

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

LEGISLATURE. LEGISLATION AND PROCEEDINGS. INITIATIVE

CONSTITUTIONAL AMENDMENT AND STATUTE. Prohibits Legislature from passing any bill unless it has been in print and published on the Internet for at least 72 hours before the vote, except in cases of public emergency. Requires the Legislature to make audiovisual recordings of all its proceedings, except closed session proceedings, and post them on the Internet. Authorizes any person to record legislative proceedings by audio or video means, except closed session proceedings. Allows recordings of legislative proceedings to be used for any legitimate purpose, without payment of any fee to the State. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Increased costs to state government of potentially \$1 million to \$2 million initially and about \$1 million annually for making additional legislative proceedings available in audiovisual form on the Internet.** (15-0083.)

LAO

December 1, 2015

Hon. Kamala D. Harris
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Ashley Johansson
Initiative Coordinator

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Attorney General Harris:

Pursuant to Elections Code Section 9005, we have reviewed the proposed statutory and constitutional initiative related to legislative rules and responsibilities (A.G. File No. 15-0083, Amendment No. 1).

Background

Legislative Rules. The State Legislature has two houses: the State Assembly and the State Senate. The California Constitution governs the various ways in which the Legislature can pass bills. It does not include a requirement on the amount of time a bill needs to be available on the Internet before a vote by either house.

Public Proceedings. The Constitution requires the proceedings of each house to be open and public, with some exceptions. These public proceedings include floor sessions and committee hearings, some of which occur outside of the State Capitol. Both the Senate and Assembly make audio or audiovisual recordings of most, but not all, of these proceedings available to the public online. The legislative branch spends around \$1 million annually on these activities. Current law prohibits Assembly recordings from being used for political and commercial purposes.

Legislature's Budget. Proposition 140 (1990) established a cap on annual spending by the Legislature. The cap is adjusted each year for changes in per capita personal income and population.

Proposal

The measure makes three changes to Legislative rules and responsibilities. First, the measure requires the Legislature to ensure audiovisual recordings of all public proceedings are publicly accessible on the Internet within 24 hours and archived for at least 20 years thereafter. Second, the measure prohibits the Legislature from voting on a bill until it has been published online in its final form for at least 72 hours. This prohibition includes exceptions for emergencies, such as natural disasters. Third, the measure allows the recordings of public proceedings to be used for any legitimate purpose.

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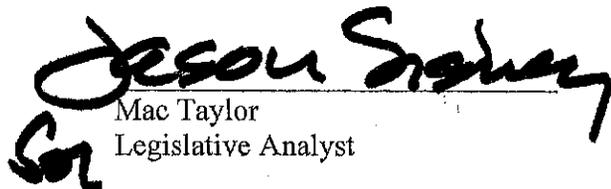
Fiscal Effects

The measure's primary fiscal impact relates to the requirement that the Legislature provide audiovisual recordings of all proceedings. The amount of added costs would depend on how the Legislature implemented the measure. The state, however, could face: (1) one-time costs of \$1 million to \$2 million to purchase cameras and other equipment and (2) ongoing costs of about \$1 million annually for additional staff and storage for an archive of the recordings. The Legislature's costs of complying with the measure would come out of their annual spending allocation.

Summary of Fiscal Effects. The measure would have the following fiscal effect:

- Increased costs to state government of potentially \$1 million to \$2 million initially and about \$1 million annually for making additional legislative proceedings available in audiovisual form on the Internet.

Sincerely,


Mac Taylor
Legislative Analyst


For Michael Cohen
Director of Finance

Hold Politicians Accountable

November 16, 2015

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: Amendments: Proposed Initiative 15-0083

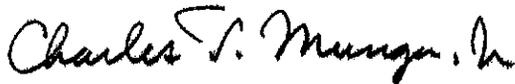
Dear Initiative Coordinator:

In accordance with subdivision (b) of Section 9002 of the Elections Code and in connection with the proposed statewide ballot measure ("California Legislature Transparency Act") filed with your office on October 12, 2015, the undersigned proponents submit the enclosed amended text.

Please proceed to prepare the Circulating Title and Summary, in light of these amendments.

Thank you for your time and attention to this important matter.

SUBMITTED BY:



CHARLES T. MUNGER, JR.

SAM BLAKESLEE

Enclosures

Hold Politicians Accountable

November 16, 2015

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

Re: Amendments: Proposed Initiative 15-0083

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SUBMITTED BY:



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CHARLES T. MUNGER, JR.

