

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN ASSEMBLY JULY 1, 2014

AMENDED IN ASSEMBLY JUNE 17, 2014

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE APRIL 9, 2014

SENATE BILL

No. 1253

Introduced by Senator Steinberg
(Coauthors: Senators Berryhill, Cannella, Galgiani, Huff, Leno,
Lieu, Wolk, and Wyland)

~~(Coauthor: (Coauthors: Assembly Member Members Mullin,~~
~~Quirk-Silva, and Ting)~~

February 20, 2014

An act to amend Sections 9, 101, 9002, 9004, 9005, 9014, 9030, 9031, 9033, 9034, 9051, 9082.7, 9092, 9094.5, 9604, and 18621 of the Elections Code, and to amend Section 88006 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1253, as amended, Steinberg. Initiative measures.

(1) Under existing law, the text of a proposed initiative measure is required to be submitted to the Attorney General for preparation of a circulating title and summary before the petition may be circulated for signatures. Existing law requires the Department of Finance and the Joint Legislative Budget Committee to jointly develop an estimate of the fiscal impact of the initiative measure and to deliver that fiscal estimate to the Attorney General within 25 working days, except as specified, for inclusion in the circulating title and summary. Existing

law further requires the Secretary of State, upon request of the proponents of an initiative measure, to review the provisions of the initiative measure and to comment on the provisions of the measure with respect to form and language clarity.

This bill would require the Attorney General, upon receipt of a request to prepare the circulating title and summary, to initiate a 30-day public review process for the proposed initiative measure, as specified. The bill would require that the fiscal estimate be prepared jointly by the Department of Finance and the Legislative Analyst. The bill would require the estimate to be delivered to the Attorney General within 50 days of the date of receipt of the proposed initiative measure by the Attorney General instead of 25 working days from the receipt of the final version of the proposed initiative measure.

(2) 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. Existing law requires the Attorney General to prepare a summary of the chief purposes and points of each statewide ballot measure as part of the ballot title. Existing law, including provisions of the Political Reform Act of 1974, requires the Secretary of State to make a copy of the ballot pamphlet available for public examination at least 20 days before the Secretary of State submits the copy to the State Printer.

This bill would impose specified requirements with respect to the ballot materials required to be prepared by the Attorney General. The bill would extend the number of days, from 20 to 25, that the Secretary of State is required to make the copy of the ballot pamphlet available for public examination.

(3) Existing law prohibits a petition for a proposed initiative or referendum measure from being circulated prior to the official summary date, and prohibits a petition with signatures on a proposed initiative measure from being filed with the county elections official later than 150 days from the official summary date.

This bill would extend the date that a petition with signatures on a proposed initiative measure is required to be filed with the county elections official to not later than 180 days from the official summary date.

(4) Existing law requires the Secretary of State to notify the proponents, and immediately transmit to the elections official or registrar of voters of every county or city and county in the state a certificate, when the Secretary of State has received from one or more elections

officials or registrars a petition certified to have been signed by the requisite number of qualified voters.

This bill would instead require the Secretary of State to issue a notice directing that signature verification be terminated. The bill would require the Secretary of State to identify the date of the next statewide election and, on the 131st day prior to that election, to issue a certificate of qualification certifying that the initiative measure is qualified for the ballot at that election. The bill would provide that, upon the issuance of that certification, the initiative measure would be deemed qualified for the ballot for purposes of specified provisions of the California Constitution.

(5) Under existing law, the Secretary of State is required to transmit copies of an initiative measure and its circulating title and summary to the Senate and the Assembly after the measure is certified to appear on the ballot for consideration by the voters. Existing law requires that each house of the Legislature assign the initiative measure to its appropriate committees, and that the committees hold joint public hearings on the subject of the proposed measure prior to the date of the election at which the measure is to be voted upon, as specified.

This bill would require the Secretary of State to transmit copies of the initiative measure and circulating title and summary to the Legislature after receiving a certification from the initiative proponents, signed under penalty of perjury, that they have collected 25% of the number of signatures needed to qualify the initiative measure for the ballot. The bill would require the appropriate committees of the Senate and Assembly to hold the joint public hearing on the subject of the measure not later than 131 days prior to the date of the election at which the measure is to be voted upon.

(6) Existing law requires the Secretary of State to disseminate the complete state ballot pamphlet over the Internet and to establish a process to enable a voter to opt out of receiving the state ballot pamphlet by mail. Existing law requires the Secretary of State to develop a program to utilize modern communications and information processing technology to enhance the availability and accessibility of information on statewide candidates and ballot initiatives, including making information available online as well as through other information processing technology.

This bill would require the Secretary of State to establish processes to enable a voter to receive the state ballot pamphlet in an electronic format instead of by mail. The bill would also require the Secretary of

State to create an Internet Web site, or use other available technology, to consolidate information about each ballot measure in a manner that is easy for voters to access and understand. The Internet Web site would be required to include a summary of each ballot measure and to identify the donors and other sources of funding for the campaigns for and against each ballot measure.

