

5-20-1999

Reapportionment. Campaign Financing. Compensation.

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BILL JONES
Secretary of State
State of California

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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

September 9, 1999

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS (99186)

FROM:


Waldeep Singh
Elections Analyst

RECEIVED

SEP 15 1999

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SUBJECT: INITIATIVE WITHDRAWAL NOTICE

The proponents, Ron Unz and Tony Miller, have withdrawn the following proposed initiative measures from circulation:

TITLE: #834. Reapportionment. Campaign Financing. Compensation. Initiative Constitutional Amendment and Statute.
Summary Date: 05/20/99

TITLE: #835. Campaign Financing. Reapportionment. Compensation. Initiative Constitutional Amendment and Statute.
Summary Date: 05/20/99

TITLE: #836. Reapportionment Commission. Campaign Contribution and Spending Limits. Initiative Constitutional Amendment and Statute.
Summary Date: 05/20/99

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May 25, 1999

TO: ALL COUNTY ELECTIONS OFFICIALS (99097)

FROM: Deirdre Avent
DEIRDRE AVENT
ELECTIONS ANALYST

SUBJECT: INITIATIVE #834

RECEIVED

MAY 27 1999

LIBRARY
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Oops, oops. It has been brought to our attention that there are several missing or misplaced pages for #834. Would you please dispose and replace the copy you just received with the enclosed corrected copy.

**REAPPORTIONMENT. CAMPAIGN FINANCING. COMPENSATION.
INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.**

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May 20, 1999

TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (99087)

FROM: *Deirdre Avent*
DEIRDRE AVENT
ELECTIONS ANALYST

SUBJECT: INITIATIVE #834

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:

**REAPPORTIONMENT. CAMPAIGN FINANCING. COMPENSATION.
INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.**

The proponents of the above-named measure are:

Ron Unz
555 Bryant Street, #371
Palo Alto, CA 94301
(650) 853-0368

Tony Miller
2410 "K" Street, Suite C
Sacramento, CA 95816
(916) 447-2463

#834
REAPPORTIONMENT. CAMPAIGN FINANCING. COMPENSATION.
INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 670,816
California Constitution, Article II, Section 8(b)
2. Official Summary Date:..... Thursday, 05/20/99
Elections Code section (EC§) 336
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336) Thursday, 05/20/99
 - 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, 10/18/99*
 - 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))..... Thursday, 10/28/99

(If the Proponent files the petition with the county on a date prior to 10/18/99,
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))..... Saturday, 11/06/99**
 - 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)) Wednesday, 12/22/99

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

** Date varies based on receipt of county certification.

INITIATIVE #834

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 11/06/99, 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 737,898 or less than 637,275 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 637,275 and 737,898 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, 01/01/00**
- 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)). Monday, 02/14/00

(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 01/01/00, 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)..... Friday, 02/18/00**

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 Sunday. EC §15

** 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

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

May 20, 1999

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

MAY 20 1999

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

BILL JONES, Secretary of State
By *Renee Avent*
Deputy Secretary of State

RE: INITIATIVE TITLE AND SUMMARY
SUBJECT: REAPPORTIONMENT. CAMPAIGN FINANCING. COMPENSATION.
INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.
FILE NO: SA1999RF0007

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 service thereof, and a copy of the proposed measure.

According to information available in our records, the names and addresses of the proponents are as stated on the declaration of service.

Sincerely,

Connie Lemus
CONNIE LEMUS
Initiative Coordinator

For BILL LOCKYER
Attorney General

CL:fec
Enclosures

Date: May 20, 1999
File No.: SA1999RF0007

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

**REAPPORTIONMENT. CAMPAIGN FINANCING. COMPENSATION. INITIATIVE
CONSTITUTIONAL AMENDMENT AND STATUTE.** Creates commission of retired judges to establish boundaries for federal and state legislative and Board of Equalization districts. Establishes single source contribution limits of \$5,000 for statewide candidates, \$3,000 for other candidates, \$25,000 for political parties, and \$50,000 total per election. Bans corporate contributions. Provides limited public financing of candidates and committees that adopt voluntary spending limits ranging from \$300,000 for assembly races to \$10,000,000 for governor's race. Ballot pamphlet must list top contributors supporting and opposing measures. Limits statewide elected officer raises to cost of living; restricts Legislators' per diem. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: The measure is likely to result in (1) state costs of more than \$40 million annually, potentially offset to an unknown extent, and (2) local government costs of potentially more than \$1 million annually.

