

3-7-1994

Initiative Power.

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Office of the Secretary of State
Tony Miller
Acting Secretary of State

1230 J Street
Sacramento, California 95814

#636

ELECTIONS DIVISION
(916) 445-0820

For Hearing and Speech Impaired
Only:
(800) 833-8683

August 15, 1994

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND
PROPONENT (94195)

FROM:

A handwritten signature in cursive script that reads "Cathy Mitchell".

CATHY MITCHELL
INITIATIVE COORDINATOR

Pursuant to Elections Code section 3520(b), you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE CONSTITUTIONAL AMENDMENT filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has failed.

TITLE: INITIATIVE POWER.
INITIATIVE CONSTITUTIONAL AMENDMENT.

SUMMARY DATE: 03/07/94

PROPONENT: Michael J. Barkley

county\status.ltr\94195



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March 7, 1994

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT (94058)

Pursuant to Section 3513 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

INITIATIVE POWER.
INITIATIVE CONSTITUTIONAL AMENDMENT.

Circulating and Filing Schedule

- 1. Minimum number of signatures required 615,958
Cal. Const., Art. II, Sec. 8(b).
- 2. Official Summary Date Monday, 03/07/94
Elec. C., Sec. 3513.
- 3. Petition Sections:
 - a. First day Proponent can circulate Sections for
signatures Monday, 03/07/94
Elec. C., Sec. 3513.
 - b. Last day Proponent can circulate and file with
the county. All sections are to be filed at
the same time within each county Wednesday, 08/03/94
Elec. C., Secs. 3513, 3520(a)
 - c. Last day for county to determine total number of
signatures affixed to petition and to transmit total
to the Secretary of State Monday, 08/15/94

(If the Proponents file the petition with the county on a date prior to 08/03/94, the county has eight working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit the total to the Secretary of State.) Elec. C., Sec. 3520(b).



d. Secretary of State determines whether the total number of signatures filed with all county clerks meets the minimum number of required signatures, and notifies the counties Wednesday, 08/24/94*

e. Last day for county to determine total number of qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Friday, 10/07/94

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 08/24/94, the last day is no later than the thirtieth day after the county's receipt of notification.)
Elec. C., Sec. 3520(d), (e).

f. If the signature count is more than 677,554 or less than 585,161 then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 585,161 and 677,554 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures . . . Monday, 10/17/94*

g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Thursday, 12/01/94

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 10/17/94, the last day is no later than the thirtieth working day after county's receipt of notification.)
Elec. C., Sec. 3521(b), (c).

h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient Monday, 12/05/94*

* Date varies based on receipt of county certification.

4. The Proponent of the above-named measure is:

Michael J. Barkley
161 North Sheridan Avenue, #1
Manteca, CA 95336
(209) 823-4817

5. Important Points:

- (a) California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fund raising or requests for support. Any such misuse constitutes a crime under California law. Elections Code section 29770; *Bilofsky v. Deukmejian* (1981) 123 Cal.App. 3d 825, 177 Cal.Rptr. 621; 63 Ops. Cal.Atty.Gen. 37 (1980).
- (b) Please refer to Elections Code sections 41, 41.5, 44, 3501, 3507, 3508, 3517, and 3519 for appropriate format and type consideration in printing, typing, and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- (c) Your attention is directed to the campaign disclosure requirements of the Political Reform Act of 1974, Government Code section 81000 et seq.
- (d) When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- (e) When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- (f) When filing the petition with the county elections official, please provide a blank petition for elections official use.

NOTE TO PROPONENTS WHO WISH TO QUALIFY FOR THE NOVEMBER 8, 1994 GENERAL ELECTION: This initiative must be certified for the ballot 131 days before the election (June 30, 1994). Please remember to time your submissions accordingly. For example, in order to allow the maximum time permitted by law for the random sample verification process, it is suggested that proponents file their petitions to county elections officials by April 22, 1994. If a 100% check of signatures is necessary, it is advised that the petitions be filed by March 2, 1994.

