

2-1-1996

Equal Opportunity. Prohibits Quotas. Permits Goals.

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BILL JONES
Secretary of State
State of California

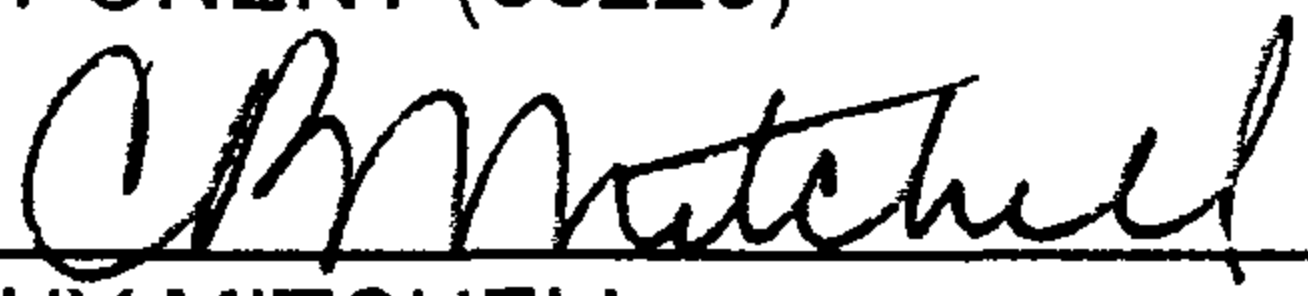
ELECTIONS DIVISION

(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

July 12, 1996

#713

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND
PROPONENT (96229)

FROM: 
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 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: EQUAL OPPORTUNITY. PROHIBITS QUOTAS.
PERMITS GOALS. INITIATIVE STATUTE.

SUMMARY DATE: February 1, 1996

PROPONENT: Rodrigo V. Torres
Arnoldo S. Torres

1

2

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BILL JONES

**Secretary of State
 State of California
 #713**

February 1, 1996

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (96071)

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:

**EQUAL OPPORTUNITY. PROHIBITS QUOTAS.
 PERMITS GOALS.
 INITIATIVE STATUTE.**

Circulating and Filing Schedule

- 1. Minimum number of signatures required 433,269
 Cal. Const., Art II, Sec. 8(b).
- 2. Official Summary Date Thursday, 02/01/96
 Elec. C., Sec. 336.
- 3. Petitions Sections:
 - a. First day Proponents can circulate Sections for signatures Thursday, 02/01/96
 Elec. C., Sec. 336.
 - b. Last day Proponents can circulate and file with the county. All sections are to be filed at the same time within each county. Monday, 07/01/96*
 Elec. C., Secs. 336, 9030(a).
 - c. Last day for county to determine total number of signatures affixed to petitions and to transmit total to the Secretary of State Friday, 07/12/96
 Elec. C., Sec. 9030(b).

(If the Proponents file the petition with the county on a date prior to 07/01/96, 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 Saturday. Elec. C., Sec. 15.
 ** Date varies based on receipt of county certification.

"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 Sunday, 07/21/96**
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, 08/30/96
Elec. C., Sec. 9030(d), (e).

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 07/21/96, 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 476,596 or less than 411,606 then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 411,606 and 476,596 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures Monday, 09/09/96**
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 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 09/09/96, the last day is no later than the thirtieth working day after the 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.

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

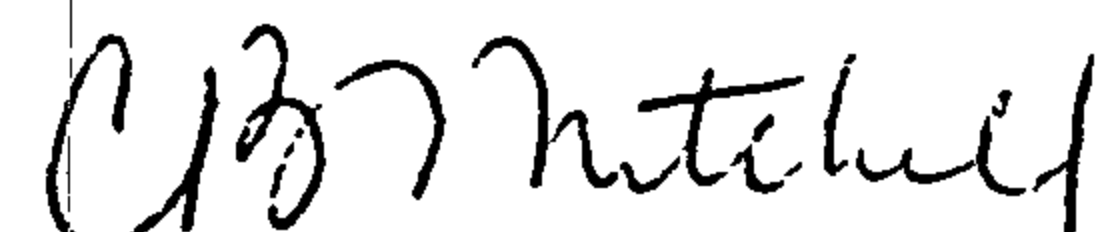
Rodrigo V. Torres & Arnaldo S. Torres
Torres & Torres, Policy Consultants
926 J Street, Suite 1016
Sacramento, California 95814

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,



CATHY MITCHELL
ELECTIONS SPECIALIST

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

February 1, 1996

FILED

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

FEB 0 1 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: EQUAL OPPORTUNITY. PROHIBITS QUOTAS. PERMITS GOALS.
INITIATIVE STATUTE.
File No: SA 95 RF 0058

Dear Mr. Jones:

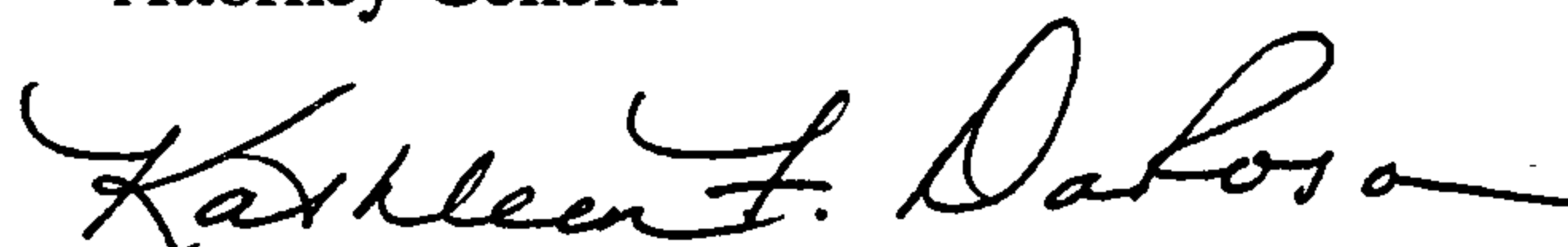
Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed to the proponents of the above-identified proposed initiative our title and summary.