SA1999RF0007,
Amdt. #1-NS

April 30, 1999

Honorable Bill Lockyer
Office of the Attorney General
1300 I Street, 17th Floor
Sacramento, CA 95814

RECEIVED

MAY 03 1999

Attention: Connie Lemus
Initiative Coordinator

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Proposed Initiative Number SA 1999RF0007
California Voters Bill of Rights, Plan A

Dear Attorney General Lockyer:

Pursuant to the accompanying letter and the original request for the preparation of a "title and summary," please prepare a "title and summary" for the attached initiative measure, as corrected.

Sincerely,



RON K. UNZ
555 Bryant St., #371
Palo Alto, CA 94301



TONY MILLER
2410 K Street, Suite C
Sacramento, CA 95816

Enclosures

CALIFORNIA VOTERS BILL OF RIGHTS, PLAN A

by

Ron K. Unz* and Tony Miller**

Text:

Section 1. TITLE

This measure shall be known as the California Voters Bill of Rights Act.

Section 2. FINDINGS AND DECLARATIONS

The people of California find and declare as follows:

(a) The people of California should be governed by a political system that is fair to all persons, open to public scrutiny, and dedicated to the principle that government derives its powers from the consent of the governed;

(b) The existing political system has failed to provide fairness in representation and is disproportionately dominated by individuals and groups whose extraordinary financial or political advantages enable a disregard of the consent of the governed;

(c) Unfair districting dilutes the political power of voters and reduces competition for elective office;

(d) Commissions appointed by elected officials regularly provide huge salary increases to elected officials, with California voters having absolutely no control over the process;

(e) The recent history in California of financing campaigns, prejudicially drawing election districts, and providing disproportionate advantages to protect incumbent officeholders have undermined public confidence in government;

(f) This unfair current political system is recognized by many residents of California, leading to worrisome levels of voter apathy and disenchantment with politics; and

(g) Our democracy cannot continue to flourish if elections are often unfair, and voters perceive them to be unfair.

Section 3. PURPOSES OF THIS ACT

The people enact this law to accomplish the following related purposes:

(a) To ensure that all individuals and interest groups in our society have a fair and equitable opportunity to participate in the elective and governmental processes;

(b) To minimize the potentially corrupting influence and appearance of corruption caused by excessive contributions and expenditures in campaigns;

(c) To lessen the potentially corrupting pressures on candidates and officeholders and the appearance of corruption by establishing sensible time periods for soliciting and accepting campaign contributions;

- (d) To provide voters with ample and fair election information from which to make informed campaign decisions;
- (e) To encourage fair representation of the governed;
- (f) To make serving in elective office more compatible with public service than with personal benefit; and
- (g) To nurture voter trust in the outcome of elections and confidence in the fairness of state government and the commitment of officeholders.

Section 4. APPLICABILITY OF THE POLITICAL REFORM ACT OF 1974

85202. Applicability of the Political Reform Act.

Unless specifically superseded by this Act, the definitions and provisions of the Political Reform Act of 1974, Government Code Sections 81000 *et seq.* shall govern the interpretation of this law.

Section 5. DEFINITIONS

Section 82002.5 of the Government Code is added and Sections 82013, 82015, 82016 and 82025 of the Government Code are amended to read:

82002.5. Advertisement.

(a) "Advertisement" means any general or public communication that is authorized and paid for by a person or committee for the purpose of supporting or opposing a candidate or candidates for elective office or a ballot measure or ballot measures, including a television broadcast, a radio broadcast, a website display, text placed in a newspaper or magazine of general circulation, a mass mailing, a sign larger than 1,000 square inches, or telephone messages that are similar in nature and aggregate 2,000 or more in number. Communications in additional forms of media may be classified as advertisements under future regulations promulgated by the Commission.

