

9-29-1995

Preserving Minority, Women, Disabled Programs In Public Contracting, Employment, And Education.

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ELECTIONS DIVISION

(916) 657-2166
1500 - 11th STREET
SACRAMENTO, CA 95814
Voter Registration Hotline
1-800-345-VOTE
For Hearing and Speech Impaired Only
1-800-833-8683
e-mail: comments@ss.ca.gov

BILL JONES
Secretary of State
State of California

#673

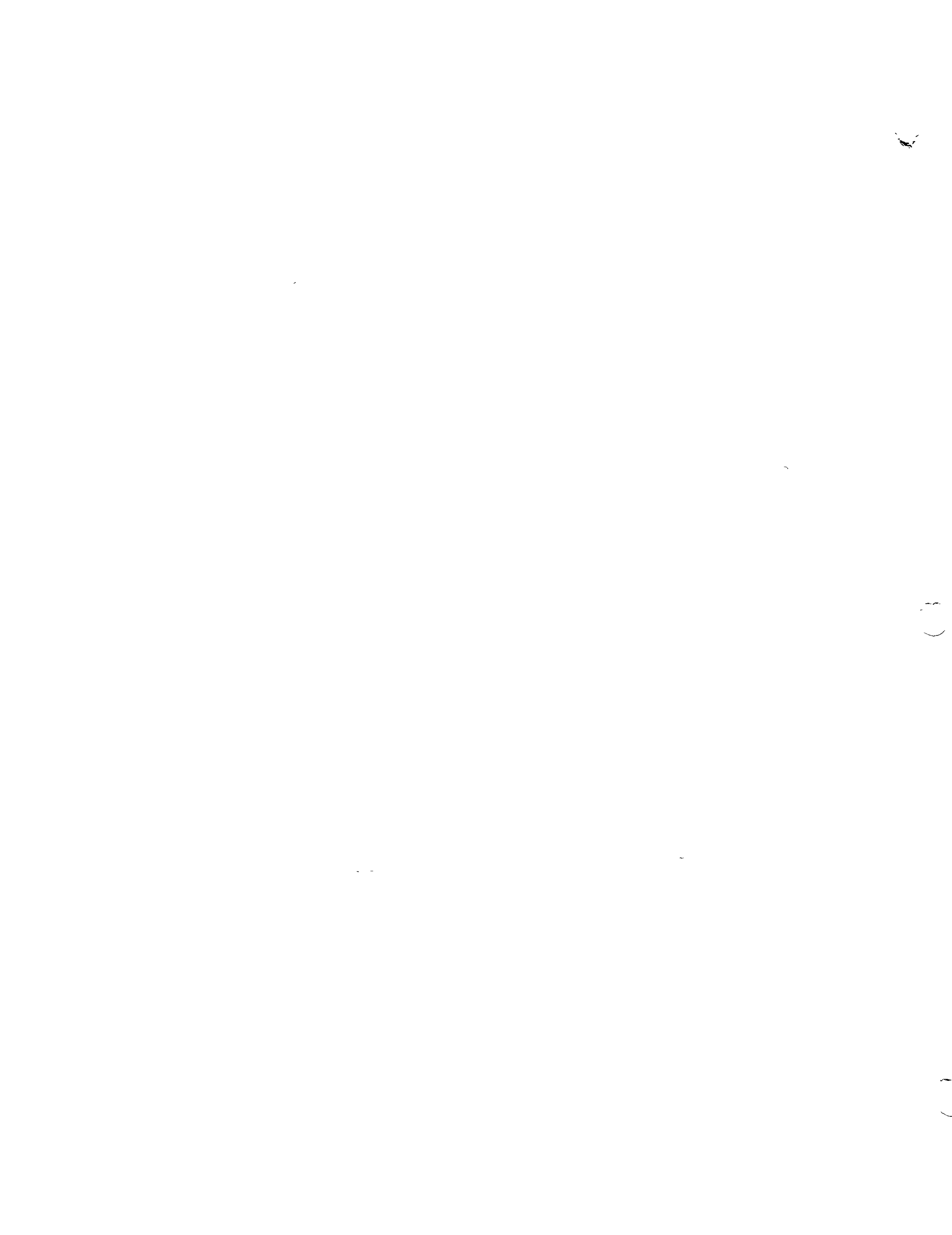
DATE: February 26, 1996
TO: All County Clerks/Registrars of Voters and Proponents (96098)
FROM: Cathy Mitchell
Cathy Mitchell
Initiative Coordinator

The proponents of the hereinafter named proposed Initiative Constitutional Amendment have withdrawn the measure.

