

12-16-1985

Taxation

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Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814


#369

Elections Division
(916) 445-0820

May 22, 1986

TO: ALL REGISTRARS OF VOTERS AND COUNTY CLERKS (86105)

FROM:


DEBORAH SEILER

Assistant to the Secretary of State
Elections and Political Reform

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: TAXATION.
INITIATIVE CONSTITUTIONAL AMENDMENT

SUMMARY DATE: December 16, 1985

PROPONENT: Howard Jarvis

DS/lgw

F.INIT



Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

Elections Division
(916) 445-0820

December 16, 1985

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT (8562)

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:

TAXATION.
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, 12/16/85
Elec. C., Sec. 3513.
- 3. Petition Sections:
 - a. First day Proponent can circulate Sections for signatures....Monday, 12/16/85
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, 5/15/86+
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, 5/22/86

(If the Proponent files the petition with the county on a date prior to 5/15/86, 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 General Election. The law allows 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 General Election, you should file this petition with the county before April 18, 1986.

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, 5/28/86**

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, 6/12/86

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 5/22/86, 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, 6/18/86**

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, 7/18/86

(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 6/12/86, 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, 7/21/86

**Date varies based on receipt of county certification.

4. Campaign Statements:

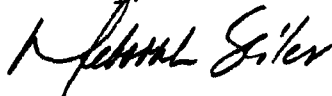
Last day to file a campaign statement of receipts
and expenditures for period ending 6/12/86Thursday, 6/19/86

(If the Secretary of State finds that the measure has
either qualified or failed to qualify on a date earlier
than 5/15/86 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:

Howard Jarvis
6363 Wilshire Boulevard
Los Angeles, California 90048

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

December 16, 1985

(916) 324-5472

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

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

DEC 16 1985

MARCH FONG EU, Secretary of State

By *[Signature]*
Deputy

Dear Mrs. Eu:

Re: Initiative Title and Summary.
Our File No. SA85RF0016

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

[Signature]

Robert Burton
Deputy Attorney General

Enclosure

(RF-10, 6/83)

Date: December 16, 1985
File No.: SA85RF0016

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

TAXATION. INITIATIVE CONSTITUTIONAL AMENDMENT. Amends constitutional provisions concerning votes required to impose or increase taxes. Increase in any tax imposed by State will require two-thirds vote of each Legislature house. Any general tax, a tax for general governmental purposes, imposed by local governments will require two-thirds vote approval of legislative body followed by majority vote of voters voting in election. Any special tax, defined as all other taxes, imposed by local governments will require two-thirds vote approval of voters. District transaction and use taxes will require majority voter approval. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This provision would make it somewhat more difficult to raise State taxes; however, it is not possible to determine the magnitude of the fiscal impact it would have on State revenues. Since the measure institutes popular vote requirement for new general purpose taxes, it is likely city governments will find it more difficult to impose such taxes in the future.

JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE



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

December 16, 1985

(916) 324-5472

Howard Jarvis
6363 Wilshire Boulevard
Los Angeles, CA 90048

Re: Initiative Title and Summary.
Subject: TAXATION
Our File NO. SA85RF0016

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

(RF-9, 6/83)



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: December 16, 1985

Subject: TAXATION

Our File No.: SA85RF0016

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

HOWARD JARVIS
6363 WILSHIRE BOULEVARD
LOS ANGELES, CA 90048

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

Executed at Sacramento, California on

Beth Manuaring
Declarant

Date: December 16, 1985
File No.: SA85RF0016
(As Revised December 17, 1985)

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

TAXATION. INITIATIVE CONSTITUTIONAL AMENDMENT. Amends constitutional provisions concerning votes required to impose or increase taxes. Increase in any tax imposed by State will require two-thirds vote of each legislative house. Any general tax, a tax for general governmental purposes, imposed by local governments will require two-thirds vote approval of legislative body followed by majority vote of voters voting in election. Any special tax, defined as all other taxes, imposed by local governments will require two-thirds vote approval of voters. District transaction and use taxes will require majority voter approval. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This provision would make it somewhat more difficult to raise State taxes; however, it is not possible to determine the magnitude of the fiscal impact it would have on State revenues. Since the measure institutes popular vote requirement for new general purpose taxes, it is likely city governments will find it more difficult to impose such taxes in the future.

CONSTITUTIONAL AMENDMENT

Amend Section 3 of Article XIII A to read as follows:

Sec. 3. On and after August 1, 1985, any increase in any tax imposed by the State, whether accomplished by increased rates or changes in methods of computation, shall be imposed by an act passed by not less than two-thirds of all members elected to each of the two houses of the Legislature, except that no new ad valorem taxes on real property, or sales or transaction taxes on the sales of real property may be imposed.