(b) "Advertisement" does not include a communication from an organization, other than a political party, reasonably restricted to its members, a campaign button smaller than 10 inches in diameter, a bumper sticker smaller than 60 square inches, a yard sign smaller than 1,000 square inches, pens, pins, articles of clothing, handbills not distributed by mail, or other communication as determined by the Commission.

82013. "Committee"

"Committee" means any person or combination of persons who directly or indirectly does any of the following:

- (a) Receives contributions totaling one thousand dollars (\$ 1,000) or more in a calendar year.
- (b) Makes independent expenditures totaling one thousand dollars (\$1,000) or more in a calendar year; or

(c) Makes contributions totaling one hundred thousand dollars (\$100,000) ~~ten thousand dollars (\$10,000)~~ or more in a calendar year to or at the behest of candidates or committees.

A person or combination of persons that becomes a committee shall retain its status as a committee until such time as that status is terminated pursuant to Section 84214.

82016. "Controlled committee."

"Controlled committee" means a committee which is controlled directly or indirectly by a candidate or state measure proponent or opponent or which acts jointly with a candidate, controlled committee or state measure proponent or opponent in connection with the making of expenditures. A candidate or state measure proponent or opponent controls a committee if he, his agent or any other committee he controls has a significant influence on the actions or decisions of the committee.

82025. "Expenditure"

"Expenditure" means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. For purposes of disclosure and contribution limits, "expenditure" shall include payments for any mass communications referring to a clearly identified candidate or ballot measure broadcast or distributed to the public within 45 days of an election in which the candidate is on the ballot and which any reasonable person would conclude was done for the purpose of influencing the election. If coordinated with a candidate or committee, such payments shall be an in-kind contribution to the candidate or committee. "Expenditure" does not include a candidate's use of his or her own money to pay for either a filing fee for a declaration of candidacy or a candidate statement prepared pursuant to Section 13307 of the Elections Code or any payment made for communications appearing in a news story, commentary or editorial distributed through the facilities of a broadcast station, newspaper, magazine or Internet provider, unless such facilities are owned or controlled by a political party, committee or candidate. An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier.

Section 6. DISCLOSURE OF CONTRIBUTIONS, SPENDING AND ADVERTISEMENTS

84207. Major Contribution and Expenditure; Reports.

(a) Each state candidate or committee which is required to file an original campaign statement with the Secretary of State, that receives contributions or makes expenditures of \$25,000 or more in a calendar year, shall report each contribution of \$1,000 or more to the Secretary of State. The recipient of the contribution shall report the recipient's full name, street address, city, and zip code, the committee identification number assigned by the Secretary of State, the date and amount of the contribution and the office sought if the recipient is a candidate,

or the ballot measure number or letter or, if none has yet been assigned, a brief description of the subject matter of the measure, if the recipient committee is a committee formed primarily to support or oppose a state ballot measure. The recipient shall also report the full name of the contributor, the contributor's street address, city, zip code, occupation and employer, or if self-employed, the name of the business.

(b) Such contributions of \$1,000 or more shall be reported by electronic means pursuant to Chapter 4.6 (commencing with Section 84600) within 24 hours of receipt of the contribution.

(c) Each state candidate or committee which is required to file an original campaign statement with the Secretary of State, other than a committee of a political party, which makes cumulative expenditures of \$50,000 or more, or a committee of a political party that makes cumulative expenditures of \$200,000 or more, since the filing of the last campaign expenditure report required by this article shall file an additional expenditure report with the Secretary of State, within 14 days of the expenditure, containing the following information:

(1) The name, street address, city, zip code, and telephone number of the candidate or committee making the expenditure and of the committee's treasurer, and the committee identification number assigned by the Secretary of State.

(2) If the report is related to a candidate, the full name of the candidate and the office and district for which the candidate seeks election. If the report is related to a ballot measure, the number or letter of the measure, or if none has yet been assigned, a brief description of the subject matter of the measure.

(3) The total amount of expenditures during the period covered.

