

10-30-1995

Taxes. "Revenuing." Felony.

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**ELECTIONS DIVISION**  
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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

April 15, 1996

#675

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND  
PROPONENT (96146)

FROM: Cathy Mitchell  
CATHY MITCHELL  
Initiative Coordinator

**RECEIVED**

**APR 17 1996**

LIBRARY  
HASTINGS COLLEGE OF THE LAW

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE CONSTITUTIONAL AMENDMENT 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: TAXES. "REVENUING." FELONY.  
INITIATIVE CONSTITUTIONAL AMENDMENT.

SUMMARY DATE: April 8, 1996

PROPONENT: Edward J. (Ted) Costa  
Major General Sidney S. Novaresi

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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

#675

October 30, 1995

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (95133)

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:

TAXES. "REVENUING." FELONY.  
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, 10/30/95  
Elec. C., Sec. 336.
- 3. Petition Sections:
  - a. First day Proponent can circulate Sections for  
signatures ..... Monday, 10/30/95  
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, 03/27/96  
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, 04/08/96  
Elec. C., Sec. 9030(b)

(If the Proponents file the petition with the county on a date prior to 03/27/96, 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).

TAXES. "REVENUING." FELONY.  
INITIATIVE CONSTITUTIONAL AMENDMENT.

October 30, 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 . . . . . Wednesday, 04/17/96\*  
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 . . . . . Thursday, 05/30/96  
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 04/17/96, 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 . . . Sunday, 06/09/96\*  
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, 07/22/96  
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 06/09/96, 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, 07/26/96\*  
Elec. C., Sec. 9031(d), 9033

\* Date varies based on receipt of county certification.

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

**Edward J. (Ted) Costa  
Major General Sidney S. Novaresi  
People's Advocate, Inc.  
3407 Arden Way  
Sacramento, CA 95825  
(916) 482-6175**

**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 NOVEMBER 5, 1996 GENERAL ELECTION: This initiative must be certified for the ballot 131 days before the election. (June 27, 1996). 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 April 19, 1996. If a 100% check of signatures is necessary, it is advised that the petitions be filed by February 28, 1996.**

Sincerely,



**CATHY MITCHELL  
ELECTIONS SPECIALIST**

Date: October 30, 1995  
File No: SA95RF0019

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

**TAXES. "REVENUING." FELONY. INITIATIVE CONSTITUTIONAL AMENDMENT.**

Requires 2/3 majority of legislative bodies, or majority of voters, to approve changes increasing state or local taxes which last ten years or less. 2/3 of voters must approve new taxes lasting more than ten years. Makes Article XIII A sole taxing authorization. Defines the act of compelling payments to government that are not taxes, assessments, or fees as "revenueing." Authorizes "fully empowered jury" to: invalidate revenueing acts if too complicated; impose punishment, which cannot be overturned by higher courts, on any person caught revenueing. Willfully preventing implementation of the initiative established as felony. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Potential reductions in state and local revenues due to increased restrictions on raising state-local taxes, assessments, and fees. Potential state General Fund costs to up to hundreds of millions of dollars due to reclassification of fee revenues as tax revenues for purposes of Proposition 98, and/or program funding losses of the same magnitude. Possible reductions in state and local revenues from expanded referendum and initiative powers to overturn state-local taxes, assessments and fees. Increased state and local costs totalling more than \$10 million annually for implementing and administering the measure.

**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

October 30, 1995

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

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

OCT 30 1995

By Bill Jones, Secretary of State  
Deputy Secretary of State

Re: Initiative Title and Summary  
Subject: TAXES. "REVENUING." FELONY.  
INITIATIVE CONSTITUTIONAL AMENDMENT.  
File No: SA 95 RF 0019

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

A handwritten signature in cursive script, reading "Kathleen F. DaRosa".

KATHLEEN F. DaROSA  
Initiative Coordinator

KFD:ms  
Enclosures



SA95RF0019



**PEOPLE'S  
ADVOCATE, INC.**

*Paul Gann, Founder*

*Your Voice in Government*

**RECEIVED**  
SEP 5 1995

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

August 31, 1995

Honorable Daniel E. Lungren  
Attorney General  
1515 "K" Street  
Sacramento, CA. 95814

Attention: Kathy DaRosa, Initiative Coordinator

Re: Reserve Powers Act (RPA);  
Initiative Constitutional Amendment.