Sincerely,



CATHY MITCHELL
Initiative Coordinator

DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 51
P.O. Box 944255
SACRAMENTO, CA 94244-2550
(916) 445-9555

(916) 324-5490

March 7, 1994

FILED
In the office of the Secretary of State
of the State of California

MAR 07 1994

TONY MILLER
Acting Secretary of State

A handwritten signature in cursive script, appearing to read "Tony Miller".

Deputy

Tony Miller
Acting Secretary of State
1230 J Street
Sacramento, CA 95814

Re: Initiative Title and Summary
Subject: INITIATIVE POWER. INITIATIVE CONSTITUTIONAL AMENDMENT.
File No: SA 93 RF 0002

Dear Mr. Miller:

Pursuant to the provisions of sections 3503 and 3513 of the Elections Code, you are hereby notified that on this day we mailed to the proponent of the above-identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponent, a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the name and address of the proponent is as stated on the declaration of mailing.

Sincerely,

DANIEL E. LUNGREN
Attorney General

A handwritten signature in cursive script, appearing to read "Kathleen F. DaRosa".

KATHLEEN F. DaROSA
Initiative Coordinator

KFD:ms
Enclosures

Date: March 7, 1994
File No: SA94RF0002

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

INITIATIVE POWER. INITIATIVE CONSTITUTIONAL AMENDMENT. Provides that electors may use the initiative process to propose constitutional amendments or statutes, or any other actions, legislative or otherwise, that may be taken by the legislative body, and to adopt or reject them. Declares limitations on referendum not applicable to initiative. Statutes which protect legislative body prerogatives shall also protect electorate. Voids procedures which interfere with initiative power. Requires removal of any ballot measure by the legislative body when an initiative on the same subject has qualified. City, county or district electors shall have the powers of initiative and referendum for that entity. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Could result in more or fewer measures appearing on state or local ballots, with consequential increased costs or savings of unknown magnitude.

SA94RF0002

RECEIVED
JAN 7 1994

Michael J. Barkley
161 N. Sheridan Ave. #1
Manteca, CA 95336
209/823-4817
January 6, 1994

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Attorney General of the State of California
Atten: Ms. Kathy Da Rosa
Office of the Attorney General
P.O. Box 944255
Sacramento, CA 94244-2550

