

7-15-1997

Political Contributions. Employers. Labor Unions. Foreign Entities.

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Political Contributions. Employers. Labor Unions. Foreign Entities. California Initiative 746 (1997).
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State of California

SECRETARY OF STATE

December 23, 1997

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS (97250)

Pursuant to Section 9033 of the Elections Code, I hereby certify that on December 23, 1997 the certificates received from the County Clerks or Registrars of Voters by the Secretary of State established that the Initiative Statute, POLITICAL CONTRIBUTIONS. EMPLOYERS. LABOR # 74C UNIONS. FOREIGN ENTITIES. has been signed by the requisite number of qualified electors needed to declare the petition sufficient. The POLITICAL CONTRIBUTIONS. EMPLOYERS. LABOR UNIONS. FOREIGN ENTITIES. INITIATIVE STATUTE is, therefore, qualified for the June 2, 1998 Primary Election.

POLITICAL CONTRIBUTIONS. EMPLOYERS. LABOR UNIONS. FOREIGN ENTITIES. INITIATIVE STATUTE. Amends the Political Reform Act. Requires public and private employers and labor organizations to obtain permission from employees and members before withholding pay or using union dues or fees for political contributions. Permission must be obtained annually using a prescribed form. Requires record keeping. Prohibits contributions to state and local candidates by residents, governments or entities of foreign countries. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Would result in unknown costs to the state resulting from enforcement of its provisions. While the state has no record keeping or tracking requirements under this measure, the Fair Political Practices Commission will be responsible for any such enforcement actions that arise. It is not possible to estimate the number of enforcement actions or accompanying enforcement costs that may arise from the measure. Enforcement costs, however, will probably not be major.



IN WITNESS WHEREOF, I hereunto set my hand and affix the Great Seal of the State of California this 23rd day of December, 1997.

Bill Jones

BILL JONES
Secretary of State



DIVISIONS:

Archives
Corporate Filings
Elections
Information Technology
Limited Partnership
Management Services
Notary Public
Political Reform
Uniform Commercial Code



BILL JONES
Secretary of State
State of California

July 15, 1997

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

RECEIVED

JUL 15 1997

DAVID
MARTINDALE HALL & BLOTT

TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (97089)

FROM:

Deirdre Avent
DEIRDRE AVENT
ELECTIONS ANALYST

SUBJECT: INITIATIVE #746

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**POLITICAL CONTRIBUTIONS. EMPLOYERS.
LABOR UNIONS. FOREIGN ENTITIES.
INITIATIVE STATUTE.**

The proponents of the above-named measure are:

James M. Righeimer
Mark W. Bucher
Frank L. Ury
California Foundation for Campaign Reform
777 South Figueroa Street, Suite 3700
Los Angeles, CA 90017
(714) 573-2275

#746
POLITICAL CONTRIBUTIONS. EMPLOYERS.
LABOR UNIONS. FOREIGN ENTITIES.
INITIATIVE STATUTE.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 433,269
California Constitution, Article II, Section 8(b)

2. Official Summary Date:..... Tuesday, 07/15/97
Elections Code section (EC§) 336

3. Petitions Sections:
 - a. First day Proponent
 - b. can circulate Sections for
signatures (EC §336)..... Tuesday, 07/15/97

 - b. Last day Proponent can circulate and file
with the county. All sections are to be filed at the
same time within each county (EC §336, 9030(a)) Friday, 12/12/97

 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (EC §9030(b))..... Wednesday, 12/24/97

(If the Proponent files the petition with the county on a date prior to 12/12/97,
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) (EC §9030(b)).

- d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures,
and notifies the counties (EC §9030(c))..... Friday, 01/02/98*

- 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
(EC §9030(d)(e))..... Wednesday, 02/18/98

* Date varies based on receipt of county certification.