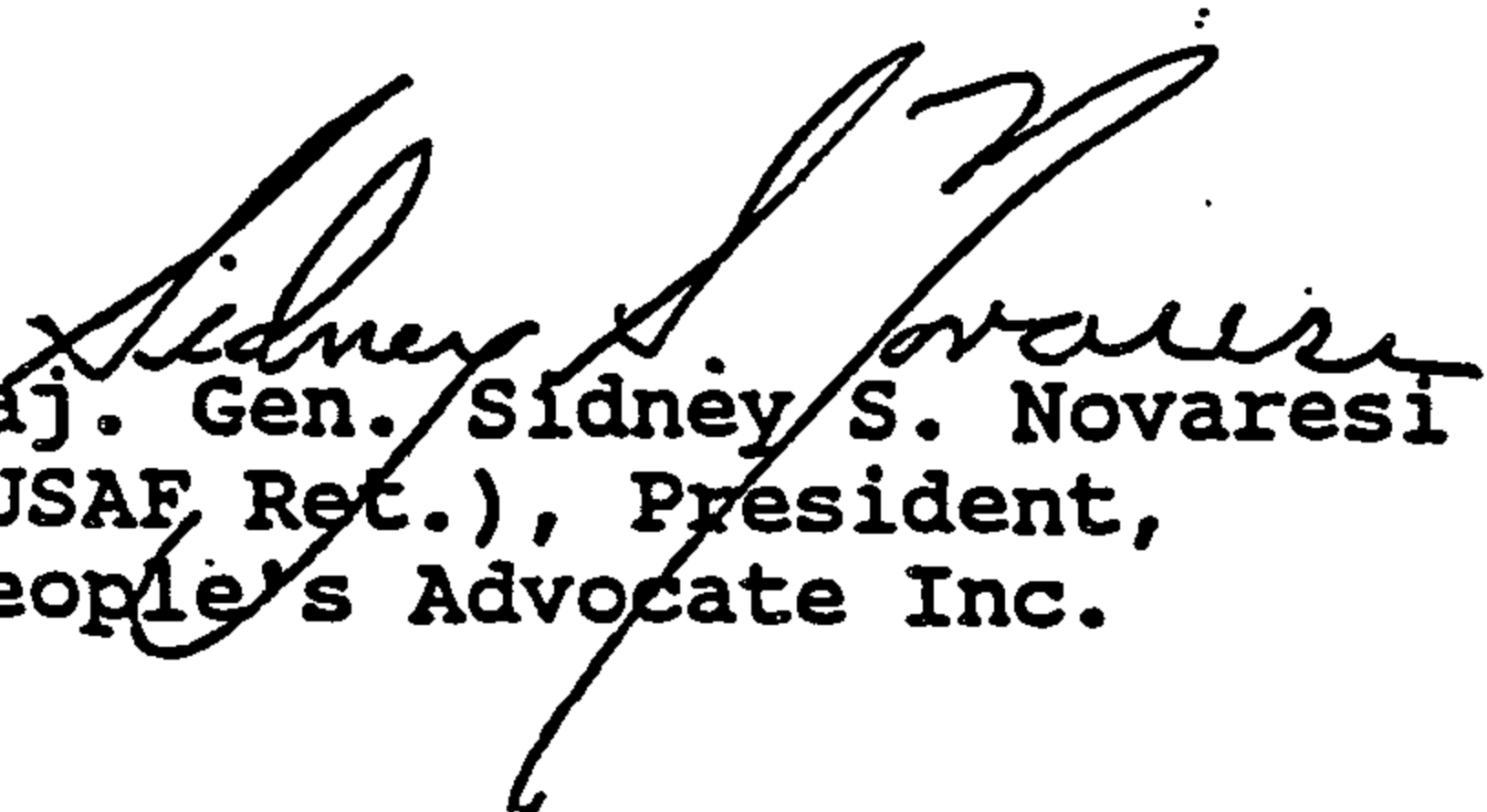
Dear Mr. Lungren:


Attached you will find the five page text of the Reserve Powers Act, we are submitting along with a check for \$200, for Title and Summary.

We have taken the liberty of preparing a text of what we think would be a fair title and summary which is also attached.

Both of us are registered voters in Sacramento County.

