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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair  
2025 - 2026 Regular Session

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### SCA 3 (Niello) - Elections: initiatives and referenda

**Version:** February 19, 2025

**Urgency:**

**Hearing Date:** May 4, 2026

**Policy Vote:** E. & C.A. 3 - 2

**Mandate:** No

**Consultant:** Robert Ingenito

**Bill Summary:** SCA 3, if approved by the voters, would transfer 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 Attorney General (AG) to the Legislative Analyst.

**Fiscal Impact:** This measure would result in one-time General Fund costs to the Secretary of State (SOS) in the range of \$738,000 to \$984,000, likely in 2026-27, for printing and mailing costs to place the measure on the ballot in a statewide election. Actual costs may be higher or lower, depending on the length of required elements and the overall size of the ballot.

**Background:** Current law requires the proponent(s) of a proposed initiative or referendum to submit the proposal to the AG to prepare a circulating title and summary of its chief points and purposes. The AG is required to provide a copy of the circulating title and summary to SOS within 15 days after receipt of the fiscal estimate prepared by the Department of Finance (DOF) and the LAO. This fiscal estimate must be delivered to the AG within 50 days of the date of initial receipt.

Existing law further requires the AG to provide a copy of the circulating title and summary of a proposed referendum measure to the proponents of the measure and SOS within 10 days after receipt of the proposed referendum. The circulating title and summary of a proposed statewide ballot measure is required to appear on the measure's petitions.

Finally, existing law requires the AG to provide a ballot label and a ballot title for each measure to be submitted to the voters at a statewide election for inclusion in the state ballot pamphlet and the actual ballots.

In 1941, the Legislature created the LAO through a joint rule of the Senate and Assembly. The LAO was the first legislative fiscal office of its kind in the nation. The joint rule establishing the office set forth its mission: "to ascertain the facts and make recommendations to the Joint Legislative Budget Committee (JLBC) and, under its direction, to the committees of the Legislature concerning (1) the state budget, (2) the revenues and expenditures of the State, and (3) the organization and functions of the State and its departments, subdivisions, and agencies." The office is overseen by the Joint Legislative Budget Committee and is funded jointly by the Senate and the Assembly.

The LAO is known for (1) its fiscal and programmatic expertise, and (2) nonpartisan analyses of the state budget. Historically, one of the most important responsibilities of the LAO has been to analyze the annual Governor's Budget. In recent years, the Office has presented a series of analyses from the beginning to the end of the budget process on overarching fiscal issues as well as specific departmental budget proposals and offered its recommendations for legislative action.

Among its other functions, the LAO has responsibilities concerning state elections. Specifically, the Political Reform Act of 1974 requires (as noted earlier) the Office to prepare (1) an impartial analysis of each state ballot measure, including a fiscal analysis of the impact of the measure on the state and local governments, and (2) initial fiscal analyses of proposed state ballot initiatives before being circulated for signatures.

**Proposed Law:** This measure, if approved by the voters, would do the following:

- Transfer the duties of preparing the circulating title and summary for statewide ballot measures from the AG to the Legislative Analyst.
- Require, 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.
- Transfer 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.

**Related Legislation:**

- SB 1225 (Niello), currently pending in this Committee, is a companion bill for this measure and would make 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 held under submission on the Suspense File of this Committee.
- SCA 3 (Niello, 2023) and SB 858 (Niello, 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 under submission on the Suspense File of this Committee.
- ACA 4 (Kiley, 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. The measure was not heard and was returned to the Assembly Desk.

**Staff Comments:** SOS indicates that printing and mailing costs associated with placing a measure on the statewide ballot are \$123,000 per page, depending on the length of the ballot. The fiscal estimates noted above reflect the addition of 6-8 pages in the Voter Information Guide. Actual costs would depend upon the length of the title and

summary, analysis by the LAO, proponent and opponent arguments, and text of the proposal.

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