

12-4-1987

Ownership Of Firearms.

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Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

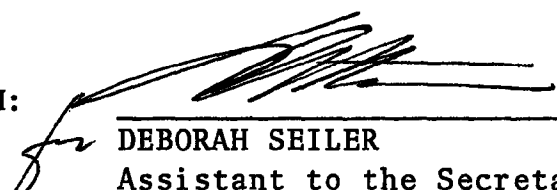
ELECTIONS DIVISION
(916) 445-0820

For Hearing and Speech Impaired
Only:
(800) 833-8683

March 10, 1988

TO: All County Clerks/Registrars of Voters
and Proponents (8871)

FROM:



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

The proponents of the hereinafter named proposed Initiative
Constitutional Amendment have withdrawn the measure.

TITLE: OWNERSHIP OF FIREARMS.
INITIATIVE CONSTITUTIONAL AMENDMENT

SUMMARY DATE: December 4, 1987

PROponents: Carl Murphy
Bernardine Smith

DS/1/gw

W.INIT



Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

0420

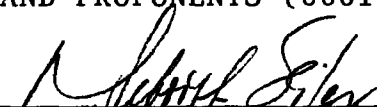
ELECTIONS DIVISION
(916) 445-0820

For Hearing and Speech Impaired
Only:
(800) 833-8683

May 9, 1988

TO: ALL REGISTRARS OF VOTERS AND COUNTY CLERKS
AND PROPONENTS (888123)

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 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: OWNERSHIP OF FIREARMS.
INITIATIVE CONSTITUTIONAL AMENDMENT.

SUMMARY DATE: December 4, 1987

PROPONENTS: Carl E. Murphy
Bernadine Smith

DS/1/gw

F.INIT



Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

Elections Division
(916) 445-0820
TDD: (800) 833-8683

December 4, 1987

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (87106)

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:

OWNERSHIP OF FIREARMS.
INITIATIVE CONSTITUTIONAL AMENDMENT.

Circulating and Filing Schedule

- 1. Minimum number of signatures required.....595,485
Cal. Const., Art. II, Sec. 8(b).
- 2. Official Summary Date.....Friday, 12/04/87
Elec. C., Sec. 3513.
- 3. Petition Sections:
 - a. First day Proponents can circulate Sections for
signatures.....Friday, 12/04/87
Elec. C., Sec. 3513.
 - b. Last day Proponents can circulate and file with
the county. All Sections are to be filed at
the same time within each
county.....Monday, 05/02/88
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, 05/09/88

(If the Proponents file the petition with the county on a date prior to 05/02/88, 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 Proponents who may wish to qualify for the November 8, 1988 General Election. The law allows approximately 85 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 85 days. But if you want to be sure that this initiative qualifies for the November 8, 1988 General Election, you should file this petition with the county before April 6, 1988.

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.....Monday, 05/16/88**

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.....Tuesday, 05/31/88

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 05/09/88 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 655,033 or less than 565,711, then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 565,711 and 655,033 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures.....Wednesday, 06/08/88**

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.....Thursday, 07/21/88

(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 05/31/88, the last day is not later than the thirtieth working 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.....Sunday, 07/24/88

**Date varies based on receipt of county certification.

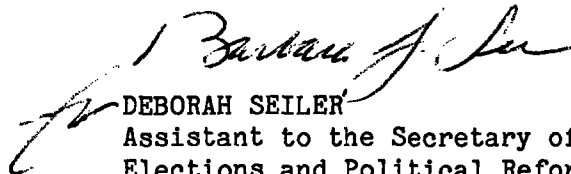
OWNERSHIP OF FIREARMS.
INITIATIVE CONSTITUTIONAL AMENDMENT.
Page 3
December 4, 1987

4. The Proponents of the above named measure are:

Carl Murphy
1601 Berkeley Drive
Lompoc, California 93436
(805) 735-1140

Bernadine Smith
215 E. Amber Way
Hanford, California 93230
(209) 584-8652 - Day
(209) 584-5209 - Evening

Sincerely,



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

NOTE TO PROPONENTS: 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.