Respectfully Submitted,

  
Maj. Gen. Sidney S. Novaresi  
(USAF Ret.), President,  
People's Advocate Inc.

  
Edward J. (ted) Costa, C.E.O.  
People's Advocate Inc.



# PEOPLE'S ADVOCATE, INC.

Paul Gann, Founder  
Your Voice in Government

(this proposal is to amend Art. XIII A of the Constitution. Existing provisions proposed to be deleted or repealed are printed in ~~STRIKEOUT TYPE~~; and New provisions proposed to be inserted or added are UNDERLINED IN CAPITAL LETTERS)

SECTION 2A. THIS INITIATIVE MAY BE KNOWN AND CITED AS THE RESERVE POWERS ACT. (RPA)

[FINDINGS AND DECLARATIONS]

SECTION 2B. THE PEOPLE OF THE STATE OF CALIFORNIA DO FIND AND DECLARE:

WHEREAS THE TYRANNICAL ABUSE OF THE TAXING POWER WAS THE PRINCIPAL PROVOCATION OF THE AMERICAN REVOLUTION IN 1776, AND ACCORDING TO THIS PHILOSOPHY, MUST ALWAYS BE CONSIDERED AND TREATED AS JUST CAUSE FOR PROMPT, EFFECTIVE, REMEDIAL ACTION BY EVERY GENERATION OF AMERICANS WORTHY OF THE AMERICAN HERITAGE OF INDIVIDUAL LIBERTY;

AND WHEREAS, THE FOUNDING FATHERS TAUGHT US THAT TYRANNY THROUGH TAXATION IS ONE OF THE MOST DANGEROUS AND OPPRESSIVE ASPECTS OF GOVERNMENT-OVER-PEOPLE AND MUST BE GUARDED AGAINST AND OPPOSED ACCORDINGLY;

AND WHEREAS, THE CALIFORNIA STATE LEGISLATURE, WITH THE APPROVAL OF THE COURTS HAS IN RECENT YEARS SET UP MANY REGIONAL BUREAUCRACIES WITH UNLIMITED TAXING AUTHORITY WHICH ACT AS THE PURVEYORS OF PRIVILEGES RATHER THAN THE PROTECTORS OF THE PEOPLE'S LIBERTY, THUS PLACING THE PEOPLE OF CALIFORNIA IN THE INTOLERABLE POSITION OF TAXATION WITHOUT REPRESENTATION;

AND WHEREAS, THE PEOPLE OF THE UNITED STATES ESTABLISHED A LIMITED CONSTITUTIONAL FORM OF GOVERNMENT. WHEREBY, THEY RESERVED TO THEMSELVES ULTIMATE AUTHORITY IN ARTICLE 5, AND AMENDMENTS, 9 AND 10, AND WHEREIN, SUCH RESERVE POWERS OF THE PEOPLE ARE DOMINATE OVER ANY CONCEPT WHICH WOULD PERMIT ANY GOVERNMENTAL ENTITY UNLIMITED POWER OF TAXATION IN VIOLATION OF THE PEOPLE'S UNALIENABLE RIGHTS;

AND WHEREAS, THE CALIFORNIA DECLARATION OF RIGHTS STATES; "ALL POLITICAL POWER IS INHERENT IN THE PEOPLE", AND THAT, "THEY HAVE THE RIGHT TO ALTER OR REFORM IT WHENEVER THE PUBLIC MAY REQUIRE IT";

AND WHEREAS, THE TRADITIONAL AMERICAN PHILOSOPHY OF CONSTITUTIONAL LIMITED GOVERNMENT--LIMITED FOR LIBERTY--IS BEING

1 of 5 pgs.

PLACED IN SERIOUS JEOPARDY BY EXECUTIVE AND LEGISLATIVE BRANCHES OF GOVERNMENT WHO ARE USING UNCONTROLLABLE TAXING AUTHORITIES TO BUILD POWERFUL BUREAUCRACIES THAT ARE NOT ACCOUNTABLE TO THE PEOPLE.

[PURPOSE OF INITIATIVE]

SECTION 2C. THE PEOPLE ENACT THIS INITIATIVE FOR THE FOLLOWING PURPOSES.