(7) Existing law authorizes the proponents of a statewide initiative or referendum measure to withdraw the measure at any time before filing the petition with the appropriate elections official. Existing law also requires that state initiative petitions circulated for signature include a prescribed notice to the public.

This bill would authorize the proponents of a statewide initiative or referendum measure to have the measure withdrawn from the ballot at any time before the measure qualifies for the ballot. The bill would require a petition for a statewide initiative measure to contain additional prescribed language in its notice to the public describing the right of proponents to withdraw the measure from the ballot, as specified.

(8) Existing law makes certain activities relating to the circulation of an initiative, referendum, or recall petition a criminal offense.

~~The~~ *This* bill would make it a crime for a proponent of a statewide initiative measure to seek, solicit, bargain for, or obtain any money or thing of value of or from any person, firm, or corporation for the purpose of withdrawing an initiative petition after filing it with the appropriate elections official. By establishing a new crime, this bill would impose a state-mandated local program.

(9) This bill would incorporate additional changes to Section 9031 of the Elections Code proposed by AB 2219 that would become operative if this bill and AB 2219 are both enacted and this bill is enacted last. The bill would also incorporate additional changes to Section 18621 of the Elections Code proposed by SB 1043 that would become operative if this bill and SB 1043 are both enacted and this bill is enacted last.

~~(9)~~

(10) 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.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(10)~~

(11) The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes

upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. This act shall be known and may be cited as the
2 Ballot Initiative Transparency Act.

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

4 (a) Initiative measures, also known as ballot measures or
5 propositions, allow California voters to participate directly in
6 lawmaking. California voters have enjoyed the right to enact laws
7 through the initiative process since 1911. However, many voters
8 find it difficult to understand the language of an initiative measure
9 and to learn who is behind an initiative measure.

10 (b) It is the intent of the Legislature in enacting this act to update
11 the initiative process, which is more than 100 years old, by doing
12 all of the following:

13 (1) Providing voters with more useful information so that they
14 are able to make an informed decision about an initiative measure.
15 Under this act, the Secretary of State would be required to give
16 voters one-stop access to a clear explanation of each measure and
17 information about the individuals and groups behind each measure.
18 This would give voters updated information about who is spending
19 large sums of money to support or oppose each initiative measure.
20 Voters would also be allowed to request an electronic copy of
21 ballot materials, thereby reducing the expenses of printing and
22 mailing.

23 (2) Providing a voter-friendly explanation of each initiative
24 measure. The act would require that ballot materials be drafted in
25 clear and impartial language.

26 (3) Identifying and correcting flaws in an initiative measure
27 before it appears on the ballot. Currently, proponents of an initiative
28 measure have few options to correct the language of an initiative
29 measure or to withdraw a petition for a proposed initiative measure,
30 even when flaws are identified. This act would give voters an
31 opportunity to comment on an initiative measure before the petition
32 is circulated for signatures. Public comment may address perceived

1 errors in the drafting of, or perceived unintended consequences
2 of, the proposed initiative measure. By extending the time for
3 gathering signatures, this act would give the Legislature the
4 opportunity to hold earlier public hearings to review initiative
5 measures. This act would also allow the proponents of an initiative
6 measure to withdraw the measure after the petition and signatures
7 are submitted to elections officials, but before the measure qualifies
8 for the ballot.

9 SEC. 3. Section 9 of the Elections Code is amended to read:

10 9. (a) Counting of words, for purposes of this code, shall be
11 as follows:

12 (1) Punctuation is not counted.

13 (2) Each word shall be counted as one word except as specified
14 in this section.

15 (3) All proper nouns, including geographical names, shall be
16 considered as one word; for example, “City and County of San
17 Francisco” shall be counted as one word.

18 (4) Each abbreviation for a word, phrase, or expression shall be
19 counted as one word.

20 (5) Hyphenated words that appear in any generally available
21 standard reference dictionary, published in the United States at
22 any time within the 10 calendar years immediately preceding the
23 election for which the words are counted, shall be considered as
24 one word. Each part of all other hyphenated words shall be counted
25 as a separate word.

26 (6) Dates shall be counted as one word.

27 (7) Any number consisting of a digit or digits shall be considered
28 as one word. Any number which is spelled, such as “one,” shall
29 be considered as a separate word or words. “One” shall be counted
30 as one word whereas “one hundred” shall be counted as two words.
31 “100” shall be counted as one word.

32 (8) Telephone numbers shall be counted as one word.

33 (9) Internet Web site addresses shall be counted as one word.

34 (b) This section shall not apply to counting words for ballot
35 designations under Section 13107.

36 SEC. 4. Section 101 of the Elections Code is amended to read:

37 101. (a) Notwithstanding any other law, a state or local
38 initiative petition required to be signed by voters shall contain in
39 12-point type, before that portion of the petition for voters’

1 signatures, printed names, and residence addresses, the following
2 language:

3
4 “NOTICE TO THE PUBLIC

5
6 THIS PETITION MAY BE CIRCULATED BY A PAID
7 SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE
8 THE RIGHT TO ASK.”

