

10-15-1991

## Executions.

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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 24, 1992

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND PROPONENT  
(92092)  
FROM: Cathy Mitchell  
CATHY MITCHELL  
Initiative Coordinator

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 elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has failed.

TITLE: EXECUTIONS.  
INITIATIVE STATUTE.

SUMMARY DATE: October 15, 1991

PROPONENT: Thomas M. Hall

CM/cb





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#544

October 15, 1991

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT (91086)

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:

**EXECUTIONS.  
INITIATIVE STATUTE.**

Circulating and Filing Schedule

- 1. Minimum number of signatures required ..... 384,974  
Cal. Const., Art. II, Sec. 8(b).
- 2. Official Summary Date ..... Tuesday, 10/15/91  
Elec. C., Sec. 3513.
- 3. Petition Sections:
  - a. First day Proponent can circulate Sections for  
signatures ..... Tuesday, 10/15/91  
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 ..... Friday, 03/13/92  
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 ..... Friday, 03/20/92\*

(If the Proponent files the petition with the county on a date prior to 03/13/92, 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 varies based on receipt of county certification.



- 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, 03/29/92\*
  
- 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 ..... Friday, 04/17/92  
  
(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 03/20/92, 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 423,472 or less than 365,726, then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 365,726 and 423,472 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures ..... Monday, 04/27/92\*
  
- 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, 06/09/92  
  
(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 04/17/92, 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, 06/13/92\*

\* Date varies based on receipt of county certification.

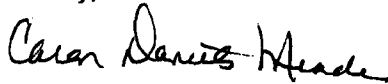
4. The Proponent of the above-named measure is:

Thomas M. Hall  
P.O. Box 4036  
Burbank, CA 91502

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 41, 41.5, 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

**Date: October 15, 1991**  
**File No.: SA 91 RF 0017**

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

**EXECUTIONS. INITIATIVE STATUTE.** Repeals existing statutes governing execution of prisoners sentenced to death. Enacts new statutes requiring: execution near location where the crime was committed in an area open to the public; provision by the State of facilities for press, jury and victim's family. Requires jury attendance at execution. Permits victim's family to choose method of execution, which shall be by hanging, decapitation, electrocution or by firing squad unless prisoner donates body for scientific research or organ transplant, in which case researcher or doctor determines method. Executioner must be chosen by highest bid; proceeds to offset execution cost. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure would result in potential one-time state costs of several million dollars for construction of death row cells at various state prisons. The measure would also result in unknown state and local government costs for conducting public executions, potentially in the hundreds of thousands of dollars per execution, with the total annual cost dependent on the number of executions occurring in a given year.

DANIEL E. LUNGREN  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



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

(916) 324-5464

October 15, 1991

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

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

OCT 15 1991

MARCH FONG EU, Secretary of State  
By *CB Mitchell*  
Deputy

RE: Initiative Title and Summary  
Subject: EXECUTIONS. INITIATIVE STATUTE.  
Our File No.: SA 91 RF 0017

Dear Mrs. Eu:

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 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.

Sincerely,

DANIEL E. LUNGREN  
Attorney General

*Mary Whitcomb*  
MARY WHITCOMB  
Initiative Coordinator

MW:  
Encls.

**CALIFORNIANS for CONSTRUCTIVE  
CAPITAL PUNISHMENT**

P.O. Box 4036  
Burbank, Ca. 91502

**SA91RF0017**

August 27, 1991

Mr. Dan Lungren  
Attorney General  
State of California  
1515 K St.  
#511  
P.O. Box 944255  
Sacramento, Ca. 94244-2550

**RECEIVED**  
AUG 29 1991

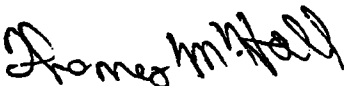
INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Dear Mr. Lungren:

Pursuant to Election Code 3502, I hereby request that you prepare titles and summaries for the two enclosed initiative measures. I enclose two checks, of \$200 each, as required by Election Code 3503.