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: February 1, 1996
File No: SA95RF0058

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

EQUAL OPPORTUNITY. PROHIBITS QUOTAS. PERMITS GOALS. INITIATIVE STATUTE. Prohibits California public agencies from discriminating on basis of age, race, sex, color, ethnicity, national origin, ancestry, marital status, religion or disability in public employment, contracting, and education. Prohibits contract set-asides, and quotas when admitting students or hiring or promoting employees. Requires state to maintain review process to verify compliance. Permits use of goals to overcome underutilization of minorities and women in public hiring, contracts and higher education. Allows consideration of race and sex in higher education admissions, but only as one factor. Exempts state actions necessary for receipt of federal funds. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure has no identifiable fiscal effect on state or local government programs or activities.

Torres & Torres
POLICY CONSULTANTS
926 J STREET, SUITE 1016
SACRAMENTO, CA 95814
(916) 442-2207

Arnoldo Torres

Rodrigo Torres

December 4, 1995

RECEIVED
DEC 6 1995

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Honorable Dan Lungren
Attorney General
State of California
1300 I Street, 17th Floor
Sacramento, CA 95814

Dear Mr. Lungren:

We, the undersigned, respectfully request that your office prepare a title and summary for the attached statutory amendment initiative we are proposing.

Enclosed is the text of the proposed initiative measure entitled the "1996 No Quota Civil Rights Initiative"; the required filing fee of two hundred dollars (\$200.00), and a confidential list of the addresses at which we are registered to vote.

Thank you for your assistance in this matter.

Sincerely,



Rodrigo V. Torres
Co-Author and Co-Principal

RVT/AST:rt

Enclosures

Sincerely,



Arnoldo S. Torres
Co-Author and Co-Principal

"1996 NO QUOTA CIVIL RIGHTS INITIATIVE"

SECTION 1. *The people of California believe strongly in equal opportunity and recognize that: (1) unfair discrimination continues to harm individuals in the areas of employment and education; (2) equal opportunity efforts are still needed to prevent discrimination; and (3) there is a need to reform current equal opportunity programs. Therefore, in order to ensure equal opportunity, prevent discrimination, and modify state equal opportunity programs, the people of California hereby enact this measure which shall be known as the "1996 No Quota Civil Rights Initiative."*

SECTION 2. Section 19795.5 is added to the Government Code, Section 66206 is added to the Education Code, and Sections 10115.16 and 10475 are added to the Public Contract Code to read:

(A) The state shall not discriminate against any individual or group, on the basis of age, race, sex, color, ethnicity, national origin, ancestry, marital status, religious creed, or disability, in the operation of the state's systems of public employment, public education and public contracting.

The state shall not use quotas when hiring or promoting public employees or when admitting students into public colleges and universities, nor shall the state use set-asides in public contracting.

The state shall not hire or promote public employees, admit persons into public colleges and universities, or enter into public contracts, unless they meet the required qualifications established by the state.

(B) Any public employee who is responsible for hiring or promoting public employees, or admitting persons into public colleges and universities, may be subject to discipline for using quotas. Any public employee who is responsible for entering into public contracts may be subject to discipline for using set-asides.

(C) The state shall maintain a process to review its systems of public employment, higher education, and public contracting, to verify they do not use quotas or set-asides, and to verify they select only those persons who meet the qualifications established by the state. Nothing in this section shall preclude the state from conducting these reviews based on statistically valid samples of such programs.

(D) The remedies available for violations of this section shall be the same, regardless of the injured party's age, race, sex, color, ethnicity, national origin, ancestry, marital status, religious creed or disability, as are otherwise available for violations of California anti-discrimination law.

(E) The state shall continue to promote and provide equal opportunity, consistent with federal and state laws, through various means such as goals designed to overcome any underutilization of minorities and women in public employment, public contracting, and higher education. The use of such goals should terminate once the goals are achieved. When admitting persons into public colleges and universities, the state shall take race and sex into consideration, but only as one of other relevant factors.

(1) employment goals may be based on, but not limited to, the percentages of women and minorities who meet the qualifications for a particular job being solicited, or the percentages of women and minorities eligible to participate in the state labor market;

(2) public contracting goals may be based on, but not limited to, the percentages of women-owned business and minority-owned businesses that provide the types of services being solicited by the state, or the percentages of women-owned and minority-owned businesses that are available to provide services in relevant geographic areas of the state; and

(3) in carrying out the admissions goals for higher education, the state shall continue efforts to enroll a student body that meets required academic standards and reflects the economic, geographic, cultural, gender, ethnic, and social diversity of California.

SECTION 3. (A) For the purposes of this section, "state" shall include, but not necessarily be limited to, the state itself, any city, county, city and county, public university or college system, school district, special district, or any other political subdivision or governmental instrumentality of or within the state.

(B) For the purposes of this section, "quota" means a fixed number of employment positions or college admissions that must be awarded to persons based on their age, race, sex, color, ethnicity, national origin, ancestry, marital status, religious creed or disability.

(C) For the purposes of this section, "set-aside" means a fixed number of state contract dollars that must be awarded to businesses or individuals based on age, race, sex, color, ethnicity, national origin, ancestry, marital status, religious creed or disability.

(D) Nothing in this section shall be construed as prohibiting state action which is necessary to establish or maintain eligibility for any federal program, where ineligibility would result in a loss of federal funds to the state.

(E) The provisions of this measure are severable. If any provision of this measure or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application. Where 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.