TITLE: PRESERVING MINORITY, WOMEN, DISABLED PROGRAMS IN PUBLIC, CONTRACTING, EMPLOYMENT, AND EDUCATION.

SUMMARY DATE: February 26, 1996

PROPONENTS: Otis Jackson
Roland Holmes
Ron Baker
Ron Jackson





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

#673

September 29, 1995

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (95110)

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:

PRESERVING MINORITY, WOMEN, DISABLED PROGRAMS IN
PUBLIC CONTRACTING, EMPLOYMENT, AND EDUCATION.
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 Friday, 09/29/95
Elec. C., Sec. 336.
- 3. Petition Sections:
 - a. First day Proponent can circulate Sections for
signatures Friday, 09/29/95
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 Monday, 02/26/96*
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 Thursday, 03/07/96
Elec. C., Sec. 9030(b)

(If the Proponents file the petition with the county on a date prior to 02/26/96, 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 adjusted for official deadline which falls on Sunday. Elec. C., Sec. 60

PRESERVING MINORITY, WOMEN, DISABLED PROGRAMS IN
PUBLIC CONTRACTING, EMPLOYMENT, AND EDUCATION.
INITIATIVE CONSTITUTIONAL AMENDMENT.

September 29, 1995

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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 Saturday, 03/16/96**
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, 04/26/96
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 03/16/96, 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, 05/06/96**
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 Tuesday, 06/18/96
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 05/06/96, 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 Saturday, 06/22/96**
Elec. C., Sec. 9031(d), 9033

** Date varies based on receipt of county certification.

**PRESERVING MINORITY, WOMEN, DISABLED PROGRAMS IN
PUBLIC CONTRACTING, EMPLOYMENT, AND EDUCATION.
INITIATIVE CONSTITUTIONAL AMENDMENT.**

September 29, 1995

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

Otis Jackson
Ron Baker
Californians for Economic
& Educational Opportunities
P.O. Box 2832
Sacramento, CA 95812-2832
(916) 564-6847

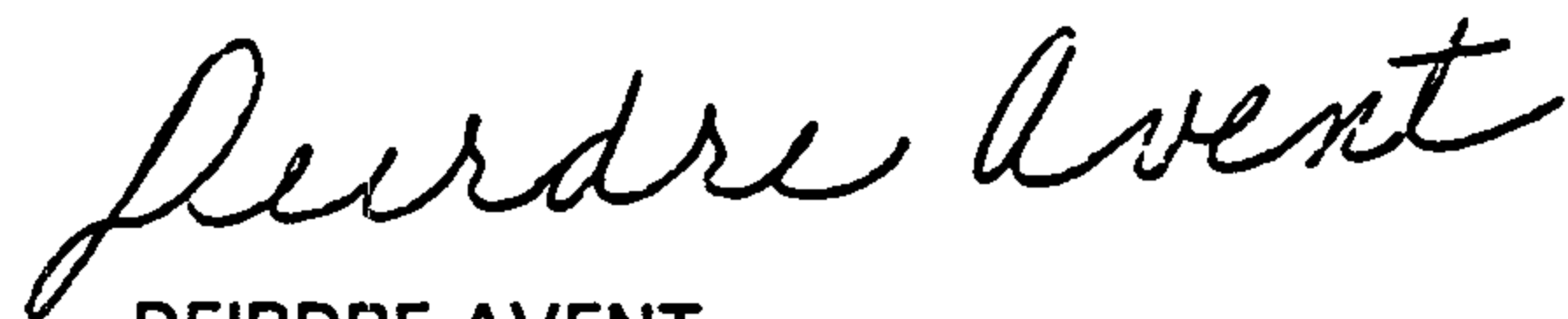
Ron Jackson
Californians for Economic
& Educational Opportunities
1533 Buckeye Court
Pinole, CA 94564
(510) 724-7465

Roland Holmes
Californians for Economic
& Educational Opportunities
P.O. Box 2926
Mission Viejo, CA 92690
(714) 667-7415

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.

