

- 2) Requires, prior to circulating for signatures, a copy of an initiative or referendum petition be submitted to the Legislative Analyst instead of the AG for the purpose of preparing the circulating title and summary for a statewide ballot measure.
- 3) Transfers the duties of preparing the ballot label and the title and summary for the state voter information guide for measures appearing on a statewide ballot from the AG to the Legislative Analyst.
- 4) Makes other technical and conforming changes.

BACKGROUND

The Legislative Analyst's Office. The Legislative Analyst oversees the Legislative Analyst's Office 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 Legislative Analyst's Office 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 Legislature's 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 measure, accompanied by SB 1225 (Niello) of 2026, 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 Legislative Analyst.

This 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 the title and summary, allows for an unbiased perspective. The Legislative Analyst's Office is a trusted source that can provide such a solution.

- 2) 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.
- 3) Argument in Support. In a letter supporting this measure, Election Integrity Project California, Inc., stated, the following:

The office of AG is, by nature, highly partisan, and is therefore more likely, intentionally or otherwise, to misrepresent the purpose, description and financial impact of the proposition, which may confuse or mislead the electorate.

The public trust of the California government, its officials and its systems is in dire need of repair. Removing the AG from the process of title and summary is one necessary part of that repair.

- 4) Arguments in Opposition. In a letter opposing this measure, the California School Employees Association stated, in part, the following:

SCA 3 would take the referendum and ballot initiative title and summary preparation out of the hands of the AG who is elected by the people and places it in the hands of the Legislative Analyst's Office, an unelected body that is not accountable to voters and already has tremendous responsibilities to provide support to the Legislature. This would diminish the voice of California voters in the referendum process.

RELATED/PRIOR LEGISLATION

SB 1225 (Niello) of 2026 is a companion bill for this measure and makes corresponding changes should this measure be adopted by the Legislature and subsequently approved by voters. The language in the bill is largely similar to SB 458 (Niello) of 2025. SB 458 was approved by this committee, but was 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.
Five individuals

Oppose: California School Employees Association, AFL-CIO
CFT — A Union of Educators & Classified Professionals, AFT, AFL-CIO

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