

7-10-1974

Cigarette Taxes And Prices

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EVELLE J. YOUNGER
ATTORNEY GENERAL

STATE OF CALIFORNIA



OFFICE OF THE ATTORNEY GENERAL

Department of Justice

555 CAPITOL MALL, SUITE 550
SACRAMENTO 95814

FILED

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

JUL 10 1974

EDMUND G. BROWN Jr., Secretary of State

By *J. M. Sanderson*
Deputy Secretary of State

July 9, 1974

Hon. Edmund G. Brown, Jr.
Secretary of State
111 Capitol Mall
Sacramento, California 95814

Re: Cigarette Taxes and Prices - Initiative

Dear Mr. Brown:

Pursuant to the provisions of section 3507 of the Elections Code, you are hereby informed that on this day we mailed to Mr. Patrick H. O'Shaughnessy and Ms. Bunny Roth, as proponents, the following title and summary:

CIGARETTE TAXES AND PRICES. INITIATIVE. Repeals Revenue and Taxation Code sections 30001 to 30479 relating to the "Cigarette Tax Law." Adds sections 30001 to 30004 to Revenue and Taxation Code. Repeals ten cents per package excise tax on cigarettes, prohibits state or its political subdivisions from imposing tax on manufacture or distribution of cigarettes, sets retail price ceiling of thirty-five cents for cigarettes and \$2.75 for cigarettes sold by carton. Violation of price ceiling provisions a misdemeanor. If the proposed initiative is adopted it will not require additional financing from state sources but will result in a revenue loss to state and local governments in the approximate amount of \$272,000,000 per year.

Enclosed herewith is a declaration of mailing thereof, and a copy of the proposed measure.

Very truly yours,

EVELLE J. YOUNGER
Attorney General

J. M. Sanderson
J. M. SANDERSON
Deputy Attorney General

JMS:PH
Encs.

DECLARATION OF SERVICE BY MAIL

I, Pauline Hutson, declare as follows:

I am a citizen of the United States, over the age of 18 years and not a party to the within action; my place of employment and business address is: 555 Capitol Mall, Suite 550, Sacramento, California 95814.

On July 9, 1974, I served the attached Letter to Secretary of State in re the title and summary and the proposed initiative.

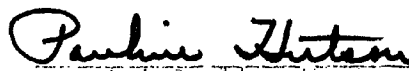
by placing a true copy thereof in an envelope addressed to the persons named below at the address set out immediately below each respective name, and by sealing and depositing said envelope in the United States Mail at Sacramento, California, with postage thereon fully prepaid. There is delivery service by United States Mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed:

Mr. Patrick H. O'Shaughnessy
76 Third Street, No. 725
San Francisco 94103

Ms. Bunny Roth
317 Tenth Street
San Francisco, CA

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 9, 1974, at Sacramento, California 95814.



/s/ Pauline Hutson
Declarant

Proposed Amendment
To The
REVENUE AND TAXATION CODE OF THE STATE OF CALIFORNIA

1 CALIFORNIA FOUNDATION FOR ECONOMIC JUSTICE
76 Third Street #725
2 San Francisco, California 94103
Telephone: (415) 362-9210
3
4
5

6 REQUEST TO THE ATTORNEY GENERAL FOR TITLE
7 AND SUMMARY OF PROPOSED INITIATIVE MEASURE
8
9

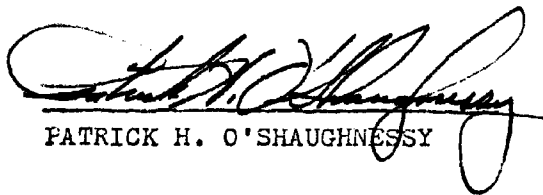
10 TO THE ATTORNEY GENERAL OF CALIFORNIA:
11

12 We, the undersigned, being the proponents of the attached
13 initiative measure, hereby submit the draft of the measure and
14 request that you prepare a title and a summary of its principal
15 points and purposes.