INITIATIVE #746

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 01/02/98, the last day is no later than the thirtieth day after the county's receipt of notification). (EC §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 as 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 (EC §9030(f)(g); 9031(a))..... Saturday, 02/28/98*
- 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 (EC §9031(b)(c)).Monday, 04/13/98

(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 02/28/98, the last day is no later than the thirtieth working day after the county's receipt of notification). EC §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 (EC §9031(d); 9033). Friday, 04/17/98*

NOTE TO PROPONENTS WHO WISH TO QUALIFY FOR THE JUNE 2, 1998 PRIMARY ELECTION: This initiative must be certified for the ballot 131 days before the election (January 22, 1998). 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 November 13, 1997. If a 100% check of signatures is necessary, it is advised that the petitions be filed by September 18, 1997.

* Date varies based on receipt of county certification.

IMPORTANT POINTS

- 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 fundraising or requests for support. Any such misuses 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).
- 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 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.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq. A brief summary is attached for your reference.
- 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.
- 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.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

Enclosures

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

July 15, 1997

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

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

JUL 15 1997

BILL JONES, Secretary of State

By 
Deputy Secretary of State

Re: Initiative Title and Summary
Subject: POLITICAL CONTRIBUTIONS. EMPLOYERS. LABOR UNIONS.
FOREIGN ENTITIES. INITIATIVE STATUTE.
File No: SA 97 RF 0012

Dear Mr. Jones:

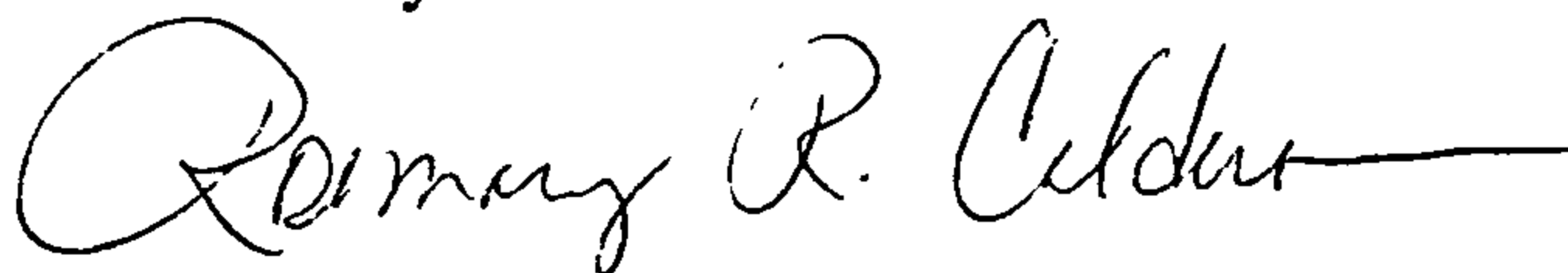
Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed to the proponents of the above-identified proposed initiative our title and summary.

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



ROSEMARY R. CALDERON
Initiative Coordinator

RRC:ms
Enclosures

Date: July 15, 1997
File No.: SA 97 RF 0012

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

POLITICAL CONTRIBUTIONS. EMPLOYERS. LABOR UNIONS. FOREIGN ENTITIES. INITIATIVE STATUTE. Amends the Political Reform Act. Requires public and private employers and labor organizations to obtain permission from employees and members before withholding pay or using union dues or fees for political contributions. Permission must be obtained annually using a prescribed form. Requires record keeping. Prohibits contributions to state and local candidates by residents, governments or entities of foreign countries. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Would result in unknown costs to the state resulting from enforcement of its provisions. While the state has no record keeping or tracking requirements under this measure, the Fair Political Practices Commission will be responsible for any such enforcement actions that arise. It is not possible to estimate the number of enforcement actions or accompanying enforcement costs that may arise from the measure. Enforcement costs, however, will probably not be major.

