

11-18-1997

Elections. Term Limits Declarations For Congressional Candidates.

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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

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January 8, 1999

#767

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND
PROPONENT (99008)

FROM:


DEIRDRE AVENT
Elections Analyst

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: ELECTIONS. TERM LIMITS DECLARATIONS FOR
CONGRESSIONAL CANDIDATES.

SUMMARY DATE: November 18, 1997

PROPONENT: Sally Reed Impastato

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November 18, 1997

TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (97194)

FROM: *Cathy Mitchell*
CATHY MITCHELL
ELECTIONS SPECIALIST

DEC 31 1997

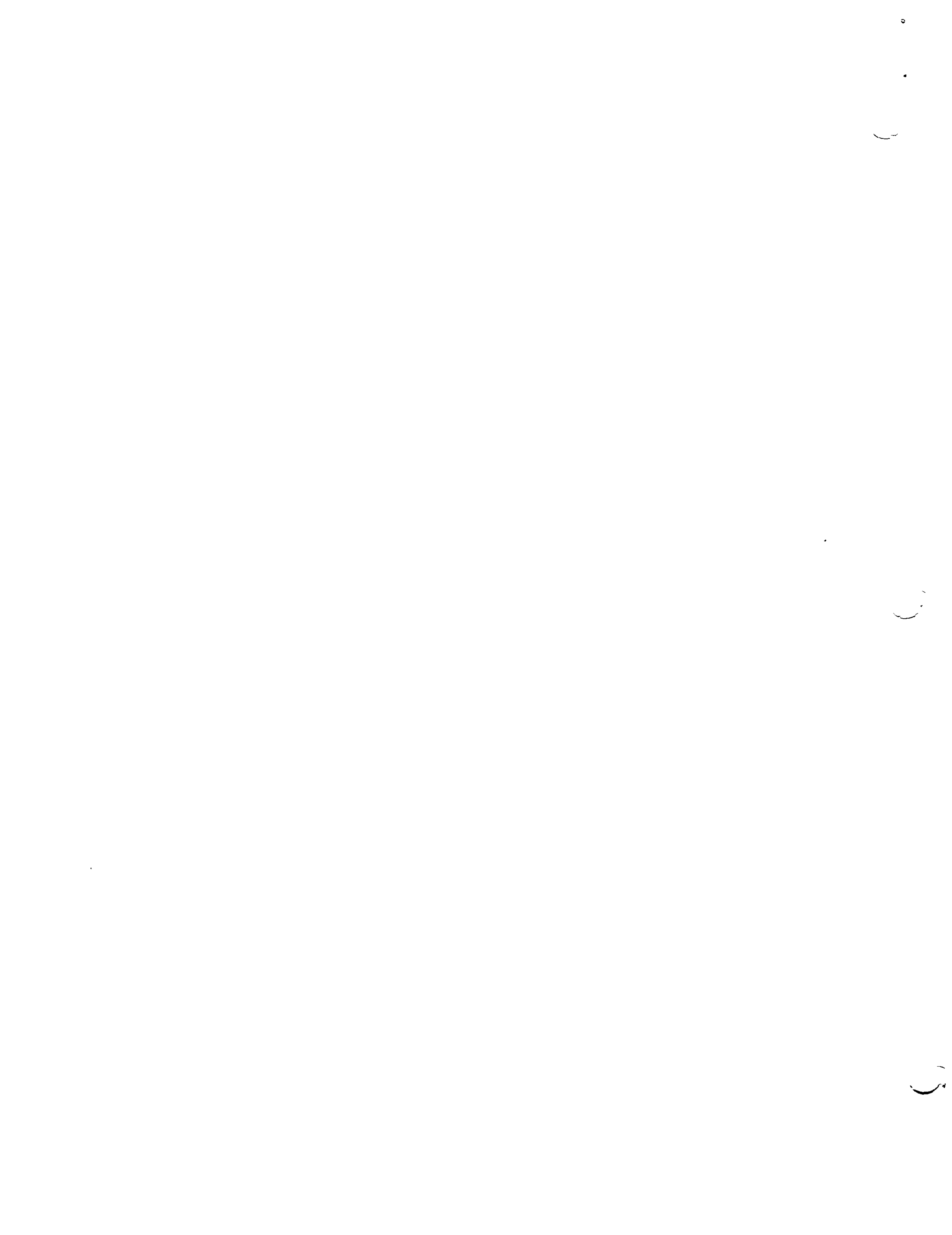
SUBJECT: **INITIATIVE #767**

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:

**ELECTIONS. TERM LIMITS DECLARATIONS
FOR CONGRESSIONAL CANDIDATES.
INITIATIVE STATUTE.**

The proponent of the above-named measure is:

Sally Reed Impastato
Californians for a Citizen Congress
1441 Fourth Street
Santa Monica, California 90401
(310) 458-1405



#767
ELECTIONS. TERM LIMITS DECLARATIONS
FOR CONGRESSIONAL CANDIDATES.
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, 11/18/97
Elections Code section (EC§) 336

3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336).....Tuesday, 11/18/97

 - 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, 04/17/98

 - 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, 04/29/98

(If the Proponent files the petition with the county on a date prior to 04/17/98,
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, 05/08/98*

 - 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)).....Monday, 06/22/98

* Date varies based on receipt of county certification. Elec. Cd. §15.

