

7-22-1985

Limitation Of Public Funded Abortions

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Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

Elections Division
(916) 445-0820

0359

July 22, 1985

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (8530)

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:

LIMITATION ON PUBLIC FUNDED ABORTIONS
Initiative Constitutional Amendment

Circulating and Filing Schedule

1. Minimum number of signatures required..... 630,136
Cal. Const., Art. II, Sec. 8(b).
2. Official Summary Date..... Monday 7/22/85
Elec. C., Sec. 3513.
3. Petition Sections:
 - a. First day Proponent can circulate Sections for signatures... Monday 7/22/85
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..... Thursday 12/19/85+
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..... Thursday 12/26/85

(If the Proponent files the petition with the county on a date prior to 12/19/85 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).

+ PLEASE NOTE: To the Proponent who may wish to qualify for the 1986 Primary Election. The law allows up to approximately 67 days for county election officials to check and report petition signatures and transmit results. The law also requires that this process be completed 131 days before the election in which the people will vote on the initiative. It is possible that the county may not need precisely 67 days. But if you want to be sure that this initiative qualifies for the 1986 Primary Election, you should file this petition with the county before November 15, 1985.

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 1/1/86**

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..... Thursday 1/16/86

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 12/26/85, the last day is not later than the fifteenth day after the county's receipt of notification.)
Elec. C., Sec. 3520(d), (e).

f. If the signature count is more than 693,149 or less than 567,123 then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 567,123 and 693,149 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures..... Wednesday 1/22/86**

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..... Friday 2/21/86

(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 1/16/86, the last day is not later than the thirtieth 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 2/24/86

**Date varies based on receipt of county certification.

4. Campaign Statements:

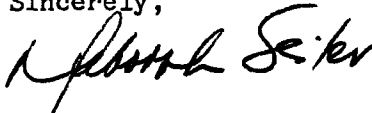
Last day to file a campaign statement of receipts
and expenditures for period ending 1/16/86 1/23/86

(If the Secretary of State finds that the measure has
either qualified or failed to qualify on a date earlier
than 12/19/85, 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 Proponents of the above named measure are:

Renate E. Penney
Muriel L. Brown
2418 K Street, Suite B
Sacramento, California 95816
(916) 443-3110

Sincerely,



DEBORAH SEILER
Assistant to the Secretary of State
Elections and Political Reform

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.

JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE

1515 K STREET, SUITE 511
SACRAMENTO 95814
(916) 445-9555



July 22, 1985

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

JUL 22 1985

MARCH FONG EU, Secretary of State

By *Robert Burton*
Deputy

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

Dear Mrs. Eu:

Re: Initiative Title and Summary.
Our File No. SA85RF0005

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,

JOHN K. VAN DE KAMP
Attorney General

Robert Burton

Robert Burton
Deputy Attorney General

Enclosure

(RF-10, 6/83)

Date: July 22, 1985
File No.: SA85RF0005

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

LIMITATION ON PUBLIC FUNDED ABORTIONS. INITIATIVE CONSTITUTIONAL AMENDMENT. Provides no public funds shall be used for medically induced abortions except when necessary to prevent pregnant mother's imminent death and only in event every reasonable effort is made to preserve life of unborn child prior to abortion. In lieu of expending public funds on abortions, requires Legislature for next three years to appropriate specific increases in public funds to provide physical care and medical treatment to unborn, premature, disabled and handicapped children. Prohibits increased appropriations from being distributed to persons or facilities that perform, promote, benefit from or advertise abortions. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: The net effect of this measure would be to increase state and local government costs. The increase would be a minimum of \$4 million annually, once the effect of the measure is fully realized. In subsequent years, costs would increase substantially as a result of caseload increases under welfare programs and programs for disabled children. In addition, the measure would result in additional state costs of up to \$31 million for the first three years.

1 Section 1 - This measure shall be known as "The
2 Children's Fund."

3 Section 2 - Article XVI, Section 20 is added to the
4 California Constitution to read as follows:

5 (a) By this initiative, the people of the State of
6 California find and declare that the Legislature
7 has a duty to appropriate and distribute public
8 funds to enhance the lives of unborn, prematurely
9 born, disabled and handicapped children, a duty
10 which encompasses the duty to prohibit the ex-
11 penditure, directly or indirectly, of taxpayer
12 dollars for abortions.

13 The people of the State of California further find
14 and declare that each and every judicial decision
15 which has heretofore denied the Legislature the
16 power to preclude the funding of abortions with
17 taxpayer dollars is violative of constitutional
18 principles regarding the separation of powers
19 between the judicial and legislative branches
20 of government. Therefore, each such decision
21 shall be abrogated to the extent it is in conflict
22 with the provisions contained herein.

23 To accomplish these purposes, the following provisions
24 are enacted:

25 (b) Definitions:

26 (1) "Taxpayer Dollars" and/or "Public Funds"
shall be defined herein as any funds, regard-
less of source, collected, received or
deposited with, or distributed or appro-
priated by any agency, office or legislative
body of the State of California, or any poli-
tical subdivision thereof.

(2) "Imminent Death" shall be defined herein as
a death which will take place within a period
of time sufficient to permit a medically
reliable prognosis, and within the remaining
gestation period.

(3) "Unborn Child" shall be defined herein as a
human life, in existence from conception to
birth.

