

4-27-1988

## Homestead Against Negligence Liability.

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Office of the Secretary of State  
March Fong Eu


1230 J Street  
Sacramento, California 95814

#451  
ELECTIONS DIVISION  
(916) 445-0820  
For Hearing and Speech Impaired  
Only:  
(800) 833-8683

October 24, 1988

TO: All County Clerks/Registrars of Voters  
and Proponent (88233)

FROM:

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

Pursuant to Elections Code section 3520(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: HOMESTEAD AGAINST NEGLIGENCE LIABILITY.  
INITIATIVE STATUTE.

SUMMARY DATE: April 27, 1988

PROPONENT: David Edwin Kaye

DS/1/da



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March Fong Eu

1230 J Street  
Sacramento, California 95814

ELECTIONS DIVISION  
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April 27, 1988

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT (88111)

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:

HOMESTEAD AGAINST NEGLIGENCE LIABILITY.  
INITIATIVE STATUTE.

Circulating and Filing Schedule

- 1. Minimum number of signatures required..... 372,178  
Cal. Const., Art. II, Sec. 8(b).
- 2. Official Summary Date..... Wednesday, 04/27/88  
Elec. C., Sec. 3513.
- 3. Petition Sections:
  - a. First day Proponent can circulate Sections for  
signatures..... Wednesday, 04/27/88  
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, 09/26/88\*  
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..... Monday, 10/03/88

(If the Proponent files the petition with the county on a date prior to 09/26/88, 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).

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

+PLEASE NOTE: To the Proponent 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. However, it is not likely that any initiative submitted after May 20, 1988 will be able to qualify for the November 8, 1988 General Election.

HOMESTEAD AGAINST NEGLIGENCE LIABILITY.  
INITIATIVE STATUTE.

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April 27, 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..... Wednesday, 10/12/88\*\*
- 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..... Thursday, 10/27/88

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 10/03/88 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 409,395 or less than 353,569, then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 353,569 and 409,395 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures..... Sunday, 11/06/88\*\*

- 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..... Tuesday, 12/20/88

(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 10/27/88, 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..... Saturday, 12/24/88

\*\*Date varies based on receipt of county certification.

HOMESTEAD AGAINST NEGLIGENCE LIABILITY.  
INITIATIVE STATUTE.

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4. The Proponent of the above named measure is:

David Edwin Kaye  
4860 Long Beach Blvd.  
Long Beach, California 90805

5. Important Points:

- (a) Please refer to Elections Code sections 44, 3501, 3507, 3508, 3517, and 3519 for appropriate format and type considerations in printing, typing, and otherwise preparing your initiative petition for circulation and signatures. 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.
- (b) Your attention is directed to the campaign disclosure requirements of the Political Reform Act of 1974, Government Code section 81000 et seq.
- (c) When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- (d) When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- (e) When filing the petition with the county elections official, please provide a blank petition for elections official use.

Sincerely,



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

Attachment: POLITICAL REFORM ACT OF 1974 REQUIREMENTS

04/27/88

JOHN K. VAN DE KAMP  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



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

(916) 323-1995

April 27, 1988

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

Dear Mrs. Eu:

Initiative Title and Summary.  
Subject: HOMESTEAD AGAINST NEGLIGENCE  
LIABILITY. INITIATIVE STATUTE.  
Our File No: SA 88 RF 0010

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 of the above identified proposed initiative our title and summary.

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

Very truly yours,

JOHN K. VAN DE KAMP  
Attorney General

A handwritten signature in cursive script that reads "Floyd D. Shimomura".

FLOYD D. SHIMOMURA  
Deputy Attorney General

FDS:rrc  
Enclosures

David Edwin Kaye SA 88 RF 0010  
4860 Long Beach Blvd.  
Long Beach 90805, Ca.  
Tel: (213) 423-7544

HILL INITIATIVE

HOMEOWNERS INSURANCE LIABILITY LIMITATION INITIATIVE

HOMEOWNERS and small businesses need negligence INSURANCE LIABILITY reform; therefore support for an initiative is a must and must begin with local support as a political reality. Homeowners of one or two homes, resident in one, shall be homesteaded against negligence liability of \$200,000 for any number of claims. Present laws and court interpretations concerning criminal or gross negligence cannot be changed nor reinterpreted unless by an initiative or 2/3 vote of the legislature. Only a government body, by successfully prosecuting a case within 160 days of occurrence, can give a claimant right to sue for negligence, circumventing the homestead of \$200,000.\*

Where there are multiple residential rentals, the homestead will be \$800,000,\* but there must be a resident owner-manager who clearly has a \$10,000 equity in the property.\*\* Also, the rental cannot be on an hourly basis; 50% of all rentals must be weekly or monthly with no hourly rentals.

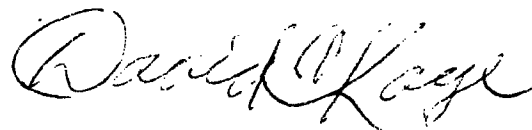
All pain and suffering claims and amounts for any claim against owners are excluded, except where a government agency has successfully prosecuted for negligence within 160 days of occurrence.