Enclosures

Initiative Measure to Be Submitted Directly to the Voters

SECTION 1. Title.

This act shall be known and may be cited as the California Legislature Transparency Act.

SECTION 2. Findings and Declarations.

The People of the State of California hereby find and declare that:

- a. It is essential to the maintenance of a democratic society that public business be performed in an open and public manner, and highly desirable that citizens be given the opportunity to fully review every bill and express their views regarding the bill's merits to their elected representatives, before it is passed.
- b. However, last-minute amendments to bills are frequently used to push through political favors without comment or with little advance notice.
- c. Moreover, complex bills are often passed before members of the Legislature have any realistic opportunity to review or debate them, resulting in ill-considered legislation.
- d. Further, although our Constitution currently provides that the proceedings of each house and the committees thereof shall be open and public, few citizens have the ability to attend legislative proceedings in person, and many legislative proceedings go completely unobserved by the public and press, often leaving no record of what was said.
- e. Yet, with the availability of modern recording technology and the Internet, there is no reason why public legislative proceedings should remain relatively inaccessible to the citizens that they serve.
- f. Accordingly, to foster disclosure, deliberation, debate, and decorum in our legislative proceedings, to keep our citizens fully informed, and to ensure that legislative proceedings are conducted fairly and openly, our Constitution should guarantee the right of all persons, including members of the press, to freely record legislative proceedings and to broadcast, post, or otherwise transmit those recordings.
- g. To supplement this right to record legislative proceedings, the Legislature itself should also be required to make and post audiovisual recordings of *all* public proceedings to the Internet *and* to maintain an archive of these recordings, which will be a valuable resource for the public, the press, and the academic community for generations to come.
- h. California should also follow the lead of other states that require a 72-hour advance notice period between the time a bill is printed and made available to the public and the time it is put to a vote, allowing an exception only in the case of a true emergency, such as a natural disaster.
- i. The opportunity for an orderly and detailed review of bills by the public, the press, and legislators will result in better bills while thwarting political favoritism and power grabs.
- j. These measures will have nominal cost to taxpayers, while promoting greater transparency in our legislative proceedings to benefit the People.

SECTION 3. Statement of Purpose.

In enacting this measure, the People of the State of California intend the following:

- a. To enable we, the People, to observe through the Internet what is happening and has happened in any and all of the Legislature's public proceedings so as to obtain the information necessary to participate in the political process and to hold our elected representatives accountable for their actions.

- b. To enable we, the People, to record and to post or otherwise transmit our own recordings of those legislative proceedings in order to encourage fairness in the proceedings, deliberation in our representatives' decision-making, and accountability.
- c. To give us, the People, and our representatives the necessary time to carefully evaluate the strengths and weaknesses of the final version of a bill before a vote by imposing a 72-hour public notice period between the time that the final version is made available to the Legislature and the public, and the time that a vote is taken, except in cases of a true emergency declared by the Governor.

SECTION 4. Amendments to Article IV of the California Constitution.

Section 4.1. Section 7 of Article IV of the Constitution is amended to read:

SEC. 7. (a) Each house shall choose its officers and adopt rules for its proceedings. A majority of the membership constitutes a quorum, but a smaller number may recess from day to day and compel the attendance of absent members.

(b) Each house shall keep and publish a journal of its proceedings. The rollcall vote of the members on a question shall be taken and entered in the journal at the request of 3 members present.

(c) (1) Except as provided in paragraph (3), the proceedings of each house and the committees thereof shall be open and public. The right to attend open and public proceedings includes the right of any person to record by audio or video means any and all parts of the proceedings and to broadcast or otherwise transmit them; provided that the Legislature may adopt reasonable rules pursuant to paragraph (5) regulating the placement and use of the equipment for recording or broadcasting the proceedings for the sole purpose of minimizing disruption of the proceedings. Any aggrieved party shall have standing to challenge said rules in an action for declaratory and injunctive relief, and the Legislature shall have the burden of demonstrating that the rule is reasonable.

(2) Commencing on January 1 of the second calendar year following the adoption of this paragraph, the Legislature shall also cause audiovisual recordings to be made of all proceedings subject to paragraph (1) in their entirety, shall make such recordings public through the Internet within 24 hours after the proceedings have been recessed or adjourned for the day, and shall maintain an archive of said recordings, which shall be accessible to the public through the Internet and downloadable for a period of no less than 20 years as specified by statute.