(A) TO GIVE THE VOTERS OF CALIFORNIA THE POWER TO CONTROL THE SIZE AND SCOPE OF THEIR GOVERNMENT BY APPROVING THE FLOW OF TAXES THE CITIZENS PAY TO THEIR GOVERNMENT

(B) TO INSURE THAT THE RESERVE POWERS OF THE PEOPLE WILL REMAIN DOMINATE OVER ALL ENTITIES OF GOVERNMENT IN CALIFORNIA.

(C) TO INSURE A FREE AND OPEN SOCIETY WHERE GOVERNMENTAL ENTITIES GET THEIR AUTHORITY FROM THE CONSENT OF THE GOVERNED.

[Changes in State Taxes---Vote Requirement]

SECTION 3. From and after the effective date of this article, any changes ENACTED IN ANY STATE TAX WHICH INCREASES THE AMOUNT OF ANY TAX LEVIED UPON ANY TAXPAYER, in State taxes enacted for the purpose of increasing revenues collected pursuant thereto whether by THE IMPOSITION OF NEW TAXES, increased rates or changes in methods of computation ~~must~~ MAY be imposed ONLY by an Act passed by not less than two-thirds of all members elected to each of the two houses of the Legislature, OR A MAJORITY OF THE VOTING ELECTORS IF THE TAX HAS A LIFE OF 10 YEARS OR LESS. NEW TAXES THAT HAVE A LIFE OF OVER 10 YEARS MAY ONLY BE IMPOSED BY A 2/3 VOTE OF THE ELECTORS, except that No new ad valorem taxes on real property, or sales or transaction taxes OR SALES TAX on the sale of real property may be imposed.

[Imposition of Special Taxes CHANGES IN LOCAL GOVERNMENT TAXES:]

SECTION 4. ~~Cities, Counties and special districts, by a two-thirds vote of the qualified electors of such district, may impose special taxes on such district, except ad valorem taxes on real property or a transaction tax or sales tax on the sale of real property within such City, County or special district.~~ ANY CHANGE ENACTED IN ANY TAX BY ANY UNIT OF LOCAL GOVERNMENT WHICH INCREASES THE AMOUNT OF ANY TAX LEVIED UPON ANY TAXPAYER, WHETHER BY THE IMPOSITION OF NEW TAXES, INCREASED RATES OR CHANGES IN METHODS OF COMPUTATION, MAY BE IMPOSED ONLY BY A MEASURE APPROVED BY TWO-THIRDS OF A LEGISLATIVE BODY COMPOSED OF ELECTED OFFICIALS, OR A MAJORITY OF THE VOTING ELECTORS IF THE TAX HAS A LIFE OF 10 YEARS OR LESS. NEW TAXES THAT HAVE A LIFE OF OVER 10 YEARS MAY ONLY BE IMPOSED BY A 2/3 VOTE OF THE ELECTORS. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AUTHORIZE THE VOTERS TO APPROVE NEW OR INCREASED AD VALOREM TAXES ON REAL PROPERTY OR A TRANSACTION TAX OR SALES TAX ON THE SALES OR LEASE OF REAL PROPERTY.

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~~[Effective Date of Article~~ DEFINITIONS:

~~SECTION 5. This article shall take effect for the tax year beginning on July 1 following the passage of this Amendment, except Section 3 which shall become effective upon the passage of this Amendment, except Section 3 which shall become effective upon the passage of this article.~~ THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANING.

(A) "TAX". ANYTIME CITIZENS ARE REQUIRED BY ANY UNIT OF GOVERNMENT OR PRIVATE ENTITY CONTRACTED OR CONTROLLED BY GOVERNMENT TO PAY ANY MONIES, WHICH IF THEY DON'T PAY, THEIR PROPERTY WILL BE CONFISCATED OR THEY WILL BE OTHERWISE PUNISHED, IT IS A TAX. TAX INCLUDES ANY PAYMENT TO A UNIT OF STATE OR LOCAL GOVERNMENT EXCEPT FOR ASSESSMENTS AND FEES.

(B) "ASSESSMENTS". ASSESSMENTS ARE COMPELLED CONTRIBUTIONS OF VALUE TO ANY UNIT OF GOVERNMENT FOR THE PURPOSE OF REIMBURSING ANY UNIT OF GOVERNMENT FOR THE COST OF MAKING IMPROVEMENTS TO REAL PROPERTY, SUCH AS SIDEWALKS AND STREET LIGHTING, PROVIDED THE IMPROVEMENTS DIRECTLY AND PRIMARILY BENEFIT THE ASSESSED PROPERTY. ASSESSMENTS DO NOT INCLUDE IMPACT OR OTHER CHARGES LEVIED TO FINANCE THE PROVISION OF SERVICES TO OTHERS, AND DO NOT INCLUDE CHARGES FOR SERVICES THAT HAVE TRADITIONALLY BEEN FINANCED BY GENERAL TAX REVENUES PRIOR TO 1978, SUCH AS, BUT NOT LIMITED TO, POLICE, FIRE, EDUCATION AND HEALTH SERVICES.

