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**GOVERNMENT CODE - GOV**

**TITLE 9. POLITICAL REFORM [81000 - 91014]** ( Title 9 added June 4, 1974, by initiative Proposition 9. )

**CHAPTER 8. Ballot Pamphlet [88000 - 88007]** ( Chapter 8 added June 4, 1974, by initiative Proposition 9. )

**88000.** There shall be a state ballot pamphlet which shall be prepared by the Secretary of State.

(Added June 4, 1974, by initiative Proposition 9.)

**88001.** The ballot pamphlet shall contain all of the following:

- (a) A complete copy of each state measure.
- (b) A copy of the specific constitutional or statutory provision, if any, that would be repealed or revised by each state measure.
- (c) A copy of the arguments and rebuttals for and against each state measure.
- (d) A copy of the analysis of each state measure.
- (e) Tables of contents, indexes, art work, graphics, and other materials that the Secretary of State determines will make the ballot pamphlet easier to understand or more useful for the average voter.
- (f) A notice, conspicuously printed on the cover of the ballot pamphlet, indicating that additional copies of the ballot pamphlet will be mailed by the county elections official upon request.
- (g) A written explanation of the judicial retention procedure as required by Section 9083 of the Elections Code.
- (h) The Voter Bill of Rights pursuant to Section 2300 of the Elections Code.
- (i) If the ballot contains an election for the office of United States Senator, information on candidates for United States Senator. A candidate for United States Senator may purchase the space to place a statement in the state ballot pamphlet that does not exceed 250 words. The statement may not make any reference to any opponent of the candidate. The statement shall be submitted in accordance with timeframes and procedures set forth by the Secretary of State for the preparation of the state ballot pamphlet.
- (j) If the ballot contains a question as to the confirmation or retention of a justice of the Supreme Court, information on justices of the Supreme Court who are subject to confirmation or retention.
- (k) If the ballot contains an election for the offices of President and Vice President of the United States, a notice that refers voters to the Secretary of State's Internet Web site for information about candidates for the offices of President and Vice President of the United States.
- (l) A written explanation of the appropriate election procedures for party-nominated, voter-nominated, and nonpartisan offices as required by Section 9083.5 of the Elections Code.
- (m) A written explanation of the top 10 contributor lists required by Section 84223, including a description of the Internet Web sites where those lists are available to the public.

(Amended by Stats. 2014, Ch. 16, Sec. 8. (SB 27) Effective May 14, 2014. Operative July 1, 2014, by Stats. 2014, Ch. 16, Sec. 10. Note: This section was added on June 4, 1974, by initiative Prop. 9.)

**88002.** The ballot pamphlet shall contain as to each state measure to be voted upon, the following in the order set forth in this section:

- (a) (1) Upon the top portion of the first page and not exceeding one-third of the page shall appear:
  - (A) The identification of the measure by number and title.
  - (B) The official summary prepared by the Attorney General.

(i) For a statewide referendum measure, the official summary prepared by the Attorney General shall precede all of the following in the order set forth in this clause:

(I) A blank horizontal line.

(II) After the text "TOP FUNDERS OF PETITION TO OVERTURN THE LAW:" a listing of the three persons who made the most aggregated contributions and expenditures of \$50,000 or more to qualify the referendum as of the last day petitions are filed with an elections official. A person who is required to be listed after the official summary pursuant to this clause is a "top funder."

(III) If a person that is a primarily formed ballot measure committee within the meaning of Section 82047.5 of the Government Code or a general purpose committee within the meaning of Section 82027.5 of the Government Code is one of the persons who made the most aggregated contributions and expenditures to qualify the referendum as of the last day petitions are filed with an elections official, the primarily formed committee or general purpose committee shall not be listed as a top funder pursuant to subclause (II), and, instead, the highest contributors to the primarily formed committee or general purpose committee within the prior 90 days shall be listed as top funders pursuant to subclause (II) if their contributions to the primarily formed committee or general purpose committee, combined with all other contributions and expenditures to qualify the referendum, qualify the person or persons as top funders.

(ii) The name of a top funder may be shortened at the discretion of the Secretary of State by using acronyms, abbreviations, or by leaving out words in the entity's name, as long as doing so would not confuse or mislead voters about the identity of a top funder.

(iii) Each top funder shall be printed in a font size that is the same as a majority of the text on the page and separated by a semicolon.

(iv) The Secretary of State shall determine the list of top funders no later than the date a referendum qualifies for the ballot.

(C) The total number of votes cast for and against the measure in both the State Senate and Assembly if the measure was passed by the Legislature.

(2) The space in the title and summary that is used for an explanatory table prepared pursuant to paragraph (2) of subdivision (e) of Section 9087 of the Elections Code and Section 88003 shall not be included when measuring the amount of space the information described in paragraph (1) has taken for purposes of determining compliance with the restriction prohibiting the information described in paragraph (1) from exceeding one-third of the page.

(b) Beginning at the top of the right page shall appear the analysis prepared by the Legislative Analyst, provided that the analysis fits on a single page. If it does not fit on a single page, then the analysis shall begin on the lower portion of the first left page and shall continue on subsequent pages until it is completed.

(c) Immediately below the analysis prepared by the Legislative Analyst shall appear a printed statement that refers voters to the Secretary of State's internet website for a list of committees primarily formed to support or oppose a ballot measure, and information on how to access the committee's top 10 contributors.

(d) Arguments for and against the measure shall be placed on the next left and right pages, respectively, following the page on which the analysis of the Legislative Analyst ends. The rebuttals shall be placed immediately below the arguments.