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INITIATIVE #767

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 05/08/98, 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))..... Thursday, 07/02/98*

- 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)).Thursday, 08/13/98

(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 07/02/98, 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). Monday, 08/17/98*

NOTE TO PROPONENTS WHO WISH TO QUALIFY FOR THE NOVEMBER 3, 1998 GENERAL ELECTION: This initiative must be certified for the ballot 131 days before the election (June 25, 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 official by April 17, 1998. If a 100% check of signatures is necessary, it is advised that the petitions be filed by February 25, 1998.

* Date varies based on receipt of county certification. Elec. Cd. §15.

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

November 18, 1997

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

NOV 18 1997

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

BILL JONES, Secretary of State

By *Hendrie Avent*
Deputy Secretary of State

Re: Initiative Title and Summary
Subject: ELECTIONS. TERM LIMITS DECLARATIONS FOR
CONGRESSIONAL CANDIDATES. INITIATIVE STATUTE.
File No: SA 97 RF 0034

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 proponent of the above-identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponent, 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 name and address of the proponent is as stated on the declaration of mailing.

Sincerely,

DANIEL E. LUNGREN
Attorney General

Linda A. Cabatic

LINDA A. CABATIC
Senior Assistant Attorney General

LAC:fec
cc: Sally Reed Impastato
Enclosures



Date: November 18, 1997
File No.: SA 97 RF 0034

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

ELECTIONS. TERM LIMITS DECLARATIONS FOR CONGRESSIONAL CANDIDATES.

INITIATIVE STATUTE. Permits candidates to voluntarily sign non-binding declaration of intention to serve no more than three terms in United States House of Representatives or two terms in United States Senate, or to declare their choice not to so limit their terms. Requires placement of information on ballots and state-sponsored voter education materials when authorized by candidates. Candidates may appear on official ballot without submitting either declaration. If candidate declaring term limits wins election, his/her declaration applies to future elections for same office. Calculation of terms excludes service prior to 1999. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Measure would result in probably minor costs for Secretary of State to prepare and collect candidate declarations regarding term limits. Measure would also result in probably minor costs to counties to add statements to ballots regarding term limits.

CALIFORNIANS FOR A CITIZEN CONGRESS
1441 Fourth Street
Santa Monica, California 90401
(310) 458-1405

SA 97 RF 0034
Amdt. #1-S

VIA FEDERAL EXPRESS

September 25, 1997

The Honorable Daniel Lungren
Attorney General
Department of Justice
1300 I Street
Sacramento, California 95814

RECEIVED
SEP 25 1997

ATTN: Rosemary Calderon
Initiative Coordinator

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

RE: Amendments to Proposed Initiative
Your File No. SA 97 RF 0034

Dear Attorney General Lungren:

I have reviewed your letter dated September 11, 1997 acknowledging your receipt of the above referenced initiative. In that letter you stated that any amendment(s) to the initiative must be received by your office prior to close of business on September 26, 1997. Per that letter, I have attached the complete text of the measure with all the changes included.

Please review the attached measure and contact me at your earliest convenience if you have any questions.

Very truly yours,

Sally Reed Impastato

Sally Reed Impastato

Enclosures

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Section 1. Title

This measure shall be known and may be cited as the "Congressional Term Limits Declaration Act of 1998".

Section 2. Findings and Declarations of Purpose

(a) The state of California allows a candidate's political party affiliation and profession, vocation or occupation to appear on the ballot.

(b) A candidate's party designation informs the people of certain basic choices a candidate will make with respect to the candidate's service in public office. Party designations are allowed because they may help the people discern what kind of representative the candidate will make.

(c) Many candidates currently inform the people of how many terms of office they intend to serve, but in an unofficial and unaccountable way.

(d) A candidate's position on voluntarily limiting his or her service helps the people discern what kind of representative the candidate will make to such an extent that the people of the state of California declare their desire to enact the Congressional Term Limits Declaration Act of 1998.

