
**SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**
Senator Catherine Blakespear, Chair
2023 - 2024 Regular

Bill No: AB 440 **Hearing Date:** 7/1/24
Author: Pellerin
Version: 6/30/24
Urgency: No **Fiscal:** Yes
Consultant: Scott Matsumoto

Subject: Ballot measures

DIGEST

This bill makes various changes to measures currently and potentially on the November 5, 2024, general election ballot.

ANALYSIS

Existing law:

- 1) Provides, pursuant to the California Constitution, statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes shall go into effect immediately upon their enactment.
- 2) Requires every constitutional amendment, bond measure, or other legislative measure submitted to the people by the Legislature to appear on the ballot of the first statewide election occurring at least 131 days after the adoption of the proposal by the Legislature.
- 3) Requires, commencing with the November 3, 1998, general election, all state measures submitted to the voters be numbered in a continuous sequence, commencing with the number "1" and continuing in numerical sequence for 10 years. Provides the numbering sequence shall recommence with the number "1" at the next election at which state measures are submitted to the voters at the completion of a 10-year cycle.
- 4) Requires the order in which all state measures that are to be submitted to the voters appear as follows:
 - a) Bond measures, including those proposed by initiative, in the order in which they qualify.
 - b) Constitutional amendments, including those proposed by initiative, in the order in which they qualify.
 - c) Legislative measures, other than those described in a) or b), in the order in which they are approved by the Legislature.

- d) Initiative measures, other than those described in a) or b), in the order in which they qualify.
 - e) Referendum measures, in the order in which they qualify.
- 5) Requires the Secretary of State (SOS) to prepare and mail to each voter a state voter information guide (VIG) containing information about each state ballot measure and other information pertaining to the election.

This bill:

- 1) Moves ACA 13 (Ward), Resolution Chapter 176, Statutes of 2023, from the November 5, 2024, election to the November 3, 2026, election.
- 2) Requires the SOS to submit each of the following measures for voter approval at the November 5, 2024, election if they are adopted by the Legislature:
 - a) Sections 1 and 2 of SB 867 (Allen) of 2024;
 - b) Section 28 of AB 247 (Muratsuchi) of 2024; and
- 3) Requires the SOS to include in the VIG mailed to voters information about each measure described in 2) that is submitted to the voters or, if needed, in a supplemental VIG.
- 4) Provides that the following apply:
 - a) Sections 1 through 9 of SB 1381 (Wahab) of 2024 is designated as Proposition 2;
 - b) Section 28 of AB 247 is designated as Proposition 3;
 - c) ACA 5 (Low), Resolution Chapter 125, Statutes of 2023, is designated as Proposition 4;
 - d) Sections 1 and 2 of SB 867 is designated as Proposition 5;
 - e) ACA 1 (Aguiar-Curry), Resolution Chapter 173, Statutes of 2023, as amended by ACA 10 (Aguiar-Curry), Resolution Chapter 134, Statutes of 2024, is designated as Proposition 6;
 - f) ACA 8 (Wilson), Resolution Chapter 133, Statutes of 2024, is designated as Proposition 7.
- 5) Provides that if any measure described in 3) is not adopted by the Legislature, all others measures in 3) that have been adopted shall be ordered and designated with a proposition number so they appear in the same order of priority and are designated with consecutive proposition numbers in increments of one, beginning with Proposition 2.

- 6) Calls an election within the meaning of Article IV of the California Constitution and goes into effect immediately.

BACKGROUND

Deadlines for the Ballot. Under current law, every constitutional amendment, bond measure, or other legislative measure submitted to the people by the Legislature must appear on the ballot of the first statewide election occurring at least 131 days after the adoption of the proposal by the Legislature. The 131st day before the November 5, 2024 general election was June 27, 2024. To place a statewide measure on the ballot after that date has passed, legislation must be enacted.