9
10 (b) A state initiative petition shall contain, in the same location
11 and type size described in subdivision (a), the following language:

12
13 “THE PROPONENTS OF THIS PROPOSED INITIATIVE
14 MEASURE HAVE THE RIGHT TO WITHDRAW THIS
15 PETITION AT ANY TIME BEFORE THE MEASURE
16 QUALIFIES FOR THE BALLOT.”

17
18 SEC. 5. Section 9002 of the Elections Code is amended to read:

19 9002. (a) Upon receipt of a request from the proponents of a
20 proposed initiative measure for a circulating title and summary,
21 the Attorney General shall initiate a public review process for a
22 period of 30 days by doing all of the following:

23 (1) Posting the text of the proposed initiative measure on the
24 Attorney General’s Internet Web site.

25 (2) Inviting, and providing for the submission of, written public
26 comments on the proposed initiative measure on the Attorney
27 General’s Internet Web site. The site shall accept written public
28 comments for the duration of the public review period. The written
29 public comments shall be public records, available for inspection
30 upon request pursuant to Chapter 3.5 (commencing with Section
31 6250) of Division 7 of Title 1 of the Government Code, but shall
32 not be displayed to the public on the Attorney General’s Internet
33 Web site during the public review period. The Attorney General
34 shall transmit any written public comments received during the
35 public review period to the proponents of the proposed initiative
36 measure.

37 (b) During the public review period, the proponents of the
38 proposed initiative measure may submit amendments to the
39 measure that ~~further its purposes, as determined by the Attorney~~
40 ~~General~~ *are reasonably germane to the theme, purpose, or subject*

1 *of the initiative measure as originally proposed. However,*
2 *amendments shall not be submitted if the initiative measure as*
3 *originally proposed would not effect a substantive change in law.*

4 (1) An amendment shall be submitted with a signed request by
5 all the proponents to prepare a circulating title and summary using
6 the amended language.

7 (2) An amendment shall be submitted to the Attorney General's
8 Initiative Coordinator located in the Attorney General's Sacramento
9 Office via United States Postal Service, alternative mail service,
10 or personal delivery. Only printed documents shall be accepted;
11 facsimile or email delivery shall not be accepted.

12 (3) The submission of an amendment shall not extend the period
13 to prepare the estimate required by Section 9005.

14 (4) An amendment shall not be accepted more than five days
15 after the public review period is concluded. However, a proponent
16 shall not be prohibited from proposing a new initiative measure
17 and requesting that a circulating title and summary be prepared
18 for that measure pursuant to Section 9001.

19 SEC. 6. Section 9004 of the Elections Code is amended to read:

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

32 (b) The Attorney General shall provide a copy of the circulating
33 title and summary and its unique numeric identifier to the
34 proponents and to the Secretary of State within 15 days after receipt
35 of the fiscal estimate or opinion prepared by the Department of
36 Finance and the Legislative Analyst pursuant to Section 9005. The
37 date the copy is delivered or mailed to the proponents is the
38 "official summary date."

39 (c) Upon receipt of the circulating title and summary from the
40 Attorney General, the Secretary of State shall, within one business

1 day, notify the proponents and county elections official of each
2 county of the official summary date and provide a copy of the
3 circulating title and summary to each county elections official.
4 This notification shall also include a complete schedule showing
5 the maximum filing deadline, and the certification deadline by the
6 counties to the Secretary of State.

7 SEC. 7. Section 9005 of the Elections Code is amended to read:

8 9005. (a) The Attorney General, in preparing a circulating title
9 and summary for a proposed initiative measure, shall, in boldface
10 print, include in the circulating title and summary either the
11 estimate of the amount of any increase or decrease in revenues or
12 costs to the state or local government, or an opinion as to whether
13 or not a substantial net change in state or local finances would
14 result if the proposed initiative is adopted.

15 (b) The estimate as required by this section shall be made jointly
16 by the Department of Finance and the Legislative Analyst, who
17 shall deliver the estimate to the Attorney General so that he or she
18 may include the estimate in the circulating title and summary
19 prepared by him or her.

20 (c) The estimate shall be delivered to the Attorney General
21 within 50 days of the date of receipt of the proposed initiative
22 measure by the Attorney General, unless, in the opinion of both
23 the Department of Finance and the Legislative Analyst, a
24 reasonable estimate of the net impact of the proposed initiative
25 measure cannot be prepared within the 50-day period. In the latter
26 case, the Department of Finance and the Legislative Analyst shall,
27 within the 50-day period, give the Attorney General their opinion
28 as to whether or not a substantial net change in state or local
29 finances would result if the proposed initiative measure is adopted.

30 (d) A statement of fiscal impact prepared by the Legislative
31 Analyst pursuant to subdivision (b) of Section 12172 of the
32 Government Code may be used by the Department of Finance and
33 the Legislative Analyst in the preparation of the fiscal estimate or
34 the opinion.

