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SB-297 Elections: initiatives and referenda: withdrawal. (2023-2024)

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Senate Bill No. 297

CHAPTER 483

An act to amend Section 9604 of the Elections Code, relating to elections.

[Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 297, Allen. Elections: initiatives and referenda: withdrawal.

Existing law authorizes the proponents of a statewide initiative or referendum measure to withdraw the measure after filing the initiative or referendum petition with the appropriate elections official at any time before the Secretary of State certifies that the measure has qualified for the ballot, as provided. Existing law requires, for the withdrawal of an initiative or referendum measure after the petition has been filed with the appropriate elections official, all of the proponents to file a written notice with the Secretary of State to withdraw the measure.

This bill would instead require a majority of the proponents to file a written notice with the Secretary of State to withdraw the statewide initiative or referendum measure after the petition has been filed with the appropriate elections official. The bill would also authorize the proponents of a statewide initiative or referendum measure to file a notice of withdrawal with the Secretary of State that is contingent upon the enactment of a particular legislative measure, as specified. The bill would require the Secretary of State to deem a written notice of contingent withdrawal of a statewide initiative or referendum effective if the legislative measure identified in the notice is enacted and given a chapter number by the Secretary of State before the Secretary of State has certified that the statewide initiative or referendum measure has qualified for the ballot, as specified. If the legislative measure is not given a chapter number by the Secretary of State before the Secretary of State has certified that the statewide initiative or referendum measure has qualified for the ballot, as specified, or is amended after the notice of contingent withdrawal is filed, the withdrawal of the initiative or referendum measure would not be given effect.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 9604 of the Elections Code is amended to read:

9604. (a) (1) Notwithstanding any other law, any person may engage in good faith bargaining between competing interests to secure legislative approval of matters embraced in a statewide or local initiative or referendum measure, and the proponents may, as a result of these negotiations, withdraw the measure at any time before filing the petition with the appropriate elections official.

(2) Withdrawal of a statewide initiative or referendum measure pursuant to paragraph (1) shall be effective upon receipt by the Secretary of State of a written notice of withdrawal, signed by all proponents of the measure.

(3) Withdrawal of a local initiative or referendum measure pursuant to paragraph (1) shall be effective upon receipt by the appropriate local elections official of a written notice of withdrawal, signed by all proponents of the measure.

(b) (1) In addition to the procedure under subdivision (a), the proponents of a statewide initiative or referendum measure may withdraw the measure after filing the petition with the appropriate elections official at any time before the Secretary of State certifies that the measure has qualified for the ballot pursuant to Section 9033.

(2) Except as provided in subdivision (c), withdrawal of a statewide initiative or referendum measure after filing the petition with the appropriate elections official shall be effective upon receipt by the Secretary of State of a written notice of withdrawal, signed by a majority of the proponents of the measure.

(c) (1) After filing the petition with the appropriate elections official at any time before the Secretary of State certifies that a statewide initiative or referendum measure has qualified for the ballot pursuant to Section 9033, the proponents may file with the Secretary of State a written notice of withdrawal that is contingent on the enactment of a particular legislative measure. In the written notice, the proponents shall identify the publication date of the most recent version of the legislative measure. The Secretary of State shall reject any notice of contingent withdrawal that is contingent on any action other than the enactment of a particular legislative measure.

(2) The Secretary of State shall deem a written notice of contingent withdrawal of a statewide initiative or referendum measure to be effective if the legislative measure identified in the notice is enacted and given a chapter number by the Secretary of State before the Secretary of State certifies that the statewide initiative or referendum measure has qualified for the ballot pursuant to Section 9033.

(3) (A) If the legislative measure is not given a chapter number by the Secretary of State before the Secretary of State certifies that the statewide initiative or referendum measure has qualified for the ballot pursuant to Section 9033, or if it is amended after the notice is filed with the Secretary of State, the notice of contingent withdrawal shall not be effective.

(B) If the contingent withdrawal fails pursuant to subparagraph (A), the proponents may file a new notice of contingent withdrawal at any time before the Secretary of State certifies that the initiative or referendum measure has qualified for the ballot.

(4) The proponents may file a written notice with the Secretary of State to cancel the contingent withdrawal at any time before the legislative measure is enacted and given a chapter number by the Secretary of State.

(5) A contingent withdrawal, or a cancellation of a contingent withdrawal, filed with the Secretary of State pursuant to this subdivision shall be signed by at least a majority of the proponents of the initiative or referendum measure.

(6) Notwithstanding any provision of this subdivision, the proponents of a statewide initiative or referendum measure may file a written notice pursuant to subdivision (b) to withdraw the measure at any time before the Secretary of State certifies that the measure has qualified for the ballot. A notice of withdrawal filed pursuant to subdivision (b) shall take precedence over any notice of contingent withdrawal on file with the Secretary of State pursuant to this subdivision.

(d) The proponents of a statewide initiative or referendum measure may file a written notice of withdrawal pursuant to subdivisions (b) or (c) with the Secretary of State no later than 5 p.m. on the day the Secretary of State certifies that the statewide initiative or referendum measure has qualified for the ballot pursuant to Section 9033.