

2-13-1986

Marijuana

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Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

Elections Division
(916) 445-0820

TDD: (800) 833-8683

July 25, 1986

TO: ALL REGISTRARS OF VOTERS/COUNTY CLERKS
AND PROPONENT (86138)

FROM:


DEBORAH SEILER

Assistant to the Secretary of State
Elections and Political Reform

Pursuant to Elections Code § 3520, subd. (b) you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE STATUTE 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: MARIJUANA.
INITIATIVE STATUTE.

SUMMARY DATE: February 13, 1986

PROPONENT: Barton C. Gilbert

DS/lgw

F.INIT



Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

Elections Division
(916) 445-0820

February 13, 1986

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT (8630)

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:

MARIJUANA.
INITIATIVE STATUTE.

Circulating and Filing Schedule

- 1. Minimum number of signatures required..... 393,835
Cal. Const., Art. II, Sec. 8(b).
- 2. Official Summary Date..... Thursday, 2/13/86
Elec. C., Sec. 3513.
- 3. Petition Sections:
 - a. First day Proponent can circulate Sections for signatures... Thursday, 2/13/86
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, 7/14/86*+
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..... Monday, 7/21/86

(If the Proponent files the petition with the county on a date prior to 7/14/86, 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).

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

+ 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..... Sunday, 7/27/86**

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..... Monday, 8/11/86

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 7/21/86, 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 433,218 or less than 354,452, then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 354,452 and 433,218 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures..... Sunday, 8/17/86**

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..... Tuesday, 9/16/86

(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 8/11/86, 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..... Friday, 9/19/86

**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 8/11/86 Monday, 8/18/86

(If the Secretary of State finds that the measure has
either qualified or failed to qualify on a date earlier
than 7/14/86 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:

Barton C. Gilbert
P.O. Box 7548
Burbank, California 91510
(818) 840-0937

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

February 13, 1986

6278

(916) 324-5472

FILED

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

FEB 13 1986

MARCH FONG EU, Secretary of State

By *J. Barbara J. Lee*
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. SA85RF0026

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)

12776

Date: February 13, 1986
File No. SA85RF0026

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

MARIJUANA. INITIATIVE STATUTE. Adds sections to the Alcoholic Beverage Control Act stating that marijuana shall be considered an intoxicant alongside dry wine and shall be regulated as such by the Alcoholic Beverage Control agencies. Provides one ounce of marijuana shall be considered the equivalent of one gallon of dry wine. Modifies present statutory definition of marijuana. Repeals present statute listing marijuana as a controlled hallucinogenic substance. Repeals statutes specifying offenses and penalties for every person who unlawfully possesses, possesses for sale, plants, cultivates, harvests, dries, processes, transports, imports, sells, furnishes, administers, or gives away marijuana. Summary of estimate by legislative analyst and Director of Finance of fiscal impact on State and local governments: The fiscal effect of the requirement that the Department of Alcoholic Beverage Control regulate marijuana like dry wine is indeterminable. The fiscal effect would depend upon determinations regarding such matters as enforcement requirements, licenses, taxes and the level of enforcement effort. The fiscal effect of provisions which repeal criminal penalties for various marijuana-related offenses may result in savings to state and local governments due to a reduction in law enforcement efforts and incarceration. The extent to which these savings would materialize is indeterminable because of (1) the lack of data on the amount of resources dedicated to such enforcement activity and incarceration and (2) the likelihood that any savings would be redirected for ongoing law enforcement programs.

I. Add to the Business and Professions Code:

23000.2 Citation of division

This division shall be known and may be cited as the "Cannabis Control Act".

23000.4 Purposes of divisions: Construction

This division is an exercise of the police powers of the State for the protection of the safety, welfare, health and peace of the people of the State, to allow for the industrial and medicinal type uses of cannabis, to eliminate the evils of unlicensed and unlawful cultivation, selling, and disposing of cannabis, and to promote temperance in the consumption of cannabis as an intoxicant. It is hereby declared that the subject matter of this division involves in the highest degree the economic, social, and moral wellbeing and the safety of the State and of all its people. All provisions of this division shall be liberally construed for the accomplishment of these purposes. This act is severable.