35 ~~SEC. 8. Section 9014 of the Elections Code is amended to read:~~

36 ~~9014. A petition for a proposed initiative measure or~~
37 ~~referendum shall not be circulated for signatures before the official~~
38 ~~summary date. A petition with signatures on a proposed initiative~~
39 ~~measure shall be filed with the county elections official not later~~
40 ~~than 180 days from the official summary date, and a county~~

~~1 elections official shall not accept a petition for the proposed
2 initiative measure after that period. A petition for a proposed
3 referendum measure shall be filed with the county elections
4 officials not later than 90 days from the date the legislative bill
5 was chaptered by the Secretary of State, and a county elections
6 official shall not accept a petition for the proposed referendum
7 after that period.~~

8 *SEC. 8. Section 9014 of the Elections Code, as amended by*
9 *Section 2 of Chapter 106 of the Statutes of 2014, is amended to*
10 *read:*

11 9014. (a) A petition for a proposed initiative or referendum
12 measure shall not be circulated for signatures prior to the official
13 summary date.

14 (b) Subject to subdivision (d), a petition with signatures for a
15 proposed initiative measure shall be filed with the county elections
16 official not later than ~~150~~ 180 days from the official summary date,
17 and a county elections official shall not accept a petition for the
18 proposed initiative measure after that period.

19 (c) Subject to subdivision (d), a petition for a proposed
20 referendum measure shall be filed with the county elections official
21 not later than 90 days from the date the legislative bill was
22 chaptered by the Secretary of State, and a county elections official
23 shall not accept a petition for the proposed referendum measure
24 after that period.

25 (d) If the last day to file a petition pursuant to subdivision (b)
26 or (c) is a holiday, as defined in Chapter 7 (commencing with
27 Section 6700) of Division 7 of Title 1 of the Government Code,
28 the petition may be filed with the county elections official on the
29 next business day.

30 *SEC. 9. Section 9030 of the Elections Code is amended to read:*

31 9030. (a) Each section of the petition shall be filed with the
32 elections official of the county or city and county in which it was
33 circulated, but all sections circulated in any county or city and
34 county shall be filed at the same time. Once filed, no petition
35 section shall be amended except by order of a court of competent
36 jurisdiction.

37 (b) Within eight days after the filing of the petition, excluding
38 Saturdays, Sundays, and holidays, the elections official shall
39 determine the total number of signatures affixed to the petition
40 and shall transmit this information to the Secretary of State. If the

1 total number of signatures filed with all elections officials is less
2 than 100 percent of the number of qualified voters required to find
3 the petition sufficient, the Secretary of State shall so notify the
4 proponents and the elections officials, and no further action shall
5 be taken with regard to the petition.

6 (c) If the number of signatures filed with all elections officials
7 is 100 percent or more of the number of qualified voters needed
8 to declare the petition sufficient, the Secretary of State shall
9 immediately so notify the elections officials.

10 (d) Within 30 days after this notification, excluding Saturdays,
11 Sundays, and holidays, the elections official shall determine the
12 number of qualified voters who have signed the petition. If more
13 than 500 names have been signed on sections of the petition filed
14 with an elections official, the elections official shall use a random
15 sampling technique for verification of signatures, as determined
16 by the Secretary of State. The random sample of signatures to be
17 verified shall be drawn in such a manner that every signature filed
18 with the elections official shall be given an equal opportunity to
19 be included in the sample. The random sampling shall include an
20 examination of at least 500 or 3 percent of the signatures,
21 whichever is greater. In determining from the records of registration
22 what number of qualified voters have signed the petition, the
23 elections official may use the duplicate file of affidavits of
24 registered voters or the facsimiles of voters' signatures, provided
25 that the method of preparing and displaying the facsimiles complies
26 with law.

27 (e) The elections official, upon the completion of the
28 examination, shall immediately attach to the petition, except the
29 signatures thereto appended, a properly dated certificate, showing
30 the result of the examination, and shall immediately transmit the
31 petition and the certificate to the Secretary of State. A copy of this
32 certificate shall be filed in the elections official's office.

33 (f) If the certificates received from all elections officials by the
34 Secretary of State establish that the number of valid signatures
35 does not equal 95 percent of the number of qualified voters needed
36 to find the petition sufficient, the petition shall be deemed to have
37 failed to qualify, and the Secretary of State shall immediately so
38 notify the proponents and the elections officials.

39 (g) If the certificates received from all elections officials by the
40 Secretary of State total more than 110 percent of the number of

1 qualified voters needed to find the petition sufficient, the Secretary
2 of State shall certify that the measure is qualified for the ballot as
3 provided in Section 9033.

4 SEC. 10. Section 9031 of the Elections Code is amended to
5 read:

6 9031. (a) If the statistical sampling shows that the number of
7 valid signatures is within 95 to 110 percent of the number of
8 signatures of qualified voters needed to declare the petition
9 sufficient, the Secretary of State shall order the examination and
10 verification of each signature filed, and shall so notify the elections
11 officials.