Attachment: POLITICAL REFORM ACT OF 1974 REQUIREMENTS

12/04/87

JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE



December 4, 1987

1515 K STREET, SUITE 511
P.O. BOX 944255
SACRAMENTO 94244-2550
(916) 445-9555
(916) 324-5468

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 04 1987

Dear Mrs. Eu:

MARCH FONG EU, Secretary of State

Initiative Title and Summary.
Subject: OWNERSHIP OF FIREARMS.
INITIATIVE CONSTITUTIONAL AMENDMENT.
Our File No.: SA 87 RF 0033

By *Barbara Lee*
Deputy

Pursuant to the provisions of sections 3503 and 3513 of the Elections Code, you are hereby notified that on this day we mailed to the proponents(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

Paul H. Dobson
PAUL H. DOBSON, Supervising
Deputy Attorney General

PHD:kca

Enclosures

JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE



December 4, 1987

1515 K STREET, SUITE 511
P.O. BOX 944255
SACRAMENTO 94244-2550
(916) 445-9555

(916) 324-5468

Carl E. Murphy
1601 Berkeley Drive
Lompoc, CA 93436

Bernadine Smith
215 E. Amber Way
Hanford, CA 93230

Initiative Title and Summary.
Subject: OWNERSHIP OF FIREARMS.
INITIATIVE CONSTITUTIONAL AMENDMENT
Our File No.: SA 87 RF 0033


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


PAUL H. DOBSON, Supervising
Deputy Attorney General

PHD:kca

Enclosures

Date: December 4, 1987
File No.: SA 87 RF 0033

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

OWNERSHIP OF FIREARMS. INITIATIVE CONSTITUTIONAL AMENDMENT.

Bars public officials and the Legislature from: prohibiting the private ownership of firearms or ammunition, confiscating privately-owned firearms or ammunition, taking any action restricting or denying the right to purchase, own, possess, sell, lease, loan, manufacture, transport, or use armaments and ammunition for purpose of defense of person, family, home, or property, regardless of any condition that may exist, including state or national emergency. These provisions do not apply with respect to felons or individuals legally declared mentally incompetent. Includes other provisions and statements of policy.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments:

Adoption of this measure probably would not have any direct fiscal impact.

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 4, 1987

Subject: OWNERSHIP OF FIREARMS. INITIATIVE
CONSTITUTIONAL AMENDMENT

Our File No.: SA 87 RF 0033

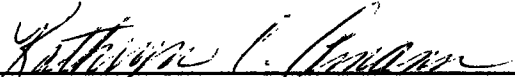
Name of Proponent(s) and Address(es):

Carl Murphy
1601 Berkeley Drive
Lompoc, CA 93436

Bernadine Smith
215 E. Amber Way
Hanford, CA 93230

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

Executed at Sacramento, California, on:
December 4, 1987.



Kathryn C. Amann
Declarant

P.O. Box 1776
Hanford, California
93232

October 27, 1987

State of California
Office of the Attorney General
1515 K Street Suite 511
Sacramento, California

Attention: Mr. Robert Burton
Mr. Paul Dobson, Supr. Atty.

Gentlemen:

Enclosed is our check in the amount of \$200.00 and a copy of our proposed amendment to the Constitution of the State of California.

We would prefer that our initiative measure be titled:

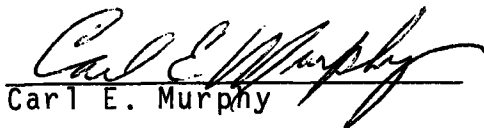
"FIREARMS. INITIATIVE CONSTITUTIONAL AMENDMENT."

Our preference for the summary is as follows:

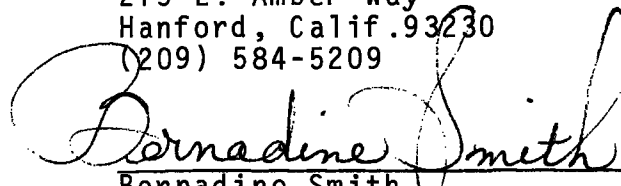
"Bars public officials and the Legislature from: prohibiting the private ownership of firearms or ammunition, confiscating privately-owned firearms or ammunition, taking any action restricting or denying the right to purchase, own, possess, sell, lease, loan, manufacture, transport, or use arms and ammunition for purpose of defense of person, family, home, or property, regardless of any condition that may exist, including state or national emergency. These provisions do not apply with respect to felons or individuals legally declared mentally incompetent and does not restrict prosecution for the criminal use of firearms."