SA97RF0012
Amdt. #1-NS

California Foundation for Campaign Reform
777 S. Figueroa Street, Suite 3700
Los Angeles, California 90017
(714) 573-2275

RECEIVED
JUN. 5 1997

June 3, 1997

The Honorable Dan Lungren
Attorney General
Attn: Initiative Coordinator Rosemary R. Calderon
1300 I Street, 17th Floor
Sacramento, California 95814

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

VIA OVERNIGHT DELIVERY

Re: Follow-up Letter to Request for Initiative Summary and Title

Dear Mr. Lungren:

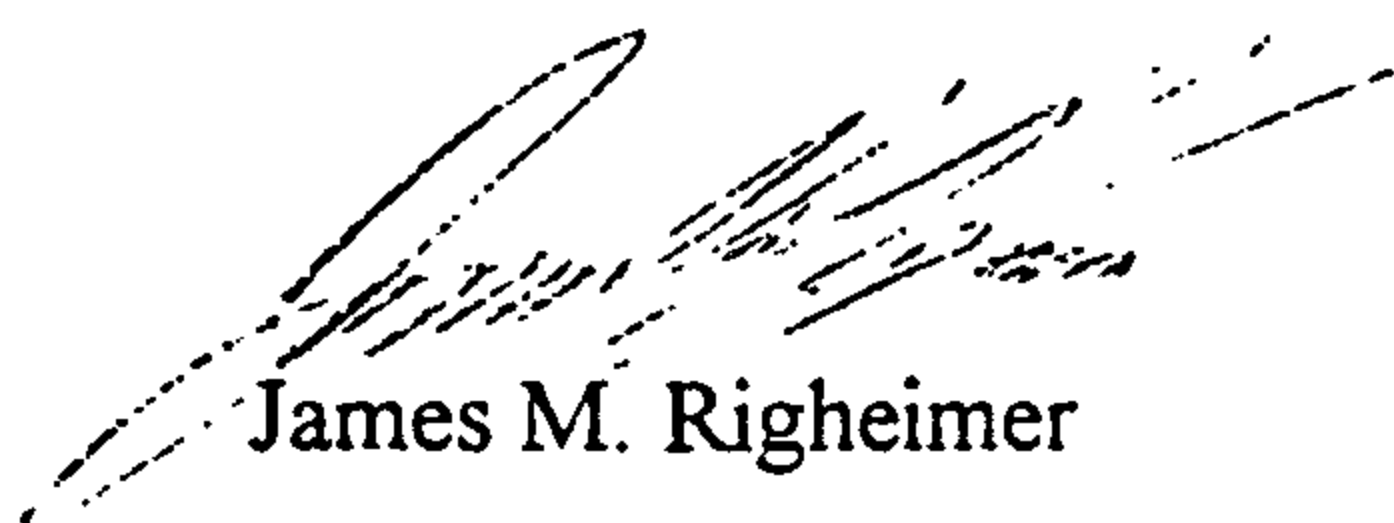
On May 28, 1997, James M. Righeimer of the California Foundation for Campaign Reform sent you a request for Title and Summary pursuant to Elections Code Sections 9002 and 9004.

As noted in the May 28, 1997 letter from Mr. Righeimer, the proposed initiative is substantially similar to the text of SA 97 RF 0006 (Secretary of State Initiative #740). The new text was submitted because the Attorney General had already prepared a Title and Summary for SA 97 RF 0006. The text of SA 97 RF 0006 was not, and is not being withdrawn at this time, but may be withdrawn at a later date.