12 (b) Within 30 days, excluding Saturdays, Sundays, and holidays,
13 after receipt of the order, the elections official or registrar of voters
14 shall determine from the records of registration what number of
15 qualified voters have signed the petition and if necessary the board
16 of supervisors shall allow the elections official or registrar
17 additional assistance for the purpose of examining the petition and
18 provide for their compensation. In determining from the records
19 of registration what number of qualified voters have signed the
20 petition, the elections official or registrar of voters may use any
21 file or list of registered voters maintained by his or her office, or
22 the facsimiles of voters' signatures, provided that the method of
23 preparing and displaying the facsimiles complies with law.

24 (c) The elections official or registrar, upon the completion of
25 the examination, shall immediately attach to the petition, except
26 the signatures thereto appended, an amended certificate properly
27 dated, showing the result of the examination and shall immediately
28 transmit the petition, together with the amended certificate, to the
29 Secretary of State. A copy of the amended certificate shall be filed
30 in the elections official's office.

31 (d) (1) If the amended certificates establish the petition's
32 sufficiency, the Secretary of State shall certify that the measure is
33 qualified for the ballot as provided in Section 9033.

34 (2) If the amended certificates received from all elections
35 officials by the Secretary of State establish that the petition has
36 still been found insufficient, the Secretary of State shall
37 immediately so notify the proponents and the elections officials.

38 SEC. 10.5. Section 9031 of the Elections Code is amended to
39 read:

1 9031. (a) If the statistical sampling shows that the number of
2 valid signatures is within 95 to 110 percent of the number of
3 signatures of qualified voters needed to declare the petition
4 sufficient, the Secretary of State shall order the examination and
5 verification of ~~each signature~~ *the signatures* filed, and shall so
6 notify the elections officials.

7 (b) Within 30 days, excluding Saturdays, Sundays, and holidays,
8 after receipt of the order, the elections official or registrar of voters
9 shall determine from the records of registration what number of
10 qualified voters have signed the petition and if necessary the board
11 of supervisors shall allow the elections official or registrar
12 additional assistance for the purpose of examining the petition and
13 provide for their compensation. In determining from the records
14 of registration what number of qualified voters have signed the
15 petition, the elections official or registrar of voters may use any
16 file or list of registered voters maintained by his or her office, or
17 the facsimiles of voters' signatures, provided that the method of
18 preparing and displaying the facsimiles complies with law.

19 (c) (1) *During the examination and verification of the signatures*
20 *filed, the elections official or registrar of voters shall submit one*
21 *or more reports to the Secretary of State showing the number of*
22 *signatures of qualified voters that have been verified as of that*
23 *date. The Secretary of State shall determine the number of reports*
24 *required to be submitted and the manner of their submission.*

25 (2) *The Secretary of State shall maintain a list indicating the*
26 *number of verified signatures of qualified voters who have signed*
27 *the petition based on the most recent reports submitted pursuant*
28 *to paragraph (1). If the Secretary of State determines, prior to*
29 *each county's completing the examination of each signature filed,*
30 *that based on the list the petition is signed by the requisite number*
31 *of voters needed to declare the petition sufficient, the Secretary of*
32 *State shall immediately notify the elections official or registrar of*
33 *voters of every county or city and county in the state of this fact.*
34 *Immediately after receipt of this notification, the elections official*
35 *or registrar of voters may suspend signature verification until*
36 *receipt of a certificate pursuant to Section 9033 or until otherwise*
37 *instructed by the Secretary of State.*

38 (e)

39 (d) The elections official or registrar, upon the completion of
40 the examination *or notification pursuant to paragraph (2) of*

1 *subdivision (c)*, shall immediately attach to the petition, except the
 2 signatures thereto appended, an amended certificate properly dated,
 3 showing the result of the examination and shall immediately
 4 transmit the petition, together with the amended certificate, to the
 5 Secretary of State. A copy of the amended certificate shall be filed
 6 in the elections official’s office.

7 ~~(d)~~

8 *(e) (1)* If the amended certificates establish the petition’s
 9 sufficiency, ~~the petition shall be deemed to be filed as of the date~~
 10 ~~of receipt by the Secretary of State of certificates showing the~~
 11 ~~petition to be signed by the requisite number of voters of the state~~
 12 ~~shall certify that the measure is qualified for the ballot as provided~~
 13 ~~in Section 9033.~~

14 ~~If~~

15 *(2)* If the amended certificates received from all elections
 16 officials by the Secretary of State establish that the petition has
 17 still been found insufficient, the Secretary of State shall
 18 immediately so notify the proponents and the elections officials.

19 SEC. 11. Section 9033 of the Elections Code is amended to
 20 read:

21 9033. (a) When the Secretary of State has received from one
 22 or more elections officials or registrars a petition, certified to have
 23 been signed by the requisite number of qualified voters, the
 24 Secretary of State shall forthwith notify the proponents and
 25 immediately transmit to the elections official or registrar of voters
 26 of every county or city and county in the state a notice directing
 27 that signature verification be terminated.

