



California Fair Political Practices Commission

February 20, 1990

Honorable March Fong Eu
Secretary of State
1230 J Street
Sacramento, CA 95814

Re: Your Request for Informal Assistance
Our File No. I-90-139

Dear Ms. Eu:

Chairman Larson has referred your February 14, 1990 letter to me for a response. This letter confirms the telephone conversation I had with your chief deputy, Tony Miller, on February 16, 1990.

QUESTION

Do Government Code Sections 88001(b) and 88002(e) require the state ballot pamphlet to contain the entire text of Elections Code Sections 30011, 30022, 30032, and 30040 through 30044, when those statutes would be repealed by Proposition 119 on the June 1990 ballot, or may the Secretary of State omit this material from the ballot pamphlet, but make it available upon request?

CONCLUSION

Government Code Sections 88001(b) and 88002(e) require the state ballot pamphlet to contain the entire text of the Elections Code provisions in question. The Secretary of State may not omit this material from the ballot pamphlet, making it available only upon request.

FACTS

Proposition 119 will be presented to the voters in June 1990. Section 6 of Proposition 119, among other things, repeals Division 18 of the Elections Code, including Elections Code Sections 30011, 30022, 30032, and 30040 through 30044, which set forth in detail, by census tract, existing legislative, congressional, and Board of Equalization districts.

In your letter, you stated that printing of these Elections Code provisions in the June 1990 state ballot pamphlet will add

approximately 25 pages to the pamphlet at an estimated additional cost for printing and postage of \$937,000. You are concerned that the numerous additional pages will make the pamphlet itself more intimidating to the voters and therefore less useful. It also may delay receipt of the pamphlet because of the additional printing time required. Thus, you have asked whether you are required to include this material in the state ballot pamphlet, or whether you could, instead, make the material available only upon request.

ANALYSIS

Government Code Section 88000^{1/} requires the Secretary of State to prepare the state ballot pamphlet. Sections 88001 and 88002 specify the contents of the state ballot pamphlet.

Section 88001(b) requires the state ballot pamphlet to contain, for each state ballot measure, a copy of the specific constitutional or statutory provision, if any, which would be repealed or revised by the measure. Section 88002(e) requires the text of each measure printed in the state ballot pamphlet to contain the provisions of the proposed measure and the existing provisions of law repealed or revised by the measure.

Thus, Sections 88001(b) and 88002(e) require you to print the entire text of the Elections Code sections in question in the June 1990 state ballot pamphlet. We sympathize with your concerns about setting forth the entire text of these provisions, but the statutes concerning the contents of the state ballot pamphlet are unambiguous and thus permit no alternative resolution to this situation.

If you have any questions concerning this letter, please contact me at (916) 322-5901.

Sincerely,



Kathryn E. Donovan
General Counsel

KED:plh

cc: Bion M. Gregory, Legislative Counsel
Donald E. Male, State Printer

^{1/} All statutory references are to the Government Code unless otherwise indicated.