NEWS RELEASE
CALIFORNIA SECRETARY OF STATE **BRUCE McPHERSON**

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Secretary of State Bruce McPherson Announces Comprehensive Legislative Reform Package to Improve California's Initiative Process

Bi-partisan effort to strengthen the voice of voters

Sacramento, CA - Secretary of State Bruce McPherson today joined with lawmakers from both political parties and the League of Women Voters to announce a comprehensive legislative reform package that will improve and strengthen the current initiative process, empower all Californians with greater political access, and result in less reliance on special interest money.

"For too long the initiative process has been dominated by those with wealthy special interest supporters, who can fund extensive signature gathering efforts and costly initiative campaigns. Average Californians should have greater opportunities to initiate public policy change at the grassroots level," said Secretary of State Bruce McPherson. "These reforms will provide greater access for all Californians, strengthen the integrity of the initiative process and result in less reliance on special interest money."

Secretary McPherson was joined at today's press conference by the authors of each of the bills: Assemblyman Joe Nation (D-Marin/Sonoma) author of The Initiative Partnership Act of 2006 (ACA 18), Assemblymember Noreen Evans (D-Santa Rosa) author of AB 2460 and Senator Bob Margett (R-Arcadia) author of SB 1715. Also in attendance was League of Women Voters President Jacqueline Jacobberger.

"Californians treasure the right to direct democracy. We thank Secretary Bruce McPherson for sponsoring these proposals and bringing together the kind of bi-partisan support needed to make reform politically acceptable," said Ms. Jacobberger. "The League of Women Voters is pleased to join in the effort for reform."

The Initiative Partnership Act of 2006 (ACA 18)

The Initiative Partnership Act of 2006 (ACA 18), Secretary McPherson's joint effort with Assemblyman Joe Nation (D-Marin/Sonoma), would require that the Legislature review proposed initiative measures to identify and correct any drafting errors and provide the public with legal and policy analysis. Proponents will have an opportunity to allow the Legislature to amend their measure, should the proposed amendments improve and further the intent and purposes of the initiative. If proponents accept the recommended amendments by lawmakers, the initiative would become law without going on the ballot, thus avoiding costly initiative campaign(s). The proponents would always retain the right to place the qualified initiative on the ballot.

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"Lawmakers need to be engaged in public policy discussions," said Assemblyman Nation. "The purpose of ACA 18 is to ensure that the laws governing our state are properly vetted and avoid costly initiative campaigns when possible."

Initiative Petition Review Reform (AB 2460)

Secretary McPherson's plan also includes a bill by Assemblymember Noreen Evans (D-Santa Rosa), AB 2460, directing the Secretary of State to review, identify and correct drafting errors in initiative petitions, which are circulated for signatures, to avoid a recurrence of Proposition 77, the redistricting initiative. Last year, Proposition 77 proponents solicited petition signatures, using an initiative text that was different from the text submitted to the Attorney General. This led to legal challenges to remove the redistricting measure from the ballot. To avoid disenfranchising the voters, Secretary McPherson placed the version that was signed by nearly one million voters on the ballot and the California Supreme Court ultimately concurred with his decision.

"We need to protect public confidence in the initiative process," said Assemblymember Evans. "This bill would establish common sense safeguards to assure voters that what they see on the initiative petitions they sign are what they get at the ballot box. It will help protect the will of voters."

Extended Signature Collection Period for Initiatives (SB 1715)

The third component of McPherson's proposal would extend the signature collection period for initiative proponents from 150 to 365 days, allowing grassroots groups more time to gather signatures. SB 1715 by Senator Bob Margett (R-Arcadia) would allow grassroots organizations and groups with limited financial resources more time for their signature gathering efforts, without depending on special interest funding. Under current law, proponents are given 150 days to collect signatures from registered voters. This relatively short time period often requires proponents to hire costly professional signature gatherers, which increases a reliance on special interests' funding.

"All of California's residents should have a voice in the development of public policy, not just the well-funded ones," said Senator Margett. "SB 1715 provides the average resident that opportunity."

All three bills are scheduled to be heard in their respective legislative house as follows: ACA 18 (D-Nation) is currently on the Assembly Floor, AB 2460 (D-Evans) will be heard in Assembly Elections Committee on March 28, 2006, and SB 1715 (R-Margett) may be heard by the Senate Elections Committee after March 28, 2006.

