

July 6, 2009

Hon. Edmund G. Brown Jr.  
Attorney General  
1300 I Street, 17<sup>th</sup> Floor  
Sacramento, California 95814

Attention: Ms. Krystal Paris  
Initiative Coordinator

Dear Attorney General Brown:

Pursuant to Elections Code Section 9005, we have reviewed the proposed constitutional initiative related to the California Legislature (A.G. File No. 09-0012, Amdt. #1-S).

## Background

*Functions of the Legislature.* The State Constitution establishes the Legislature, which consists of a 40-member Senate and an 80-member Assembly. The Legislature approves state laws through the passage of bills. Members of the Senate and the Assembly consider and vote on hundreds of bills each year on the floors of their respective houses, where each legislator has one vote. In addition, legislators sit on committees, which consist of a smaller number of legislators designated by the leaders of the Senate and the Assembly. Legislative committees generally must approve bills before they reach the floor of the Senate or the Assembly.

*State Law Prohibits Improper Influence of Legislators.* Under a provision of the Constitution, a legislator is guilty of a felony when his or her votes or official actions are influenced by bribery, promises of rewards, intimidation, or other “dishonest means.” State law provides that a legislator who is influenced in this way may be fined or imprisoned for up to four years. The law also states that Members of the Legislature and other public officials are prohibited from “vote trading”—that is, voting yes or no on one issue in exchange for another public official voting yes or no on that issue or another issue.

## Proposal

This measure amends the Constitution to require a Member of the Legislature to sign certifications—described in the measure and summarized below—under penalty of perjury before he or she votes in favor of any bill on the floor of the Senate or the Assembly. If the certifications are not signed by a legislator, his or her vote would not be

counted for the bill in question. The certifications would not be required for votes on bills in legislative committees.

*Requires Legislators to Certify They Have Read and Understand Bills.* Under the measure, a legislator must certify in writing that he or she has read the bill in its entirety and understands its contents.

*Requires Legislators to Certify Compliance With Laws Prohibiting Improper Influence.* Under the measure, a legislator also must certify in writing that he or she has not committed acts that violate the laws concerning improper influence of legislators when considering the bill in question.

### **Fiscal Effect**

*Probably No Net Increase in State Costs.* The measure would result in the Senate and the Assembly incurring some additional costs to administer paperwork related to the certifications. The budgets of the Senate and the Assembly, however, already are limited under the Constitution. The Legislature would have to fund any additional costs within its constitutionally restricted budget levels. Accordingly, the measure probably would result in no net increase in state costs.

### **Summary of Fiscal Effect**

The measure would have the following fiscal effect:

- Probably no net increase in state costs.

Sincerely,

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Mac Taylor  
Legislative Analyst

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Michael C. Genest  
Director of Finance