(4) The amount of expenditures for each person to whom an expenditure of \$1,000 or more has been made during the period covered by the report, including the recipient's full name and street address, the number assigned to the recipient committee if any, and a brief description of the consideration for which each such expenditure was made.

(d) A candidate or committee subject to reporting pursuant to subdivisions (a) and (b) of this section shall not be subject to the reporting requirements of Sections 84203.

(e) Within 30 days of the campaign statement required to be filed pursuant to Section 84200, the Secretary of State shall determine who has contributed an aggregate total of \$10,000 or more in a calendar year to all state candidates and to committees which are required to file original campaign statements with the Secretary of State. The Secretary of State shall send a form listing the compiled contributions of each such contributor and request that the contributor verify the compilation as to that contributor. The contributor, under penalty of perjury, shall reply within 30 days, verifying, denying or amending the compilation provided by the Secretary of State. A contributor that fails to respond in a timely manner shall be liable to the Secretary of State for the penalty set forth in Section 91013(a) but

For purposes of Sections 84503 and 84505 of this Act, "cumulative contributions" means the cumulative contributions to a committee placing an advertisement in which a disclosure pursuant to Section 84503 is required, beginning one year prior to and ending seven days prior to the time the advertisement is sent to the vendor.

84502. Disclosure: ballot pamphlet and sample ballot.

(a) In addition to the information required in the ballot pamphlet in Section 88001, and in the sample ballot in Section 13307 of the Elections Code, the top five contributors, if any, of \$25,000 or more to committees primarily formed to support or oppose a state ballot measure shall be listed in the ballot pamphlet in a manner determined by the Commission, together with the aggregate amount of contributions made by those contributors. For purposes of this section, the top five contributors and their aggregate contributions shall be determined as of the date at which the text of the ballot pamphlet is subject to public review.

(b) Following the list of the top five contributors shall be the statement: "This list reflects only the top five financial contributors as of [insert the date of public review for the ballot pamphlet]."

84503. Disclosure; advertisement for or against ballot measures.

(a) Any advertisement for or against any state or local ballot measure shall include a disclosure statement identifying any person, other than an individual, whose cumulative contributions to the committee placing the advertisement are \$50,000 or more, or any individual whose cumulative contributions are \$250,000 or more.

(b) If there are more than two donors whose disclosure is required under provisions of subsection (a), the committee is only required to disclose the highest and second highest in that order. In the event that more than two donors meet this disclosure threshold at identical contribution levels, the highest and second highest shall be selected according to the chronological order of their contributions.

(c) If candidates or their controlled committees, as a group or individually, meet the contribution thresholds for a person, they shall be identified by the controlling candidate's name but are not treated as an individual under the provisions of subsection (a).

84504. Avoidance of Disclosure.

In addition to the requirements of Sections 84503 and 84505, the committee placing the advertisement or persons acting in concert with that committee shall be prohibited from creating or using a non-candidate controlled committee or a non-sponsored committee to avoid, or that results in the avoidance of, the disclosure of any business entity, controlled committee, or sponsored committee as a major funding source.

84505. Independent expenditures; advertisements.

If the expenditure for an mailing advertisement that expressly advocates the election or defeat of any state candidate is an independent expenditure, the committee shall disclose in the advertisement the names of the two persons, other

sponsored committee to avoid, or that results in the avoidance of, the disclosure of any business entity, controlled committee, or sponsored committee as a major funding source.

84505. Independent expenditures; advertisements.

If the expenditure for an mailing advertisement that expressly advocates the election or defeat of any state candidate is an independent expenditure, the committee shall disclose in the advertisement the names of the two persons, other than individuals, making the largest contributions in excess of \$25,000 to the committee making the independent expenditure. If an acronym is used to specify any committee names in this section, the names of any sponsoring organization of the committee shall be prominently displayed on televised or printed advertisements or spoken in radio broadcast or phone message advertisements. For the purposes of determining the two contributors to be disclosed, the contributions of each person to the committee making the independent expenditure during the one-year period before the election shall be aggregated.

