

David Spady

January 14, 2010

10-0003

Initiative Coordinator  
Office of the Attorney General  
State of California  
PO Box 994255  
Sacramento, CA 94244-25550

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INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary for Proposed Initiative

Dear Ms. Paris:

Pursuant to Article II, Section 10(d) of the California Constitution, I am submitting the attached proposed statewide ballot measure ("21<sup>st</sup> Century Ballot Reform Act") to your office and request that you prepare a title and summary of the measure as provided by law. I have also included with this letter the required signed statement pursuant to California Elections Code section 9608, and a check in the amount of \$200. My address as registered to vote is shown on Attachment 'A' to this letter.

Thank you for your time and attention to this important matter. Should you have any questions or require additional information, please contact my attorney:

Thomas W. Hiltachk  
455 Capitol Mall, Suite 801  
Sacramento, CA 95814  
(916) 442-7757

Very Truly Yours,

David Spady

## INITIATIVE MEASURE TO BE SUBMITTED TO VOTERS

## SECTION 1. STATEMENT OF FINDINGS

- (a) Voters desire better and more readily accessible information regarding ballot measures presented to them for their approval or rejection.
- (b) Voters are provided a useful "Voter Information Guide" by mail, however the 21<sup>st</sup> Century dictates that more information should be provided on the internet. Creating a central source of information, including information about the financial supporters and opponents of a ballot measure and a place to view campaign materials would give voters a single source for complete information about ballot measures.
- (c) Presently, the description of ballot measures in the Voter Information Guide and on ballots is often overly complicated, poorly worded, and misleading of the true purpose and intent of a proposed measure. Indeed, in recent years, some ballot materials have been drafted by the Legislature in an apparent attempt to influence the outcome of the election.

## SECTION 2. STATEMENT OF PURPOSE

- (a) In order to provide better and more readily accessible information regarding ballot measures, the People of the state of California hereby enact the "21<sup>st</sup> Century Ballot Reform Act" to provide a single source of information on the internet for ballot measures and to require a fair and impartial statement of the purpose and intent of proposed ballot measures in language that is understandable to the average voter.

SECTION 3. 21<sup>ST</sup> CENTURY BALLOT REFORM

Section 9082.7 of the Elections Code is amended to read:

§ 9082.7(a) The Secretary of State shall disseminate the complete state ballot pamphlet over the internet. In addition to the elements required to be included within the ballot pamphlet pursuant to section 9084, the Secretary of State shall also include the following for each state measure for the internet version of the state ballot pamphlet:

(1) A link to the most recent campaign finance report for any committee primarily formed to support or oppose the state measure;

(2) A link to a campaign website at the request of the authors of the ballot arguments for or against the state measure as selected pursuant to section 9067;

(3) A link to video or audio content at the request of the authors of the ballot arguments for or against the state measure as selected pursuant to section 9067;

(4) A link to video or audio of the joint public hearing held pursuant to section 9034.

(b) The Secretary of State may refuse to link to content that is deemed to be obscene, defamatory or unrelated to the subject matter and content of the state measure, subject to judicial review pursuant to section 13314.

(c) Notwithstanding the public examination period, any elector may seek a writ of mandate pursuant to section 9092 to amend or delete materials included in internet version of the state ballot pamphlet pursuant to this section.

#### SECTION 4. FAIR, IMPARTIAL, AND UNDERSTANDABLE BALLOT MEASURE SUMMARIES

Section 303 of the Elections Code is amended to read:

§ 303 “Ballot label” means that portion of the ballot containing the names of the candidates or a statement of a measure. For statewide measures, the ballot label shall contain no more than 75 words consisting and shall be a condensed version of the ballot title and a condensed version of the summary including the fiscal impact summary prepared pursuant to section 9087 of this code and section 88003 of the Government Code.

Section 303.5 of the Elections Code is amended to read:

§ 303.5(a) “Ballot title” is the name of a statewide measure included in the ballot label and the ballot title and summary.

(1) The ballot title for a circulating title and summary shall be a short statement of the principal subject matter of the proposed initiative or referendum in the following form:

(A) “Proposed initiative [statute/constitutional amendment] regarding [insert principal subject matter.]”

(B) “Proposed referendum of statute enacted by the Legislature regarding [insert principal subject matter.]”

(2) The ballot title for a statewide initiative, referendum, or legislative measure that has qualified for the ballot shall be the Proposition number assigned to the initiative, referendum or legislative measure by the Secretary of State [“Proposition X”].

(b) “Ballot title and summary” means the ballot title and the summary of the chief purpose and points including the fiscal impact summary of any statewide measure that appears in the state ballot pamphlet. The ballot title and summary shall include a statement of the measure’s fiscal impact. This summary shall not exceed 125 ~~100~~ words, not including the fiscal impact statement.

(c) (1) “Circulating title and summary” means the title and summary prepared by the Attorney General pursuant to section 10(d) of Article II of the Constitution and section 9004 of the Elections Code ~~text~~ that is required to be placed on a petition for signatures that is either one of the following:

(A) The summary of the chief purpose and points of a proposed initiative measure that affects the Constitution or laws of the state, and the fiscal impact of the proposed initiative measure.

(B) The summary of the chief purpose and points of a referendum measure that affects a law or laws of the state.

(2) The circulating title and summary shall not exceed 100 words, not including the fiscal impact summary.

