

6-2-1999

Liability For Infidelity.

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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

November 16, 1999

#843

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND
PROPONENT (99261)

FROM:

Deirdre Avent
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: LIABILITY FOR INFIDELITY.

SUMMARY DATE: June 2, 1999

PROPONENTS: Laura Onates-Palacios

Received
11/29/99



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June 2, 1999

TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (99105)

FROM: *Deirdre Avent*
DEIRDRE AVENT
ELECTIONS ANALYST

SUBJECT: INITIATIVE #843

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:

**LIABILITY FOR INFIDELITY.
INITIATIVE STATUTE.**

The proponent of the above-named measure is:

Laura Onate-Palacios
1415 Custozza Avenue
Rowland Heights, CA 91748
(323) 730-8860

RECEIVED

JUN 07 1999

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#843
LIABILITY FOR INFIDELITY.
INITIATIVE STATUTE.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 419,260
California Constitution, Article II, Section 8(b)

2. Official Summary Date:..... Tuesday, 06/02/99
Elections Code section (EC§) 336

3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336) Tuesday, 06/02/99

 - 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))Monday, 11/01/99*

 - 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)).....Friday, 11/12/99

(If the Proponent files the petition with the county on a date prior to 11/01/99,
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))..... Sunday, 11/21/99**

 - 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)) Tuesday, 01/04/00

* Date adjusted for official deadline which falls on a Saturday. EC §15

** Date varies based on receipt of county certification.

INITIATIVE #843
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 11/21/99, 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 461,003 or less than 398,139 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 398,139 and 461,003 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)) Friday, 01/14/00**
- 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)). Tuesday, 02/29/00

(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 01/14/00, 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)..... Saturday, 03/04/00**

NOTE TO PROPONENTS WHO WISH TO QUALIFY FOR THE MARCH 7, 2000 PRESIDENTIAL ELECTION: This initiative must be certified for the ballot 131 days before the election (October 28, 1999). 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 August 20, 1999. If a 100% check of signatures is necessary, it is advised that the petitions be filed by June 30, 1999.

* Date adjusted for official deadline which falls on Saturday. EC §15
** Date varies based upon 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

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
Public: (916) 445-9555


Facsimile: (916) 323-2137
(916) 324-5490

June 2, 1999

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

JUN - 2 1999

Bill Jones
Secretary of State
1500 - 11th Street, 5th Floor
Sacramento, California 95814

BILL JONES, Secretary of State
By 
Deputy Secretary of State

RE: INITIATIVE TITLE AND SUMMARY
SUBJECT: LIABILITY FOR INFIDELITY. INITIATIVE STATUTE.
FILE NO: SA1999RF0015

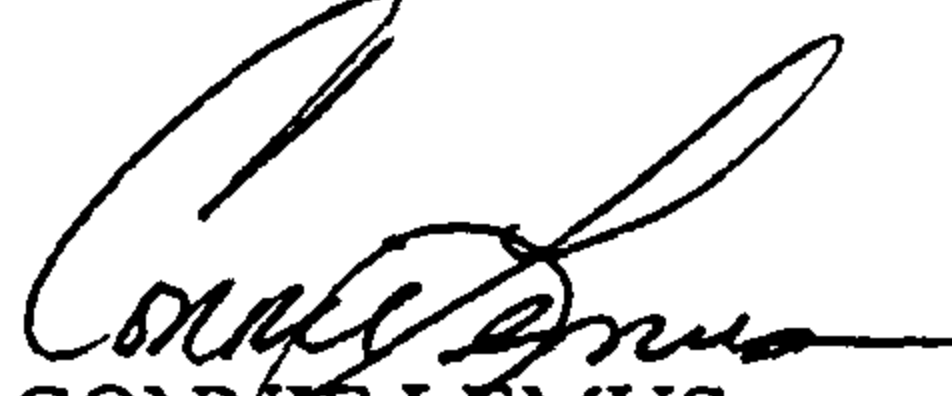
Dear Mr. Jones:

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 service 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 service.