84506. Disclosure Statement.

(a) Any disclosure statement required by this article shall be printed clearly and legibly in no less than 10-point roman font and in a conspicuous manner as defined by the Commission for televised or printed advertisements, or shall be spoken so as to be clearly audible and understood by the intended public for radio or phone message advertisements.

(b) Phone calls that are advertisements shall disclose, during the course of the call, the name of the committee making the independent expenditure that paid for the call and the name of the donor if any, other than an individual, that has made the greatest contribution in dollar value greater than \$10,000 to the independent expenditure committee.

84507. Disclosure Exclusions.

Notwithstanding the requirements of Sections 84503 and 84505, the committee shall not be required to disclose, in addition to the committee name, its major contributors in any advertisement which is:

- (a) a radio broadcast of 15 seconds or less, or
- (b) a newspaper, magazine, or other public print media advertisement which is 20 square inches or less.

84508. Amended Statements.

When a committee files an amended campaign statement pursuant to Section 81004.5, the committee shall change its advertisements to reflect the changed disclosure information.

84509. Disclosure: compensation for spokespersons

Any individual who appears in an advertisement paid for by a campaign committee or committees for or against a state or local ballot measure or candidate, and who is paid or promised payment of \$5,000 or more for that individual, or an organization controlled by the individual, from said campaign committee or from any donor of \$5,000 or more to said campaign committee, shall disclose such

(a) In addition to the remedies provided for in Title 9, Chapter 11 of the Government Code, any person who violates this article is liable in a civil or administrative action brought by the Commission, or any person pursuant to the procedures set forth in Section 91007, for a fine up to three times the cost of the advertisement, including placement costs, contributions, or expenditures.

(b) The remedies provided in subdivision (a) shall also apply to any person who purposely causes any other person to violate any provision of this article or who aids and abets any other person in a violation.

(c) If a judgment is entered against the defendant or defendants in an action brought under this section, the plaintiff shall receive 50% of the amount recovered. The remaining 50% shall be deposited in the General Fund of the state. In an action brought by a local civil prosecutor, 50% shall be deposited in the account of the agency bringing the action and 50% shall be paid to the General Fund of the applicable jurisdiction.

84511. Local Candidates.

In addition to any reporting and disclosure requirements applicable to local candidates and committees, candidates and committees campaigning for or against a candidate or candidates or ballot measure or ballot measures in a local election, who raise or spend \$100,000 or more in any single election held after January 1, 2002 or raise or spend \$50,000 or more in any single election held after January 1, 2003, shall be subject to the reporting and disclosure requirements applicable to state candidates of Sections 84207 and 84501 through 84510, and the Internet campaign disclosure requirements of Sections 84700 through 84703, set forth in this Act. All such disclosures required pursuant to this section shall be sent to the appropriate local filing officer. However, if such filing officer lacks the technological capability of receiving or making available any of the information to be disclosed in the manner contemplated by this Act, then the information shall be sent to the Secretary of State who shall receive and make the information available in the same manner as is done with respect to state candidates and state ballot measures.

Section 7. INTERNET CAMPAIGN DISCLOSURE

Sections 84700 through 84703 shall be added to the Government Code to read:

Chapter 4.7. Access to Campaign Materials

84700. Chapter Title.

This chapter shall be known and may be cited as the Access to Campaign Materials Act of 2000.

84701. Campaign Web Site.

(a) The Secretary of State, notwithstanding any other provision, shall establish and maintain a "Campaign Web Site" on the largest, nonproprietary, nonprofit cooperative public network of computer networks which includes a grid for each state candidate and each state ballot measure from the time the candidate files the

This chapter shall be known and may be cited as the Access to Campaign Materials Act of 2000.

84701. Campaign Web Site.

(a) The Secretary of State, notwithstanding any other provision, shall establish and maintain a "Campaign Web Site" on the largest, nonproprietary, nonprofit cooperative public network of computer networks which includes a grid for each state candidate and each state ballot measure from the time the candidate files the statement of intention pursuant to Section 85200 or the proponents of a ballot measure apply for title and summary pursuant to a qualification drive. The Secretary of State shall establish and maintain similar Campaign Web Sites for all local candidates covered under this Act under the provisions of Section 84511.