Section 9050 of the Elections Code is amended to read:

§ 9050 After the Secretary of State determines that a measure will appear on the ballot at the next statewide election, the Secretary of State shall promptly transmit a copy of the measure to the Legislative Analyst who ~~Attorney General~~. ~~The Attorney General~~ shall provide and return to the Secretary of State a ballot title and summary and ballot label for each measure submitted to the voters of the whole state by a date sufficient to meet the ballot pamphlet public display deadlines.

Section 9051 of the Elections Code is amended to read:

§ 9051(a)(1) The ballot title and summary may differ from the legislative, circulating, or other title and summary of the measure and shall not exceed 125 ~~100~~ words, not including the summary of the Legislative Analyst's estimate of the fiscal impact of the proposed measure prepared pursuant to section 9087 and section 88003 of the Government Code.

(2) The Legislature shall not prepare a ballot title and summary or ballot label for any measure it places on the ballot. ~~The ballot title and summary shall be amended to include a summary of the Legislative Analyst's estimate of the net state and local government fiscal impact prepared pursuant to section 9087, and section 88003 of the Government Code.~~

(b) The ballot label shall contain no more than 75 words and shall be a condensed version of the ballot title and summary including the fiscal ~~financial~~ impact summary prepared pursuant to section 9087, and section 88003 of the Government Code.

(c) In providing the ballot title and summary and the ballot label, the Legislative Analyst ~~Attorney General~~ shall:

(1) Give a true and impartial statement of the purpose of the measure in such language that the ballot title and summary shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure; Be written in clear and concise terms which will be easily understood by the average voter, avoiding the use of technical terms wherever possible;

(2) Be written using complete and grammatically correct sentences;

(3) If the measure imposes or increases a tax or fee, the type and amount of the tax or fee shall be included;

(4) If the measure repeals existing law in any substantial manner, that fact shall be included;

(5) If the measure is linked to any other measure or statute, or another measure or statute is contingent on the enactment of the measure, the purpose of the linked or contingent measure or statute shall be included.

Section 9052 of the Elections Code is added to read:

§ 9052 Prior to submission of the ballot title and summary and ballot label to the Secretary of State, the Legislative Analyst shall submit each to the committee authorized by section 88003 of the Government Code for the purpose of confirming its impartiality, clarity and ease of comprehension to the average voter. The Legislative Analyst shall consider the committee's recommendations and shall incorporate such changes as he or she deems appropriate.

Section 9053 of the Elections Code is amended to read:

§ 9053 Each measure shall be designated on the ballot by the ballot label certified to the Secretary of State by the Legislative Analyst ~~Attorney General~~.

Section 9092 of the Elections Code is amended to read:

§ 9092(a) Not less than 20 days before he or she submits the copy for the ballot pamphlet to the State Printer, the Secretary of State shall make the copy available for public examination. Any elector may seek a writ of mandate requiring any copy to be amended or deleted from the ballot pamphlet. A peremptory writ of mandate shall issue only upon clear and convincing proof that the copy in question is false, misleading, or inconsistent with the requirements of this code or Chapter 8 (commencing with section 88000) of Title 9 of the Government Code, and that issuance of the writ will not substantially interfere with the printing and distribution of the ballot pamphlet as required by law. Venue for a proceeding under this section shall be exclusively in Sacramento County. The Secretary of State shall be named as the respondent and the State Printer and the person or official who authored the copy in question shall be named as real parties in interest. If the proceeding is initiated by the Secretary of State, the State Printer shall be named as the respondent.

(b) In determining whether to issue a peremptory writ of mandate pursuant to this section and section 88006 of the Government Code regarding a ballot title and summary, ballot label, or other ballot materials prepared by the Legislative Analyst pursuant to Chapter 8 (commencing with section 88000) of Title 9 of the Government Code, the court shall give no deference to the Legislative Analyst, but rather shall be guided by its duty to protect the interest of the voters to accurate, fair, impartial, and understandable ballot materials.

Section 13282 of the Elections Code is amended to read:

§ 13282 ~~Whenever the Attorney General prepares a ballot label, the Attorney General shall file a copy of the ballot label with the Secretary of State. The Secretary of State shall make a copy of the ballot label available for public examination prior to the printing of the ballot label on any ballot. The public shall be permitted to examine the ballot label for at least 20 days, and the Secretary of State may consolidate the examination requirement under this section with the public examination requirements set forth in section 9092, and section 88006 of the Government Code.~~ A voter may seek a writ of mandate requiring a ballot label, or portion thereof, to be amended or deleted. The provisions set forth in section 9092 concerning the issuance of the writ and the nature of the proceedings shall be applicable to this section.

Section 9042 of the Elections Code is amended to read:

§ 9042 ~~If a measure submitted to the voters by the Legislature was not adopted unanimously, one Member of the Senate who voted against it shall be appointed by the President pro Tempore of the Senate and one Member of the Assembly who voted against it shall be appointed by the Speaker of the Assembly at the same time as appointments to draft an argument in its favor are made, to write an argument against the measure. An argument shall not exceed 500 words. Any Member of the Legislature who voted against a measure submitted to the voters, or any voter or group of voters pursuant to section 9064, may submit an argument against the measure. Notwithstanding section 9067(a), if more than one argument against the measure is submitted, the Secretary of State shall give preference to the argument submitted by a voter or group of voters.~~

## SECTION 5. GENERAL PROVISIONS

- (a) This Act may only be amended by the electors pursuant to Article II, section 10(c) of the California Constitution.
- (b) If any provision of this Act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable.
- (c) This Act is intended to be comprehensive. It is the intent of the People that in the event this Act or measures relating to the same subject shall appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this Act. In the event that this Act receives a greater number of affirmative votes, the provisions of this Act shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void.