Please provide me with copies of the titles and summaries within the statutorily prescribed period.

Very truly yours,



Thomas M. Hall

**MAKE THE DETERRENT REAL!**



**PROPOSED VOTER INITIATIVE ON CAPITAL PUNISHMENT**

**PART I**

Chapters 1 & 2 of Title 3 of the California Penal Code are hereby repealed in their entirety, and are replaced by the following language.

**PART II**

**CHAPTER 1: PERFORMANCE OF THE DEATH PENALTY**

- §3599 Definitions.
- §3600 Condemned Prisoners, delivery; detention pending execution.
- §3601 Place of Execution.
- §3602 Method of Execution; election of method.
- §3603 Ceremony of Execution.
- §3604 Executioners; method of selecting executioners.

**CHAPTER 2: ALTERNATE METHOD OF EXECUTION**

- §3605 Alternate method of execution, medical or scientific use of executed body.

**CHAPTER 3: SEVERABILITY**

- §3606 Severability.

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**§3599 Definitions**

- (a) The words Condemned and Prisoner shall refer to persons convicted of a capital crime, and sentenced to be put to death as punishment for their crime;
  - (i) The terms Condemned and Prisoner shall be synonymous and interchangeable.
- (b) The term Victim's Family shall refer to persons within the immediate family of any victim of a crime for which a person has been sentenced to be put to death;
  - (i) The term Victim's Family shall not refer to the immediate family of victims of crimes committed by the prisoner, but for which crimes the prisoner is not being executed.
- (c) Coup de Grace shall mean a pistol shot to the head, delivered from not more than 12 inches away from the target.
- (d) The use of the words he, him or his shall constitute gender neutral descriptions, and shall refer equally to male and female persons.

**§3600. Condemned prisoners; designation of prison; delivery; detention pending execution**

Every person, upon whom has been imposed the judgment of death, shall be delivered to the warden of the California state prison nearest to the place designated for the execution of the death penalty, there to be kept until the execution of the judgment.

**§3601 Place of Execution; designation of place of execution.**

The judgment of death shall be executed in a public place within the city, town, or unincorporated area in which the condemned's crime was committed.

- (a) The place of execution shall be designated by the judge who imposes the judgment of death.
  - (i) Any prisoner may only be executed one time, and only for that crime for which the sentencing judge imposed sentence.
- (b) The place of execution shall be on open, public land, and shall be open to the public during the execution of the judgment of death.
  - (i) The execution of judgment shall be open to all persons choosing to attend the execution. Spectators shall not be kept further away from the actual place of execution than is necessary for their safety.
  - (ii) Facilities shall be provided at no cost to all members of the press, and their equipment, who choose to attend and report the execution. These facilities shall provide an unimpeded view of the ceremony of execution, and uninterrupted power and transmission pathways for transmission of sound and pictures during the ceremony.
  - (iii) Facilities shall be provided at the place of execution for the attendance of all members of the sentencing court, including the jury, who shall attend the ceremony. Facilities shall also be provided for all members of the families of any victims of crimes for which the sentence of death is imposed to attend, if they choose. Before and during the ceremony, these persons shall be provided with refreshments and such honors as make the occasion comfortable for them.

**§3602 Method of execution; election of method.**

- (a) Except as provided in §3605, the punishment of death shall be inflicted by one of the following methods;**
  - (1) Hanging;**
  - (2) Decapitation;**
  - (3) Electrocution;**
  - (4) Shooting by firing squad.**
  
- (b) The election of the method of execution shall be made by members of the family of victims of the crime for which the judgment of death is imposed.**
  - (i) Election of the method of death shall be made not more than thirty, nor less than seven days prior to the date appointed for imposition of the penalty.**
  - (ii) Election of the method shall be made in writing.**
  
- (c) If members of the victims family do not elect a method of execution the condemned shall elect the method of execution.**