Delete Section 4 of Article XIII A and replace as follows:

Sec. 4. (a) All taxes, other than taxes imposed by the state, are either special taxes or general taxes. "General taxes" are taxes imposed for general governmental purposes. All other taxes, including taxes imposed for specific purposes, are "special taxes."

(b) No city, county, or district, whether or not authorized to levy a property tax, may impose any special tax unless and until the proposed special tax is submitted to the electorate of the city, county, or district and is approved by a two-thirds vote of the voters voting in an election on the issue.

(c) No city, county, or district, whether or not authorized to levy a property tax, may impose any general tax unless and until the proposed general tax is submitted to the electorate of the city, county, or district and is approved by a majority vote of the voters voting in an election on the issue.

(d) No proposed general tax subject to the vote requirement prescribed by this section shall be submitted to the

electorate at any election unless it is approved by two-thirds vote of all the members of the legislative body of the city, county, or district.

(e) No district authorized to impose transactions and use taxes pursuant to Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code may impose any such tax unless and until the proposed tax is submitted to the electorate of the district and is approved by a majority vote of the voters voting in an election on the issue. The provisions of this subdivision shall supercede the provisions of subdivision (b) with respect to any imposition of any taxes described in this subdivision.

(f) Except as permitted in Section 1 of this Article, no city, county, or district may impose any ad valorem taxes on real property. No city, county, or district may impose any transaction tax or sales tax on the sale of real property within the city, county, or district.

(g) As used in this section, "district" means an agency of the State, formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries.

(h) Except as provided in subdivision (i), this section shall not be construed to repeal or otherwise affect the operation of any statute enacted prior to August 1, 1985, which authorizes the imposition of a special tax.

(i) Neither this section nor Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title

5 of the Government Code shall be construed to authorize any city, county, or district to impose any general or special tax which it is not otherwise authorized to impose. However, any special tax imposed pursuant to Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code prior to August 1, 1985, shall not be affected by this subdivision.

(j) Taxes permitted by subdivision (b) of Section 1 of this Article shall not be subject to the vote requirements prescribed by this section.

(k) Except as provided in subdivision (h), the vote requirements prescribed by this section shall be applicable to all taxes which are imposed on or after August 1, 1985. No refund for the tax year in which the constitutional amendment enacting this section is effective, or for any prior tax year, shall be required as a result of the enactment of this section.

(l) If any subdivision, paragraph, part, clause, or phrase of this section is for any reason held to be invalid or unconstitutional, the remaining subdivisions, paragraphs, parts, clauses, or phrases shall not be affected but shall remain in full force and effect.

JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE



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

December 17, 1985

(916) 324-5472

Howard Jarvis
6363 Wilshire Boulevard
Los Angeles, CA90048

Re: Initiative Title and Summary
Subject: Taxation
Our File No.: SA85RF0016

This will confirm Robert Burton's telephone call to Mr. Joel Fox, of your staff, on December 17, 1985. The initiative title issued on the above initiative by our letter dated December 16, 1985, is modified slightly to correct a grammatical error. The word "Legislature" in the fourth line is changed to read "legislative." The sentence in which this appears now reads: "Increases in any tax imposed by the State will require two-thirds vote of each legislative house." A copy of the complete revised title is enclosed.

I understand from the telephone discussion with Mr. Fox that this modification will not create any problems for you. Therefore, the official summary data will not be changed. If there are any questions concerning this, Robert Burton may be contacted by telephone (916-324-5472).

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General


ROBERT BURTON
Deputy Attorney General

RB/bm

Enc.

cc: Secretary of State

October 23, 1985

Honorable John Van De Kamp
Attorney General
555 Capitol Mall, Suite 350
Sacramento, California 95814

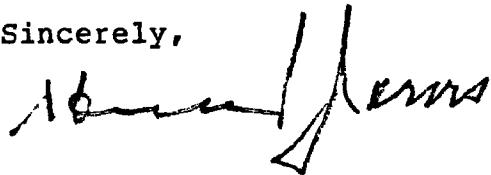
RE: Constitutional Initiative

Dear General Van De Kamp:

Enclosed please find the text of a Constitutional Initiative for submission to the voters of California. The measure will amend Sections 3 and 4 of Article XIII.A. of the California Constitution. The amendment to Section 3 of Article XIII.A. will clarify the requirement of a two-thirds vote of the both houses of the Legislature for any increase in state taxation. The amendment to section 4 of Article XIII.A. will require approval by the electorate of a local government or district of any tax imposed on or after August 1, 1985.

Please prepare a Title and Summary of this initiative. Enclosed also please find the filing fee of \$200.00.

Sincerely,



Howard Jarvis

HJ/met