

6-23-1982

Public Utilities Commission. Election

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Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

Elections Division
(916) 445-0820

November 29, 1982

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

FROM:


DEBORAH SEILER, CHIEF
ELECTIONS AND POLITICAL REFORM DIVISION

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

TITLE: PUBLIC UTILITIES COMMISSION. ELECTION.
INITIATIVE CONSTITUTIONAL AMENDMENT

SUMMARY DATE: June 23, 1982

PROPONENT: James E. Callaway

DS/dj



Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

Elections Division
(916) 445-0820

June 23, 1982

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT

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:

**PUBLIC UTILITIES COMMISSION. ELECTION.
INITIATIVE CONSTITUTIONAL AMENDMENT**

Circulating and Filing Schedule

- 1. Minimum number of signatures required 553,790
Cal. Const., Art. II, Sec. 8(b).
- 2. Official Summary Date Wednesday, 6/23/82
Elec. C., Sec. 3513.
- 3. Petition Sections:
 - a. First day Proponent can circulate Sections for signatures . . Wednesday, 6/23/82
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. Monday, 11/22/82 *
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, 11/29/82

(If the Proponent files the petition with the county on a date prior to 11/22/82, the county has five 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).

* Date adjusted for official deadline which falls on Saturday. Elec. C., Sec. 60.

PUBLIC UTILITIES COMMISSION. ELECTION.

June 23, 1982

Page 2

- d. Last day for county to determine total number of qualified electors who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. Tuesday, 12/14/82

(If the Secretary of State notifies the counties to determine the number of qualified electors who signed the petition on a date prior to 11/29/82, the last day is not later than the fifteenth day after the notification.)

Elec. C., Sec. 3520(d), (e).

- e. If the signature count is between 498,411 and 609,169 then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures.

Last day for county to determine actual number of all qualified electors who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. Thursday, 1/13/83

(If the Secretary of State notifies the counties to determine the number of qualified electors who have signed the petition on a date prior to 12/14/82, the last day is not later than the thirtieth day after the notification.)

Elec. C., Sec. 3521(b), (c).

4. Campaign Statements:

Last day for the Proponent to file a Campaign Statement of Receipts and Expenditures for period ending 12/20/82. Monday, 12/27/82

(If the Secretary of State finds that the measure has either qualified or failed to qualify on a date earlier than 11/22/82, the last date to file is the 35th calendar day after the deadline for filing petitions or the date of notification by the Secretary of State that the measure has either qualified or failed to qualify, whichever is earlier. The closing date for the campaign statement is seven days prior to the filing deadline.)

Gov. C., Secs. 84200(d), 84202(j).

5. The Proponent of the above named measure is:

Mr. James E. Callaway
2371 Hartvickson Lane
Valley Springs, CA 95252
(209) 772-1154

Sincerely,

WILLIAM N. DURLEY
Assistant to the Secretary of State
Elections and Political Reform


EDWARD G. ARNOLD JR.
Elections Assistant

NOTE TO PROPONENT: Your attention is directed to Elections Code Sections 41, 44, 3501, 3507, 3508, 3516, 3517, and 3519 for appropriate format and type considerations in printing, typing, and otherwise preparing your initiative petition for circulation and signatures. Your attention is further directed to the campaign disclosure requirements of the Political Reform Act of 1974, Government Code Section 81000 et seq.

Date: June 23, 1982
File No.: SA82RF0009

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

PUBLIC UTILITIES COMMISSION. ELECTION. INITIATIVE CONSTITUTIONAL AMENDMENT. Under present law the Public Utilities Commission consists of 5 members, appointed by the Governor and approved by the Senate for 6-year terms. Members may be removed by Legislature for incompetence, neglect of duty, or corruption. This measure amends the constitution to provide that members of the Public Utilities Commission shall be elected for 4-year terms; that the office shall be nonpartisan; that members shall be elected by district; that members shall be subject to recall; and that Governor shall appoint persons to fill vacancies, subject to Senate confirmation. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Adoption of this initiative would result in one-time costs of \$250,000 to the state to initially establish Public Utility Commission districts and \$350,000 to local government to make election programming changes. Thereafter, local government would incur biennial election costs of approximately \$250,000.

12-point
Boldface
Type

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

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

Type: Roman
Boldface not
smaller than
12-point

(Here set forth the title and summary prepared by the Attorney General. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

We, the undersigned, registered, qualified voters of California, residents of ____ County (or City and County), hereby propose amendments to the Constitution of California, relating to election of the members of the Public Utilities Commission, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding General Election or at any special statewide election prior to that General Election or otherwise provided by law. The proposed constitutional amendment reads as follows:

SECTION 1. Section 6 of Article II of the California Constitution is amended to read:

SEC. 6. Judicial, school, county, and city offices shall be nonpartisan. Members of the Public Utilities Commission shall be nonpartisan.