(3) Notwithstanding paragraphs (1) and (2) However, closed sessions may be held solely for any of the following purposes:

(A) To consider the appointment, employment, evaluation of performance, or dismissal of a public officer or employee, to consider or hear complaints or charges brought against a Member of the Legislature or other public officer or employee, or to establish the classification or compensation of an employee of the Legislature.

(B) To consider matters affecting the safety and security of Members of the Legislature or its employees or the safety and security of any buildings and grounds used by the Legislature.

(C) To confer with, or receive advice from, its legal counsel regarding pending or reasonably anticipated, or whether to initiate, litigation when discussion in open session would not protect the interests of the house or committee regarding the litigation.

(42) A caucus of the Members of the Senate, the Members of the Assembly, or the Members of both houses, which is composed of the members of the same political party, may meet in closed session.

(53) The Legislature shall implement this subdivision by concurrent resolution adopted by rollcall vote entered in the journal, two-thirds of the membership of each house concurring, or by statute, and ~~shall prescribe that, when in the case of a closed session is held pursuant to paragraph (31), shall prescribe that~~ reasonable notice of the closed session and the purpose of the closed session shall be provided to the public. If there is a conflict between a concurrent resolution and statute, the last adopted or enacted shall prevail.

(d) Neither house without the consent of the other may recess for more than 10 days or to any other place.

Section 4.2. Section 8 of Article IV of the Constitution is amended to read:

SEC. 8. (a) At regular sessions no bill other than the budget bill may be heard or acted on by committee or either house until the 31st day after the bill is introduced unless the house dispenses with this requirement by rollcall vote entered in the journal, three fourths of the membership concurring.

(b)(1) The Legislature may make no law except by statute and may enact no statute except by bill. No bill may be passed unless it is read by title on 3 days in each house except that the house may dispense with this requirement by rollcall vote entered in the journal, two thirds of the membership concurring.

(2) No bill may be passed or ultimately become a statute unless until the bill with any amendments has been printed, and distributed to the members, and published on the Internet, in its final form, for at least 72 hours before the vote, except that this notice period may be waived if the Governor has submitted to the Legislature a written statement that dispensing with this notice period for that bill is necessary to address a state of emergency, as defined in paragraph (2) of subdivision (c) of Section 3 of Article XIII B, that has been declared by the Governor, and the house considering the bill thereafter dispenses with the notice period for that bill by a separate rollcall vote entered in the journal, two thirds of the membership concurring, prior to the vote on the bill.

(3) No bill may be passed unless, by rollcall vote entered in the journal, a majority of the membership of each house concurs.

(c) (1) Except as provided in paragraphs (2) and (3) of this subdivision, a statute enacted at a regular session shall go into effect on January 1 next following a 90-day period from the date of enactment of the statute and a statute enacted at a special session shall go into effect on the 91st day after adjournment of the special session at which the bill was passed.

(2) A statute, other than a statute establishing or changing boundaries of any legislative, congressional, or other election district, enacted by a bill passed by the Legislature on or before the date the Legislature adjourns for a joint recess to reconvene in the second calendar year of the biennium of the legislative session, and in the possession of the Governor after that date, shall go into effect on January 1 next following the enactment date of the statute unless, before January 1, a copy of a referendum petition affecting the statute is submitted to the Attorney General pursuant to subdivision (d) of Section 10 of Article II, in which event the statute shall go into effect on the 91st day after the enactment date unless the petition has been presented to the Secretary of State pursuant to subdivision (b) of Section 9 of Article II.

(3) 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.

(d) Urgency statutes are those necessary for immediate preservation of the public peace, health, or safety. A statement of facts constituting the necessity shall be set forth in one section of the bill. In each house the section and the bill shall be passed separately, each by rollcall vote entered in the journal, two thirds of the membership concurring. An urgency statute may not create or abolish any office or change the salary, term, or duties of any office, or grant any franchise or special privilege, or create any vested right or interest.

SECTION 5. Amendments of the Government Code

Section 5.1. Section 9026.5 of the Government Code is amended to read as follows:

9026.5. Televised or other audiovisual recordings of public proceedings~~Television signal of Assembly prohibited use; violation~~

(a) Televised or other audiovisual recordings of the public proceedings of each house of the Legislature and the committees thereof may be used for any legitimate purpose and without the imposition of any fee due to the State or any public agency or public corporation thereof. No television signal generated by the Assembly shall be used for any political or commercial purpose, including, but not limited to, any campaign for elective public office or any campaign supporting or opposing a ballot proposition submitted to the electors.

