

1-18-1990

Terms Of Office. Public Officers Retirement. Resignations.

Follow this and additional works at: http://repository.uchastings.edu/ca_ballot_inits

Recommended Citation

Terms Of Office. Public Officers Retirement. Resignations. California Initiative 495 (1990).
http://repository.uchastings.edu/ca_ballot_inits/660

This Initiative is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Initiatives by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.

#495



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

July 2, 1990

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND
PROponents (90141)

FROM: *Caren Daniels Meade*
CAREN DANIELS-MEADE
CHIEF, ELECTIONS DIVISION

Pursuant to Elections Code section 3520(b) you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE CONSTITUTIONAL AMENDMENT filed with all county elections official is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has failed.

TITLE: TERMS OF OFFICE. PUBLIC OFFICERS RETIREMENT.
RESIGNATIONS.
INITIATIVE CONSTITUTIONAL AMENDMENT.

SUMMARY DATE: January 18, 1990

PROponents: William H. Sullivan
Bruce Daniel, D.D.S.
Judi Haderer
Tom Mezger
Ralph D. Morrell

CDM/bl/cb





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

#495

January 18, 1990

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS(90008)

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:

**TERMS OF OFFICE. PUBLIC OFFICERS RETIREMENT. RESIGNATIONS.
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.....Thursday, 01/18/90
Elec. C., Sec. 3513.
3. Petition Sections:
 - a. First day Proponent can circulate Sections for
signatures.....Thursday, 01/18/90
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, 06/18/90* +
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, 06/25/90

(If the Proponents file the petition with the county on a date prior to 6/18/90, 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.

+ NOTE TO PROPONENTS WHO WISH TO QUALIFY FOR THE NOVEMBER 6, 1990 GENERAL ELECTION: The law allows approximately 107 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 107 days. However, if you want to be sure that this initiative qualifies for the November 6, 1990 General Election, you should file this petition with the county before March 23, 1990.

TERMS OF OFFICE. PUBLIC OFFICERS RETIREMENT. RESIGNATIONS.
INITIATIVE CONSTITUTIONAL AMENDMENT.

January 18, 1990
Page 2

- 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, 07/04/90**

- 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
.....Wednesday, 07/25/90

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 6/25/90, the last day is no 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 655,033 and 565,711 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures
.....Saturday, 08/04/90**

- 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, 09/18/90*

(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 7/25/90, the last day is no 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, 09/22/90

**Date varies based on receipt of county certification.

TERMS OF OFFICE. PUBLIC OFFICERS RETIREMENT. RESIGNATIONS.
INITIATIVE CONSTITUTIONAL AMENDMENT.

January 18, 1990

Page 3

4. The Proponents of the above-named measure are:

William H. Sullivan
Bruce Daniel, D.D.S.
Judi Haderer
Tom Mezger
Ralph D. Morrell
3301 Loreto Drive
San Ramon, California 94583

5. Important Points:

- (a) California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fund raising or requests for support. Any such misuse constitutes a crime under California law. Elections Code section 29770; *Bilofsky v. Deukmejian* (1981) 123 Cal.App. 3d 825, 177 Cal.Rptr. 621; 63 Ops. Cal.Atty.Gen. 37 (1980).
- (b) Please refer to Elections Code sections 44, 3501, 3507, 3508, 3517, and 3519 for appropriate format and type consideration in printing, typing, and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- (c) Your attention is directed to the campaign disclosure requirements of the Political Reform Act of 1974, Government Code section 81000 et seq.
- (d) 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.
- (e) 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.
- (f) When filing the petition with the county elections official, please provide a blank petition for elections official use.

Sincerely,



CAREN DANIELS-MEADE
Chief, Elections Division

Attachment: POLITICAL REFORM ACT OF 1974 REQUIREMENTS

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

January 18, 1990

(916) 324-5508

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

JAN 18 1990

MARCH FONG EU, Secretary of State

By *[Signature]*
Deputy

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

Dear Mrs. Eu:

Initiative Title and Summary

Subject: TERMS OF OFFICE. PUBLIC OFFICERS RETIREMENT.
RESIGNATIONS. INITIATIVE CONSTITUTIONAL AMENDMENT.