(C) "FEES". FEES ARE COMPELLED CONTRIBUTIONS OF VALUE TO ANY UNIT OF GOVERNMENT TO REIMBURSE THE DIRECT COST OF PROVIDING GOODS OR SERVICES TO THE PERSON PAYING THE FEE, OR AS FINES IMPOSED AS PENALTIES FOR NON-COMPLIANCE WITH STATE OR LOCAL LAWS. FEES DO NOT INCLUDE CHARGES FOR SERVICES THAT HAVE TRADITIONALLY BEEN FINANCED BY GENERAL TAX REVENUES PRIOR TO 1978, SUCH AS, BUT NOT LIMITED TO, POLICE, FIRE, EDUCATION AND HEALTH SERVICES. FEES INCLUDE PAYMENTS MADE UNDER THE WORKERS' COMPENSATION PROGRAM, BUT DO NOT INCLUDE PAYMENTS MADE UNDER THE UNEMPLOYMENT INSURANCE PROGRAM.

(D) "REVENUING". THE ACT OF COMPELLING CITIZENS TO PAY UNITS OF VALUE TO ANY GOVERNMENTAL ENTITY OR PRIVATE ENTITY CONTROLLED BY GOVERNMENT THAT ARE NOT TAXES, ASSESSMENTS, OR FEES.

(E) "FULLY EMPOWERED JURY". A FULLY EMPOWERED JURY IS EMPOWERED TO DETERMINE REVENUING SCHEMES TO BE NULL, VOID AND OF NO EFFECT IF IT DETERMINES IN ITS COMMON-LAW CAPACITY THEY ARE IN CONFLICT WITH THE CONSTITUTIONS OF THE UNITED STATES OR CALIFORNIA OR OTHERWISE TOO COMPLICATED.

(F) "POWERS OF THE PEOPLE". THE SOVEREIGN RIGHT OF THE PEOPLE TO LIMIT THE SIZE, SCOPE, AND AUTHORITY OF THEIR GOVERNMENT. THEY MAY USE THE INITIATIVE PROCESS TO EXERCISE POPULAR SOVEREIGNTY OVER ALL GOVERNMENTAL ENTITIES IN CALIFORNIA.

SECTION 6. GOVERNMENTAL TAXING AUTHORITY--FIDUCIARY DUTY

(A) NOTWITHSTANDING ANY OTHER PROVISION OF THE

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CONSTITUTION OR LAWS, THE SOLE AUTHORITY TO TAX EMANATES FROM THIS ARTICLE. COMPELLED CONTRIBUTIONS OF VALUE TO ANY UNIT OF GOVERNMENT MAY BE IMPOSED ONLY IF SUCH CONTRIBUTIONS CONSTITUTE TAXES, ASSESSMENTS, OR FEES AS DEFINED IN SECTION 5.

(B) THE GOVERNOR AND EACH MEMBER OF THE LEGISLATURE SHALL HAVE A FIDUCIARY DUTY TO THE TAXPAYERS OF CALIFORNIA DURING THE IMPLEMENTATION PHASE OF THIS CHAPTER. THEY SHALL WORK TO THE MAXIMUM EXTENT PRACTICABLE TO INSURE THAT THIS INITIATIVE IS IMPLEMENTED IN A BUSINESS-LIKE MANNER.

(C) EVERY PERSON, INCLUDING ELECTED AND APPOINTED OFFICIALS OF THE STATE OF CALIFORNIA, WHO WILLFULLY, AND BY FORCE, FRAUD OR INACTION, PREVENT OR ATTEMPT TO PREVENT THIS INITIATIVE FROM BEING IMPLEMENTED IS GUILTY OF A FELONY, UNLESS AN APPELLATE COURT HAS MADE A DETERMINATION THAT THE MEASURE IS UNCONSTITUTIONAL.