~~As used in this section, "commercial purpose" does not include either of the following:~~

- ~~(1) The use of any television signal generated by the Assembly by an accredited news organization or any nonprofit organization for educational or public affairs programming.~~
- ~~(2) As authorized by the Assembly, the transmission by a third party to paid subscribers of an unedited video feed of the television signal generated by the Assembly.~~

(b) The Legislature's costs of complying with paragraph (2) of subdivision (c) of Section 7 and of paragraph (2) of subdivision (b) of Section 8 of Article IV of the California Constitution shall be included as part of the total aggregate expenditures allowed under Section 7.5 of Article IV of the California Constitution. Any person or organization who violates this section is guilty of a misdemeanor.

Section 5.2. Section 10248 of the Government Code is amended to read as follows:

10248. Public computer network; required legislative information

(a) The Legislative Counsel shall, with the advice of the Assembly Committee on Rules and the Senate Committee on Rules, make all of the following information available to the public in electronic form:

- (1) The legislative calendar, the schedule of legislative committee hearings, a list of matters pending on the floors of both houses of the Legislature, and a list of the committees of the Legislature and their members.
- (2) The text of each bill introduced in each current legislative session, including each amended, enrolled, and chaptered form of each bill.
- (3) The bill history of each bill introduced and amended in each current legislative session.
- (4) The bill status of each bill introduced and amended in each current legislative session.

(5) All bill analyses prepared by legislative committees in connection with each bill in each current legislative session.

(6) All audiovisual recordings of legislative proceedings that have been caused to be made by the Legislature in accordance with paragraph (2) of subdivision (c) of Section 7 of Article IV. Each recording shall remain accessible to the public through the Internet and downloadable for a minimum period of 20 years following the date on which the recording was made and shall then be archived in a secure format.

~~(6)~~(7) All vote information concerning each bill in each current legislative session.

~~(7)~~(8) Any veto message concerning a bill in each current legislative session.

~~(8)~~(9) The California Codes.

~~(9)~~(10) The California Constitution.

~~(10)~~(11) All statutes enacted on or after January 1, 1993.

(b) The information identified in subdivision (a) shall be made available to the public by means of access by way of the largest nonproprietary, nonprofit cooperative public computer network. The information shall be made available in one or more formats and by one or more means in order to provide the greatest feasible access to the general public in this state. Any person who accesses the information may access all or any part of the information. The information may also be made available by any other means of access that would facilitate public access to the information. The information that is maintained in the legislative information system that is operated and maintained by the Legislative Counsel shall be made available in the shortest feasible time after the information is available in the information system. The information that is not maintained in the information system shall be made available in the shortest feasible time after it is available to the Legislative Counsel.

(c) Any documentation that describes the electronic digital formats of the information identified in subdivision (a) and is available to the public shall be made available by means of access by way of the computer network specified in subdivision (b).

(d) Personal information concerning a person who accesses the information may be maintained only for the purpose of providing service to the person.

(e) No fee or other charge may be imposed by the Legislative Counsel as a condition of accessing the information that is accessible by way of the computer network specified in subdivision (b).

(f) The electronic public access provided by way of the computer network specified in subdivision (b) shall be in addition to other electronic or print distribution of the information.

(g) No action taken pursuant to this section shall be deemed to alter or relinquish any copyright or other proprietary interest or entitlement of the State of California relating to any of the information made available pursuant to this section.

SECTION 6. Defense of Initiative Measure.

Section 6.1. Section 12511.5 is added to the Government Code to read as follows:

Section 12511.5. Defense of the California Legislature Transparency Act

If an action is brought challenging, in whole or in part, the validity of the California Legislature Transparency Act, the following shall apply:

(a) The Legislature shall continue to comply with the act unless it is declared unconstitutional pursuant to a final judgment of an appellate court.

(b) Except as set forth in subdivision (c), the Attorney General shall defend against any action challenging, in whole or in part, the validity of the act, and shall have an unconditional right to intervene in any action addressing the validity of the act.