SEC. 2. Subdivision (b) of Section 14 of Article II of the California Constitution is amended to read:

(b) A petition to recall a statewide officer must be signed by electors equal in number to 12 percent of the last vote for the office, with signatures from each of 5 counties equal in number to 1 percent of the last vote for the office in the county. Signatures to recall Senators, members of the Assembly, members of the Public Utilities Commission, members of the State Board of Equalization, and judges of courts of appeal and trial courts must equal in number 20 percent of the last vote for the office.

SEC. 3. Subdivision (b) of Section 5 of Article V of the California Constitution is amended to read:

(b) Whenever there is a vacancy in the office of the Superintendent of Public Instruction, the Lieutenant Governor, Secretary of State, Controller, Treasurer, or Attorney General, or on the Public Utilities Commission or

the State Board of Equalization, the Governor shall nominate a person to fill the vacancy who shall take office upon confirmation by a majority of the membership of the Senate and a majority of the membership of the Assembly and who shall hold office for the balance of the unexpired term. In the event the nominee is neither confirmed nor refused confirmation by both the Senate and the Assembly within 90 days of the submission of the nomination, the nominee shall take office as if he or she had been confirmed by a majority of the Senate and Assembly; provided, that if such ~~the~~ 90-day period ends during a recess of the Legislature, the period shall be extended until the sixth day following the day on which the Legislature reconvenes.

SEC. 4. Section 1 of Article XII of the California Constitution is amended to read:

SEC. 1. (a) The Public Utilities Commission consists of 5 members appointed by the Governor and approved by the Senate, a majority of the membership concurring, for staggered 6-year terms. A vacancy is filled for the remainder of the term. The Legislature may remove a member for incompetence, neglect of duty, or corruption, two thirds of the membership of each house concurring, with 1 member elected by the voters of each

district for a term of 4 years, except as provided in subdivision (d).

(b) A person is ineligible to be a member of the commission unless the person is an elector and a resident of the particular district at the time of the direct primary election preceding the general election at which the person is elected to the commission.

(c) The 5 districts shall be prescribed by the agency responsible for establishing legislative districts and shall be established consistent with the standards applicable to the establishment of legislative districts. The initial districts shall be established by the 131st day prior to the first primary election following the adoption of this subdivision. Thereafter, the district boundaries shall be adjusted at times and subject to the same standards as are applicable to legislative districts.

(d) The members first elected shall classify themselves by lot so that the initial terms of 3 members shall be 2 years and of 2 members shall be 4 years. Thereafter, members shall be elected in the year preceding expiration of a 4-year term.

(e) The commissioners holding office on the effective date of the addition of this subdivision shall continue to serve on the commission until the election and

qualification of their elected successors.

(f) Members shall be subject to any statutory requirements governing financial or campaign disclosure and restrictions or statutes governing conflict of interest applicable to elected state officeholders except as may be expressly excepted by statute.

SEC. 5. Section 9 of Article XII of the California Constitution is amended to read:

SEC. 9. The provisions of this article adopted November 5, 1974, restate all related provisions of the Constitution in effect immediately prior to ~~the effective~~ that date of this amendment and make no substantive change.



State of California
Department of Justice

555 CAPITOL MALL, SUITE 350
SACRAMENTO 95814
(916) 445-9555

George Deukmejian
(PRONOUNCED DUKE-MAY-GEN)

Attorney General

June 23, 1982

FILED

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

JUN 23 1982

MARCH FONG EU, Secretary of State

By Barbara J. Lee
Deputy

Honorable March Fong Eu
Secretary of State
1230 J Street
Sacramento, California 95814

RE: Initiative Title and Summary.
Our File No.: SA82RF0009

Dear Mrs. Eu:

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

Enclosed is a copy of our transmittal letter to the proponent(s), 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(s) and address(es) of the proponent(s) is as stated on the declaration of mailing.

Very truly yours,

George Deukmejian
Attorney General

Robert Burton
Deputy Attorney General

Enclosure

(RF-10)



State of California
Department of Justice

555 CAPITOL MALL, SUITE 350
SACRAMENTO 95814
(916) 445-9555

George Deukmejian
(PRONOUNCED DUKE-MAY-GIN)

Attorney General

June 23, 1982

Mr. James E. Callaway
2371 Hartvickson Lane
Valley Springs, California 95252

RE: Initiative Title and Summary.
Subject: Public Utilities Commission
Our File No.: SA82RF0009

Pursuant to your request, we have prepared the attached title and summary of the chief purposes and points of the above identified proposed initiative. A copy of our letter to the Secretary of State, as required by Elections Code sections 3503 and 3513, our declaration of mailing, and the text of your proposal that was considered is attached.

The Secretary of State will be sending you shortly a copy of the circulating and filing schedule for your proposal that will be issued by that office.

Please send us a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file in this matter.

Very truly yours,

George Deukmejian
Attorney General

Robert Burton
Deputy Attorney General

Attachment

DECLARATION OF MAILING

The undersigned Declarant, states as follows:

I am over the age of 18 years and not a proponent of the within matter; my place of employment and business address is 555 Capitol Mall, Suite 350, Sacramento, California 95814.