Our File No. SA 89 RF 0045

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 of the above-identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponents, 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 names and addresses of the proponent are as stated on the declaration of mailing.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General

Mary Whitcomb
MARY WHITCOMB
Initiative Coordinator

MW:lac

Enclosures

Date: January 18, 1990
File No.: SA 89 RF 0045

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

TERMS OF OFFICE. PUBLIC OFFICERS RETIREMENT. RESIGNATIONS.

INITIATIVE CONSTITUTIONAL AMENDMENT. Limits persons elected or appointed to offices of Governor, Lieutenant Governor, Attorney General, Controller, Insurance Commissioner, Secretary of State, Superintendent of Public Instruction, State Treasurer, State Senator, member State Assembly, member Board of Equalization to two full terms; provides for automatic resignation of persons holding such offices for seeking, soliciting or accepting contributions for, other federal, state or local elected offices; requires persons elected to such offices on or after November 1, 1990, to participate in federal Social Security program; precludes accrual of other pension and retirement benefits, except vested rights. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure would result in an annual \$1 million savings for the General Fund due to the termination of current members and prohibition of new legislative members and state constitutional officers from earning specified retirement benefits in the future. It would also result in unknown costs to local governments of several hundred thousand dollars during election years to hold special elections for legislative offices vacated by persons pursuing other federal, state, or local offices.

SA89RF0045



Reply To:

3301 Loreto Drive
San Ramon, CA 94583

OPERATION NEW BROOM

Coalition To Limit Terms Of Office

RECEIVED
DEC 07 1989

December 6, 1989

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

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Attorney General Van de Kamp:

We request the Attorney General prepare an official Title and Summary for the "Citizens Representation Act of 1990", a proposed constitutional amendment voter initiative, the text of which is attached hereto.

Upon completion, please forward to Operation New Broom at the mailing addresses indicated.

This supercedes all previously submitted proposals under the auspices of "Operation New Broom." Our check in the amount of \$200.00 is enclosed.

Proponents

William H. Sullivan
William H. "Bill" Sullivan,
Campaign Chairman
Operation New Broom
3301 Loreto Drive
San Ramon, CA 94583

Bruce Daniel
Bruce Daniel, D.D.S.
Chairman, Call To Action
P. O. Box 165
Loomis, CA 95650

Joel Haderer
Joel Haderer
P. O. Box 961
San Bruno, CA 94066

Tom Mezger
Tom Mezger
P. O. Box 287
Yolo, CA 95697

Ralph D. Morrell
Ralph D. Morrell, Chairman
Operation Slush Fund
825 Newgate Way
Dixon, CA 95620

Proponents of The Citizens' Representation Act of 1990.
A Constitutional Amendment Voter Initiative



Coalition To Limit Terms Of Office
[Operation New Broom]
Amended Draft Initiative - State Government

(25 September 1989)

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

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

[Here set forth the title and summary prepared by the Attorney General. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.]

Proposed Title: Citizen Representation Act of 1990

TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

We, the undersigned, registered, qualified voters of California, residents of _____ County (or City and County), hereby propose amendments to the Constitution of California and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The proposed constitutional amendments read as follows:

SECTION 1. TITLE AND PURPOSE. This amendment to the Constitution of California shall be entitled the Citizen Representation Act of 1990. The primary purpose of this Act

is to reduce incentives to political corruption, misuse of political power and abuse of the public trust, by limiting the amount of time any person may hold any one of the elective offices specified in the Act. This Act will encourage elected public officials to devote themselves exclusively to the duties of their offices; reduce the opportunity to make a career of holding offices of public trust and profit; reduce the incentives and opportunities for corruption; reduce the ability of elected officials to misuse their offices as springboards to seek election to another office; restore equity of treatment between elected officials and the electorate as to retirement benefits and the tax burden involved in funding those benefits; and protect the legitimate expectations of the electorate in voting a candidate into office. This Act shall be construed liberally to effect its purposes.

