

Hi. This is Chris Micheli with the Sacramento governmental relations firm of Aprea & Micheli, and an adjunct professor at McGeorge School of Law. Today's brief podcast is on the role of the legislative counsel in initiative drafting.

There are many who don't realize that the highly trained attorneys in the California Office of Legislative Counsel will actually draft an initiative for the statewide ballot for members of the public. Basically, under existing state law, attorneys in the Legislative Counsel Bureau will assist in the preparation of drafting an initiative measure when they are requested to do so by 25 or more electors, meaning people who are registered to vote. We can find this in California's Government Code buried in Title 2, Division 2, Part 2, Chapter 1, that deals with Legislative Counsel.

And then in Article 2 of that Chapter 1, which was added way back in 1945, there are several specified duties listed for the legislative counsel. Among them is found in Government Code Section 10243, and it says, "The Legislative Counsel shall cooperate with the proponents of an initiative measure in its preparation when: (a) Requested in writing so to do by 25 or more electors proposing the measure; and (b) In the judgment of the Legislative Counsel there is reasonable probability that the measure will be submitted to the voters of the State under the laws relating to the submission of initiatives."

So, while the statute clearly requires the legislative counsel to cooperate with initiative proponents, there's also some discretion that's granted to the legislative counsel. If she, for example, judges that there is not a reasonable probability that the measure will be submitted to the statewide electorate.

So that's our brief look at the statutory provision for the role of the Legislative Counsel in drafting initiatives.