(b) The Campaign Web Site shall contain all registration information for each state candidate committee and state ballot measure committee as filed with the Secretary of State and provide links to the online disclosure network of campaign contributions and expenditures specified in Section 84602 as well as links to private campaign Web sites managed by campaign committees, when available.

(c) The Campaign Web Site shall also contain dynamic, multimedia copies of all campaign advertisements authorized by state campaign committees which are received and processed by the Secretary of State according to Section 84702 of this Act.

(d) All data on the Campaign Web Site shall be available to the public within 24 hours utilizing telecommunications technology, which assures convenient public access, including dynamic multimedia access when feasible, and preserves the integrity of the data against efforts to tamper with or subvert the data.

(e) All contribution and expenditure data required to be filed by this Act shall be made available on the Secretary of State's Web site within 24 hours and in a form that is sortable by donor, city, state, zip code, amount, date, employer, occupation and other information determined by the Secretary of State.

84702. Filing of Advertisements.

(a) A digital copy of any television, radio, or other electronically distributed campaign advertisement, authorized by the official campaign committee of each state candidate and state ballot measure, shall be filed with the Secretary of State within 24 hours after its release on the airwaves. The digital copy of such broadcast advertisements shall be provided in a standard, dynamic multimedia format.

(b) A digital copy of any essentially similar printed campaign advertisement, authorized by the campaign committee of each state candidate and state ballot measure, which has been mailed to or otherwise distributed to at least 10,000 persons, shall be filed with the Secretary of State within 24 hours of its mailing or distribution.

(c) A digital copy of any telephone message, authorized by the campaign committee of each state candidate and state ballot measure, which is provided in an essentially similar nature to 2,000 or more persons shall be provided filed with

the Secretary of State within 24 hours after its initial use, in a standard, dynamic multimedia format.

(d) Transmission of the campaign advertisements required in this section shall be made online or through CD-Rom, diskette or other electronic means according to procedures and formats determined by the Secretary of State.

84703. Independent Campaign Advertisements.

Any committee which qualifies as an independent expenditure committee shall also provide a digital multimedia copy of each advertisement set forth in Section 84702 for or against a state candidate or state ballot measure, for inclusion on the Campaign Web Page, in accordance with the requirements of this chapter for campaign committees.

84704. Appropriations.

There is hereby appropriated from the General Fund to the Secretary of State the sum of \$1,500,000 in the first fiscal year and \$750,000 in each subsequent fiscal year, adjusted for the cost of living changes, for expenditures related to the full and expedited implementation of this chapter, above and beyond any sum that is appropriated for operations of the Secretary of State other than for the implementation of this chapter. The first fiscal year's appropriation shall be made available to the Secretary of State within 60 days of the election at which this measure is approved, and such appropriation shall not be pro-rated based on that date. The appropriation shall be increased by the Legislature to the extent necessary to fully and effectively implement the provisions of this chapter.

Section 8. LIMITATIONS ON CONTRIBUTIONS

Article 3: CONTRIBUTION LIMITATIONS

Sections 85100, 85102 through 85104, and 85300 through 85307 of the Government Code are repealed and the following sections are added to the Government Code to read:

85300. Limitations on Contributions from Persons.

(a) No person, other than political party committees, shall make to any candidate or candidate's controlled committee, and no such candidate or candidate's controlled committee shall accept, a contribution or contributions totaling more than \$3,000 for state or local office, other than statewide office, or contribution or contributions totaling more than \$5,000 for statewide office, for each election in which the candidate is attempting to be on the ballot, is on the ballot, or is a write-in candidate.

(b) No person shall make to any committee which contributes to any candidate or makes expenditures for or against any candidate, and no such committee shall accept from each such person, a contribution or contributions totaling more than \$5,000 per calendar year. This subsection shall not apply to candidate-controlled committees or political party committees.

(c) The provisions of this section shall not apply to a candidate's contribution of his or her personal funds to his or her own campaign committee, but shall apply to contributions from a spouse.