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Attachments

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INITIATIVE PARTNERSHIP ACT
ACA 18 (Nation D-Marin/Sonoma)
Sponsored by Secretary of State Bruce McPherson

Summary

This constitutional amendment aims to establish a partnership between initiative proponents and Legislature. Under the provisions of this measure, initiative proponents would be able to work with the Legislature to review and possibly adopt a qualified initiative instead of it being placed on the ballot. Under this proposal, the Legislature would be required to introduce legislation after an initiative proponent has submitted a certain number of signatures, and before the initiative qualifies for the ballot. The Legislature could then hold legislative hearings regarding the proposal as the bill goes through the complete legislative process. The proposal would give the Legislature the opportunity to review the initiative, propose amendments, vote on the initiative and, if passed by both houses prior to the current Constitutional deadline of 131 days before an election, to enact the initiative, without the need for it to be placed on the ballot. Any amendments taken by the Legislature would ultimately have to be approved by the initiative proponent. This measure allows the Legislature to review initiatives, while still allowing the initiative proponent to have control over their measure.

Background

In 1911, the Progressives sponsored a constitutional amendment, which, among other things, introduced the initiative, recall and referendum. The original constitutional amendment (SCA 22, Res. Ch.22, Stats.1911) provided for two forms of initiatives, the direct initiative and the indirect initiative. Using the indirect initiative, voters could propose legislation directly to the legislature. Qualifying petitions had to contain valid signatures of at least five percent of the votes cast for governor in the last general election. The Secretary of State then transmitted the petition to the legislature, which had forty days to either enact or reject the unchanged initiative. If the Legislature approved the proposal without amendment then it became law. If the legislature did not approve the proposal then the Secretary of State simply submitted the initiative to the voters at the next general election.

Bill Status
Assembly Floor

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INITIATIVE PETITION REVIEW REFORM PROPOSAL
AB 2460 (Evans D-Santa Rosa)
Sponsored by Secretary of State Bruce McPherson

Summary

The legislative proposal would require the Attorney General to transmit the text, title and summary of an initiative to the Secretary of State upon issuance. Additionally, the proponents of the measure would be required to submit two copies of the proposed petition to the Secretary of State. The Secretary of State would then review the petition for compliance with state law and compare the text in the petition to the text submitted to, and the official title and ballot summary issued by, the Attorney General.

The Secretary of State has 10 days to report any discrepancies to the proponents. Should discrepancies be found, the petition would be returned to the proponents for corrections and resubmission within 10 days. A proponent would not be able to begin gathering signatures on the proposed initiative until the Secretary of State has approved the petition.

Background

Current law does not provide the Secretary of State any method to review initiative petitions for proper form and wording. Under current law, there is no mechanism to prevent a proponent from circulating a petition that contains different text, clerical errors, inaccurate information or missing material, from that submitted to the Attorney General. This can lead to a situation where the "will of the voters" may be thwarted and discarded due to errors committed by the proponent or by controlling government agencies where a voter may sign a petition that contains inaccurate text.

At one point, Proposition 77 was removed from the November 2005 Special Statewide Election ballot because the proponents of the measure circulated petitions containing a different version of the text of the measure than was submitted to the Attorney General. Some argue that the removal of this petition resulted in the disenfranchisement of over 950,000 people that had signed the petitions. Others contend this case shows that it is possible for proponents to present petitions containing false or inaccurate information to voters. The proposition was eventually ordered back on the ballot so the voters could vote on the circulated version of the proposal. Currently, the Secretary of State is required to review recall petitions to ensure that the form and wording is correct; however, no such procedure exists for initiative petitions.

Bill Status
To be heard in Assembly Elections Committee on March 28, 2006

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EXTENDED SIGNATURE COLLECTION PERIOD FOR INITIATIVES

SB 1715 (Margett R-Arcadia)

Sponsored by Secretary of State Bruce McPherson

Summary

This proposal will change the amount of time proponents of an initiative would have to collect signatures from 150 days to 365 days.

Background

Elections Code 336 allows proponents of a measure to collect signatures for 150 days after the initiative receives the title and summary from the Attorney General. Many feel that such a time frame gives special interest groups, who have the financial resources to hire paid signature gatherers, an upper hand in getting their initiative(s) on the ballot and puts grassroots organizations, who may have limited resources to pay signature collectors, at a disadvantage when trying to qualify an initiative.

By changing the current initiative time line, this proposal will allow those parties who do not have the financial backing to pay for signature collectors, additional time to secure the necessary amount of signatures to qualify their initiative for the ballot.

Bill Status
Referred to Senate Elections