The proponents of this measure are both registered voters, residing at and registered at the addresses given below:

Carl E. Murphy
1601 Berkeley Drive
Lompoc, Calif. 93436
(805) 735-1140


Carl E. Murphy

Bernadine Smith
215 E. Amber Way
Hanford, Calif. 93230
(209) 584-5209


Bernadine Smith
Business Phone during the day:
(209) 584-8652 (Smith Welding Shop)

This is a request for your office to provide title + summary for the attached proposed initiative.

PROPOSED AMENDMENT TO CALIFORNIA STATE CONSTITUTION

Article 1, Section 1.5.

[Right of the People to Keep and Bear Arms]

Section 1.5. The right of the people to keep and bear arms, individually and collectively, organized and unorganized, is an inalienable natural right and the free exercise and enjoyment of this right is guaranteed and protected herein from all infringements.

[Declaration of Interpretation of Right]

It shall be herein recognized that:

- (a) The Second Amendment to the United States Constitution, written by the Founders of the Federal Republic, is a confirmation that the right of the people to keep and bear arms is an inherent natural right.
- (b) The Second Amendment confirms that liberty must be kept forever fortified; that a disarmed populace is ruinous to the security of a free state; and that the individual has an inalienable natural right to self-defense in order to protect person, family, home, and property.
- (c) The Second Amendment is an unceasing restraint against governmental interference with the natural rights to which it refers, and it forbids any curtailment or infringement of those rights.
- (d) The reasonings and discourses made in the Second Amendment's behalf, by the authors of that amendment shall be the basis for the clarification and proper interpretation of this guaranteed natural right of the people of this State to keep and bear arms.

[Responsibilities of State and Local Government Officials]

No public official, elected or non-elected, in this State or its subdivisions, nor the Legislature, nor any public body, shall prohibit the private ownership of arms or ammunition, or confiscate the people's privately-owned arms or ammunition; nor take any action, directly or indirectly, which would restrict or deny the guaranteed natural right of the people to purchase, own, possess, sell, lease, loan, manufacture, transport, or use arms and ammunition for the purpose of defense of person, family, home, or property, regardless of any condition that may exist, including a declaration of State or national emergency.

The Legislature, and all public officials, elected or non-elected, in this State and its subdivisions are herein charged with the duty and responsibility of concurrence and compliance with the provisions of this section in order to protect the inalienable natural arms rights of the people (with the exception of felons or individuals legally declared mentally incompetent) so that the right to self-defense; defense of family, home, and property; defense of a free state; and recreational use of arms, including the sport of hunting, shall be preserved.

No legal interpretation of this section shall be permitted to impair the clear intent of this section to clarify, reaffirm, and protect the natural right of the civilian population to keep and bear arms.

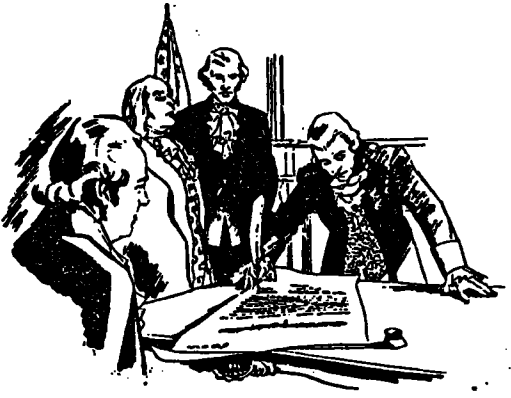
If any portion of this section is for any reason declared to be invalid, the remaining portions of this section shall not be affected but shall remain in full force and effect.

