

1-29-1996

Limiting Immunity. Judges. Prosecutors. Social Workers.

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For Hearing and Speech Impaired Only
1-800-833-8683
e-mail: comments@ss.ca.gov

BILL JONES

Secretary of State
State of California

July 9, 1996

#711

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND
PROPONENT (96225)

FROM: Cathy Mitchell
CATHY MITCHELL
Initiative Coordinator

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: LIMITING IMMUNITY. JUDGES. PROSECUTORS.
SOCIAL WORKERS. INITIATIVE CONSTITUTIONAL
AMENDMENT.

SUMMARY DATE: January 29, 1996

PROPONENTS: Rose M. Colombo
Adele M. Trent
Rebecca Laurence

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BILL JONES

**Secretary of State
State of California**

#711

January 29, 1996

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (96063)

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:

**LIMITING IMMUNITY. JUDGES. PROSECUTORS. SOCIAL WORKERS.
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, 01/29/96
Elec. C., Sec. 336.
3. Petition Sections:
 - a. First day Proponent can circulate Sections for
signatures Monday, 01/29/96
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, 06/26/96
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 Tuesday, 07/09/96

(If the Proponents file the petition with the county on a date prior to 06/26/96, 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).

"Ensuring the integrity of California's election process"

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 Thursday, 07/18/96*
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, 08/29/96
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 07/18/96, 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, 09/08/96*
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, 10/22/96
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 09/08/96, 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 certified whether the petition has been signed by the number of qualified voters required to declare the petition sufficient Saturday, 10/26/96*
Elec. C., Secs. 9031(d), 9033.

* Date varies based on receipt of county certification.

LIMITING IMMUNITY. JUDGES. PROSECUTORS. SOCIAL WORKERS.
INITIATIVE CONSTITUTIONAL AMENDMENT.

January 29, 1996

Page 3

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

Rose M. Colombo
Adele M. Trent
Rebecca Laurence
16027 Brookhurst Street, Suite G279
Fountain Valley, CA 92708
(714) 839-5256
(714) 650-6012

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 sections 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,


DEIRDRE AVENT
ELECTIONS ANALYST

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

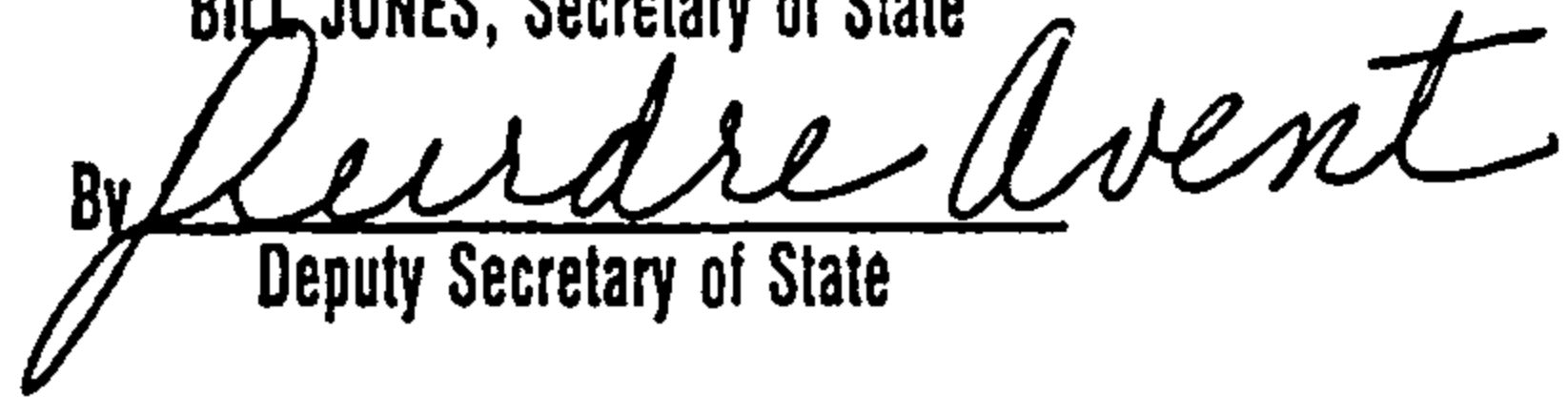
January 29, 1996

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

JAN 29 1996

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: LIMITING IMMUNITY. JUDGES. PROSECUTORS. SOCIAL WORKERS.
INITIATIVE CONSTITUTIONAL AMENDMENT.
File No: SA 95 RF 0055

Dear Mr. Jones:

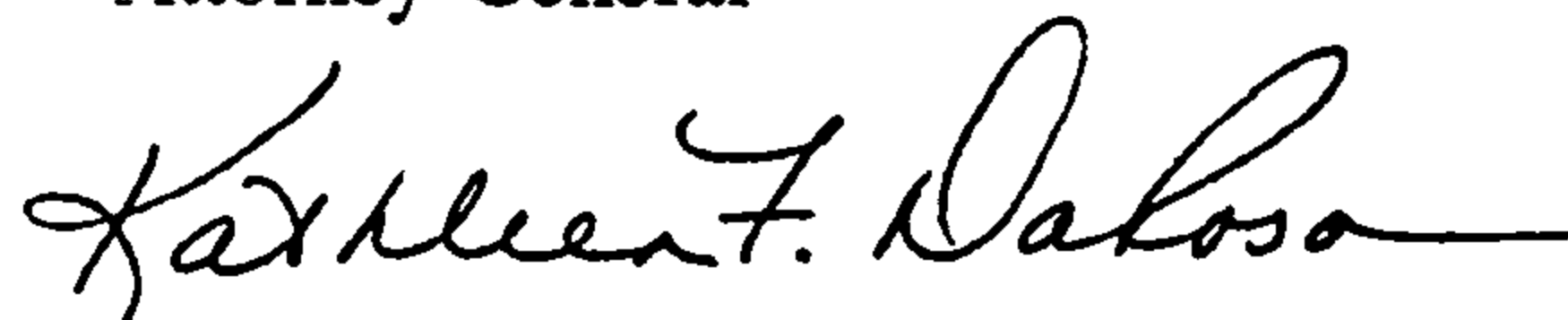
Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed to the proponents of the above-identified proposed initiative our title and summary.