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(c) Notwithstanding any other provisions of the Constitution of the State of California (specifically, Article I, Sections 1 and 7) or any established judicial doctrine related to the constitutionality of conditions imposed on access to governmental benefits under the Constitution of the State of California, no taxpayer dollars shall be used by the State or by any general law or charter city or city and county, or by any political subdivision of or within the State, or by any public or private entity, to pay, reimburse, or in any way compensate, either directly or indirectly, any person, agency or facility, for the performance of any medically induced abortion, except as provided in subdivision (d) below. Nothing in this Article XVI, Section 20 shall be construed to infringe on any right granted or otherwise provided for in the Constitution of the United States of America or any Amendment thereto.

(d) The State Legislature, by statute, may authorize the use of taxpayer dollars for the performance of an induced abortion only when necessary to prevent the pregnant mother's imminent death from physical illness or injury, and only in the event every reasonable effort is made to preserve the life of the unborn child prior to the abortion. In no case shall a clinical determination that the unborn child has prenatal or developmental handicaps be the basis for a determination that every reasonable effort has been made to preserve the life of the unborn child.

(1) Any claim for payment for services rendered in performing an abortion must be accompanied by a medical report prepared under penalty of perjury by the physician who performed the abortion procedure. At a minimum, this medical report shall contain the following information which is to be made available for publication:

(i) A detailed diagnosis/prognosis on the pregnant mother's medical condition immediately prior to the abortion, specifically indicating why the abortion was necessary to prevent the pregnant mother's imminent death;

(ii) The fetal age of each unborn child aborted during the abortion procedure;

1 (iii) A medical description of the abortion
2 procedure employed by the reporting
3 physician; and

4 (iv) The name of the hospital at which the
5 abortion procedure was performed, or, if
6 the abortion was not performed in a
7 hospital, a detailed statement of the
8 reason why a pregnant mother facing
9 imminent death was not hospitalized.

10 Nothing in this Article XVI, Section 20 shall
11 be construed to require or allow publication
12 of any information pertaining to the identity
13 of the pregnant mother or any unborn child or
14 children absent the pregnant mother's express
15 written consent.

16 (e) (1) During each of the three fiscal years immed-
17 iately following the adoption of this Art-
18 icle XVI, Section 20, the State Legislature
19 shall, by statute, order an annual appropria-
20 tion and distribution of public funds to
21 provide physical care and medical treatment
22 for unborn and prematurely born children and
23 their mothers and to provide physical care,
24 medical treatment and developmental resources
25 for disabled and handicapped children. This
26 appropriation shall be made in addition to
the then existing level of funding being
provided by the State for such services and
shall be equal to that amount determined by
averaging the total annual expenditure of
taxpayer dollars for all abortions induced
within the State of California during the
three fiscal years immediately preceding adop-
tion of this Article XVI, Section 20. There-
after, this increased level of funding may
be continued by the same sort of legislative
action required to enact any other appropria-
tions bill.

(2) No State funds appropriated pursuant to Sub-
Section (e), (1), above, shall be granted or
paid, directly or indirectly, to any person,
group, clinic, agency, facility or organiza-
tion which performs, promotes or advertises
abortions, or which receives any direct or
indirect compensation, advantage, benefit
or gain from referrals for abortion services.

1 Section 3 - If any provision of this chapter, or the
2 application of any such provision to any person or circumstances
3 shall be held invalid, the remainder of this chapter, to the
4 extent it can be given effect, or the application of such provi-
5 sions to persons or circumstances other than those to which it is
6 held invalid, shall not be affected thereby, and to that extent
7 the provisions of the chapter are severable.

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JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511
SACRAMENTO 95814
(916) 445-9555

July 22, 1985

Renate E. Penney
Muriel L. Brown
2418 K Street, Suite B
Sacramento, California 95816

Re: Initiative Title and Summary.
Subject: Limitation on Public Funded Abortions
Our File No. SA85RF0005

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,

JOHN K. VAN DE KAMP
Attorney General

A handwritten signature in cursive script, appearing to read "Robert Burton".

Robert Burton .
Deputy Attorney General

Attachment .



May 24, 1985

Honorable John Van de Kamp
Attorney General
State of California
1515 K Street, Suite 511
Sacramento, CA 95814

Dear Mr. Van de Kamp,

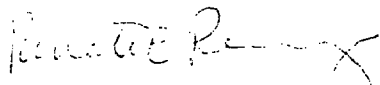
We submit the attached initiative measure for "Title and Summary."

This measure shall be known as "The Children's Fund."

Also attached is a cashier's check in the amount of \$200.00, made payable to the Attorney General, State of California.

If we can be of assistance, please contact us.

Sincerely,



Renate E. Penney, Proponent
1709 Sherwood Avenue
Sacramento, CA 95822



Muriel L. Brown, Proponent
5309 Grandridge Road
El Cajon, CA 92020

For further information contact: Mrs. Renate E. Penney
2418 K Street, Suite B
Sacramento CA 95816
(916) 443-3110

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 1515 K Street, Suite 511, 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: July 22, 1985

Subject: LIMITATION ON PUBLIC FUNDED ABORTIONS.

Our File No.: SA35RF0005

Name of Proponent(s) and Address(es):

RENATE E. PENNEY
MURIEL L. BROWN
2413 K Street, Suite B
Sacramento, California 95816

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

Executed at Sacramento, California on July 22, 1985.


MARSHA L. BIERER
Declarant