28 (b) (1) In the case of an initiative measure, the Secretary of
 29 State shall identify the date of the next statewide general election
 30 as defined in subdivision (a) of Section 9016, or the next special
 31 statewide election, that will occur not less than 131 days after the
 32 date the Secretary of State receives a petition certified to have been
 33 signed by the requisite number of qualified voters.

34 (2) On the 131st day prior to the date of the election identified
 35 pursuant to paragraph (1), the Secretary of State shall do all of the
 36 following:

37 (A) Issue a certificate of qualification certifying that the
 38 initiative measure, as of that date, is qualified for the ballot at the
 39 election identified pursuant to paragraph (1).

1 (B) Notify the proponents of the initiative measure and the
2 elections official of each county that the measure, as of that date,
3 is qualified for the ballot at the election identified pursuant to
4 paragraph (1).

5 (C) Include the initiative measure in a list of all statewide
6 initiative measures that are eligible to be placed on the ballot at
7 the election identified pursuant to paragraph (1) and publish the
8 list on the Secretary of State’s Internet Web site.

9 (3) Upon the issuance of a certificate of qualification pursuant
10 to paragraph (2), an initiative measure shall be deemed qualified
11 for the ballot for purposes of subdivision (c) of Section 8 of Article
12 II of the California Constitution.

13 (c) (1) In the case of a referendum measure, upon receipt of a
14 petition certified to have been signed by the requisite number of
15 qualified voters, the Secretary of State shall do all of the following:

16 (A) Issue a certificate of qualification certifying that the
17 referendum measure, as of that date, is qualified for the ballot.

18 (B) Notify the proponents of the referendum measure and the
19 elections official of each county that the measure, as of that date,
20 is qualified for the ballot.

21 (C) Include the referendum measure in a list of all statewide
22 referendum measures that have qualified for the ballot and publish
23 the list on the Secretary of State’s Internet Web site.

24 (2) Upon the issuance of a certificate of qualification pursuant
25 to paragraph (1), a referendum measure shall be deemed qualified
26 for the ballot for purposes of subdivision (c) of Section 9 of Article
27 II of the California Constitution.

28 SEC. 12. Section 9034 of the Elections Code is amended to
29 read:

30 9034. (a) The proponents of a proposed initiative measure
31 shall submit a certification, signed under penalty of perjury, to the
32 Secretary of State immediately upon the collection of 25 percent
33 of the number of signatures needed to qualify the initiative measure
34 for the ballot.

35 (b) Upon the receipt of the certification required by subdivision
36 (a), the Secretary of State shall transmit copies of the initiative
37 measure, together with the circulating title and summary as
38 prepared by the Attorney General pursuant to Section 9004, to the
39 Senate and the Assembly. Each house shall assign the initiative
40 measure to its appropriate committees. The appropriate committees

1 shall hold joint public hearings on the subject of the measure not
2 later than 131 days before the date of the election at which the
3 measure is to be voted upon.

4 (c) This section shall not be construed as authority for the
5 Legislature to alter the initiative measure or prevent it from
6 appearing on the ballot.

7 SEC. 13. Section 9051 of the Elections Code is amended to
8 read:

9 9051. (a) (1) The ballot title and summary may differ from
10 the legislative, circulating, or other title and summary of the
11 measure and shall not exceed 100 words, not including the fiscal
12 impact statement.

13 (2) The ballot title and summary shall include a summary of the
14 Legislative Analyst's estimate of the net state and local government
15 fiscal impact prepared pursuant to Section 9087 of this code and
16 Section 88003 of the Government Code.

17 (b) The ballot label shall not contain more than 75 words and
18 shall be a condensed version of the ballot title and summary
19 including the financial impact summary prepared pursuant to
20 Section 9087 of this code and Section 88003 of the Government
21 Code.

22 (c) In providing the ballot title and summary, the Attorney
23 General shall give a true and impartial statement of the purpose
24 of the measure in such language that the ballot title and summary
25 shall neither be an argument, nor be likely to create prejudice, for
26 or against the proposed measure. The ballot title and summary
27 shall also satisfy all of the following:

28 (1) Be written in clear and concise terms, understandable to the
29 average voter, and in an objective and nonpartisan manner,
30 avoiding the use of technical terms whenever possible.

31 (2) If the measure imposes or increases a tax or fee, the type
32 and amount of the tax or fee shall be described.

33 (3) If the measure repeals existing law in any substantial manner,
34 that fact shall be included.

35 (4) If the measure is contingent on the passage or defeat of
36 another measure or statute, that fact shall be included.

37 (d) The Legislature shall provide the Attorney General with
38 sufficient funding for administrative and other support relating to
39 preparation of the ballot title and summary for initiative measures,
40 including, but not limited to, plain-language specialists.

1 (e) The Attorney General shall invite and consider public
2 comment in preparing each ballot title and summary.