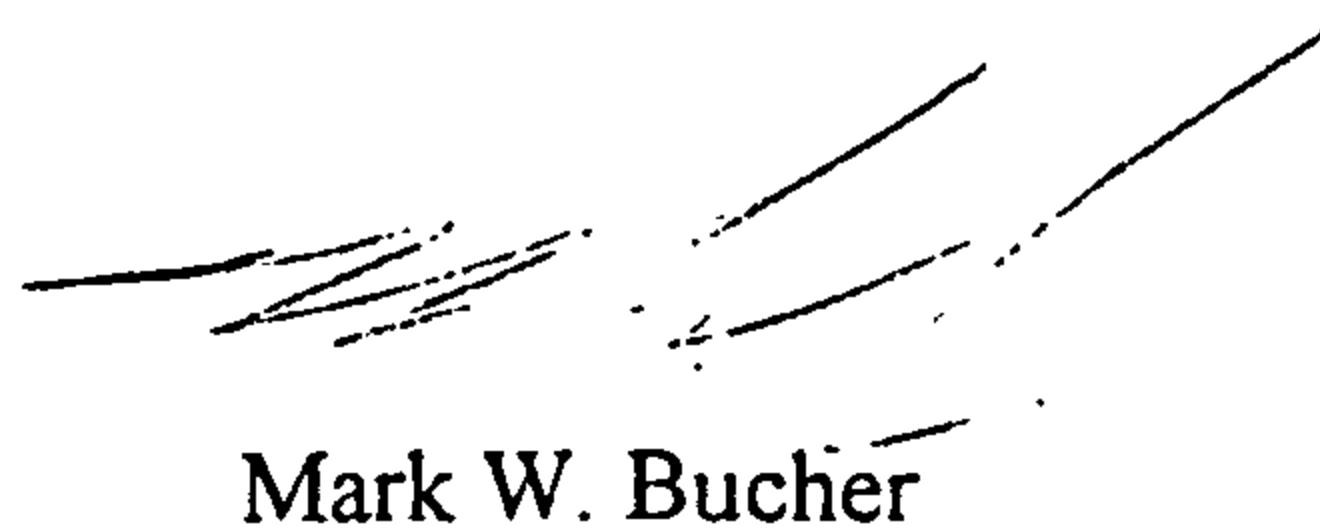
Finally, as also noted in the May 28, 1997 letter all three original proponents of SA 97 RF 0006 wish to be proponents of the new initiative. The purpose of this letter is to respectfully request that you add the two proponents who were out of town at the time we submitted the May 28, 1997 letter. We understand that the Attorney General has the discretion to add additional proponents upon submission of the original signatures to your office for verification.

Thank you for your assistance. If you have any questions, please contact us.

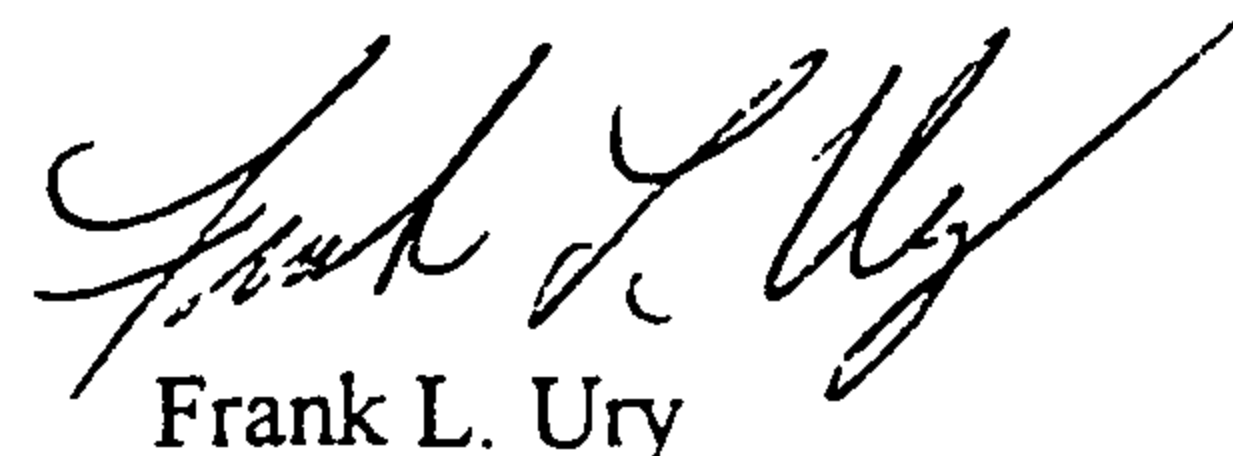
Sincerely,



James M. Righeimer



Mark W. Bucher



Frank L. Ury

SA 97 RF 0012

California Foundation for Campaign Reform
777 S. Figueroa Street, Suite 3700
Los Angeles, California 90017
(714) 573-2275

May 28, 1997

RECEIVED
MAY 30 1997

The Honorable Dan Lungren
Attorney General
Attn: Initiative Coordinator Rosemary R. Calderon
1300 I Street, 17th Floor
Sacramento, California 95814

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

VIA FEDERAL EXPRESS

Re: Request for Initiative Summary and Title

Dear Mr. Lungren:

Pursuant to Elections Code Sections 9002 and 9004, enclosed is a proposed initiative measure to be submitted to the voters, and the required check in the amount of \$200. Please review the proposed text and prepare a title and summary for the measure.