Sincerely,


CONNIE LEMUS
Initiative Coordinator

For BILL LOCKYER
Attorney General

CL:fec
Enclosures

Date: June 2, 1999
File No.: SA1999RF0015

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

LIABILITY FOR INFIDELITY. INITIATIVE STATUTE. Imposes civil and criminal liability for infidelity. Defines "infidelity" as voluntary sexual intercourse between one spouse and a third person without other spouse's knowledge and consent. Defines "spouse" as a husband, a wife, or a person cohabiting with member of opposite sex if they hold themselves out to the community as husband and wife. An innocent spouse may recover damages from the unfaithful spouse and the third person for lost wages and expenses due to emotional distress and for lost financial support resulting from abandonment. The court may order a public apology and jail time. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: The measure could result in costs to the state and local governments to process additional court cases and for incarceration in county jails of persons who are ordered to jail by the courts. The magnitude of the costs is unknown, but potentially significant, depending on the number of such cases that are brought to court.

SA 1999 RF0015,
Amdt. #1-3

INITIATIVE: PROPOSE TO MAKE INFIDELITY ILLEGAL

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APR 20 1999

Office of the Attorney General
Att. Initiative Coordinator
Mrs. Connie Lemus
Sacramento Ca. 94244-2550

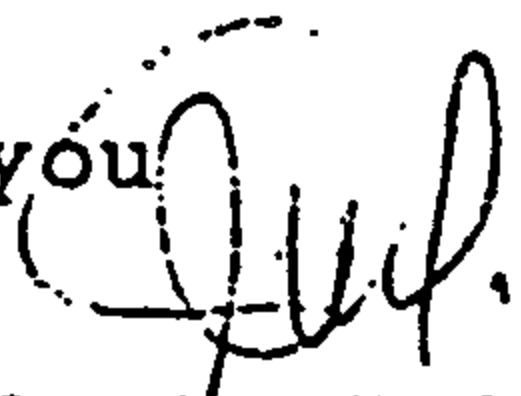
INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Madam:

Enclose this letter you will find my ammended initiative measure, Please prepare a Title and Summary as proposed measure above indicate.

This initiative is intended to input on November 2000 Election.

Thank you


Laura Onate-Palacios
323-730-8860 Office
626-913-7586-Home

Any Correspondence mail to :1415 Custozza Ave. Rowland Heights
Ca. 91748

04-20-99

SA1999RF0015,
Amdt. #1-C

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO
THE VOTERS

12-point
Boldface
Type

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

(Here set forth the title and summary prepared by the Attorney General. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

Type: Roman
Boldface not
smaller than
12-point

We, the undersigned, registered, qualified voters of California, residents of _____ County (or City and County), hereby propose amendments to the Family Code, relating to infidelity, 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 at any special statewide election held prior to that general election or otherwise provided by law. The proposed statutory amendments read as follows:

SECTION 1. Section 722 is added to the Family Code, to read:

722. (a) Every spouse owes the other spouse the duty to refrain from infidelity.

(b) As used in this section, "infidelity" means that a spouse has voluntary sexual intercourse with a third person without the knowledge and consent of the other spouse.

(c) As used in this section only, "spouse" means a husband, a wife, or a person who cohabits with another person of the opposite sex in a relationship in which they both hold themselves out to the community as husband and wife.

(d) On and after the effective date of this section, every spouse who commits infidelity in violation of subdivision (a), and the third person with whom he or she commits infidelity, shall be jointly and severally liable to the spouse of either or both of them, as applicable, for all of the following, in addition to any other obligation under this code:

(1) Loss of wages or other income because of emotional distress from humiliation or abandonment, or both.

(2) Damages for any therapy or other expenses reasonably incurred for recovery from that emotional distress, until recovery therefrom.

(3) Damages for loss of financial support resulting from abandonment, if applicable.

(4) A public apology as ordered by the court, as appropriate under the circumstances.

(5) Jail time, plus monetary compensation or both to both offenders as court order as appropriate under the circumstances.

(e) The Legislature, by majority vote, may amend or repeal this section.