Measures on the November 2024 Ballot. As of June 30, 2024, nine measures have qualified for the November 5, 2024, general election. This includes four Assembly constitutional amendments (ACAs) and five initiatives. If chaptered, AB 440 adds two measures to the November 5, 2024 general election and moves ACA 13 from the upcoming election to the November 3, 2026, general election. If AB 440 and SB 1381 are both chaptered, there could be 11 statewide ballot measures for the November 5, 2024 general election.

Numbering of Ballot Measures. Under current law, all statewide ballot measures are numbered sequentially. The last number used was Proposition 31 at the November 8, 2022, statewide general election, so the next ballot measure would be numbered as Proposition 32. AB 440 seeks to reorder and renumber the legislative ballot measures.

The last time a ballot measure was not in a numerically sequential order was Proposition 1 for the March 5, 2024, statewide presidential primary election. The measure was designated and appeared as Proposition 1 pursuant to AB 531 (Irwin), Chapter 789, Statutes of 2023, and SB 326 (Eggman), Chapter 790, Statutes of 2023.

Prior to 2024, the statewide general election held on November 8, 2022, contained another Proposition 1 in addition to Propositions 26-31. This change to Proposition 1 was pursuant to SB 131 (Committee on Budget and Fiscal Review), Chapter 65, Statutes of 2022.

Supplemental Guides. AB 440 contains provisions requiring the SOS to create and mail a supplemental VIG containing information pertaining to the legislative ballot measures specified within the bill. The last time a supplemental VIG was needed was for the November 4, 2014, statewide general election where a ballot measure was added after the original VIG was printed.

COMMENTS

According to the Author: “AB 440 ensures that voters can weigh-in on important measures this November to repair and upgrade schools, ensure access to clean drinking water, and make California more resilient to threats posed by climate change. AB 440 also provides clarity to the Secretary of State on the placement of ballot measures on this November’s ballot.”

RELATED/PRIOR LEGISLATION

SCR 157 (Allen), Resolution Chapter 132, Statutes of 2024, directed the SOS to withdraw SCA 2 (Allen), Resolution Chapter 182, Statutes of 2022, relating to public housing projects, from consideration by the voters.

SB 789 (Allen), Chapter 787, Statutes of 2023, moved SCA 2, ACA 1, and ACA 5 to the November 5, 2024, general election.

SB 867 (Allen) of 2024, known as the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024, if approved by voters and among other provisions, authorizes the issuance of \$10 billion in bonds to finance projects addressing current and future climate impacts.

SB 1381 (Wahab) of 2024 proposes various changes relating to public safety.

AB 247 (Muratsuchi) of 2024, known as the Kindergarten Through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024, if approved by voters and among other provisions, authorizes the issuance of \$10 billion in bonds to construct and modernize educational facilities.

ACA 1 (Aguiar-Curry), Resolution Chapter 173, Statutes of 2023, and later amended by ACA 10 (Aguiar-Curry), Resolution Chapter 134, Statutes of 2024, if approved by voters, lowers the vote threshold for cities, counties, and certain special districts to incur general obligation bonds to fund the construction, rehabilitation, replacement, or acquisition of public infrastructure and affordable housing from two-thirds to 55 percent.

ACA 5 (Low), Resolution Chapter 125, Statutes of 2023, if approved by voters, repeals a provision of the California Constitution that limits marriage to a “man and a woman,” and replaces it with a provision that expressly affirms that the right to marry is a fundamental right.

ACA 8 (Wilson), Resolution Chapter 133, Statutes of 2024, if approved by voters, prohibits involuntary servitude.

ACA 13 (Ward), Resolution Chapter 176, Statutes of 2023, if approved by voters, requires an initiative constitutional amendment to comply with any increased voter approval threshold that it seeks to impose on future ballot measures. ACA 13 also guarantees in the California Constitution the ability of local governments to submit advisory questions to voters.

PRIOR ACTION

AB 440 reflected another subject prior to being referred to this committee. As a result, the prior votes are not relevant.

POSITIONS

Sponsor: Author

Support: None received

Oppose: None received

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