3 SEC. 14. Section 9082.7 of the Elections Code is amended to
4 read:

5 9082.7. (a) The Secretary of State shall make available the
6 complete state ballot pamphlet over the Internet.

7 (b) The Secretary of State shall create an Internet Web site, or
8 use other available technology, to consolidate information about
9 each state ballot measure in a manner that is easy for voters to
10 access and understand. The information shall include all of the
11 following:

12 (1) A summary of the ballot measure's content.

13 (2) A current list of the top 10 contributors supporting and
14 opposing the ballot measure, as compiled by the Fair Political
15 Practices Commission pursuant to subdivision (e) of Section 84223
16 of the Government Code.

17 (3) (A) A list of each committee primarily formed to support
18 or oppose the ballot measure, as described in Section 82047.5 of
19 the Government Code, and a means to access information about
20 the sources of contributions reported for each committee.

21 (B) Information about the sources of contributions shall be
22 updated as new information becomes available to the public
23 pursuant to the Political Reform Act of 1974 (Title 9 (commencing
24 with Section 81000) of the Government Code).

25 (C) If a committee identified in subparagraph (A) receives at
26 least one million dollars (\$1,000,000) in contributions for an
27 election, the Secretary of State shall provide a means to access
28 online information about the committee's top 10 contributors
29 reported to the Fair Political Practices Commission pursuant to
30 subdivision (a) of Section 84223 of the Government Code.

31 (D) Notwithstanding paragraph (1) of subdivision (c) of Section
32 84223 of the Government Code, the Fair Political Practices
33 Commission shall automatically provide any list of top 10
34 contributors created pursuant to Section 84223 of the Government
35 Code, and any subsequent updates to that list, to the Secretary of
36 State for purposes of compliance with this section.

37 (4) Any other information deemed relevant by the Secretary of
38 State.

39 SEC. 15. Section 9092 of the Elections Code is amended to
40 read:

1 9092. Not less than 25 days before he or she submits the copy
2 for the ballot pamphlet to the State Printer, the Secretary of State
3 shall make the copy available for public examination. Any elector
4 may seek a writ of mandate requiring any copy to be amended or
5 deleted from the ballot pamphlet. A peremptory writ of mandate
6 shall issue only upon clear and convincing proof that the copy in
7 question is false, misleading, or inconsistent with the requirements
8 of this code or Chapter 8 (commencing with Section 88000) of
9 Title 9 of the Government Code, and that issuance of the writ will
10 not substantially interfere with the printing and distribution of the
11 ballot pamphlet as required by law. Venue for a proceeding under
12 this section shall be exclusively in Sacramento County. The
13 Secretary of State shall be named as the respondent and the State
14 Printer and the person or official who authored the copy in question
15 shall be named as real parties in interest. If the proceeding is
16 initiated by the Secretary of State, the State Printer shall be named
17 as the respondent.

18 SEC. 16. Section 9094.5 of the Elections Code is amended to
19 read:

20 9094.5. (a) The Secretary of State shall establish processes to
21 enable a voter to do both of the following:

22 (1) Opt out of receiving by mail the state ballot pamphlet
23 prepared pursuant to Section 9081.

24 (2) When the state ballot pamphlet is available, receive either
25 the state ballot pamphlet in an electronic format or an electronic
26 notification making the pamphlet available by means of online
27 access.

28 (b) The processes described in subdivision (a) shall become
29 effective only after the Secretary of State certifies that the state
30 has a statewide voter registration database that complies with the
31 federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et
32 seq.).

33 (c) The processes described in subdivision (a) shall not apply
34 where two or more registered voters have the same postal address
35 unless each voter who shares the same postal address has chosen
36 to discontinue receiving the ballot pamphlet by mail.

37 (d) The Secretary of State shall also establish a procedure to
38 permit a voter to begin receiving the ballot pamphlet by mail again
39 after the voter has discontinued receiving it pursuant to subdivision
40 (a).

1 SEC. 17. Section 9604 of the Elections Code is amended to
2 read:

3 9604. (a) Notwithstanding any other law, any person may
4 engage in good faith bargaining between competing interests to
5 secure legislative approval of matters embraced in a statewide or
6 local initiative or referendum measure, and the proponents may,
7 as a result of these negotiations, withdraw the measure at any time
8 before filing the petition with the appropriate elections official.

9 (b) In addition to the procedure under subdivision (a), the
10 proponents of a statewide initiative or referendum measure may
11 withdraw the measure after filing the petition with the appropriate
12 elections official at any time before the Secretary of State certifies
13 that the measure has qualified for the ballot pursuant to Section
14 9033.

15 (c) Withdrawal of a statewide initiative or referendum measure
16 shall be effective upon receipt by the Secretary of State of a written
17 notice of withdrawal, signed by all proponents of the measure.

18 (d) Withdrawal of a local initiative or referendum measure shall
19 be effective upon receipt by the appropriate local elections official
20 of a written notice of withdrawal, signed by all proponents of the
21 measure.

