

# **Bond Case Briefs**

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## **BALLOT INITIATIVE - CALIFORNIA**

### **Brown v. Superior Court**

**Supreme Court of California - June 6, 2016 - P.3d - 63 Cal.4th 335 - 203 Cal.Rptr.3d 1**

Challengers to amendment to proposed ballot initiative measure sought writ of mandate requiring Attorney General to reject amendment.

The Superior Court granted writ. Proponents of amendment sought emergency relief in the Supreme Court.

The Supreme Court of California held that:

- Statute governing amendments to proposed measures did not preclude substantive amendments and was intended to facilitate feedback, and
- Amendment was reasonably germane to theme, purpose, or subject of original measure.

Statute governing process by which proposed ballot initiative measure was submitted for public comment, which specified that any amendments submitted for comment must be reasonably germane to the theme, purpose, or subject of measure as originally proposed, did not preclude substantive amendments and was intended to create comment period to facilitate feedback, rather than broad public forum. Comment period was intended to allow public to suggest amendments or correct flaws, limitation imposed on amendments was a lenient one, and by ensuring that comments would be transmitted directly to proponents, legislature signaled its intent that comments were for the benefit of proponents, not for the purpose of fostering public discussion.

Amendment to proposed ballot initiative measure that replaced original amendment to statute governing parole hearings for prisoners under the age of 23 at time of offense with a broader constitutional amendment modifying parole consideration for all state prisoners convicted of non-violent felony offenses was reasonably germane to theme, purpose, or subject of original measure. Both proposals addressed parole suitability review with an eye toward making such review available at earlier stage than under existing law, both proposals were intended to benefit prisoners who had rehabilitated themselves in custody and to reduce cost of incarceration, and amended proposal applied to same class of offenders as original proposal, so long as their offense was nonviolent.