Section 3. Voluntary Term Limits Declaration

Section 13107.5 of Chapter 2 of Division 13 of the Elections Code is added to read:

(a) Any person seeking to be elected to the United States Congress may submit to the secretary of state no later than 15 days prior to the certification of all congressional election ballots an executed copy of any one of the following declarations but is not required to submit a declaration. If a candidate does not submit a declaration in this section, the secretary of state shall not, on that account, refuse to place his or her name on the official ballot.

Term Limits Declaration One

Part A: I, _____, voluntarily declare that, if elected, I will not serve in the United States [House of Representatives more than 3 terms] [Senate more than 2 terms] after the effective date of the Congressional Term Limits Declaration Act of 1998.

Signature by candidate executes Part A

Date

After executing Part A, a candidate may execute and submit the voluntary statement in Part B.

Part B: I, _____, authorize and request the secretary of state to place the applicable ballot designation, "Signed declaration to limit service to [3 terms] [2 terms]" or



“Running for () term after declaring to limit service to no more than [3 terms] [2 terms]” next to my name on every election ballot and in all state-sponsored voter education material in which my name appears as a candidate for the office to which Term Limits Declaration One refers.

Signature by candidate executes Part B

Date

If the candidate shall choose not to execute any or all parts of the above declaration, then he or she may execute and submit to the secretary of state any or all parts of the following declaration:

Term Limits Declaration Two

Part A: I, _____, have voluntarily chosen not to sign Term Limits Declaration One. If I had signed this declaration, I would have voluntarily agreed to limit my service in the United States [House of Representatives to no more than 3 terms] [Senate to no more than 2 terms] after the effective date of the Congressional Term Limits Declaration Act of 1998.

Signature by candidate executes Part A

Date

After executing Part A, a candidate may execute and submit the voluntary statement in Part B.

Part B: I, _____, authorize and request the secretary of state to place the ballot designation, “Chose not to sign declaration to limit service to [3 terms] [2 terms]” next to my name on every election ballot and in all state-sponsored voter education material in which my name appears as a candidate for the office to which Term Limits Declaration Two refers.

Signature by candidate executes Part B

Date

(b) In the ballot designations in this section, the secretary of state shall incorporate the applicable language in brackets [] for the office the candidate seeks and shall calculate and put in place of the empty parenthesis () the number of the term of office which the candidate seeks after the effective date of this section; however, no service prior to January 1, 1999 shall be included in the calculation; and the terms shall be calculated without regard to whether the terms were served consecutively.

(c) The secretary of state shall allow any candidate who at any time has submitted an executed copy of Term Limits Declaration Two, to submit an executed copy of Term Limits Declaration One in accordance with this section at which time all subsections affecting Term Limits Declaration One shall apply.

(d) Except when subsection (e) applies, if a candidate has submitted an executed declaration, and the candidate is not elected to the office which that candidate sought, the executed term limits declaration will not be in effect for any future election. Such candidate

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may resubmit any executed declaration in this section for a future election, pursuant to this section.

(e) If a candidate has submitted an executed copy of Term Limits Declaration One, and the candidate is elected to the office which that candidate sought, that executed declaration shall remain in effect for all future elections for that same office.

(f) Except when subsection (d) applies, the secretary of state shall place on that part of the official election ballot and in all state-sponsored voter education material, immediately following the name of each candidate who has executed and submitted Parts A and B of Term Limits Declaration One, either the following words, "Signed declaration to limit service to [3 terms] [2 terms]"; or for any candidate who has executed and submitted Parts A and B of Term Limits Declaration One and thereafter qualifies as a candidate for a term that would exceed the number of terms set forth in Term Limits Declaration One the following words, "Running for () term after declaring to limit service to no more than [3 terms] [2 terms]". Except when subsection (d) applies, the secretary of state shall place on that part of the official election ballot and in all state-sponsored voter education material, immediately following the name of each candidate who has executed and submitted Parts A and B of Term Limits Declaration Two the following words, "Chose not to sign declaration to limit service to [3 terms] [2 terms]".

(g) For the purpose of this section, service in office for more than one-half of a term shall be deemed as service for a full term.

(h) No candidate shall have more than one declaration and ballot designation in effect for any office at the same time and a candidate may only execute and submit Part B of a declaration if Part A of that declaration is or has been executed and submitted.

(i) The secretary of state shall provide candidates with all the declarations in this section and promulgate regulations as provided by law to facilitate implementation of this section as long as the regulations do not alter the intent of this section.

Section 4. Standing

The proponents of this initiative, pursuant to section 342, shall have standing to defend its provisions.

Section 5. Severability

If any part of Sections 1-5 or the application to any person or circumstance is held invalid, the invalidity shall not affect other provisions, subsections or applications which reasonably can be given effect without the invalid provisions or application.

9/23/97 4:40:20 PM