85301. Restrictions on Contributions to Political Parties.

No person shall give in the aggregate to political party committees of the same political party, and no such party committees combined shall accept from any person, a contribution or contributions totaling more than \$25,000 per calendar year to be used for the purpose of promoting the support or defeat of any specific candidate, transfers to candidates or their controlled committees, or any expenditure on advertising through electronic media, except that a candidate may distribute a portion of any surplus, residual or unexpended campaign funds to a political party committee. This section shall not apply to a committee established by a political party committee for the exclusive purpose of supporting or opposing a ballot measure provided that the committee established is not controlled by a candidate or an elected official.

85302. Limitations on Contributions from Political Parties.

No more than 25% of the voluntary spending limits specified in this Act at the time of adoption by the voters, subject to cost of living adjustments as specified in Section 83124, shall be accepted in cumulative contributions for any election from all political party committees by any candidate or the controlled committee of such a candidate.

85303. Restrictions on When Contributions Can Be Received.

(a) No candidate or the candidate's controlled committee for statewide office shall accept contributions prior to twelve months preceding any primary or special primary election or, in the event there is no primary or special primary election, any regular election or special election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(b) No candidate or the candidate's controlled committee for state office, other than statewide office, shall accept contributions prior to six months preceding any primary or special primary election or, in the event there is no primary or special primary election, any regular election or special election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(c) Notwithstanding subsections (a) and (b), candidates or their controlled committees may accept contributions at any time up to the lesser of 5% of the general election voluntary spending limits or \$50,000 per year to pay for legal expenses or campaign reporting expenses. Such expenditures shall not count against the voluntary spending limits.

(d) No candidate or the controlled committee of such candidate for state office shall accept contributions more than 90 days after the date of withdrawal, defeat or election to office. Contributions accepted immediately following such an election or withdrawal and up to 90 days after that date shall be used only to pay outstanding bills or debts owed by the candidate or controlled committee. This section shall not apply to retiring debts incurred with respect to any election held prior to the effective date of this Act, provided such funds are collected pursuant to the

contribution limits specified in this Act, applied separately for each prior election for which debts are being retired, and such funds raised shall not count against the contribution limitations applicable for any election following the effective date of this Act.

(e) Notwithstanding subsection (d), funds may be collected at any time to pay for attorney's fees for litigation or administrative action which arises directly out of a candidate's or elected officer's alleged violation of state or local campaign, disclosure or election laws or for a fine or assessment for violations of this Act or the Political Reform Act of 1974, or for a recount or contest of the validity of an election, or for any expense directly associated with an external audit or unresolved tax liability of the campaign by the candidate or the candidate's controlled committee; provided such funds are collected pursuant to the contribution limits of this Act.

(f) Contributions pursuant to subsections (c), (d) and (e) of this provision shall be considered contributions raised for the election in which the debts, fines, assessments, recounts, contests, audits or tax liabilities were incurred and shall be subject to the contribution limits of this Act.

85304. Transfers.

No candidate and no committee controlled by a candidate or officeholder, and no ballot measure committee shall make any contribution to any other candidate running for office or his or her controlled committee or other ballot measure committee. This section shall not prohibit a candidate or proponent or opponent from making a contribution from his or her own personal funds to his or her own candidacy or to the candidacy of any other candidate for elective office or ballot measure campaign.

85305. Carry-Over of Contributions.

Any campaign contribution to a candidate or candidate's controlled committee received after the election at which this measure is approved, and prior to the permissible fundraising period for each elective office set forth in Section 85303, shall not be used to support or oppose the election of any candidate for such elective office held after the effective date of this Act.

85306. Loans.

(a) A loan shall be considered a contribution from the maker and the guarantor of the loan and shall be subject to all contribution limitations.

(b) No candidate shall personally make outstanding loans to his or her campaign or campaign committee which total at any one point in time more than \$50,000 in the case of any candidate, except for candidates for governor, or \$100,000 in the case of candidates for governor. Nothing in this Act shall prohibit a candidate from making unlimited contributions to his or her own campaign.

85307. Family Contributions.

(a) Contributions by a husband and wife shall not be aggregated.

