

This bill:

- 1) Requires the Legislative Analyst, instead of the AG, to prepare the circulating title and summary of a proposed ballot measure. The AG, who still conducts the public review process, must transmit all public comments and amendments to the Legislative Analyst to use when drafting the ballot title and summary.
- 2) Requires the Legislative Analyst, instead of the AG, to prepare the ballot title and summary for all measures submitted to the voters of the state. The AG must invite public comments for the Legislative Analyst to consider when preparing each ballot title and summary.
- 3) Makes other conforming changes.
- 4) Provides the provisions of this bill are contingent upon the approval of SCA 3 by voters.

BACKGROUND

The Legislative Analyst's Office. The Legislative Analyst oversees the Legislative Analyst's Office (LAO) and provides fiscal and policy advice to the Legislature. The office is overseen by the Joint Legislative Budget Committee (JLBC), a 16-member bipartisan joint committee of the Legislature. According to their website, the office has 43 analytical staff and approximately 13 support staff and covers the following budget and policy areas: criminal justice, state finance, education (including K-12 and higher education), health and human services, natural resources and environment, general government (including local government), transportation, and capital outlay and infrastructure.

Historically, one of the most central responsibilities of the LAO has been to analyze the annual Governor's budget. The office is a staff resource to the Legislature and performs the following functions:

- Reviews requests by the Governor's administration to make changes to the budget after it is enacted. These reviews are used primarily by members of the JLBC and the fiscal committees.
- Prepares special reports on the state budget and topics of interest to the Legislature.
- Estimates the fiscal effect on state and local government of all proposed initiatives (prior to circulation) and prepares analyses of all measures that qualify for the statewide ballot.
- Forecasts the state revenues and expenditures.

COMMENTS

- 1) Author's Statement. This bill will reform the process by which a ballot measure's title and summary are written by transferring the duty of preparing the ballot title and summary for all proposed initiative or referendum measures from the AG to the LAO.

This bill would help alleviate the partisanship involved in drafting a ballot initiative's title and summary, by moving the responsibility to the Legislative Analyst, the entity that prepares the impartial analysis of ballot initiative measures. Having a nonpartisan official responsible for writing a ballot measure's title and summary, allows for an unbiased perspective. The LAO is a trusted source that can provide such a solution.

- 2) SB 458 (Niello) of 2025. Last year, this committee considered and approved SB 458 (Niello) of 2025. The language in this bill, SB 1225, is largely consistent with the contents in SB 458. One notable difference between the two bills is that this bill keeps the duties of inviting and receiving public comments for the circulating title and summary and the ballot title and summary with the AG who then submits the comments to the Legislative Analyst.
- 3) Legislative Analyst. The initiative and referendum process was originally designed to be an alternative to the legislative process. While viewed as a nonpartisan position, the Legislative Analyst is appointed by the Legislature. If tools of initiative and referendum were intended to circumvent the legislative process, the committee should consider whether the Legislative Analyst is the appropriate person to provide this essential information to voters.
- 4) Argument in Support. In a letter supporting this bill, the League of Women Voters of California (League) stated, in part, the following:

After studying the initiative and referendum process, the League believes that the title and summary of ballot measures should be written by an impartial and nonpartisan official authority. The LAO has a distinguished history of conducting itself in a fair manner that is insulated from political pressure, thus making it an ideal office to assign this important responsibility. An impartial and nonpartisan authority would ensure that voters receive accurate and unbiased information on which to base their decisions.

Voters want clarity, transparency, and fairness in the initiative and referendum process.

- 5) Argument in Opposition. In a letter opposing this bill, the California Teachers Association stated, in part, the following:

The duty of creating a neutral title and summary is a serious public trust that requires transparency. There is no evidence suggesting the current process is biased or that Attorneys General have failed in this duty; when claims of failure have arisen, the legal system has successfully adjudicated them. Shifting this essential duty to the unelected and unaccountable LAO would be poor policy and would discount a system that has historically served California well.

RELATED/PRIOR LEGISLATION

SCA 3 (Niello) of 2026, if approved by voters, transfers the duties of preparing the circulating title and summary for proposed initiatives or referenda, the ballot label, and

the title and summary for the state voter information guide for statewide ballot measures appearing on a ballot from the AG to the Legislative Analyst.

SB 458 (Niello) of 2025 was a companion bill for SCA 3 (Niello) and was similar to this bill. The bill was approved by this committee, but held on the Senate Committee on Appropriations' Suspense File.

SCA 3 (Niello) of 2023 and SB 858 (Niello) of 2023 would have amended the California Constitution to require the Legislative Analyst, instead of the AG, to prepare the ballot title and summary for all measures submitted to the voters. Both measures were held on the Senate Committee on Appropriations' Suspense File.

ACA 4 (Kiley) of 2021 would have transferred from the AG to the Legislative Analyst the duty of preparing the title and summary for a proposed initiative or referendum, the ballot label, and the ballot title and summary for the state voter information guide. ACA 4 was not heard and was returned to the Assembly Desk.

AB 2394 (Gorell) of 2014 would have required the SOS, instead of the AG, to prepare the ballot label and the ballot title and summary for all state measures submitted to the voters and the circulating title and summary for initiative and referendum measures. AB 2394 was not heard by an Assembly policy committee.

SCA 19 (Fuller) of 2012 and SB 1296 (Fuller) of 2012 would have transferred the duty of preparing the title and summary for proposed initiative or referendum measures from the AG to the Legislative Analyst. Both measures failed passage in this committee.

AB 1968 (Niello) of 2010, among other provisions, would have required the Legislative Analyst, instead of the AG to prepare a circulating title and summary of the chief purpose and points of a proposed state initiative or referendum measure. The bill failed passage in the Assembly Committee on Appropriations.

AB 319 (Niello) and ACA 20 (Niello) of 2009 would have required the Legislative Analyst, instead of the AG, to prepare a circulating title and summary of the chief purpose and points of a proposed state initiative or referendum measure. Both measures failed passage in the Assembly Committee on Elections and Redistricting.

AB 2209 (Niello) of 2008 was substantively similar to AB 319 of 2009 and failed passage in the Assembly Committee on Elections and Redistricting.

POSITIONS

Sponsor: Author

Support: California Chamber of Commerce
California Common Cause
Election Integrity Project California, Inc.
League of Women Voters of California

Oppose: AFSCME

California Conference Board of the Amalgamated Transit Union
California Conference of Machinists
California Federation of Labor Unions, AFL-CIO
California Federation of Teachers, AFL-CIO
California Nurses Association
California Professional Firefighters
California Teachers Association
CFT — A Union of Educators & Classified Professionals, AFT, AFL-CIO
Engineers and Scientists of California/IFPTE, Local 20
UNITE HERE
Utility Workers Union of America, AFL-CIO

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