16 The foregoing is submitted pursuant to Article IV, Section
17 1 of the Constitution of the State of California.
18

19 Dated: March 22, 1974.

20
21 Signed:


PATRICK H. O'SHAUGHNESSY

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26 
BUNNY ROTH
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1
2 INITIATIVE MEASURE TO BE SUBMITTED
3 DIRECTLY TO THE ELECTORS
4

5
6 Proposed Amendment
7 To The
8 REVENUE AND TAXATION CODE OF THE STATE OF CALIFORNIA
9

10
11 Section 30001. Sections 30001 to 30479 are repealed.
12

13 Section 30002. The ten cents-per-package excise upon cig-
14 arettes is repealed, and neither the State nor any of its politi-
15 cal subdivisions shall impose a tax upon the manufacture or dis-
16 tribution of cigarettes.
17

18 Section 30003. No retailer shall charge a higher price
19 for cigarettes than thirty-five cents (\$0.35) whether the cigar-
20 ettes are sold at counter or by mechanical vending device; and no
21 retailer shall charge a higher price than two dollars and seventy-
22 five cents (\$2.75) for cigarettes which are sold by the carton.
23

24 Section 30004. Every violation of Section 30003 of this
25 Code shall be a misdemeanor, and conviction shall give rise to a
26 mandatory fine in the amount of one thousand, five hundred dol-
27 lars (\$1,500.00).
28

29 * * * * *
30 * * * * *
31 * * * * *
32 * * * * *

July 11, 1974

TO THE REGISTRARS OF VOTERS AND COUNTY CLERKS:

Pursuant to Section 3507 of the Elections Code, there is transmitted herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

CIGARETTE TAXES AND PRICES. INITIATIVE.

Circulating and Filing Schedule:

1. Minimum number of signatures required 325,504
Constitution IV, 22(b).
2. Official Summary Date 7/9/74
Elections Code Section 3507.
3. Petition Sections:
 - a. First day Proponent can circulate Sections for signatures 7/9/74
Elections Code Section 3507.
 - b. Proponent may file petition sections with the Registrar of Voters at any time, and at as many times as he wishes during the 150 day period. The Registrar of Voters must determine within 30 days of any filing the number of qualified electors who have signed the petition.
Elections Code Section 3520(a)(b).
 - c. Each Registrar of Voters where Proponents have filed any section of the petition shall transmit his Certificate to the Secretary of State. The Certificate is to show the number of valid signatures determined as of that date. The following are the dates on which the Certificates must be sent to the Secretary of State:
Elections Code Section 3520(c).

- 60 Day 9/10/74*
- 90 Day 10/7/74
- 120 Day 11/6/74
- 140 Day 11/26/74

*date adjusted for official deadline which falls on a Saturday, Sunday or Holiday.
Code of Civil Procedure, Section 12.

3. Petition Sections (continued)

- d. Last day Proponent can circulate and file with the County12/6/74
Elections Code Sections 3507, 3520(a).
- e. Last day for County to transmit Certificate as to number of valid signatures on Initiative Petition1/3/75*
Elections Code Section 3520(c).

4. Campaign Statements

- a. If the measure qualifies for the ballot:
Last day for Proponent to file a Statement of Receipts and Expenditures for period ending 1/31/752/7/75
(If the Secretary of State qualified the measure for the ballot on a date other than 1/3/75, the last day is the 35th calendar day after the date the measure qualified.)
Elections Code Section 11552(a).
- b. If the measure does not qualify for the ballot:
Last day for Proponent to file a Statement of Receipts and Expenditures for period ending 1/3/75.1/10/75
Elections Code Section 11552(b).

5. The Proponents of the above measure are:

Mr. Patrick H. O'Shaughnessy
76 Third Street, No. 725
San Francisco, CA 94103

Ms. Bunny Roth
317 Tenth Street
San Francisco, CA



PHILLIP J. MENDES
Chief, Elections Division

PJM:msl

NOTE TO PROPONENT: Your attention is directed to Elections Code Sections 3500.1, 3502, and 3502.5 for appropriate format and type considerations in printing, typing or otherwise preparing your initiative petition for circulation and signing.