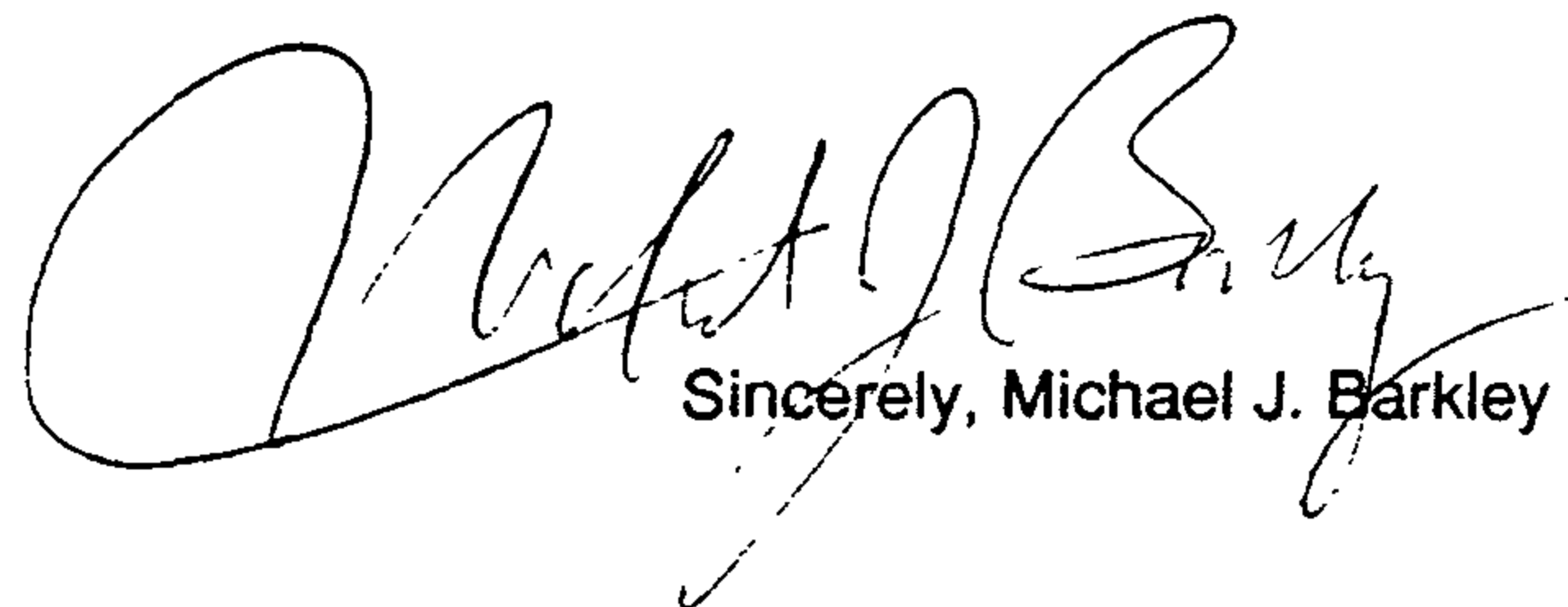
Dear Ms. Da Rosa

Enclosed is a draft of a proposed measure, a proposed statewide ballot initiative. Please prepare a title and summary of the chief purpose and points of the proposed measure. Also enclosed is my check for \$200 made out to the Attorney General of the State of California.

For your convenience I am also enclosing a copy of my notes that I circulated on Usenet with the third draft of this measure to give you an idea as to my legislative intent. At this time I estimate that this initiative will not qualify for next November's ballot, and that I will need to resubmit this to you for a full campaign for the 1996 ballot. At the moment I am the sole proponent for this measure.

By my signature I hereby state under penalty of perjury that no appropriation for a particular project contained within the text of the proposed measure, if any, was included in exchange for a campaign contribution or a pledge for a campaign contribution for purposes of qualifying the proposed measure for the ballot.

Thank you.


Sincerely, Michael J. Barkley

[draft of the proposed measure]

Section 1. Over the past 82 years the courts have legislated so many exceptions to the reserved right of initiative, and the legislature has placed so many procedural roadblocks in its path, that the right has been reduced to an expensive, heavily litigated, occasionally-granted privilege. Therefore, we the people of the State of California do hereby adopt this "Initiative Restoration Amendment" and amend the California Constitution as follows:

Section 2. Article 2, Section 8, Subdivision (a) is amended to provide:

(a) The initiative is the power of the electors to propose amendments to the Constitution, or statutes, or any other actions, legislative or otherwise, that may be taken by the legislative body, and to adopt or reject them. No limitation on referendum shall apply to initiative. Any statute that protects prerogatives of the legislative body shall also protect the electorate. Procedures adopted to implement the power of initiative, including those adopted pursuant to Article 2, Section 11, which in any way interfere with this power are void.

Section 3. Article 2, Section 8, subdivision (d) is amended to add:

If an initiative on a subject is placed on a ballot by action of the electorate, any ballot measure regarding the same subject placed on that ballot by action of the legislative body shall be removed, and no ballot measure regarding the same subject shall be placed on that ballot by action of the legislative body. The provisions of an initiative are severable.

Section 4. Article 2, Section 11 is amended to provide:

Sec. 11. The electors of any city, county or district shall have the powers of initiative and referendum for that entity, for which the Legislature may provide procedures for the exercise of these powers. This section does not limit the powers of the electorate of a city having a charter.

