiction." Opposite the square, there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against the act.

(b) Notwithstanding Sections 13247 and 13281 of the Elections Code, the language in subdivision (a) shall be the only language included in the ballot label for the condensed statement of the ballot title, and the Attorney General shall not supplement, subtract from, or revise that language, except that the Attorney General may include the financial impact summary prepared pursuant to Section 9087 of the Elections Code and Section 88003 of the Government Code. The ballot label is the condensed statement of the ballot title and the financial impact summary.

(c) Where voting in the election is done by means of voting machines used pursuant to law in a manner that carries out the intent of this section, the use of the voting machines and the expression of the voters' choice by means thereof are in compliance with this section.

SEC. 3. Notwithstanding Section 13115 of the Elections Code, Assembly Constitutional Amendment 10 of the 1997–98 Regular Session and any other measure placed on the ballot by the Legislature for the November 3, 1998, statewide general election after the 131-day deadline set forth in Section 9040 of the Elections Code shall be placed on the ballot, following all other ballot measures.

SEC. 4. Notwithstanding Section 13282 of the Elections Code, the public shall be permitted to examine the condensed statement of the ballot title regarding Assembly Constitutional Amendment 10 of the 1997–98 Regular Session for not more than eight days. Any voter may seek a writ of mandate for the purpose of requiring any statement of the ballot title, or portion thereof, to be amended or deleted only within that eight-day period.

SEC. 5. The Secretary of State shall include, in the ballot pamphlets mailed pursuant to Section 9094 of the Elections Code, the information specified in Section 9084 of the Elections Code regarding Assembly Constitutional Amendment 10 of the 1997–98 Regular Session. If that inclusion is not possible, the Secretary of State shall include in a supplemental ballot pamphlet, but only if one is required by another measure, a statement regarding Assembly Constitutional Amendment 10 of the 1997–98 Regular Session, to be mailed with the ballot pamphlet.



SEC. 6. No reimbursement shall be made from the State Mandates Claims Fund pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code for costs mandated by the state pursuant to this act. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Part 7 (commencing with Section 17500) and any other provisions of law.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 7. This act calls an election within the meaning of Article IV of the Constitution and shall go into immediate effect.

SEC. 8. A special election is hereby called to be held throughout the state on November 8, 1998. The election shall be consolidated with the general election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used.

