

Hi, this is Chris Micheli with the Sacramento governmental relations firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law in its Capital Lawyering Program. Thanks for joining today's podcast on amending or revising the California Constitution. The Constitution of the State of California was originally adopted in 1849. It sets forth the powers, the duties and the functions of California state government among many other provisions.

It is one of the longest constitutions in the world. It is over a hundred pages in length, which is partly due to the number of voter approved additions to the state constitution. The document can be amended by initiative passed by the voters. These initiatives can be placed on the statewide ballot by legislators or voters. An amendment to the state constitution requires passage of a state ballot measure approved by a majority vote of the state's electorate. These ballot propositions can be proposed by legislators and placed on the ballot or by the voters themselves.

Now, for voters to place an amendment on the ballot, they must obtain signatures from voters that are equal to 8% of the votes cast in the last gubernatorial election. This is actually one of the lowest thresholds of any state in the nation. Section 3 of Article XVIII in the state constitution provides that the electors may amend the constitution by initiative. The California Constitution can also be amended or revised by the California State Legislature.

While the voters can approve a constitutional initiative on the statewide ballot, the legislature can also place a constitutional amendment on the ballot. This process is allowed pursuant to Article XVIII of the state constitution which provides specific rules for amending and revising the California Constitution. For example, Section 1 of Article XVIII provides the legislature by a roll call vote entered in the daily journal and two-thirds of the membership of each house concurring, it may propose an amendment to or a revision of the state constitution.

The Legislature can also, in that same manner, amend or withdraw its proposal. Each amendment to the Constitution is prepared and submitted to the voters, so that it can be voted upon separately. The governor does not act upon a proposed constitutional amendment. Once passed by a supermajority of both houses two-thirds, the measure is placed on the next statewide ballot for a vote by the electorate.

Under Section 2 of Article XVIII, it provides the Legislature by roll call vote entered into the Daily Journal and two-thirds of the membership of each house concurring. It may submit at a general election the question whether to call a convention to revise the state constitution. If the majority of the electorate votes yes on that question, then within six months the Legislature must provide for that constitutional convention. Delegates to a constitutional convention are voters elected from districts as nearly equal in population as maybe practical. Then we find in Section 4 of Article XVIII of the California Constitution, the provision that had proposed amendment or revision to the Constitution must be submitted to the electors. If approved by a simple majority of voters, it takes effect the day after the election, unless that measure provides otherwise. Note to that, if provisions of two or more measures are approved at the same election and they conflict with each other, then those are the measure receiving the highest affirmative vote, prevails.

Although California's initiative process has been criticized for being too easy to place a measure on the statewide ballot for the people to adopt, it is important for both voters and the Legislature to have the power to amend or revise its state constitution. Although the electorate must always have the option to play some measure on the ballot, so too should the legislature to ensure that potential amendments or revisions to the state constitution get the appropriate consideration by the law making body for the state, as it is due. That's a quick look at amending or revising the California State Constitution. I hope you enjoyed it, thanks for joining.