(FULL TEXT)

SECOND AMENDMENT COMMITTEE

Post Office Box 1776

Hanford, Calif. 93232



March 4, 1988

Fair Political Practices
Legal Counsel - Diane Griffiths
428 J Street - Suite 800
Sacramento, California 95814

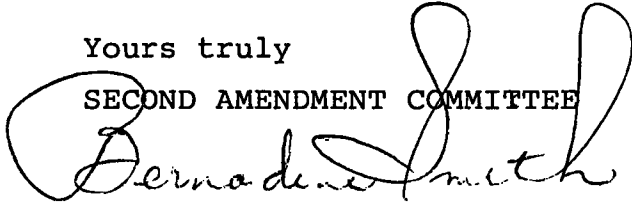
Dear Mrs. Griffiths:

In accordance to the instructions I received in conversations with Mary Ann in Technical Assistance and Analysis Division, I am formally notifying you that I am, as both the proponent of the "Ownership of Firearms" state constitutional amendment, and the secretary-treasurer of the Second Amendment Committee, as of this date am withdrawing our initiative measure, am putting it "on hold" as we continue on with the qualification process from a "measured time period" to an "unmeasured time period. In conversation with the chief of the division of Technical Assistance and Analysis Division, I have explained the handicaps we have tried to overcome, and I have explained in detail what our activities will consist of in this interim before we file again in this same qualifying period.

A copy of this letter will be sent to all offices concerned. If there are any questions needing answers I will be happy to respond. My phone numbers are (209) 584-5209 and 582-8534.

Yours truly

SECOND AMENDMENT COMMITTEE


Bernadine Smith, Sec.-Treas.

BS:

cc: Chief of Div.

Technical Assistance & Analysis

Secretary of State - Elections Division

Other concerned parties

Barbara Lee 420

NEWS RELEASE

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

For Immediate Release
December 7, 1987

Contact: Melissa Warren

THREE NEW INITIATIVES ENTER CIRCULATION, REPORTS EU

SACRAMENTO -- Proponents of measures that would increase the tax on cigarettes and tobacco products, guarantee private ownership of firearms and reinstate funding for the Cal-OSHA program have been given the green light to begin gathering signatures, Secretary of State March Fong Eu announced today (Dec. 7).

Neil C. Andrews and Carolyn Martin of the Coalition for a Healthy California are heading the drive to qualify "Cigarette and Tobacco Tax. Benefit Fund." initiative constitutional amendment and statute for the ballot. They must collect signatures of 595,485 registered voters and submit them to county elections officials by May 2 in order to place their proposal before the voters at the Nov. 1988 general election.

If adopted by the voters, the measure would impose on cigarette distributors an additional tax of one and one-fourth (1¼¢) for each cigarette distributed. A tax equivalent to the combined rate of that imposed on cigarettes would be imposed on distributors of other tobacco products, which includes, but is not limited to, "all form of cigars, smoking tobacco, chewing tobacco, snuff, and any other articles . . . containing at least 50 percent tobacco. . . ." The State Board of Equalization would determine this tax annually. Moneys generated by the tax would be deposited in the newly created Cigarette and Tobacco Products Surtax Fund to be used for research and treatment of tobacco related diseases, school and community health education programs about tobacco, fire prevention and environmental conservation and damage restoration programs. Further, such revenues would be exempted from the government appropriations limit.

(over)

Proponents can be reached in Sacramento at (916) 448-0500 or in Los Angeles at (213) 937-6464.

Carl Murphy of Lompoc, telephone (805) 735-1140, and Bernadine Smith of Hanford, telephone (209) 584-8652 or 584-5209, are gathering signatures to qualify a measure that would bar the Legislature and public officials from prohibiting private ownership of firearms or ammunition, confiscating privately-owned firearms or ammunition, or restricting or denying the right to purchase, own, possess, sell, lease, loan, manufacture, transport, or use arms "for the purpose of defense of person, family, home, or property, regardless of any condition that may exist, including a declaration of State of national emergency." The provisions of the measure would not apply to felons or to individuals legally declared mentally incompetent.

This measure is also a constitutional amendment needing 595,485 signatures by May 2 to qualify for the Nov. ballot.