\* The amount shall be indexed yearly to cover inflation.

\*\* A substitute manager may be assigned for not more than 30 days in 12 months.

Aug 1, 1986 (c)

Jan 1, 1988 (c)



Date: April 27, 1988  
File No: SA 88 RF 0010

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

**HOMESTEAD AGAINST NEGLIGENCE LIABILITY. INITIATIVE STATUTE.**

Provides that owner of one or two homes, resident in one, shall be "homesteaded" against negligence liability of \$200,000 for all claims. Excludes pain and suffering claims and amounts for any claim against owners. Government body gives claimant right to sue by successfully prosecuting for negligence within 160 days. Declares homestead will be \$800,000 where there are multiple residential rentals provided there is a resident owner-manager who has \$10,000 equity and 50% of all rentals must be weekly or monthly; no hourly rentals. Restricts how criminal or gross negligence law changes are made. The Legislative Analyst and Director of Finance conclude after analysis of the proposed initiative that they are unable to estimate its fiscal impact on State and local government.



JOHN K. VAN DE KAMP  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



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

(916) 323-1995

April 27, 1988

David Edwin Kaye  
4860 Long Beach Blvd.  
Long Beach, CA 90805

Initiative Title and Summary.  
Subject: HOMESTEAD AGAINST NEGLIGENCE  
LIABILITY. INITIATIVE STATUTE.  
Our File No: SA 88 RF 0010

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 "Floyd D. Shimomura".

FLOYD D. SHIMOMURA  
Deputy Attorney General

FDS:rrc  
Enclosures



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 of 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: April 27, 1988

Initiative Title and Summary.

Subject: HOMESTEAD AGAINST NEGLIGENCE  
LIABILITY. INITIATIVE STATUTE.

Our File No: SA 88 RF 0010

Name of Proponents and Addresses:

David Edwin Kaye  
4860 Long Beach Blvd.  
Long Beach, CA 90805

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

Executed at Sacramento, California, April 27, 1988.



ROSEMARY R. CALDERON  
Declarant  
(916) 323-1995

INITIATIVE CHECK LIST

Phone Notification from AG - Date/Time: 4/27/88 - 10 A.M.  
 Title of Initiative: HOMESTEAD AGAINST NEGLIGENCE LIABILITY  
 Type of Initiative:      CA   /   S      CA and S  
 Number of Pages   2   Number of Proponents   1    
 Date and Time Initiative will be ready for pick-up 4/27/88 - 12:00

Initial/Date/Time

1. da 14/27/10:00 OSSI informs Deborah/David/Barbara/Caren and Don day and time initiative will be ready for pick-up.
2. da 14/27/10:45 OSSI gives check list to Word Processing Technician to prepare calendar.
3. gw 14/27/1:50 Word Processing Technician prepares and proofs fraud calendar and log and returns both to OSSI.
4. da 14/27/2:00 OSSI proofs calendar and log.
5. da 14/27/2:10 OSSI gives final calendar and log to Elections Analyst. - DIVER COX
6. osc 14/27/3:05 Elections Analyst reviews and has Elections Chief sign. Elections Analyst returns signed calendar to OSSI.
7. da 14/27/3:30 OSSI makes copies of initiative calendar for each proponent.
8. da 14/28/12:00 OSSI attaches copy of Political Reform Act of 1974 Requirements to proponent's copy of initiative calendar.
9. da 14/27/3:50 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 4/27/88 to each proponent.  
Date

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

10. da 14/27/4:30 OSSI advises Assistant Chief when initiative calendar is sent to proponent(s).

INITIATIVE CALENDAR CHECK LIST

Page two

11. da 14/27 4:15 OSSI distributes copies of initiative calendar same day AG prepares Title and Summary to:

Tony  
 Caren  
 Jerry  
 Deborah  
 Barbara

12. da 15/5 3:00 OSSI distributes copies of initiative calendar to:

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

13. da 15/5 5:00 OSSI advises Assistant Chief of completion of above distribution.

14. 1 1 OSSI makes copies of log and distributes as follows:

1. Initiative canvass binder
2. Vi Daniels - FTB
3. Archives
4. Oliver Cox
5. Initiative Clipboard

15. AP 15/5 1:30 OSSI prepares folder for public distribution.

16. AP 15/5 1:45 OSSI prepares index cards for each initiative.

17. da 14/21 3:50 OSSI staples Mail/Freight Request form to back of INITIATIVE CHECK LIST.

18. da 15/5 5:00 OSSI returns completed INITIATIVE CHECK LIST to Assistant Chief.

19. \$1 1 Assistant Chief returns check list to Election Analyst.

ELECTIONS DIVISION  
MAIL/FREIGHT REQUEST

Mail Submitted to Mail Room 4/27/88 1 3:50  
Date Time

Request mail to be sent no later than 4/27/88  
Date

MAIL:

- 1st Class
- Bulk
- Book Rate
- Presort
- Third Class

CHARGES:

Amount: .65  
Pieces: ALL 3 INITIATIVES IN ONE ENVELOPE

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 SW

4/27/88  
Initial (Service and Supply)