

# Ballot Measure Breakdown

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The purpose of this paper is to briefly outline the process that ballot measures navigate to get to the ballot, from their initiation to their implementation. Specifically, it will review the differences between citizen-initiated measures and those that the Legislature initiates, the differences between constitutional and statutory measures and their implementation, and the stops on the way between a measure's initiation and its qualification for the ballot.

## **In the Beginning...**

The California Legislature has the power to place constitutional amendments on the ballot; doing so requires a 2/3 vote of both the Senate and Assembly, and does not require the Governor's signature. For example, the Legislature is the source of most general obligation bonds and the source of the June 2010 measure that would establish blanket primaries. The Legislature has the power to dictate on which ballots these measures appear (June, November, special election, etc.), what the official titles and summaries will say, and what proposition numbers identify them. For instance, they often choose "Proposition 1A" to ensure their measure appears first on the ballot.

In California, citizens may also put measures directly on the ballot; these measures are often called "initiatives." To qualify an initiative, proponents must file it with the state and gather the signatures of hundreds of thousands of registered voters. For an initiative, the Attorney General determines the official title and summary (with the Legislative Analyst's Office helping with any fiscal impact). The timing of the filing with the Attorney General and gathering of signatures determines on which ballot the initiative will appear, and the Secretary of State assigns it a proposition number based on the order of qualification.

## **Statutory v. Constitutional**

A ballot measure can amend the California Constitution ("constitutional amendment") or state statutes ("statutory revision") or both. If a measure amends the Constitution, the Legislature will often have to follow it up with statutes that implement the changes. Constitutions are generally reserved for setting up the structure of government, putting limitations on its powers, and determining how governmental decisions are to be made. However, after decades of citizen initiatives in California, our Constitution now also contains many sections that are programmatic as well.

Statutory initiatives often contain language limiting the Legislature's authority to change them, for instance by requiring a 2/3 vote to do so or by stating that changes must "further the purposes" of the initiative. Even though the Legislature has the general power to change statutes, they might still put a statutory measure on the ballot. For example, they have placed a statutory revision on the upcoming June ballot that amends statutes voters enacted regulating campaign finance.

## **The Long Road**

Once proponents have drafted an initiative, they must submit the language to the Attorney General with a \$200 deposit; if the measure qualifies for the ballot they will get that money back. At this point, the initiative is considered "filed." The Attorney General (AG) prepares an official title for the measure (for example, "Prohibits Public Funding of Schools Through Taxes."), identifies whether it amends the Constitution or statute, and summarizes its provisions. If the measure would have a fiscal impact on

the state or local governments, the Legislative Analyst's Office produces a fiscal estimate. Once initiative proponents have filed their measure with the AG, they can still amend its language, but doing so extends the deadline by which the AG must prepare the title and summary.

Once the AG sends the title and summary to an initiative's proponents, the measure is "cleared for circulation" and they can begin gathering signatures. **If they want to change any of the measure's language after this point, they must refile the measure with the AG and the timeline for processing is reset.** To qualify for the ballot, statutory initiatives require signatures equaling 5% of the number of people that voted in the previous gubernatorial election; constitutional initiatives require 8%. Currently, a statutory initiative would require 433,971 valid signatures and a constitutional initiative would require 694,354 valid signatures. Proponents have about five months to gathering sufficient signatures.

Once proponents have finished gathering signatures, petitions are submitted to county registrars of voters and the registrars count the number of signatures and transmit those numbers to the Secretary of State. If there is at least the minimum number required by law, then county registrars begin checking the validity of the signatures by a random sample method. If after the random sample process there appear to be more than enough signatures, the measure qualifies for the ballot. If the results of the random sample are inconclusive, registrars then check the validity of every signature submitted to see whether there are enough valid signatures. If the county registrars and the Secretary of State determine that the proponents gathered and submitted sufficient signatures, the measure is then considered "qualified" for the next statewide ballot that is at least 131 days away. **Once a measure is qualified for the ballot, there is no plausible circumstance by which it can be removed.**

#### **Deadlines for the November 2010 Election**

With the above process in mind, the following are deadline dates for the steps necessary to qualify a measure. These dates are general and some aspects of the process could be compressed if a date was missed by a few days.

Sept 25, 2009	Submit initiative to AG (suggested date, not in statute)
Nov 17, 2009	Deadline for AG to issue Title and Summary with LAO's fiscal analysis (if filed by Sept 25)
Feb 26, 2010	Last day to file signatures with the county registrar (less than 110% of required signatures)
April 16, 2010	Last day to file signatures with county registrar (if at least 110% of required signatures)
June 24, 2010	Last day for Secretary of State to determine whether measure qualifies for November ballot
Nov 2, 2010	Election Day