**§3603 Ceremony of execution.**

- (a) All executions shall be conducted on Saturday;**
  - (i) An execution may be scheduled on a day other than Saturday if, and only if, the sentencing judge issues a written finding, after an evidentiary hearing, that a larger attendance of spectators will attend the non-Saturday execution;**
  - (ii) Any Citizen registered to vote in the State of California has standing to challenge (factually and legally) any order scheduling an execution other than on Saturday.**
  
- (b) The victim's family, if it chooses, may appoint a speaker to deliver any sermon, or other message, to the crowd before the execution;**
  - (i) The state shall provide any technology necessary to make any such sermon audible and visible to all spectators attending the execution, and shall not limit the transmission of any such sermon by any press representatives;**
  - (ii) The state may not interfere in any way with any such sermon or message for any reason.**
  
- (c) The condemned may deliver, or appoint a speaker to deliver, any sermon, or message, to the crowd before the execution;**
  - (i) The state shall provide any technology necessary to make any such sermon or message audible and visible to all spectators attending the execution, and shall not limit the transmission of any such sermon by any press representatives;**
  - (ii) The state may not interfere in any way with any such sermon or message.**

- (d) Before the execution, the sentencing judge shall read to the assembled spectators the sentencing order and the death warrant;
  - (i) the sentencing judge may, if he chooses, deliver a message to the crowd before the execution.
- (e) The execution shall be carried out upon the completion of the delivering of victim's family's, condemned prisoner's and sentencing judge's messages, and the reading of the sentencing order and death warrant;
  - (i) The execution shall be carried out by the method chosen according to §3602(b) or (c), and by no other method in any circumstance;
  - (ii) The condemned prisoner may choose any form of dress for the ceremony;
    - (a) The state may not make any changes in any form of dress the prisoner chooses for the ceremony;
    - (b) The prisoner may not choose any form of dress which will physically interfere with the operation of the mechanism of execution;
    - (c) No prisoner shall be required to wear any article of clothing the prisoner chooses not to wear;
    - (d) No prisoner shall have his head, face or eyes covered at the time of execution, unless the prisoner has specifically requested such covering at the time of execution.
  - (iii) The executioner shall not conceal his identity during the execution with a mask or any other head or face covering;
  - (iv) At the time appointed for the execution by §(e) above, the sentencing judge shall turn custody of the prisoner over to the executioner;
    - (a) The executioner shall then prepare the prisoner for execution in the manner specified, and take all measures necessary to accomplish the execution.
- (f) Upon completion of the execution, the Executioner shall certify to the sentencing judge that the Condemned is dead, and shall return custody of the Condemned back to the sentencing judge;
  - (i) After the execution the body of the prisoner shall remain at the execution site until 2:00 a.m. on the Sunday following the execution date;
    - (a) The body shall remain available for public viewing while it is at the execution site;
    - (b) At the expiration of the viewing time, the body shall be delivered to the family of the prisoner, or to any other recipient named by the prisoner at the time of execution.

- (g) The public grounds appointed as the site for the execution shall be open to all persons, not less than 24 hours prior to the date set for the execution, and shall remain open to all persons for not less than 4 hours after the hour appointed for removal of the executed body;
  - (i) The state may not prohibit any food, beverage or souvenir vendors from the execution site during the time it is open to the public;
    - (a) The state may assess a vendor's license fee on vendors at the execution, but any such fee may not exceed the cost of daily license fees for street vendors in the community in which the execution is taking place;
    - (b) Any proceeds of assessing a vendor's license fee shall be used to defray the costs of cleaning the public place of execution.
    - (c) Any proceeds not needed for cleaning the place of execution shall be used to defray other costs of conducting the execution.

**§3604 Executioners; method of selecting executioners.**

The office of executioner for each execution shall be filled by auction to the highest bidder.