23000.6 Marijuana

Marijuana shall be considered an intoxicant alongside dry wine and shall be regulated as such by the Director of Alcoholic Beverages Control, the Department of Alcoholic Beverages Control, and Alcoholic Beverages Control Appeals Board. One ounce of marijuana shall be considered the equivalent of one gallon of dry wine. Marijuana is as defined in Health and Safety Code 11018 as amended.

II. Amend Health and Safety Code Section 11018 to delete 'Sativa L' following the word Cannabis.

III. Repeal Health and Safety Code sections 11054(d)13, 11357, 11358, 11359, 11360.



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

February 13, 1986

(916) 324-5472

Barton C. Gilbert
P.O. Box 7548
Burbank, CA 91510

Re: Initiative Title and Summary.
Subject: MARIJUANA
Our File No. SA85RF0026

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 that reads "Robert Burton".

Robert Burton
Deputy Attorney General

Attachment



Barton C. Gilbert
P.O. Box 7548
Burbank, CA 91510
(818) 840-0937

December 26, 1985

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

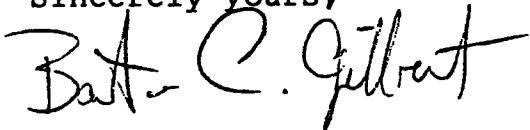
Dear John:

Enclosed herewith is an Initiative text and check for \$200.00. Please obtain a title, summary and fiscal analysis.

I do not want to start circulating until February 12, 1986. Please plan accordingly.

My voter registration status is the same as it was the last time I was proponent of an initiative (1982 Elector-Voter). The City Clerk in Burbank, a city charter city, allows me to vote. Secretary of State, March Fong Eu threatens me with jail. The Attorney Generals' office, after lengthy consideration, decided I was at least qualified to be proponent of an initiative (Elector-Voter). For further information on the subject see *Bergevin v Curtz* 127 Cal 86.

Sincerely yours,

A handwritten signature in cursive script that reads "Barton C. Gilbert". The signature is written in dark ink and is positioned below the typed name.

Barton C. Gilbert
CDL# A0359416

Encl.

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: 2/13/86

Subject: MARIJUANA


Our File No.: SA85RF0026

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

BARTON C. GILBERT
P.O. Box 7548
BURBANK, CA 91510

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

Executed at Sacramento, California on 2/13/86.


Declarant

378

Barbara Lee

NEWS RELEASE

from: Secretary of State March Fong Eu
1230 J Street, Sacramento, CA 95814
(916) 445-6375

For Immediate Release
February 14, 1986

Contact: Melissa Warren

MARIJUANA INITIATIVE BEGINS CIRCULATION REPORTS EU

SACRAMENTO — Secretary of State March Fong Eu announced today (Feb. 14) that the sixteenth initiative petition in twenty years aimed at changing the laws governing the use and possession of marijuana has been cleared for circulation.

To be known as the "Cannabis Control Act," the proposal's stated purpose is "the protection of the safety, welfare, health and peace of the people..., to eliminate the evils of unlicensed and unlawful cultivation, selling and disposing of cannabis, and to promote temperance in the consumption of cannabis...." The measure would declare marijuana to be considered "an intoxicant alongside dry wine and shall be regulated as such..." by California's alcoholic beverage control agencies. It provides that one ounce of marijuana be considered the equivalent of one gallon of dry wine and modifies its present statutory definition. It would repeal the current statute listing marijuana as a controlled hallucinogenic substance and those specifying offenses and penalties for persons who unlawfully possess, cultivate, process, transport or furnish marijuana in any way.

Barton C. Gilbert of Burbank is the proponent of the initiative statute, titled simply "Marijuana." He must collect and submit 393,835 signatures of registered voters by the legal 150-day deadline of July 14. However, should he wish to place the measure on the Nov. 3 general election ballot, he should submit all signatures by April 18 in order to allow sufficient time for the full signature verification process before the June 26 deadline for qualification of ballot measures. Proponent Gilbert can be reached at (818) 840-0937.

This brings to fifteen the total number of initiatives in circulation.

A copy of the initiative, its title and summary and circulation calendar is attached.

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