You will note that the language of the proposed initiative is substantially similar to the text of SA 97 RF 0006 (Secretary of State Initiative #740). New text is being submitted because we understand that an initiative may not be amended once the Attorney General has prepared a Title and Summary. Additionally, the text of SA 97 RF 0006 is not being withdrawn at this time, but may be withdrawn at a later date.

Since the texts of SA 95 RF 0006 and the new initiative are substantially similar, we would appreciate your expeditious processing of the Title and Summary.

Finally, the text of the proposed initiative is being submitted under the name of only one of three original proponents of SA 97 RF 0006. All three original proponents of SA 97 RF 0006 wish to be proponents of the new initiative, but two of the proponents are out of town and original signatures for your voter address verification are not available. However, based on our legal counsel's discussions with your Initiative Coordinator, Rosemary Calderon, we understand that the Attorney General has the discretion to add additional proponents upon submission of the original signatures to your office for verification.

Thank you for your assistance.

Sincerely,


James M. Righeimer

FULL INITIATIVE TEXT

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

SECTION 1. The people of the State of California find and declare as follows:

(a) Contributions to political campaigns from foreign interests that have a specific financial stake in legislation and policy can have a corrupting or potentially corrupting effect on, or give the perception of corruption of, the electoral and governmental process.

(b) Contributions that are taken from individuals without their knowledge and complete consent create the public perception that individuals play an insignificant role in the political process.

(c) The financial strength of special interest groups or the methods used to collect funds by certain organizations should not permit them to exercise a disproportionate or controlling influence on the election of candidates to state and local office.

(d) Candidates are raising a larger percentage of their funds from special interests with a specific financial stake in matters before state and local government and a smaller percentage of their funds directly from individuals. This has caused the public perception that decisions of elected officials are being improperly influenced by monetary contributions and that individuals play an insignificant role in the process.

SECTION 2. In enacting this measure, it is the intent of the people of the State of California to accomplish the following purposes:

(a) To eliminate corruption, or the perception of corruption, of the electoral and governmental process by contributions from foreign interests.

(b) To ensure that contributions and expenditures in political campaigns are made with the knowledge and complete consent of the individuals who are making them.

(c) To ensure that individuals and interest groups have fair and equal opportunity to influence the electoral and governmental process.

(d) To restore public trust in governmental institutions and the electoral process.

SECTION 3. Section 85320 is added to the Government Code, to read:

85320. (a) No person shall make or arrange, and no candidate or committee shall solicit or accept, any contribution from a foreign national. This section shall not apply to contributions to or accepted by a committee organized and operated exclusively for the purpose of supporting or opposing the qualification or passage of a measure.

(b) For the purposes of this section "foreign national" has the same meaning as defined in Section 441e of Title 2 of the United States Code on April 1, 1997.

SECTION 4. Chapter 5.9 (commencing with Section 85990) is added to Title 9 of the Government Code, to read:

CHAPTER 5.9. LIMITATIONS ON EMPLOYERS AND LABOR ORGANIZATIONS

85990. (a) No employer or other person responsible for the disbursement of funds in payment of wages shall deduct any funds from an employee's wages that the employer knows or has reason to know will be used in whole or in part as a contribution or expenditure except upon the written request of the employee received within the previous 12 months on a form as described by subdivision (b).

(b) The request referred to in subdivision (a) shall be made on a form, the sole purpose of which is for the documentation of such a request. The form shall be prescribed by the commission and at a minimum shall contain the name of the employee, the name of the employer, the total annual amount which is being withheld for a contribution or expenditure and the employee's signature. The form's title shall read, in at least 24 point bold type, "Request for Political Payroll Deductions" and shall also state, in at least 14 point bold type, the following words immediately above the signature line:

"Signing this form authorizes your employer to make a deduction from your paycheck that is intended to be used as a political contribution or expenditure. You are not obligated to authorize this deduction. Your signature below is completely voluntary and cannot in any way affect your employment."