- (a) All proceeds for auctioning the office of executioner shall be used to defray the costs of conducting the execution.
- (b) Executioners may, if their bid so specifies, provide their own execution equipment;
  - (i) Any such execution equipment provided by an executioner shall be fully tested by the state to insure its proper operation, prior to the ceremony;
  - (ii) Any such equipment provided by an executioner shall be clean and free of any remnants or other indications of use in prior executions.
- (c) Executioners may include in their bids provisions for providing any public address equipment necessary to make the ceremony accessible to all spectators, and transmission facilities for any press representatives desiring to use "pooled" facilities;
  - (i) The provision of any technical facilities by an executioner shall not exclude any press representative from installing, and using, its own technical equipment at the site of the execution.

- (d) If the method of execution selected is firing squad, the firing squad shall consist of a Main Executioner and not less than eight shooters;
  - (i) The sentencing judge shall specify the number shooters, provided that the judge may not specify a number less than eight;
  - (ii) Each shooter shall be chosen by auction;
    - (a) The state may conduct one auction for all shooter positions at each execution;
    - (b) If the state conducts a single auction for shooters at an execution, the positions shall be filled by the highest bidders in order, up to the number specified by the sentencing judge.
  - (iii) The Main Executioner shall be chosen by auction separately from the auction for shooters;
  - (iv) The Main Executioner shall have command of the execution;
    - (a) And shall prepare the Condemned for execution;
    - (b) And shall instruct the shooters where and how to position themselves;
    - (c) And shall give the instruction to the shooters to shoot the Condemned;
    - (d) And shall administer a Coup de Grace to the Condemned immediately after the shooting by the shooters.

## **CHAPTER 2: ALTERNATE METHOD OF EXECUTION**

**§3605** Alternate method of execution, medical or scientific use of executed body.

If the Condemned, on his own motion, chooses to donate his body, after execution, for harvesting of organs for transplant purposes, or for scientific research, the Condemned shall be executed in a manner and place specified by the medical or scientific recipient of the donation;

- (a) The Condemned may decide to donate his body for medical or scientific purposes at any time up to 24 hours before the start of the date set for execution;
  - (i) In cases of emergency medical need arising during the 24 hours immediately preceding the date of execution, the sentencing judge, who shall remain at all times available and accessible to make the decision, may authorize the Condemned to donate his body at any time up until the time of execution.
- (b) If the Condemned chooses to donate his body for harvesting of organs for transplant purposes, the method and time of killing the Condemned shall be specified by the doctor to whom the body is donated;
  - (i) The time specified may not be more than seven days after the date specified by the sentencing judge as the date of execution;
  - (ii) The method specified shall be calculated, in the exclusive judgement of the doctor receiving the body, to yield the highest number of transplantable organs.

- (c) If the Condemned chooses to donate his body for scientific research, the method and time of killing the Condemned shall be specified by the researcher or research facility to whom the body is donated;
  - (i) The time of killing shall be not more than seven days after the date specified by the sentencing judge as the date of execution;
  - (ii) For purposes of this section, scientific research shall include the training of medical personnel.

### CHAPTER 3: SEVERABILITY

#### §3606 Severability.

In the event any section of this statute is found to be invalid for any reason, all other sections shall be severed from the invalid section, and shall remain in full force and effect.

## 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: October 15, 1991

Subject: EXECUTIONS. INITIATIVE STATUTE.


Our File No.: SA 91 RF 0017

Name of Proponent and Address:

MR. THOMAS M. HALL  
P.O. Box 4036  
Burbank, CA 91502

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

Executed at Sacramento, California, on: October 15, 1991.

  
LINDA CONWAY  
Declarant



DANIEL E. LUNGREN  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



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

(916) 324-5464

October 15, 1991

MR. THOMAS M. HALL  
P.O. Box 4036  
Burbank, CA 91502

RE: Initiative Title and Summary  
Subject: EXECUTIONS. INITIATIVE STATUTE.  
Our File No. SA 91 RF 0017

Dear Mr. Hall:

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.

Sincerely,

DANIEL E. LUNGREN  
Attorney General

A handwritten signature in cursive script that reads "Mary Whitcomb".

