

February 18, 2005

Hon. Bill Lockyer
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Tricia Knight
Initiative Coordinator

Dear Attorney General Lockyer:

Pursuant to Elections Code Section 9005, we have reviewed the proposed constitutional initiative related to vote requirements to pass ballot measures (File No. SA2005RF0026).

Major Provisions

Background. Under the current State Constitution, all initiatives and constitutional amendments submitted to voters on a statewide ballot must be approved by a majority vote. In some cases, these measures have imposed future vote requirements on the electorate, local governing bodies, or the Legislature which exceed a majority vote requirement. For instance, Proposition 218, approved by the voters in 1996, included a new requirement that local voters approve certain property-related fees by a two-thirds vote. Previously, these fees could be imposed without voter approval. Likewise, Proposition 62, approved by the voters in 1986, requires the approval of new local general taxes in many cities by two-thirds of the governing body (as well as a majority of local voters).

New Vote Requirements. Under this constitutional amendment, state ballot measures which create or increase future voter or governmental body approval requirements above a majority vote would be required to be passed by that same vote requirement. The measure, however, would not apply to vote requirements imposed on the Legislature. For instance, if this measure had been in effect in 1986 and 1996, Propositions 62 and 218 would have needed two-thirds voter approval to pass (rather than a majority). The measure states that its provisions would affect the passage of measures beginning with those on the same ballot as this measure.

Fiscal Effect

By increasing the vote requirement to pass certain ballot measures, this initiative would reduce the likelihood of those ballot measures passing. The fiscal effect of this measure, therefore, would depend on which future ballot measures would pass under current law but not under this measure. As a result, the net fiscal effect is unknown and would depend on the future measures submitted to the electorate and the voting results of those measures.

Summary. This measure would have the following major fiscal impact:

- Unknown fiscal impact on state and local governments. Impact would depend on future ballot measures submitted to the electorate and the voting results of those measures.

Sincerely,

Elizabeth G. Hill
Legislative Analyst

Tom Campbell
Director of Finance