

8-21-1995

Prohibition On Public Agency Discrimination Or Preferential Treatment.

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Bill Jones
Secretary of State

1500 - 11th Street
Sacramento, CA 95814

Elections Division
(916) 657-2166
For Hearing and Speech
Impaired Only: (800) 833-8683

#668

August 21, 1995

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (95090)

Pursuant to Section 336 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:

PROHIBITION ON PUBLIC AGENCY DISCRIMINATION
OR PREFERENTIAL TREATMENT.
INITIATIVE CONSTITUTIONAL AMENDMENT.

Circulating and Filing Schedule

- 1. Minimum number of signatures required 693,230
Cal. Const., Art. II, Sec. 8(b).
- 2. Official Summary Date Monday, 08/21/95
Elec. C., Sec. 336.
- 3. Petition Sections:
 - a. First day Proponent can circulate Sections for
signatures Monday, 08/21/95
Elec. C., Sec. 336.
 - b. Last day Proponent can circulate and file with
the county. All sections are to be filed at
the same time within each county Wednesday, 01/17/96*
Elec. C., Secs. 336, 9030(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, 01/29/96
Elec. C., Sec. 9030(b)

(If the Proponents file the petition with the county on a date prior to 01/17/96, the county has eight 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. 9030(b).

* Date varies based on receipt of county certification.

PROHIBITION ON PUBLIC AGENCY DISCRIMINATION
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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, 02/07/96*
Elec. C., Sec. 9030(c)

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, 03/22/96
Elec. C., Sec. 9030(d)

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 02/07/96, the last day is no later than the thirtieth day after the county's receipt of notification.)
Elec. C., Sec. 9030(d), (e).

f. If the signature count is more than 762,553 or less than 658,569 then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 658,569 and 762,553 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures . . . Monday, 04/01/96*
Elec. C., Secs. 9030(f), (g); 9031(a)

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 Monday, 05/13/96
Elec. C., Sec. 9031(b), (c)

(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 04/01/96, the last day is no later than the thirtieth working day after county's receipt of notification.)
Elec. C., Sec. 9031(b), (c).

h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient Friday, 05/17/96*
Elec. C., Sec. 9031(d), 9033

* Date varies based on receipt of county certification.

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OR PREFERENTIAL TREATMENT.

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

Richard H. Halvorson
Michael Farris Crawford
Californians for Equal Opportunity
P.O. Box 17103
San Diego, CA 92177-7103
(619) 273-6328
(909) 683-1344

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 18650; *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 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 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.

NOTE TO PROPONENTS WHO WISH TO QUALIFY FOR THE MARCH 26, 1996 PRIMARY ELECTION: This initiative must be certified for the ballot 131 days before the election (November 16, 1995). Please remember to time your submissions accordingly. For example, in order to allow the maximum time permitted by law for the random sample verification process, it is suggested that proponents file their petitions to county elections officials by September 8, 1995. If a 100% check of signatures is necessary, it is advised that the petitions be filed by July 19, 1995.

Sincerely,


CATHY MITCHELL
INITIATIVE COORDINATOR

DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
(916) 445-9555

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August 21, 1995

FILED

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

AUG 21 1995

Bill Jones
Secretary of State
1500 - 11th Street
Sacramento, CA 95814

BILL JONES, Secretary of State
By 
Deputy Secretary of State

Re: Initiative Title and Summary
Subject: PROHIBITION ON PUBLIC AGENCY DISCRIMINATION OR PREFERENTIAL
TREATMENT. INITIATIVE CONSTITUTIONAL AMENDMENT.
File No: SA 95 RF 0008

Dear Mr. Jones:

Pursuant to the provisions of sections 9004 and 336 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 address of the proponents are as stated on the declaration of mailing.

Sincerely,

DANIEL E. LUNGREN
Attorney General

Handwritten signature of Kathleen F. DaRosa in cursive.