MARY WHITCOMB  
Initiative Coordinator

MW:lgc  
Encls.

# 544

### INITIATIVE CHECK LIST

Phone Notification from AG - Date/Time: 10/15/91 - 9:30  
Title of Initiative: EXECUTIONS.  
Type of Initiative:        CA  S        CA and S  
Number of Pages: 7 Number of Proponents: 1  
Date and Time Initiative will be ready for delivery: 10/15/91 - 3:20

- | Initial/Date/Time                         |  |
|---|--|
| 1. <u>da 10/15 9:30</u>                   | Deirdre informs Caren, Cathy, Media and Gabrielle (copy room) the day and time initiative will be ready for delivery.  |
| 2. <u>da 10/15 10:00</u>                  | Deirdre gives check list to Caroline to prepare calendar.  |
| 3. <u>da 10/15 10:30</u>                  | Caroline prepares and proofs calendar and log and returns both to Deirdre.   |
| 4. <u>da 10/15 <sup>10:35</sup> 11:00</u> | Deirdre proofs calendar and log.   |
| 5. <u>da 10/15 3:30</u>                   | Deirdre gives final calendar and log to Cathy.   |
| 6. <u>CBM 3:57 pm 10/15/91</u>            | Cathy reviews and has Caren sign. Cathy returns signed calendar to Deirdre.  |
| 7. <u>da 10/15 4:00</u>                   | Deirdre makes copies of initiative calendar for each proponent.  |
| 8. <u>da 10/15 4:15</u>                   | Deirdre attaches copy of Political Reform Act of 1974 Requirements to proponent's copy of initiative calendar.   |
| 9. <u>da 10/15 3:30</u>                   | Deirdre prepares Mail/Freight Request Form. Deirdre hand carries Mail/Freight Request form and initiative calendar for each proponent (ready for mailing) to Service and Supply. Initiative calendar sent on <u>10/15/91</u> (date) to each proponent. |
|   | (This <u>must</u> be sent to each proponent same day AG prepares Title & Summary).   |
| 10. <u>da 10/15 5:00</u>                  | Deirdre advises Cathy when initiative calendar is sent to proponent(s).  |

INITIATIVE CALENDAR CHECK LIST  
PAGE

11. da 10/15 4:30 Deirdre distributes copies of initiative calendar same day AG prepares Title & Summary to :
- Tony
  - Media
  - Jerry
  - Cathy
12. da 10/15 11:00 Deirdre distributes copies of initiative calendar to:
- All CC/ROV
  - Political Reform (2 copies)
  - Elections Staff
  - Initiative Mailing List
  - Extra copies for public distribution
  - Master copy
13. da 10/17 4:30 Deirdre advises Cathy of completion of above distribution.
14. da 10/17 10:00 Deirdre makes copies of log and distributes as follows:
1. Initiative canvass binder
  2. Vi Daniels (Initiative Mailing List)
  3. Melodi Andersen (Archives)
  4. Oliver Cox
  5. Initiative Clipboard
  8. Media Office
15. 10/17/91 Deirdre ~~Jennifer~~ Jennifer prepares folder for public distribution.
16. JB 10/17 2:30 Jennifer prepares index cards for each initiative.
17. da 10/15 3:30 Deirdre staples Mail/Freight Request form to back of INITIATIVE CHECK LIST.
18. da 10/17 4:30 Deirdre returns completed INITIATIVE CHECK LIST to Caren.
19. cam 10/17 11 am Caren returns check list to Cathy.

# ELECTIONS DIVISION

## Mail/Freight Request

Mail submitted to Mail Room:

10/15/91 3:30  
Date Time

Request Mail to be sent no later than:

10/15/91  
Date

1st Class Mail

Charges:

Amount:

.98 (PUL # 544 & 545  
TOGETHER)

Pieces:

1

Mail room sent requested mail on:

TOOK TO MAIL  
BOX OUT FRONT  
JA  
Initial (Service and Supply)