(c) Each employer or other person who makes deductions under subdivision (a) shall maintain records that shall include a copy of each employee's request, the amounts and dates funds were actually withheld, the amounts and dates funds were transferred to a committee and the committee to which the funds were transferred.

(d) Copies of all records maintained under subdivision (c) shall be sent to the commission upon request.

(e) The requirements of this section may not be waived by an employee and waiver of these requirements shall not be made a condition of employment or continued employment.

(f) For the purposes of this section, "employer" has the same meaning as defined in Section 3300 of the Labor Code on April 1, 1997.

(g) For the purposes of this section, "employee" has the same meaning as defined in Section 3351 of the Labor Code on April 1, 1997.

(h) For the purposes of this section, "wages" has the same meaning as that term has under Section 200 of the Labor Code on April 1, 1997.

85991. (a) No labor organization shall use any portion of dues, agency shop fees, or any other fees paid by members of the labor organization, or individuals who are not members, to make contributions or expenditures except upon the written authorization of the member, or individual who is not a member, received within the previous 12 months on a form described by subdivision (b).

(b) The authorization referred to in subdivision (a) shall be provided on a form, the sole purpose of which is for the documentation of such an authorization. The form shall be prescribed by the commission and at a minimum shall contain the name of the individual granting the authorization, the labor organization to which the authorization is granted, the total annual amount of the dues, agency shop fees, or any other fees which will be used to make contributions

or expenditures and the signature of the individual granting the authorization. The form's title shall read, in at least 24 point bold type, "Authorization for Political Use of Fees" and shall also state, in at least 14 point bold type, the following words immediately above the signature line:

"Signing this form authorizes a portion of your dues, agency shop fees, or other fees to be used for making political contributions or expenditures. You are not obligated to sign this authorization. Your signature below is completely voluntary and cannot in any way affect your employment."

(c) Any labor organization that uses any portion of dues, agency shop fees or other fees to make contributions or expenditures under subdivision (a) shall maintain records that shall include a copy of each authorization obtained under subdivision (b), the amounts and dates funds were actually withheld, the amounts and dates funds were transferred to a committee and the committee to which the funds were transferred.

(d) Copies of all records maintained under subdivision (c) shall be sent to the commission upon request.

(e) Individuals who do not authorize contributions or expenditures under subdivision (a) shall not have their dues, agency shop fees or other fees raised in lieu of the contribution or expenditure.

(f) If the dues, agency shop fees or other fees referred to in subdivisions (a) and (c) included an amount for a contribution or expenditure the dues, agency shop fees or other fees shall be reduced by that amount for any individual who does not sign an authorization as described under subdivision (a).

(g) The requirements of this section may not be waived by the member or individual and waiver of the requirements shall not be made a condition of employment or continued employment.

(h) For the purposes of this section "agency shop" has the same meaning as defined in subdivision (a) of Section 3502.5 of the Government Code on April 1, 1997.

(i) For the purposes of this section "labor organization" has the same meaning as defined in subdivision (g) of Section 12926 of the Government Code on April 1, 1997.

SECTION 5. Unless otherwise specifically defined herein, the definitions and provisions of the Political Reform Act of 1974, as amended, (Government Code Sections 81000 et seq.) shall govern the interpretation of this initiative.

SECTION 6. The effective date of this measure shall be the first day of the month following the date that this initiative is approved by the voters.

SECTION 7. This measure shall be self executing.

SECTION 8. The provisions of this measure are severable. If any provision of this measure or its application to any person or circumstance is held invalid, that invalidity shall not affect any other provision or application of this measure which can be given effect without the invalid provision or application. If any provision of this measure is held to be in conflict with federal law, that provision shall remain in full force and effect to the maximum extent permitted by federal law.

For the purposes of this section, "provision" shall mean any section, subdivision, sentence, phrase or word.

SECTION 9. This measure shall be liberally construed to accomplish its purposes.

SECTION 10. If this measure is approved by the voters but superseded by any other conflicting ballot measure approved by more voters at the same election, and the conflicting ballot measure is later held invalid, it is the intent of the voters that this measure shall be self-executing and given full force of the law.

SECTION 11. The provisions of this measure cannot be altered or amended except by a vote of the people.