



DEMYSTIFYING THE MYSTERIOUS: California's Election Laws

Part 10: Legislative Sleight of Hand

Keeping the Republic. Self-Governance. Collaboration between We the People and those who govern us.

There are a lot of responsibilities that **must be attended to** by citizens of a Republic, if we value its gifts and want not only to keep it, but to pass its blessings on to our posterity.

Unfortunately, the California **legislature creates endless ways of erecting a curtain of obscurity between their workings and the citizens** whose right and responsibility is to oversee the actions of their representatives.

One such “curtain” is actually a pretty dirty trick.

In a state the size of California, very few of us live close enough to Sacramento to have the luxury of attending legislative sessions and watching the actual votes. Therefore, **we must rely on the published vote record** to find out how our representatives vote, and **to hold their feet to the fire come re-election time.**

But in the California Assembly, the published vote record does not necessarily reveal the correct information.

Assembly Rule 106 reads that after a vote is taken and the results are determined, “A Member may instruct the Chief Clerk to **change the Member’s recorded vote** after the vote is announced, so long as the outcome of the vote is not thereby changed.”

Legislators can now vote against the wishes of their constituents, then change their vote RECORD without changing their actual vote.

When *We the People* want to hold them accountable, they can point to the record and say, “Don’t blame me - I did what you wanted me to do but was outvoted” **when the opposite is actually the case.**

This is clearly legislative sleight of hand, intended deceit for political gain.

Other legislative hijinks are more in the brute force category, but just as “behind the curtain”. **One such tactic is the Gut and Amend process.**

Once a bill (usually completely uncontroversial) has sailed through the committee process and public commentary, and is ready for its final floor vote, the California legislature thinks it is perfectly appropriate to **remove (gut) the entire contents of that bill** and **insert (amend) a completely new bill's language** just in time for a final floor vote.

This action allows legislators to pass a controversial bill without the “inconvenience” of committee process and public comment.

A theoretical AB 99, for example, may be proposed as a bill to change a few words of election code to degenderize the language. **Here is how it is gutted and amended to become a completely different bill:**

1. It goes through the Assembly Committee on elections without objection, gets 100% approval in the Assembly floor vote.
2. It moves on to the Senate Committee on Elections and Constitutional Amendments.
3. That committee approves the bill and passes it on to the Senate floor, the last stop before the Governor's desk.

Suddenly, every word of AB 99 is lined out, and language imposing a highly unpopular mandate replaces the original.

- It does NOT go back for rehearing in any Senate committee.
- It does NOT go back to the House of Origin for rehearing.
- NOR does it become available for public comment or even awareness.

The Senate floor passes it, the Governor signs it and once again We the People are left out of the process.

It's like selecting a formal and expensive outfit, having it tailor-fit, paying big bucks for the item to be delivered and then opening the box to find an old shoe in place of what you so carefully chose—no returns, exchanges, or refunds allowed.

Now that you know, tell everyone about this sleight of hand.

Let's work together to challenge this unconstitutional procedure.

https://www.eip-ca.com/articles/Demystifying_10_Sleight_7242023.pdf
https://www.eip-ca.com/articles/Demystifying_10_Sleight_7242023.pdf