

February 24, 2010

Hon. Edmund G. Brown Jr.
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Krystal Paris
Initiative Coordinator

Dear Attorney General Brown:

Pursuant to Elections Code Section 9005, we have reviewed the proposed statutory initiative related to the ballot preparation process (A.G. File No. 10-0003).

Background

Preparation of a Measure for the State Ballot. Under state law, several state officials have responsibilities related to measures for the statewide ballot. The Attorney General is charged with preparing a ballot title, ballot label, and ballot title and summary, which summarizes the main provisions of each measure. In some instances, the Legislature writes the title and summary for proposed measures put on the ballot through statute. The Legislative Analyst is charged with providing the fiscal effect estimate—included in both the ballot label and the ballot title and summary—as well as the analysis of each measure that is included in the ballot pamphlet. The Secretary of State compiles information and distributes the ballot pamphlet. The Secretary of State also assigns ballot measures their proposition numbers.

Proposal

Legislature Barred From Preparing Certain Ballot Materials. Under this measure, the Legislature is prohibited from writing the ballot title and summary or ballot labels for measures it places on the ballot.

Legislative Analyst to Write Ballot Label and Ballot Title and Summary. The proposal moves the duty to write the ballot label and ballot title and summary from the Attorney General to the Legislative Analyst. In considering challenges to ballot materials, the courts would not be allowed to give deference to the Legislative Analyst.

Specific Information Required to Be in Ballot Label and Ballot Title and Summary. This proposal requires a ballot label and a ballot title and summary to include whether a

proposed ballot measure creates or increases a fee or tax, repeals existing laws in any substantial manner, or is linked to any other measure or statute, among other requirements.

Internet Display Requirements More Explicit. This proposal adds specific requirements for what is to be included in the Secretary of State's Web site concerning ballot measures. These include links to recent campaign finance reports for proponents of an initiative measure, links to campaign Web sites, links to public hearings held on the subject, among others.

Fiscal Effect

No Significant Change in Ballot Preparation Costs. The Secretary of State could incur some costs due to providing additional information on its Web site regarding ballot measures—including links to other internet sources. These costs would likely not be significant. The proposed changes to the ballot preparation process would shift costs between affected state departments. This shifting of costs likely would result in no significant overall change in ballot preparation costs.

Summary of Fiscal Effect

This measure would have the following fiscal impact:

- No significant change in ballot preparation costs.

Sincerely,

Mac Taylor
Legislative Analyst

Ana J. Matosantos
Director of Finance