22 SEC. 18. Section 18621 of the Elections Code is amended to
23 read:

24 18621. Any proponent of an initiative or referendum measure
25 or recall petition who seeks, solicits, bargains for, or obtains any
26 money or thing of value of or from any person, firm, or corporation
27 for the purpose of abandoning the same or stopping the circulation
28 of petitions concerning the same, or failing or neglecting or
29 refusing to file the measure or petition in the office of the elections
30 official or other officer designated by law within the time required
31 by law after obtaining the number of signatures required under the
32 law to qualify the measure or petition, or withdrawing an initiative
33 petition after filing it with the appropriate elections official, or
34 performing any act that will prevent or aid in preventing the
35 initiative, referendum, or recall proposed from qualifying as an
36 initiative or referendum measure, or resulting in a recall election
37 is punishable by a fine not exceeding five thousand dollars (\$5,000)
38 or by imprisonment pursuant to subdivision (h) of Section 1170
39 of the Penal Code for 16 months or two or three years, or in a

1 county jail not exceeding one year, or by both that fine and
2 imprisonment.

3 *SEC. 18.5. Section 18621 of the Elections Code is amended to*
4 *read:*

5 18621. Any proponent of an initiative or referendum measure
6 ~~or~~, recall petition, *or political party qualification petition* who
7 seeks, solicits, bargains for, or obtains any money or thing of value
8 of or from any person, firm, or corporation for the purpose of
9 abandoning the same or stopping the circulation of petitions
10 concerning the same, or failing or neglecting or refusing to file the
11 measure or petition in the office of the elections official or other
12 officer designated by law within the time required by law after
13 obtaining the number of signatures required under the law to
14 qualify the measure or petition, *or withdrawing an initiative petition*
15 *after filing it with the appropriate elections official, or performing*
16 any act that will prevent or aid in preventing the initiative,
17 referendum~~or~~, recall, *or political party* proposed from qualifying
18 as an initiative or referendum measure,~~or~~ resulting in a recall
19 election, *or qualifying as a political party by a political party*
20 *qualification petition* is punishable by a fine not exceeding five
21 thousand dollars (\$5,000) or by imprisonment pursuant to
22 subdivision (h) of Section 1170 of the Penal Code for 16 months
23 or two or three years, or in a county jail not exceeding one year,
24 or by both that fine and imprisonment.

25 *SEC. 19. Section 88006 of the Government Code is amended*
26 *to read:*

27 88006. Not less than 25 days before he or she submits the copy
28 for the ballot pamphlet to the State Printer, the Secretary of State
29 shall make the copy available for public examination. Any elector
30 may seek a writ of mandate requiring the copy to be amended or
31 deleted from the ballot pamphlet. A peremptory writ of mandate
32 shall issue only upon clear and convincing proof that the copy in
33 question is false, misleading or inconsistent with the requirements
34 of this chapter or the Elections Code, and that issuance of the writ
35 will not substantially interfere with the printing and distribution
36 of the ballot pamphlet as required by law. Venue for a proceeding
37 under this section shall be exclusively in Sacramento County. The
38 Secretary of State shall be named as the respondent and the State
39 Printer and the person or official who authored the copy in question
40 shall be named as real parties in interest. If the proceeding is

1 initiated by the Secretary of State, the State Printer shall be named
2 as the respondent.

3 *SEC. 20. Section 10.5 of this bill incorporates amendments to*
4 *Section 9031 of the Elections Code proposed by both this bill and*
5 *Assembly Bill 2219. It shall only become operative if (1) both bills*
6 *are enacted and become effective on or before January 1, 2015,*
7 *(2) each bill amends Section 9031 of the Elections Code, and (3)*
8 *this bill is enacted after Assembly Bill 2219, in which case Section*
9 *10 of this bill shall not become operative.*

10 *SEC. 21. Section 18.5 of this bill incorporates amendments to*
11 *Section 18621 of the Elections Code proposed by both this bill*
12 *and Senate Bill 1043. It shall only become operative if (1) both*
13 *bills are enacted and become effective on or before January 1,*
14 *2015, (2) each bill amends Section 18621 of the Elections Code,*
15 *and (3) this bill is enacted after Senate Bill 1043, in which case*
16 *Section 18 of this bill shall not become operative.*

17 ~~SEC. 20.~~

18 *SEC. 22. No reimbursement is required by this act pursuant to*
19 *Section 6 of Article XIII B of the California Constitution because*
20 *the only costs that may be incurred by a local agency or school*
21 *district will be incurred because this act creates a new crime or*
22 *infraction, eliminates a crime or infraction, or changes the penalty*
23 *for a crime or infraction, within the meaning of Section 17556 of*
24 *the Government Code, or changes the definition of a crime within*
25 *the meaning of Section 6 of Article XIII B of the California*
26 *Constitution.*

27 ~~SEC. 21.~~

28 *SEC. 23. The Legislature finds and declares that this bill*
29 *furtheres the purposes of the Political Reform Act of 1974 within*
30 *the meaning of subdivision (a) of Section 81012 of the Government*
31 *Code.*