KATHLEEN F. DaROSA
Initiative Coordinator

KFD:ms
Enclosures

Date: August 21, 1995
File No: SA95RF0008

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

PROHIBITION ON PUBLIC AGENCY DISCRIMINATION OR PREFERENTIAL TREATMENT. INITIATIVE CONSTITUTIONAL AMENDMENT. Prohibits the state, counties, cities, political subdivisions, and agents from using race, color, age, religion, gender, ethnicity, and national origin as a criterion for discriminating against or giving preferential treatment to any individual or group in the operation of public employment, public education, or public contracting. Does not invalidate current court orders or consent decrees. Exempts actions necessary for receipt of substantial federal funds. Exempts reasonably necessary sex-based classifications in public employment and public education. Provides for severability of provisions if invalid. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: The measure would result in annual savings of (1) potentially tens of millions of dollars in public employment and contracting costs and (2) potentially in excess of \$100 million education programs, with up to two-thirds of the education savings reallocated to other education programs. If the measure is interpreted to bar age classifications for public retirement purposes, there could result additional costs of unknown magnitude. If the measure is interpreted to eliminate minimum and/or maximum age limits for public school education, there is a potential increase in annual costs of hundreds of millions of dollars for additional K-12 enrollments. Insubstantial amounts of federal funding could be lost for a number of programs. The aggregate amount of such losses cannot be estimated.

Californians for Equal Opportunity



STANDING
TOGETHER
OPPOSING
PREFERENCES

P.O. Box 17103
San Diego, CA 92177-7103

RECEIVED
JUN 13 1995

June 10, 1995

COORDINATOR
ATTORNEY GENERAL'S OFFICE

Richard Halvorson
Chairman

Bus: (619) 273-6328
Fax: (619) 272-5445
Pager: (619) 624-1562

Michael Farris Crawford
Vice Chairman

Bus: (909) 683-1344
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William R. Baber
Treasurer

Honorable Dan Lungren
California Attorney General
1300 I Street, Suite 1700
Sacramento, CA 95814

ATTN: Kathleen F. DaRosa, Senior Legal Analyst

SUBJECT: REVISED INITIATIVE - FILE NO. SA 95 RF 0008

The STOP QUOTAS - EQUAL OPPORTUNITY INITIATIVE

Mr. Lungren:

We request that your office prepare a title and summary for the attached revised proposed, an amendment to the Constitution of the State of California, to prohibit quotas, set-asides and preferences in the state's operations. Preferences based upon race, color, religion, gender, sexual conduct or preference, ethnicity or national origin would be abolished.

The original filing was on May 30, 1995.

We certify that we are registered voters in the State of California at the addresses indicated below. Moreover we certify that under the penalty of perjury that no provision of the measure has been included in consideration for any pledge or campaign contribution.

Sincerely,

Richard H. Halvorson
4402 Kamloop Avenue
San Diego, CA 92117-3528
Ph: (619)273-6328
Fx: (619)272-5445

Michael Farris Crawford
600 Central Avenue #101
Riverside, CA 92507
Ph: (909)683-1344
Fx: (909)683-1344

CALIFORNIANS FOR EQUAL OPPORTUNITY

The STOP QUOTAS —

EQUAL OPPORTUNITY INITIATIVE

Whereas, the Constitution of the United States, the Constitution of California, and federal and state legislation provide for equal protection of the laws and for protection of all persons against discrimination;

Whereas, the Constitution of California specifically provides that "A person may not be ... denied equal protection of the laws" and that "A citizen or class of citizens may not be granted privileges or immunities not granted on the same terms to all citizens;" and

Whereas, state and local governments have, nevertheless, established programs with the practical effect of creating de facto quotas, set-asides and preferences;

Now, therefore, the people of California, to assure equal opportunity and equal respect of all persons, amend their state Constitution by adding the following section to Article I, Section 7 (c), of the Constitution of the State of California.

- A. Neither the State of California, its cities, counties, nor any of its political subdivisions or agents (hereinafter collectively referred to as the "State") shall use race, color, age, religion, gender, ethnicity or national origin as a criterion for granting preferential treatment to an individual or to a group in the operation of State employment, State education, or State contracting.
- B. This section shall apply immediately upon its adoption.
- C. Nothing in this section shall be interpreted as invalidating any court order or consent decree that is in force as of the effective date of this section.
- D. Nothing in this section shall be interpreted as prohibiting state action which is necessary to establish or maintain eligibility for any federal program, where ineligibility would result in a loss of substantial federal funds to the State. Nothing in this section shall be interpreted as prohibiting classifications based on gender that are reasonably necessary to the normal operation of the State's system of public employment or public education.
- E. If any part or parts of this section are found to be in conflict with federal law or the United States Constitution, the section shall be implemented to the maximum extent that federal law and the United States Constitution permit. Any provision held invalid shall be severable from the remaining portions of this section.

