

Hi, this is Chris Micheli of the Sacramento governmental relations firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law in its Capital Lawyering Program.

Today's podcast is on the different vote requirements for California legislative actions and bills. Most capitol observers are only aware of majority vote and two thirds or super majority vote requirements for California legislation. However, there are actually several other categories of vote requirements on bills that come before the Legislature. The following are those categories in the bills or actions that come before the Assembly and Senate and their respective vote requirements.

Majority vote. A vote of more than half of the legislative body, which is 41 votes in the Assembly and 21 votes in the Senate is the basic vote threshold for the vast majority of bills. The following actions require 21 votes in the Senate or 41 votes in the Assembly. To adopt, amend, or suspend the rules except as otherwise provided, to pass a bill unless under other rules, a greater vote threshold is required - see the California Constitution Article IV Section 8(b) - to adopt a joint or concurrent resolution. To reconsider a bill or a joint or concurrent resolution, to confirm an appointment by the governor unless a greater vote is required by statute, to recall a bill from committee, to concur in the other houses amendments to, or adopt a report of a committee on conference concerning a joint or concurrent resolution or bill, to change a rate of bank and corporation taxation, or tax on insurers for state purposes, to strike a measure from the file, or to adopt a resolution that does not favor a governor's reorganization plan.

The next category is two-thirds vote. Bills containing an urgency clause, a tax increase, amendments to the Political Reform Act, and constitutional amendments are the major types of bills that require a two thirds or supermajority vote of each legislative body, which is 54 votes in the Assembly and 27 votes in the State Senate.

The following is a list of measures that require a two thirds majority vote for passage. To pass an urgency clause, to dispense with the constitutional provision requiring the reading of bills on three separate days, to pass a bill over the governor's veto, to prescribe the compensation and reimbursement for travel and living expenses of members of the legislature, to propose an amendment to, or a revision of the state constitution, to amend or withdraw a proposed legislative constitutional amendment or revision, to classify or exempt personal property for property tax purposes, to permit an exemption of real property from taxation, to remove a member of the Public Utilities Commission, to reconsider the vote by which a concurrent resolution proposing a constitutional amendment is defeated, to rescind the action whereby a bill has been passed or defeated, to suspend the rule against lobbying in the chamber, to concur in amendments to, or adopting report of a committee on conference concerning either a constitutional amendment or a bill that requires 27 votes or 54 votes for passage, to concur in amendments to or adopt a report of a committee on conference concerning a bill that contains an item or items of appropriations, and to amend an initiative statute that permits that action and requires either 27 votes in the Senate or 54 votes in the Assembly for passage.

The third category is three fourths votes. The California Constitution requires that a bill may not be heard or acted upon until the 31st day after introduction. To waive this requirement requires 30 votes in the Senate and 60 votes in the Assembly. This

vote threshold applies to a motion to postpone the reconsideration of a vote beyond the first legislative day succeeding the day that the motion was made.

The next category is a 70% vote. The following actions require 28 votes in the Senate or 56 votes in the Assembly. To pass a bill amending the statutory provisions other than the bond provisions of California Stem Cell Research and Cures Act, which was Prop 71, or to pass a bill amending the statutory provisions of the Victim's Bill of Rights.

The final category is four-fifths vote. This final category requires 32 votes in the Senate and 64 votes in the Assembly. This highest vote threshold applies to the following measures: bills to amend the Tobacco Tax and Health Restoration Act of 1988 which was Prop 99 at the time, any bill to amend the Clean Air and Transportation Improvement Act of 1990 which was Prop 116 on that ballot, and any bill to amend the California Wildlife Protection Act of 1990 which was Prop 117 on that ballot.

Despite most people being familiar with just two-vote thresholds, majority or two thirds, there are actually five categories of vote requirements rather than just those two that most people are familiar with. Of course, these higher vote threshold required measures do not come up very often.

Nonetheless, it is helpful to be aware that there are other vote requirements beyond the usual majority or two-thirds vote majority measures. Thanks for joining. Hope you've enjoyed this podcast.