SECTION 2. TENURE. Section 12 is added to Article VII of the California Constitution, to read:

SEC. 12. (a) No person may serve more than two full terms in the same office.

(b) This Section applies to any person who commences a term of office on or after the day this Act is adopted; however, a person elected to office on the day this Act is adopted shall serve the term to which elected and if at the completion of the term the person has accumulated two or more full terms in that office the person shall be ineligible for another term. If a person is elected or appointed, or succeeds to, a vacated

office to serve the unexpired portion of a full term, and that portion is less than one-half a full term, such service shall not constitute a full term within the meaning of subdivision (a) of this Section; if more than one-half a full term is served, the person shall be considered to have served a full term. A person who has served two full terms in any office covered by this Act shall not be eligible for appointment to that same office.

(c) As used in this Section, "office" means any of the following offices:

(1) Governor, Lieutenant Governor, Attorney General, Controller, Insurance Commissioner, Secretary of State, Superintendent of Public Instruction, and Treasurer.

(2) State Senator.

(3) Member of the State Assembly.

(4) Member of the Board of Equalization.

(d) The lengths of terms for offices to which this Act applies may be changed only by a vote of the people, a majority of those voting approving such change.

(e) The length of term for any elective office other than judicial which in the future may be created under this Constitution shall not exceed four years, and no person shall serve more than two terms in any such office.

SECTION 3. CANDIDACY FOR ANOTHER OFFICE. Section 13 is added to Article VII of the California Constitution, to read:

SEC. 13. If any person who holds any office specified in subdivisions (c) and (e) of Section 12 becomes

a candidate for any other federal, state or local elective office subsequent to adoption of this Act, the candidacy shall constitute automatic resignation from the office then held and that office shall be filled promptly as specified by law. For the purposes of this Section, a person becomes a candidate for another elective office who:

(a) Files nomination papers or a statement of candidacy or similar document with a duly authorized election official in order to qualify as a candidate for election to another office; or,

(b) Solicits or accepts a contribution to a fund whose proceeds are intended to be used, or are used, to further the person's candidacy for another office; or,

(c) Forms a committee or accepts aid from a committee over which the person has no control, among whose purposes is furthering the person's candidacy for another office; or,

(d) Engages in any other substantial conduct, the purpose of which is to further the person's candidacy for another office.

SECTION 4. PENSION AND RETIREMENT BENEFITS. Section 11 (d) is added to Article VII of this Constitution, to read:

SEC. 11. (d) Notwithstanding any other provision of existing law, a person elected on or after November 1, 1990, to any office named in Sec 12(c) or 12(e) of this Article shall participate in the Federal Social Security (Retirement, Disability, Health Insurance) Program and the State shall pay only the employer's share of the contribution necessary

to such participation. No other pension or retirement benefit shall accrue as a result of service in any office covered by this Act. This Section shall not be construed to abrogate or diminish any vested pension or retirement benefit which may have accrued under an existing law to a person holding or having held one of the offices specified in this Act prior to its adoption, but upon its adoption no further entitlement to nor vesting in any existing program shall accrue to any such person, other than Social Security to the extent herein provided.

SECTION 5. STANDING TO ENFORCE. Any person lawfully registered to vote in California shall have legal standing to bring action to enforce the provisions of this Act. Notwithstanding any other provision of law, a person who brings such an action and prevails shall be entitled to recover all costs of the action, reasonable attorney's fees, and such further damages as a court may decide are reasonable and warranted.

SECTION 6. USE OF PUBLIC MONIES PROHIBITED. The use of public monies by any person or governmental body for the purpose of bringing action before a court to invalidate or overturn all or any portion of this Act is prohibited.

SECTION 7. SEVERABILITY. If any provision of this Act is determined by the judgment of a court of competent jurisdiction to be invalid or void for any reason, after giving maximum weight to the People's reserved right to the initiative and to their inherent supremacy of political power

over institutions they have created, the other provisions shall remain in full force and effect.