(c) If the Attorney General declines to defend the validity of the act in any action, the Attorney General shall nonetheless file an appeal from, or seek review of, any judgment of any court that determines that the act is invalid, in whole or in part, if necessary or appropriate to preserve the State's standing to defend the law in conformity with the Attorney General's constitutional duty to see that the laws of the State are adequately enforced.

(d) The official proponents of the act have an unconditional right to participate, either as interveners or real parties in interest, in any action affecting the validity or interpretation of the act. Where the Governor and Attorney General have declined to defend the validity of the act, the official proponents are also authorized to act on the State's behalf in asserting the State's interest in the validity of the act in any such action and to appeal from any judgment invalidating the act.

(e) Nothing in this section precludes other public officials from asserting the State's interest in the validity of the act.

SECTION 7. Repeal of any Conflicting Statute Proposed at the Primary Election.

If the Legislature places a measure on the ballot for the June 2016 primary election that is approved by a majority of votes thereon, any provision of that measure that is inconsistent with, or interferes in any way with, the purpose or provisions adopted by this initiative measure shall be rendered void and without legal effect.

SECTION 8. Severability.

The provisions of this act are severable. If any provision of this act or its application is held to be invalid, that invalidity shall not affect the other provisions or applications that can be given effect in the absence of the invalid provision or application. Without limiting in any way the generality of the foregoing, the voters declare (1) that the amendments to Section 7 of Article IV of the California Constitution are severable from the amendments to Section 8 of Article IV of the California Constitution, (2) that the Legislature's obligations to cause to be made, to make public, and to maintain audiovisual recordings of legislative proceedings are severable from the right of any person to record the proceedings and broadcast or otherwise transmit such recordings pursuant to the amendments to Section 7 of Article IV, (3) that the right to record proceedings is severable from the right to broadcast or otherwise transmit the recordings, and (4) that the statutory amendments of this initiative measure are severable from the constitutional amendments.

SECTION 9. Amendments.

The statutory provisions of this act shall not be amended except upon approval of the voters, except that the Legislature may amend Government Code section 10248, subdivision (a)(6) to extend the time that recordings shall remain accessible to the public through the Internet and downloadable by passing a statute by a rollcall vote entered in the journal, a majority of the membership of each house concurring.

SECTION 10. Conflicting Ballot Propositions.

(a) In the event that this initiative measure and any other measure or measures that relate to the transparency of the legislative process with respect to any of the matters addressed herein are approved by a majority of voters at the same election, and this initiative measure receives a greater number of affirmative votes than any other such measure or measures, this initiative measure shall control in its entirety and the other measure or measures shall be rendered void and without legal effect.

(b) If this initiative measure and a statutory measure placed on the ballot by the Legislature are approved by a majority of voters at the same election, the constitutional amendments in this initiative measure shall control over any statutory measure placed on the ballot by the Legislature to the extent that the statutory measure conflicts with, is inconsistent with, or interferes with the purpose, intent, or provisions of this initiative measure.

(c) If this initiative measure is approved by voters but is superseded in whole or in part by any other conflicting measure approved by the voters and receiving a greater number of affirmative votes at the same election, and the conflicting measure or superseding provisions thereof are subsequently held to be invalid, the formerly superseded provisions of this initiative measure, to the extent superseded by the subsequently invalidated provisions of the conflicting measure, shall be self-executing and given the full force of law.

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June 13, 2016

Honorable Richard Gordon
Chair, Assembly Committee on Rules
Room 3016, State Capitol

Honorable Benjamin Allen
Chair, Senate Committee on Elections and Constitutional Amendments
Room 2203, State Capitol

INITIATIVE: CALIFORNIA LEGISLATURE TRANSPARENCY ACT - #1620014

Dear Mr. Gordon and Mr. Allen:

We have reviewed the language of the California Legislature Transparency Act, which is a proposed initiative identified as #15-0083 by the Attorney General. We have identified a number of ambiguous terms and phrases in the language of the initiative. If the initiative is enacted by the voters without defining or otherwise clarifying the ambiguous terms and phrases, then the initiative may not have the legal effect that the proponents intend.

Enclosed for your consideration is a chart that describes the specific ambiguous terms and phrases that we identify in the initiative. Please contact the undersigned deputy if you require further assistance with this matter.

