

Proposition 71
ACA 17 (Resolution Chapter 190, Statutes of 2017), Mullin.
Ballot measures: effective date.

Yes/No Statement

A **YES** vote on this measure means: Most state ballot measures (also called propositions) would take effect after the statewide vote has been counted and certified—about six weeks after Election Day.

A **NO** vote on this measure means: Most state ballot measures would continue to take effect the day after Election Day.

Summary of Legislative Analyst’s Estimate of Net State and Local Government Fiscal Impact

- Likely little or no effect on state and local finances.

Ballot Label

- **Fiscal Impact:** Likely little or no effect on state and local finances.

BACKGROUND

State Ballot Measures. At statewide elections, California voters get to vote on state ballot measures. These measures (also called propositions) include:

- *State Initiatives and Referenda.* These are changes to the State Constitution, changes to state laws, and bond measures proposed by citizens, who gather signatures to place these measures on the ballot.
- *Legislative Ballot Measures.* These are changes to the State Constitution, changes to previously approved initiatives, and bond measures placed on the ballot by the California Legislature.

Changes in Elections Over Time. Changes in state and federal laws and decisions by individual voters have affected voting practices in recent decades. In California, perhaps the most noteworthy change has been the growing use of mail ballots. In the November 1970 election, about 200,000 California voters (3 percent of the total) cast a ballot by mail. By contrast, in November 2016, more than 8 million voters (58 percent of the total) cast a mail ballot. State and federal laws also allow for “provisional” ballots—for example, for people who believe they are registered even though their names are not on a polling place’s voter list. Mail and provisional ballots received right around Election Day often are counted in the days or weeks afterward.

Timeline for Counting State Election Ballots. Election officials in each county have to count every ballot that is legally cast, including mail ballots received soon after Election Day. The current vote counting process lasts for several weeks after Election Day. During that period, county officials count up to several million mail ballots and other ballots that are still not counted at the end of Election Day. They also recheck precinct vote counts. After receiving results from each county, the Secretary of State—who oversees elections throughout the state—certifies a formal “statement of the vote” more than five weeks (specifically, no later than 38 days) after Election Day.

Effective Date for State Ballot Measures. The State Constitution provides that state initiatives and referenda, as well as legislative ballot measures that change the State Constitution, take effect the day after the election unless the ballot measure sets a later effective date. In most cases, it is clear at the end of Election Day whether a ballot measure has been approved by voters. In some cases, however, the results are not clear, and millions of ballots are not counted until days or weeks later.

PROPOSAL

Later Effective Date for State Ballot Measures. As described above, the Secretary of State files the statement of the vote no later than 38 days after Election Day—after receiving voting results from each county. This measure amends the State Constitution so that state initiatives and referenda, as well as legislative ballot measures that change the State Constitution, take effect on the fifth day after the Secretary of State files the statement of the vote. Therefore, if this measure is approved, most state ballot measures would take effect about six weeks (no later than 43 days) after Election Day. This would allow counties to finish counting ballots and the Secretary of State to certify results before these ballot measures go into effect.

FISCAL EFFECTS

Little or No Fiscal Effect Likely. Currently, state ballot measures generally take effect on the day after Election Day. It is rare, however, for measures to change state or local revenues or spending substantially in the weeks immediately after Election Day. For this reason, delaying the effective date of ballot measures by a few weeks likely would have little or no effect on state and local finances.