- - - - -

NEWS RELEASE

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

For Immediate Release
January 19, 1990

Contact: Melissa Warren

SECRETARY OF STATE EU REPORTS FOUR NEW INITIATIVES IN CIRCULATION

SACRAMENTO — Three initiatives dealing with terms of office for elected officials and one relating to timberland acquisition have been cleared to begin circulating for signatures, Secretary of State March Fong Eu announced today (Jan. 19).

William H. Sullivan of San Ramon, telephone (415) 829-2828; Ralph Morrell of Dixon, telephone (916) 678-2543; Judi Haderer of San Bruno; and Tom Mezger of Yolo are "Operation New Broom," organized to place "Terms of Office. Public Officers Retirement. Resignations" on the ballot. The measure would limit persons elected or appointed to statewide constitutional offices, legislators and members of the Board of Equalization to two full terms. Under its provisions any incumbent in these offices would be required to resign that office to seek, solicit or accept contributions for other local, state or federal elected office. Persons elected to these offices on or after Nov. 1, 1990 would be required to participate in the federal Social Security program and would be precluded from accruing other pension and retirement benefits, except vested rights.

Lee Phelps of Aptos, telephone (408) 688-8986, is the proponent of a similarly titled measure, "Terms of Office. Public Officers Retirement. Resignations. Misuse of Public Funds." It provides also for a two-term limit for statewide

(over)

#495
#496
W
2/23/90



elected officers, legislators and Board of Equalization members, resignation from office to seek other elected office, and participation in federal Social Security. Further, it would prohibit the use of public resources to influence the election of candidates or passage of ballot measures.

Peter F. Schabarum of West Covina, J. G. Ford, Jr. and Lewis K. Uhler of Loomis, telephone (916) 791-7236, are heading the drive to qualify "Terms of Office. Legislators Retirement. Legislative Operating Costs" for the ballot.

#497
#502

It would limit all statewide elected officers except the Insurance Commissioner, State Senators and members of the Board of Equalization to two terms and members of the Assembly to three terms. It also would require legislators elected or serving after Nov. 1, 1990 to participate in federal Social Security, precluding accrual of other pension and retirement benefits resulting from legislative service, except vested rights. In addition, it would limit the Legislature's expenditures for compensation and operating and equipment costs to an amount specified in the measure.

These three measures are initiative constitutional amendments that require 595,485 signatures of registered voters to earn a spot on the ballot. The legal 150-day deadline for submission of signatures for all three is Jun. 18. However, all proponents wishing to place measures on the Nov. 6, 1990 general election ballot are encouraged to submit signatures by Mar. 23, in order to allow sufficient time for the full signature verification process, if necessary, before the June 26 measure qualification deadline.

"Timberland Acquisition. Bond Act" is an initiative statute, requiring 372,178 registered voter signatures with the same submission deadlines as above. Its proponent is Patrick Shannon of Willow Creek, telephone (916) 629-2401.

#498
#503

(more)

This measure would require the State to acquire the 193,000 acres of timberlands, mills and milltown of Pacific Lumber Company and resell it, subject to sustained yield harvesting practices, to the current employees, organized "pursuant to employee stock ownership plan." It would reserve 2,000 acres for a redwood wilderness preserve and 1,700 acres for resale within 20 years to private foundations or conservation groups for inclusion in the preserve. It would provide for state-financed loans to the employee corporation to "fund purchase, improvements, operating capital." Further, it authorized the issuance of \$940 million in general obligation bonds to fund the purchase and other provisions of the measure.

With the addition of these four measures, and the official failure of the first version of reapportionment measure sponsored by Senator Bill Leonard, R-Upland, to qualify, there are now 23 initiatives in circulation.

Copies of the circulation calendars and titles and summaries are attached. The full text of the measures can be obtained from the secretary of state's elections division, 1230 J St., Sacramento, CA 95814, (916) 445-0820.

###

9005MW