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## AB-440 Ballot measures. (2023-2024)

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Date Published: 07/05/2024 02:00 PM

### Assembly Bill No. 440

#### CHAPTER 82

An act relating to elections, and calling elections, to take effect immediately.

[ Approved by Governor July 03, 2024. Filed with Secretary of State July 03, 2024. ]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 440, Pellerin. Ballot measures.

(1) Existing law requires a constitutional amendment, bond measure, or other 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.

Pursuant to the time limit specified above, Assembly Constitutional Amendment 13 (ACA 13) of the 2023–24 Regular Session is scheduled to appear on the ballot of the statewide general election occurring on November 5, 2024.

If approved by the voters, ACA 13 would provide that an initiative measure that includes one or more provisions that amend the Constitution to increase the voter approval requirement to adopt any state or local measure is approved by the voters only if the proportion of votes cast in favor of the initiative measure is equal to or greater than the highest voter approval requirement that the initiative measure would impose. ACA 13 would specify that this requirement applies to statewide initiative measures that appear on the ballot on or after January 1, 2024. ACA 13 would also expressly authorize a local governing body to hold an advisory vote for the purpose of allowing voters within the jurisdiction to voice their opinions on an issue.

This bill would call a special election to be consolidated with the statewide general election scheduled for November 3, 2026, and would instead require the submission of ACA 13 to the people at that election.

(2) The California Constitution prohibits the Legislature from creating any debt or liability that singly or in aggregate exceeds \$300,000 except by an act that is, among other things, approved by the voters.

This bill would call a special election to be consolidated with the statewide general election scheduled for November 5, 2024. The bill would require the submission of the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024 and the Kindergarten Through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 to the people for their approval at that statewide general election.

(3) Existing law specifies an order in which statewide ballot measures are required to appear and be numbered on the ballot of the November 5, 2024, statewide general election.

This bill, notwithstanding that law, would specify the order in which the statewide ballot measures proposed by the Legislature will appear on the ballot.

This bill would declare that it is to take effect immediately as an act calling an election.

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** A special election is hereby called to be held throughout the state on November 3, 2026. The election shall be consolidated with the statewide general election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used.

**SEC. 2.** Notwithstanding Section 9040 of the Elections Code, the Secretary of State shall submit Assembly Constitutional Amendment 13 of the 2023–24 Regular Session (Resolution Chapter 176 of the Statutes of 2023) to the people at the statewide general election occurring on November 3, 2026.

**SEC. 3.** A special election is hereby called to be held throughout the state on November 5, 2024. The election shall be consolidated with the statewide general election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used.

**SEC. 4.** (a) Notwithstanding Sections 9040, 9043, 9044, 9061, 9082, and 9094 of the Elections Code or any other law, the Secretary of State shall submit each of the following measures, if adopted by the Legislature, to the voters for their approval at the statewide general election occurring on November 5, 2024:

(1) Sections 1 and 2 of Senate Bill 867 of the 2023–24 Regular Session, the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024.

(2) Section 28 of Assembly Bill 247 of the 2023–24 Regular Session, the Kindergarten Through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024.

(b) The Secretary of State shall include in the voter information guides mailed pursuant to Section 9094 of the Elections Code the information specified in Section 9084 of the Elections Code regarding each measure described in subdivision (a) that is submitted to the voters. If that inclusion is not possible, the Secretary of State shall publish a supplemental voter information guide with that information to be mailed with the voter information guide. If the supplemental voter information guide cannot be mailed with the voter information guide, the supplemental voter information guide shall be mailed separately.

**SEC. 5.** (a) Notwithstanding Sections 13115 through 13117, inclusive, of the Elections Code, all of the following shall apply:

(1) Sections 1 to 9, inclusive, of Senate Bill 1381 of the 2023–24 Regular Session, submitted to the voters pursuant to subdivision (c) of Section 10 of Article II of the California Constitution, shall be placed first on the ballot for the November 5, 2024, statewide general election and shall be designated as Proposition 2.

(2) The Kindergarten Through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Section 28 of Assembly Bill 247 of the 2023–24 Regular Session) shall be placed second on the ballot for the November 5, 2024, statewide general election and shall be designated as Proposition 3.

(3) Assembly Constitutional Amendment 5 of the 2023–24 Regular Session shall be placed third on the ballot for the November 5, 2024, statewide general election and shall be designated as Proposition 4.

(4) The Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024 (Sections 1 and 2 of Senate Bill 867 of the 2023–24 Regular Session) shall be placed fourth on the ballot for the November 5, 2024, statewide general election and shall be designated as Proposition 5.

(5) Assembly Constitutional Amendment 1 of the 2023–24 Regular Session, as amended by Assembly Constitutional Amendment 10 of the 2023–24 Regular Session, shall be placed fifth on the ballot for the November 5, 2024, statewide general election and shall be designated as Proposition 6.

(6) Assembly Constitutional Amendment 8 of the 2023–24 Regular Session shall be placed sixth on the ballot for the November 5, 2024, statewide general election and shall be designated as Proposition 7.

(b) If any measure described in subdivision (a) is not adopted by the Legislature, all measures in subdivision (a) that have been adopted shall be ordered and designated with a proposition number such that the adopted measures appear in the same order of priority as specified in this section and shall be designated with consecutive proposition numbers in increments of one, beginning with Proposition 2.

**SEC. 6.** This act calls an election within the meaning of Article IV of the California Constitution and shall go into immediate effect.