On the date shown below, I mailed a copy or copies of the attached letter to the proponents, by placing a true copy thereof in an envelope addressed to the proponents named below at the addresses indicated, and by sealing and depositing said envelope or envelopes in the United States mail at Sacramento, California, with postage 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.

Date of Mailing: June 23, 1982
Subject: Public Utilities Commission
Our File No.: SA82RF0009
Name of Proponent(s) and Address(es):

JAMES E. CALLAWAY
2371 Hartvickson Lane
Valley Springs, California 95252

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

Executed at Sacramento, California on June 23, 1982.


MARSHA L. BIERER
Declarant

OWEN K. KUNS
RAY H. WHITAKER
CHIEF DEPUTIES

JERRY L. BASSETT
KENT L. DECHAMBEAU
STANLEY M. LOURIMORE
EDWARD K. PURCELL
JOHN T. STUDEBAKER

JOHN CORZINE
BERT CULLEN DUFFY
ROBERT D. GRONKE
SHERWIN C. MACKENZIE, JR.
ANN M. MACKEY
TRACY O. POWELL, II
RUSSELL L. SPARLING
JIMMIE WING
PRINCIPAL DEPUTIES

3021 STATE CAPITOL
SACRAMENTO 95814
(916) 445-3057

8011 STATE BUILDING
107 SOUTH BROADWAY
LOS ANGELES 90012
(213) 620-2550

Legislative Counsel of California

BION M. GREGORY

Sacramento, California

March 26, 1982

GERALD ROSS ADAMS
DAVID D. ALVES
MARTIN L. ANDERSON
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CHARLES C. ASBILL
JAMES L. ASHFORD
SHARON G. BIRENBAUM
EILEEN J. BUXTON
HENRY J. CONTRERAS
BEN E. DALE
CLINTON J. DEWIT
C. DAVID DICKERS
KATHRYN E. DONOVAN
FRANCES S. DORBIN
LAWRENCE H. FEIN
SHARON R. FISHER
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HARVEY J. FOSTER
CLAY FULLER
ALVIN D. GRESS
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MICHAEL B. SALENHO
MARY SHAW
WILLIAM K. STARK
MARK FRANKLIN TERRY
JEFF THOM
RICHARD B. WEISSBERG
DANIEL A. WEITZMAN
THOMAS D. WHELAN
CHRISTOPHER ZIRKLE
DEPUTIES

Ms. Patricia M. Callaway
2371 Hartvickson Lane
Valley Springs, CA 95252

Initiative Petition - Constitutional Amendment:
Election of Public Utilities Commission - #4992

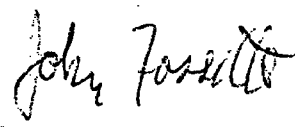
Dear Ms. Callaway:

Pursuant to your request, we have prepared, in the appropriate form, the enclosed initiative measure to be submitted to the electors, relating to election of the members of the Public Utilities Commission.

We remind you that a title and summary prepared by the Attorney General are also necessary (see subd. (d), Sec. 10, Art. II, Cal. Const.; Sec. 3502, Elec. C.).

Very truly yours,

Bion M. Gregory
Legislative Counsel

By 
John Fossette
Deputy Legislative Counsel

JF:jdg

*Please list James P. Callaway
as proponent of measure.*

303

Barbara Lee

For Immediate Release
June 23, 1982

Contact: Caren Daniels

NEW UTILITY-RELATED INITIATIVE DRIVE BEGINS ANNOUNCES EU

SACRAMENTO -- A move to require the election of commissioners to the Public Utilities Commission was launched today (June 23) in the form of a proposed initiative, Secretary of State March Fong Eu announced.

The drive, "Public Utilities Commission. Election" is a constitutional amendment sponsored by James Callaway of Valley Springs and needs 553,790 registered voter signatures by Nov. 22 to qualify for the June 1984 primary election or any special statewide election held at least 131 days after its qualification. Callaway's telephone is (209) 772-1154.

If adopted, the initiative would provide that the five members of the Public Utilities Commission be elected for four-year terms, except those initially elected; non-partisan; elected by district; subject to recall; and that vacancies would be filled by gubernatorial appointment subject to State Senate confirmation. The Legislature would be required to apportion the five PUC districts in a manner similar to the apportionment of legislative districts; if the responsibility for allocating voters to districts is moved to a body other than the Legislature, that body would also apportion PUC districts.

This is the third initiative currently in circulation regarding public utilities; one would limit the cumulative increases to energy consumers and the second would generally return private utility company rates to Nov. 1, 1981 levels with the Legislature establishing any rate increases.

There are nine initiatives currently in circulation throughout California. The certification deadline for all initiatives on the Nov. 2 general election ballot falls at midnight tomorrow, June 24. The 131-day deadline for legislative propositions for November is also June 24, but may be waived because it is statutorily provided for, not constitutionally mandated as it is for initiatives. Five legislative measures and four initiatives have qualified to date for November.