SECTION 7. CHANGES IN TAXES, ASSESSMENTS, FEES--VOTE REQUIREMENT

(A) NEW ASSESSMENTS OR CHANGES TO EXISTING ASSESSMENTS MAY ONLY BE IMPOSED BY A 2/3 VOTE OF A LEGISLATIVE BODY COMPRISED OF ELECTED OFFICIALS, OR BY A MAJORITY OF THE VOTERS IF THE ASSESSMENT HAS A LIFE OF 10 YEARS OR LESS. NEW ASSESSMENTS OR CHANGES TO EXISTING ASSESSMENTS THAT HAVE A LIFE OF OVER 10 YEARS MAY ONLY BE IMPOSED BY A 2/3 VOTE OF THE PEOPLE.

(B) ONLY LEGISLATIVE BODIES COMPRISED OF ELECTED OFFICIALS MAY IMPOSE FEES. ALL REVENUES GENERATED FROM FEES ARE TO BE HELD IN TRUST FOR THE STATED PURPOSES IN THE ENACTING RESOLUTION.

(C) THE REFERENDUM POWERS OF THE PEOPLE ARE HEREBY RESERVED TO THE ELECTORS OF EACH LEGISLATIVE BODY THAT HAS THE POWER TO LEVY TAXES, ASSESSMENTS OR FEES. ALL ACTS CREATING OR ALTERING TAXES, ASSESSMENTS OR FEES ARE REFERENDABLE BY PETITIONS IN NUMBER EQUAL TO 10% OF THE NUMBER OF REGISTERED VOTERS WHO VOTED FOR GOVERNOR IN THE LAST ELECTION IN TAXING JURISDICTION. NO LEGISLATIVE BODY IN CALIFORNIA SHALL MAKE LAWS INTERFERING WITH THE ELECTORS' RIGHT TO REFERENDUM.

(D) ALL GOVERNMENTAL TAXING POWERS NOT DELEGATED TO THE UNITED STATES BY THE CONSTITUTION, NOR PROHIBITED BY IT TO THE STATES, ARE RESERVED TO CALIFORNIA RESPECTIVELY, OR TO THE PEOPLE. THE INITIATIVE POWERS OF THE PEOPLE ARE HEREBY RESERVED TO THE ELECTORS OF EACH LEGISLATIVE BODY THAT HAS THE POWER TO LEVY TAXES, ASSESSMENTS, OR FEES.

SECTION 8. CONFLICTING INTERPRETATIONS--PENALTIES

(A) ANY LEGISLATIVE BODY IMPOSING ASSESSMENTS AND FEES SHALL BE PREPARED TO SHOW CLEAR AND CONVINCING EVIDENCE TO A FULLY EMPOWERED JURY THAT THEIR CREATION IS NOT A TAX.

(B) ANY LEGISLATIVE, JUDICIAL, OR ADMINISTRATIVE LAW BODY IMPOSING FEES AS FINES SHALL BE PREPARED TO SHOW CLEAR AND CONVINCING EVIDENCE TO A FULLY EMPOWERED JURY THEY ARE NOT REVENUING.

(C) ANY PERSON CAUGHT REVENUING IN THIS STATE SHALL BE PROSECUTED TO THE FULL EXTENT OF THE LAW. ANY PUNISHMENT IMPOSED BY A FULLY EMPOWERED JURY THAT TERMINATES OR OTHERWISE RESTRICTS FUTURE EMPLOYMENT OR FUTURE ACCRUALS OF BENEFITS MAY

4 of 5 ARC



NOT BE OVERTURNED BY A HIGHER COURT.

ARTICLE XX, SEC. 3. Members of the Legislature, and all public officers and employees, executive, legislative, LAW ENFORCEMENT OFFICIALS, ADMINISTRATIVE LAW COMMISSIONERS, and judicial, except such inferior officers and employees as may be by law exempted shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; THAT I WILL NOT PARTAKE IN ANY REVENUING ACTIVITIES AGAINST THE PEOPLE I AM SERVING; THAT I FULLY UNDERSTAND THAT IF I TAKE PART IN REVENUING ACTIVITIES, I CAN BE HELD PERSONALLY ACCOUNTABLE BY A FULLY EMPOWERED JURY; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

SEVERABILITY

If any provision of this Article or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Article, to the extent it can be given effect or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Article are severable.

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