(e) If no argument against the measure has been submitted, the argument for the measure shall appear on the right page facing the analysis.

(f) The complete text of each measure shall appear at the back of the pamphlet. The text of the measure shall contain the provisions of the proposed measure and the existing provisions of law repealed or revised by the measure. The provisions of the proposed measure differing from the existing provisions of law affected shall be distinguished in print, so as to facilitate comparison.

(g) The following statement shall be printed at the bottom of each page where arguments appear: "Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency."

*(Amended by Stats. 2023, Ch. 162, Sec. 10. (AB 421) Effective September 8, 2023.)*

**88002.5.** (a) The ballot pamphlet shall also contain a section, located near the front of the pamphlet, that provides a concise summary of the general meaning and effect of "yes" and "no" votes on each state measure.

(b) The summary statements required by this section shall be prepared by the Legislative Analyst. These statements are not intended to provide comprehensive information on each measure. The Legislative Analyst shall be solely responsible for determining the contents of these statements. The statements shall be available for public examination and amendment pursuant to Section 88006.

*(Added by Stats. 1999, Ch. 312, Sec. 29. Effective January 1, 2000.)*

**88003.** The Legislative Analyst shall prepare an impartial analysis of the measure describing the measure and including a fiscal analysis of the measure showing the amount of any increase or decrease in revenue or cost to state or local government. Any estimate of increased cost to local governments shall be set out in boldface print in the ballot pamphlet. The analysis shall be written in clear and concise terms which will easily be understood by the average voter, and shall avoid the use of technical terms wherever possible. The analysis may contain background information, including the effect of the measure on existing law and the effect of enacted legislation which will become effective if the measure is adopted, and shall generally set forth in an impartial manner the information which the average voter needs to understand the measure adequately. The Legislative Analyst may contract with professional writers, educational specialists, or other persons for assistance in writing an analysis that fulfills the requirements of this section, including the requirement that the analysis be written so that it will be easily understood by the average voter. The Legislative Analyst may also request the assistance of any state department, agency, or official in preparing the Legislative Analyst's analysis. Prior to submission of the analysis to the Secretary of State, the Legislative Analyst shall submit the analysis to a committee of five persons appointed by the Legislative Analyst for the purpose of reviewing the analysis to confirm its clarity and easy comprehension to the average voter. The committee shall be drawn from the public at large, and one member shall be a specialist in education, one shall be bilingual, and one shall be a professional writer. Members of the committee shall be reimbursed for reasonable and necessary expenses incurred in performing their duties. Within five days of the submission of the analysis to the committee, the committee shall make such recommendations to the Legislative Analyst as it deems appropriate to guarantee that the analysis can be easily understood by the average voter. The Legislative Analyst shall consider the committee's recommendations, and the Legislative Analyst shall incorporate in the analysis those changes recommended by the committee that the Legislative Analyst deems to be appropriate. The Legislative Analyst is solely responsible for determining the content of the analysis required by this section. The title and summary of any measure which appears on the ballot shall be amended to contain a summary of the Legislative Analyst's estimate of the net state and local government financial impact. For state bond measures that are submitted to the voters for their approval or rejection, the summary of the Legislative Analyst's estimate of the net state and local government fiscal impact shall include an explanatory table of the information in the summary.

*(Amended by Stats. 2021, Ch. 50, Sec. 220. (AB 378) Effective January 1, 2022. Note: This section was added on June 4, 1974, by initiative Prop. 9.)*

**88004.** Measures shall be printed in the ballot pamphlet, so far as possible, in the same order, manner and form in which they are designated upon the ballot.

*(Added June 4, 1974, by initiative Proposition 9.)*

**88005.** The ballot pamphlet shall be printed according to the following specifications:

- (a) The pamphlet shall be printed in clear readable type, no less than 10-point, except that the text of any measure may be set forth in 8-point type.
- (b) It shall be of a size and printed on a quality and weight of paper which in the judgment of the Secretary of State best serves the voters.
- (c) The pamphlet shall contain a certificate of correctness by the Secretary of State.

*(Amended by Stats. 2008, Ch. 133, Sec. 3. Effective July 17, 2008. Note: This section was added on June 4, 1974, by initiative Prop. 9.)*

**88005.5.** The Legislative Counsel shall prepare and proofread the texts of all measures and the provisions which are repealed or revised.

*(Added June 4, 1974, by initiative Proposition 9.)*

**88006.** Not less than 20 days before submitting the copy for the ballot pamphlet to the State Printer, the Secretary of State shall make the copy available for public examination. Any elector may seek a writ of mandate requiring the copy to be amended or deleted from the ballot pamphlet. A peremptory writ of mandate shall issue only upon clear and convincing proof that the copy in question is false, misleading, or inconsistent with the requirements of this chapter or the Elections Code, and that issuance of the writ will not substantially interfere with the printing and distribution of the ballot pamphlet as required by law. Venue for a proceeding under this section shall be exclusively in Sacramento County. The Secretary of State shall be named as the respondent and the State Printer and the person or official who authored the copy in question shall be named as real parties in interest. If the proceeding is initiated by the Secretary of State, the State Printer shall be named as the respondent.

*(Amended by Stats. 2021, Ch. 50, Sec. 221. (AB 378) Effective January 1, 2022. Note: This section was added on June 4, 1974, by initiative Prop. 9.)*

**88007.** Notwithstanding the provisions of Section 81012, the Legislature may without restriction amend this chapter to add to the ballot pamphlet information regarding candidates or any other information.

*(Added June 4, 1974, by initiative Proposition 9.)*