Very truly yours,

Diane F. Boyer-Vine
Legislative Counsel

By
Robert D. Roth
Deputy Legislative Counsel

List of Ambiguities: California Legislature Transparency Act Initiative

Item #	Citation	Language	Drafting Issue
1	Sec. 7, Art. IV., Cal. Const.	"aggrieved party"	Term is undefined and nonspecific with respect to what injury a person must suffer before having standing to sue the Legislature.
2	Sec. 7, Art. IV. Cal. Const.	"in their entirety"	Term is nonspecific as to whether the Legislature may edit recordings that are posted and archived to omit "dead time" in which the house or a committee proceeding is recessed to accommodate caucus meetings or other meetings that are constitutionally authorized to occur in closed session.
3	Sec. 7, Art. IV. Cal. Const.; and Sec. 10248, Gov. C.	"the Legislature ... shall make such recordings public ... and shall maintain an archive of said recordings"	Inconsistent use of language in the initiative (specifically this provision compared to Section 10248 of the Government Code) creates ambiguity as to whether the Legislature and the Legislative Counsel share an obligation to post and archive recordings or whether each has a separate, independent obligation to do so. (See, also, Item 10 below.)
4	Sec. 7, Art. IV. Cal. Const.	"accessible to the public"	Phrase is ambiguous and nonspecific as to what constitutes accessibility. For instance, "accessible" requirement is ambiguous as to whether archived materials must be updated to be compatible with current technology or whether they need only be accessible in the medium in which they were originally recorded.
5	Sec. 7, Art. IV. Cal. Const.	"downloadable"	Term raises same ambiguity concerns identified in Item #4. More specifically, the term is technology-specific. Best drafting practices favor use of technology-neutral terms, such as those in the Uniform Electronic Legal Material Act (Sec. 10290 et seq., Gov. C.)
6	Sec. 8, Art. IV. Cal. Const.	"or ultimately become a statute unless"	Phrase is unnecessary at best and ambiguous at worst. Pursuant to Section 10 of Article IV, a bill must be "passed" by the Legislature before it can be presented to the Governor and become a statute. Accordingly, a bill that fails to satisfy the criteria for "passage" in Section 8 of Article IV cannot become a statute, rendering the initiative's language unnecessary. To the extent a court is required to resolve the ambiguity created by use of this phrase, the initiative applies this phrase solely to the "72-hour" requirement, which suggests by negative implication that a bill's failure to comply with the other passage requirements in Section 8 of Article IV would <i>not</i> prevent that bill from becoming a statute.

List of Ambiguities: California Legislature Transparency Act Initiative

7	Sec. 8, Art. IV. Cal. Const.	"72 hours before the vote"	The term "the vote" is ambiguous as it is not evident to which vote or votes the 72-hour requirement applies. Modifying the term "vote" with the definite article "the" supports a construction that only a single, specific vote is contemplated by the initiative. Under such a construction, the 72-hour requirement could reasonably apply only to the single vote preceding a bill's presentation to the Governor (i.e. only the concurrence vote in the house of origin or, for an unamended bill, the final vote in the second house).
8	Sec. 8, Art. IV. Cal. Const.	"final form"	For the same reasons identified in Item 7, the requirement that a bill be published in its "final form" is ambiguous as it is not evident whether the requirement is intended to apply to the final form of the bill as voted on in each house or the "final" final form of the bill that is ultimately presented to the Governor.
9	Sec. 9026.5, Gov. C.	"any legitimate purpose"	The term "legitimate" is ambiguous and highly subjective. For instance, the initiative repeals the express prohibition against using Assembly-generated television signals for a commercial purpose, but it could be argued that such uses are still prohibited under the initiative's language if profiting from the commercial use of a taxpayer-financed recording is considered to be a non-legitimate use of those recordings. Absent clarification, the initiative provides no objective standard against which an individual can determine whether a contemplated use of a recording furthers a "legitimate" purpose.
10	Sec. 10248, Gov. C.	Entire language of paragraph 6 of subdivision (a).	As noted in Item 3, the initiative's constitutional and statutory provisions are inconsistent and, therefore, ambiguous. Although one could argue that the intent of the initiative is to require the Legislative Counsel to post recordings of proceedings made by the Legislature, one could also argue that the plain language of the provisions states the Legislature is <i>constitutionally</i> required to post and archive recordings and, in addition, the Legislative Counsel is <i>statutorily</i> required to post and archive the same recordings. Moreover, the statutory language regarding these posting and archiving requirements does not track the constitutional language, creating even more uncertainty as to how these requirements should be construed and implemented.