John F. Henning, Executive Secretary-Treasurer of the California Labor Federation, is the proponent of an initiative statute titled "State Occupational Safety and Health Plan." In 1987, the governor took action to withdraw the state's occupational safety and health plan and to reduce its funding. This measure would require that funds be budgeted for the state plan and that steps be taken to prevent withdrawal of federal approval or, if approval were withdrawn, to submit a new plan.

Proponent Henning must submit 372,178 signatures of registered voters by May 2 if he is to place the measure on the ballot at the general election. He may be reached at (415) 986-3585.

Copies of the initiatives, their circulation calendars and titles and summaries are attached.

###

INITIATIVE CHECK LIST

Phone Notification from AG - Date/Time: 12/4/87 - 11:00

Title of Initiative: OWNERSHIP OF FIREARMS

Type of Initiative: X CA S CA and S

Number of Pages Number of Proponents 2

Date and Time Initiative will be ready for pick-up 12/4/87

Initial/Date/Time

1. da 12/4/11:04 OSSI informs Deborah/David/Barbara/Caren and Don day and time initiative will be ready for pick-up.
2. da 12/4/11:06 OSSI gives check list to Word Processing Technician to prepare calendar.
3. CBP 12/4/12:45 Word Processing Technician prepares and proofs calendar and log and returns both to OSSI.
4. 1 1 OSSI proofs calendar and log and gives to Elections Chief for review.
5. bl 12/4/13:55 Elections Analyst reviews and has Elections Chief sign. Elections Analyst returns signed calendar to OSSI.
6. da 12/4/13:55 OSSI makes copies of initiative calendar for each proponent.
7. da 12/4/14:10 OSSI attaches copy of Political Reform Act of 1974 Requirements to proponent's copy of initiative calendar.
8. da 12/4/14:14 OSSI prepares Mail/Freight Request Form. OSSI hand carries Mail/Freight Request form and initiative calendar for each proponent (ready for mailing) to Service and Supply. Initiative calendar sent on 12/4/87 to each proponent.
Date

(This must be sent to each proponent same day AG prepares Title and Summary).

9. da 12/4/14:30 OSSI advises Assistant Chief when initiative calendar is sent to proponent(s).

INITIATIVE CALENDAR CHECK LIST

Page two

10. DA 11/24/81 4:24 OSSI distributes copies of initiative calendar same day AG prepares Title and Summary to:

- Tony
- Caren
- Jerry
- Deborah
- Barbara

11. DA 11/28/81 10:00 OSSI distributes copies of initiative calendar to:

- All CC/ROV ³
- Political Reform (6 copies)
- Elections Staff
- LA Office via LA Pouch - J.R. Schultz (12 copies)
- Initiative mailing list
- Extra copies for public distribution
- Master copy

12. DA 11/28/81 15:00 OSSI advises Assistant Chief of completion of above distribution.

13. OP 11/24/81 5:00 OSSI makes copies of log and distributes as follows:

1. Initiative canvass binder
2. Ron Wong - FTB
3. Joe Samora - Archives

14. OP 11/24/81 5:00 OSSI prepares folder for public distribution.

15. OP 11/24/81 5:00 OSSI prepares index cards for each initiative.

16. DA 11/24/81 4:14 OSSI staples Mail/Freight Request form to back of INITIATIVE CHECK LIST.

17. DA 11/28/81 5:00 OSSI returns completed INITIATIVE CHECK LIST to Assistant Chief.

18. 4 11/28/81 2:23 Assistant Chief returns check list to Election Analyst.

ELECTIONS DIVISION
MAIL/FREIGHT REQUEST

Mail Submitted to Mail Room 12/4/87 4:14
Date Time

Request mail to be sent no later than 12/4/87.
Date

MAIL:

- 1st Class
 Bulk
 Book Rate
 Presort
 Third Class

CHARGES:

Amount: 394.
Pieces: 2.

FREIGHT:

- UPS
 Purolator
 Greyhound (Next bus out: Yes ___ No ___)
 Air-Freight
 Truck Lines

ACTIVITY:

- Outreach (Specify: _____)
 County Mailings (#'s: _____)
 Ballot Pamphlet
 Other (Specify: _____)
 Initiative Calendar to Proponent(s).

Mail room sent requested mail on 12/4/87.

AS
Initial (Service and Supply)