Sincerely,



DEIRDRE AVENT
ELECTION ANALYST

Attachment: POLITICAL REFORM ACT OF 1974 REQUIREMENTS

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

Facsimile: (916) 323-2137
(916) 324-5490

September 29, 1995

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

Re: Initiative Title and Summary
Subject: PRESERVING MINORITY, WOMEN, DISABLED PROGRAMS IN
PUBLIC CONTRACTING, EMPLOYMENT, AND EDUCATION.
INITIATIVE CONSTITUTIONAL AMENDMENT.
File No: SA 95 RF 0016

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 addresses of the proponents are as stated on the declaration of mailing.

Sincerely,

DANIEL E. LUNGREN
Attorney General

A handwritten signature in cursive script that reads "Kathleen F. DaRosa".

KATHLEEN F. DaROSA
Initiative Coordinator

KFD:ms
Enclosures

Date: September 29, 1995
File No: SA95RF0016

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

PRESERVING MINORITY, WOMEN, DISABLED PROGRAMS IN PUBLIC CONTRACTING, EMPLOYMENT, AND EDUCATION. INITIATIVE CONSTITUTIONAL AMENDMENT. Mandates continuation of existing laws that encourage participation of small businesses and minority, women, and disabled veteran business enterprises in public contracts. Requires contractors make efforts to consider such businesses as subcontractors. Mandates promotion of opportunities for minorities, women and the disabled in public employment including focused recruitment and mobility into classifications where underrepresented. Mandates continuation of existing educational opportunity programs for minorities, women, disabled, socio-economically disadvantaged, and rural high school graduates. Applies to most state and local public agencies including public schools and colleges. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure would have an unknown fiscal impact on state and local governments from the required continuation of various equal opportunity programs. The measure would restrict public entities from significantly reducing costs through major program changes.

Californians

for Economic & Educational Opportunities

Otis Jackson
Ron Baker

Ron Jackson
Roland Holmes

August 8, 1995

The Honorable Dan Lungren
Attorney General, State of California
1300 I Street 11th Floor
Sacramento, CA 95814

RECEIVED
AUG 9 1995

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Mr. Lungren:

We the undersigned submit this draft initiative to your office and request a title and summary. It is our intention to qualify the measure for the November, 1996 state ballot.

We expect to hear from your office within 15 days on the status of our request. If you have any questions regarding this initiative, please contact Otis Jackson at (916) 564-6847 or Ron Baker at (916) 838-6434.

Thank you.

Sincerely,


Otis Jackson


Ron Baker


Roland Holmes


Ron Jackson

CEEO Northern California Post Office Box 2832 Sacramento, CA 95812-2832 (916) 564-6847
CEEO SF Bay Area 1533 Buckeye Court Pinole, CA 94564 (510) 724-7465
CEEO Southern California Post Office Box 2926 Mission Viejo, CA 92690 (714) 667-7415

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.)

TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

We, the undersigned, registered, qualified voter 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 (full title and text of the measure reads as follows:

Article XXII is added to the California Constitution, to read:

ARTICLE XXII

CALIFORNIA ECONOMIC AND EDUCATIONAL OPPORTUNITY INITIATIVE

SECTION 1. This article shall be known and may be cited as the California Economic and Educational Opportunity Act of 1996.

SEC. 2. (a) To the maximum extent allowable by law, this act requires, State Constitutional Officers, the Executive Branch, the University of California, the California State University, the California Community Colleges, the State Board of Education, and state agencies, departments, boards, and commissions not directly under the authority of the Executive Branch, and local government entities, and all agents thereof, to continue existing public contracting, public employment and public education programs which articulate a commitment to equal opportunity for all qualified individuals. Notwithstanding any other provision of law, the herein referred to shall be known collectively as the state.

(b) It is the intent of this act that equal opportunity is not only necessary in the internal affairs of government, but also in governmental relations with the general public, industry and the business community.

SEC. 3. (a) California is a highly diverse state which depends on the talents of all citizens. The business community and marketplace are an essential part of the economic landscape of the state.