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


KATHLEEN F. DaROSA
Initiative Coordinator

KFD:ms
Enclosures

Date: January 29, 1996
File No: SA95RF0055

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

LIMITING IMMUNITY. JUDGES. PROSECUTORS. SOCIAL WORKERS.

INITIATIVE CONSTITUTIONAL AMENDMENT. Eliminates immunity from civil liability

of judges, prosecutors, and social workers for clear constitutional violations, deliberate

violations of law, concealment of evidentiary truth or evidence, judicial acts lacking

jurisdiction or authority, and unreasonable delay in concluding cases. Permits civil suits

against prosecutors and social workers for willful violations of law and for certain

prosecutions motivated by gender, racial and other specified bias. Requires notice amongst

public agencies to prevent public officials from receiving unlimited immunity. Permits

amendments by 2/3 vote of Legislature. Contains severability clause if part is held invalid.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state

and local governments: The cost of this measure is unknown, and would depend largely on

the number of lawsuits filed as a result of the new limitations on immunity. State and local

governments usually pay the cost of defending their employees and reimburse government

employees for monetary awards assessed against them. The costs to state and local

government could range from the millions to tens of millions annually.

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 this measure.

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 an amendment (new section) to Article VI of the Constitution of California, relating to judicial reform, 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 otherwise provided by law. The proposed constitutional amendment shall read as follows:

THE JUDICIAL ACCOUNTABILITY AND LIMITED IMMUNITY ACT OF 1996

Section 1. Findings and Declaration.

The People of California find and declare as follows:

That they have suffered and are suffering economic, physical and emotional hardship caused by the pressures of public officials whose misconduct is protected by the cloak of immunity and the lack of judicial accountability.

Thereby, We the people, demand the restoration of judicial accountability and the implementation of limited immunity of all public officials in the State of California.

(a) The term Public Official shall include but not limited to justices, judges, commissioners, judges pro tem, private judges and arbitrators, hereinafter referred to as "Judges," District Attorneys, Social Workers and Child Protective Service Workers. This shall be known as the "Judicial Accountability and Limited Immunity Act of 1996 "

(b) Notwithstanding common law or any other provision to the contrary, no immunities shall be extended to any member of the judiciary of the State of California, except as specifically set forth in this Act. For purposes of this Act, members of the judiciary shall include but not limited to judges, commissioners, judges pro tem, private judges and judicial public officials, i.e. District Attorneys, Deputy District Attorneys, Social Workers and Child Protective Service Workers.

(c) That they have a right to the protection of their government from any person or persons employed by the judicial system who willfully and intentionally violates their oath of office and the Constitution of the United States of America.

(d) Therefore, the People of California declare their intention to provide for cooperation between their agencies of state and local government, and to establish a system of required notification by and between such agencies to prevent unlawful acts by public officials in the State of California from receiving unlimited immunity.

(e) Preserving the original intent of immunity to protect public officials from frivolous and harassing complaints, the "limited immunity act" shall be construed to extend to any clear violation of the Constitution of the United States or California Constitution, wherein a willful and intentional and deliberate violation of law, concealment of evidentiary truth or evidence, judicial acts lacking jurisdiction or authority, and unreasonably delaying the conclusion of a case.

(f) Commencing on January 1, 1997, after the enactment of this Act, any citizen may file a suit in the court of jurisdiction against a Judicial Public Official who has intentionally and willfully violated the law and maliciously prosecuted or persecuted a citizen based on gender bias, race, ethnicity, religion, political or economic status.

(h) The provisions and procedures herein are in addition to other redress that may exist and are not exclusive.

(i) The statutory provisions contained in this measure may not be amended by the Legislature except to further the purposes by statute passed in each house by roll call vote entered into the journal, two-thirds of the membership concurring or by a statute that becomes effective only when approved by the voters.

(j) In the event that any portion of this act or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect any other provision or application of the act, which can be given effect without the invalid provision or application, and to that and the provisions of this act are severable.

*Rose Colombo
16027 Brookhurst St
8279
Mountain Valley, Ca*

RECEIVED
DEC 4 1995

November 29, 1995

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

To: The Attorney General
State of California

I, the undersigned, declare that I am submitting "The Judicial
Accountability and Limited Immunity Act of 1996" at the Presidential
Election for the State of California as to be held on November 5, 1996
and hereby state that I am the author.

Signed Rose M. Colombo Date November 29, 1995
Author Rose M. Colombo

We, the undersigned declare under the penalty of perjury by the Laws
of the State of California, that we have received no monetary support
or compensation to become a proponent of this petition.

Signed _____ Date _____
Proponent

Signed Adele M. Trent Date November 29, 1995
Proponent

Signed Rebecca Lawrence Date November 30, 1995
Proponent

Signed Donna Blanchard Date November 30, 1995
Proponent

~~Donna Blanchard~~ Dropped
as proponent 1/29/96 H/d

Signed
Rose M. Colombo
16027 Brookhurst St
Suite #277
Mountain Valley, Ca
92708
(714) 839-5256

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