

AMENDED IN ASSEMBLY MAY 5, 2015

AMENDED IN ASSEMBLY APRIL 22, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 884

Introduced by Assembly Member Rendon

February 26, 2015

An act to amend ~~Sections 9001 and~~ *Section* 9004 of the Elections Code, relating to initiatives.

LEGISLATIVE COUNSEL’S DIGEST

AB 884, as amended, Rendon. Initiative petitions: title and summary.

~~(1) Existing law requires the proponents of a proposed ballot initiative or referendum to pay a fee of \$200 to the Attorney General for preparation of a circulating title and summary.~~

~~This bill would increase the fee from \$200 to \$1,000, and would authorize the Attorney General, on an annual basis, to determine the actual costs of preparing the title and summary and increase the fee to a maximum of \$5,000 to recover the full cost of preparing the title and summary.~~

~~(2) Existing~~

Existing law requires the Attorney General to provide a ballot label and a ballot title for each measure to be submitted to the voters at a statewide election, and requires the Attorney General to prepare as part of the ballot title a summary of the chief purposes and points of each statewide ballot measure as part of the ballot title, that does not exceed 100 words.

This bill would require the Attorney General, if he or she determines during preparation of the circulating title and summary for a statewide initiative measure that the measure would likely result in a violation of an individual's constitutional rights, to include a specified statement in the title and summary. *The bill would specify that the statement does not count toward the 100-word limit and would authorize any elector to seek a writ of mandate challenging the inclusion of the statement.*

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 9001 of the Elections Code is amended~~
2 ~~to read:~~
3 ~~9001. (a) Before the circulation of an initiative or referendum~~
4 ~~petition for signatures, the text of the proposed measure shall be~~
5 ~~submitted to the Attorney General with a written request that a~~
6 ~~circulating title and summary of the chief purpose and points of~~
7 ~~the proposed measure be prepared. The electors presenting the~~
8 ~~request shall be known as the "proponents." The Attorney General~~
9 ~~shall preserve the written request until after the next general~~
10 ~~election.~~
11 ~~(b) Each and every proponent of a proposed initiative measure~~
12 ~~shall, at the time of submitting the text of the proposed measure,~~
13 ~~provide both of the following:~~
14 ~~(1) An original signed certification stating that "I, (insert name),~~
15 ~~declare under penalty of perjury that I am a citizen of the United~~
16 ~~States, 18 years of age or older, and a resident of (insert county),~~
17 ~~California."~~
18 ~~(2) Public contact information.~~
19 ~~(c) The proponents of an initiative measure, at the time of~~
20 ~~submitting the text of the proposed measure to the Attorney~~
21 ~~General, shall pay a fee of one thousand dollars (\$1,000) to the~~
22 ~~Attorney General that shall be placed in a trust fund in the office~~
23 ~~of the Treasurer.~~
24 ~~(1) On an annual basis, the Attorney General may determine~~
25 ~~the actual costs of preparing the title and summary and increase~~
26 ~~the fee to a maximum of five thousand dollars (\$5,000) to recover~~
27 ~~the full cost of preparing the title and summary.~~

1 ~~(2) If the measure qualifies for the ballot within two years from~~
2 ~~the date the summary is furnished to the proponents, the fee~~
3 ~~described in this subdivision shall be refunded to the proponents.~~
4 ~~If the measure does not qualify within that period, the fee shall be~~
5 ~~immediately paid into the General Fund of the state.~~

6 ~~(d) All referenda and proposed initiative measures must be~~
7 ~~submitted to the Attorney General's Initiative Coordinator located~~
8 ~~in the Sacramento Attorney General's Office via U.S. Postal~~
9 ~~Service, alternative mail service, or personal delivery. Only printed~~
10 ~~documents will be accepted, facsimile or e-mail delivery will not~~
11 ~~be accepted.~~

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

15 ~~SEC. 2.~~

16 ~~SECTION 1.~~ Section 9004 of the Elections Code is amended
17 to read:

18 9004. (a) Upon receipt of the text of a proposed initiative
19 measure, and after the public review period provided for in Section
20 9002, the Attorney General shall prepare a circulating title and
21 summary of the chief purposes and points of the proposed measure.
22 The circulating title and summary shall not exceed 100 words. The
23 Attorney General shall also provide a unique numeric identifier
24 for each proposed initiative measure. The circulating title and
25 summary shall be prepared in the manner provided for the
26 preparation of ballot titles and summaries in Article 5 (commencing
27 with Section 9050), the provisions of which, in regard to the
28 preparation, filing, and settlement of ballot titles and summaries,
29 ~~are applicable~~ *apply* to the circulating title and summary.

30 (b) (1) If, during his or her preparation of the circulating title
31 and summary for a proposed initiative measure, the Attorney
32 General determines that the measure would likely result in a
33 violation of an individual's constitutional rights, he or she shall
34 include the following statement in the circulating title and
35 summary:

36 "The Attorney General has determined that this initiative
37 measure, if approved by the voters, would likely result in a
38 violation of an individual's rights under the United States
39 Constitution or the California Constitution."

1 (2) *If the Attorney General includes the statement described in*
2 *paragraph (1) in the circulating title and summary, that statement*
3 *does not count toward the 100-word limit on the length of the*
4 *circulating title and summary, as provided in subdivision (a).*

5 (3) *If the Attorney General includes the statement described in*
6 *paragraph (1) in the circulating title and summary, any elector*
7 *may seek a writ of mandate pursuant to Section 13314 challenging*
8 *the inclusion of the statement.*

9 (c) The Attorney General shall provide a copy of the circulating
10 title and summary and its unique numeric identifier to the
11 proponents and to the Secretary of State within 15 days after receipt
12 of the fiscal estimate or opinion prepared by the Department of
13 Finance and the Legislative Analyst pursuant to Section 9005. The
14 date the copy is delivered or mailed to the proponents is the
15 “official summary date.”

16 (d) Upon receipt of the circulating title and summary from the
17 Attorney General, the Secretary of State shall, within one business
18 day, notify the proponents and county elections official of each
19 county of the official summary date and provide a copy of the
20 circulating title and summary to each county elections official.
21 This notification shall also include a complete schedule showing
22 the maximum filing deadline, and the certification deadline by the
23 counties to the Secretary of State.