(b) The preservation and promotion of economic opportunity within industry and business enterprises are essential to the economic well-being of California, which cannot be realized unless the actual and potential capacity of these business enterprises are encouraged and developed.

(c) In order to carry out the purposes specified in subdivision (b), under the authority of existing law in the Public Contracts Code, the California Military and Veterans Code or any other applicable statutory authorization, the state shall continue to do all the

following to encourage participation of businesses in public contracting programs established prior to the effective date of this article.

(1) Certify small businesses, and minority, women, and disabled veteran business enterprises.

(2) Encourage small businesses, and minority, women, and disabled veteran business enterprises to participate in state contracting opportunities.

(3) Facilitate public/private sector agreements, advisory boards and commissions to explore enhancing policies and procedures which increase the aggregate amount of businesses doing business with the state.

(4) Monitor good faith efforts that a prime or general contractors shall be required to make when certified minority, women, and disabled veteran business enterprises are not included as subcontractors in bidding documents submitted to the state. For purposes of this paragraph, a prime or general contractor shall be deemed to have made good faith efforts if the contractor, within time limits specified by the state, submits documentary evidence that all of the followings actions were taken:

(A) Contact was made with the awarding department to identify minority, women, and disabled veteran business enterprises.

(B) Contact was made with other state and federal, and with local minority, women, and federal organizations to identify minority, women, and disabled veteran business enterprises.

(C) Advertising was published in trade papers and papers focusing on minority, women, and disabled veteran business enterprises, unless time limits imposed by the awarding department do not permit the advertising.

(D) Invitations to bid were submitted to potential minority, women, and disabled veteran business enterprise contractors.

(E) Available minority, women, and disabled veteran business enterprises were considered.

SEC. 4. (a) California is a highly diverse state which depends on the talents of all citizens. The recruitment, hiring and selection of qualified workers are essential to the delivery of quality services and programs by civil servants.

(b) The preservation and promotion of economic opportunity for minorities, women and the disabled within California's system of public employment shall not discriminate and must conform to all applicable state and federal laws pertaining to employment.

(c) In order to carry out the purposes specified in subdivisions (b), under the authority of existing law in the Government Code or any other applicable statutory authorization, the state shall continue to do all the following to promote gainful public sector employment:

(1) incorporate the provisions of Chapter 12 of Part 2 of Division 5 of Title 2 of the Government Code into the operating guidelines of equal employment opportunity programs existing within current management and personnel planning processes of civil service of the State of California.

(2) continue focused recruitment activity of qualified minorities, women and the disabled from the general population of the state.

(3) continue comprehensive mobility programs to identify and assist qualified minorities, women and the disabled in promoting into those classifications which are traditionally under representative of the state's general population.

(4) continue to use lists as a result of free competitive examinations open to all persons who are qualified that meet the minimum qualifications to participate in the examination.

(5) Assure that appointments to public employment shall be based upon, and consistent with the qualifications, merit and fitness standards established through existing regulatory practices, competitive examinations and competitive interviews.

SEC 5. (a) California is a highly diverse state which depends on the talents of all citizens. California must continue to compete in the world marketplace by retaining industry, delivering technological advancements, creating jobs capable of sustaining the state's economy and ensuring that there is an adequately trained workforce in the 21st century.

(b) The preservation and promotion of educational opportunity programs to all qualified individuals including minorities, women, the disabled are essential to self-esteem and economic prosperity.

(c) In order to carry out the purposes specified in subdivision (b), under the authority of existing law in the Education Code or any other applicable statutory authorization, the state shall continue to facilitate educational opportunity programs established prior to the effective date of this article which:

(1) continue to provide alternative academic admissions programs to qualified California residents who are under represented minorities, women, disabled, socioeconomically disadvantaged, or who are rural high school graduates.

(2) continue to provide financial assistance or grants to academically qualified California residents who are under represented minorities, women, disabled, socioeconomically disadvantaged, or who are rural high school graduates.

(3) continue to provide educationally related programs which include, but are not limited to, admissions outreach, academic and peer counseling, and academic tutorial assistance.

SEC. 6. If any part or parts of this article are found to be in conflict with federal law or the United States Constitution, the articles shall be implemented to the maximum extent permitted by federal law and the United States Constitution. Any provision held invalid shall be severable from the remaining portions of this article.