(b) Contributions by children under 18 shall be treated as contributions attributed equally to each parent or guardian.

85308. Aggregate Contributions to All State Candidates.

No person shall contribute in the aggregate more than \$50,000 to all state candidates and the state candidates' controlled committees per election. Contributions from political parties shall be exempt from this provision.

85309. Aggregation of Financial Activity.

All payments made by a person established, financed, maintained or controlled by any business entity, labor organization, association, political party or any other person or group of such persons shall be considered to be made by a single person.

85310. Corporate Contributions to Candidates; prohibition.

A for-profit corporation or joint stock company shall not make direct contributions from general treasury funds to candidates or to committees primarily formed to support or oppose a candidate or candidates.

85311. Communications Within an Organization.

Notwithstanding Section 85309, the costs of internal communications to members, employees or shareholders of an organization for the purpose of supporting or opposing a candidate or candidates for elective office or a ballot measure or measures shall not be considered a contribution or independent expenditure under the provisions of this Act, provided such payments are not for the costs of campaign materials or activities used in connection with broadcasting, newspaper, billboard or similar type of general public communication. This provision does not apply to communications by political parties, whose contributions to candidates are governed by Section 85302.

85312. Receipt of Laundered Contributions.

Any committee which accepts a contribution that is not from the person listed on the check or subsequent campaign disclosure statements shall be liable to pay the state the entire amount of the laundered contribution. The liability imposed by this section shall extend to any committee controlled by a candidate or elected official, whether said committee was organized before or after the laundered contribution was accepted, if the controlling candidate or elected official controlled the committee that received the laundered contribution. The statute of limitations shall not apply to this provision, and repayments to the state shall be made as long as the committee has any funds sufficient to pay the state.

85313. In-Kind Contributions Through Ballot Measure Campaigns

The cost of any advertisement in support of or in opposition to a ballot measure which is paid for by a committee controlled by a candidate appearing on the same ballot as the ballot measure and who is prominently featured in the advertisement, shall be deemed an in-kind contribution from the committee and such contribution shall be subject to the limitations of Section 85300. The Commission shall draft appropriate regulations to implement the purposes of this Section.

Section 9. CAMPAIGN SPENDING LIMITS AND PUBLIC SUPPORT

Article 1. VOLUNTARY SPENDING LIMITS

Sections 85400 through 85404 are added to the Government Code to read:

85400. Campaign Acceptance or Rejection of Spending Limits.

(a) Each candidate for state office shall file a statement of acceptance or rejection of the voluntary spending limits prescribed in Section 85401 upon filing the statement of intention pursuant to Section 85200. A candidate who wishes to retain the option of contributing personal funds to his or her own campaign in excess of one-half of the voluntary spending limits must file a statement so indicating at this same time.

(b) Each state ballot initiative committee shall file a statement of acceptance or rejection of the voluntary spending limits prescribed in Section 85401 within 30 days of applying for title and summary for official proponents of a ballot initiative or upon receiving contributions or making expenditures of \$1,000 or more either for or against a ballot initiative for other persons.

(c) Any candidate or committee which neglects to file the statement indicating acceptance of the voluntary spending limits by the appropriate date shall be assumed to have rejected the voluntary spending limits.

(d) Any violation of the pledge to abide by the voluntary spending limits shall be subject to a fine of \$5,000 or three times the amount of expenditures in excess of the spending limits, whichever is greater.

85401. Voluntary Spending limits.

(a) No candidate for state office, and no proponent or opponent of a state ballot initiative, who voluntarily accepts spending limits and any controlled committee of such a candidate or proponent or opponent, shall make campaign expenditures above the following amount:

(1) For an Assembly candidate, \$300,000 in the primary or special primary election and \$400,000 in the general, special, or special runoff election.

(2) For a Senate candidate or a candidate for Board of Equalization, \$500,000 in the primary or special primary election and \$800,000 in the general, special or special runoff election.

(3) For a statewide candidate, other than governor, \$1,500,000 in the primary election and \$2,000,000 in the general, special or special runoff election. Expenditures for postage for a statewide candidate, other than postage for slate mailers, shall be exempt from the spending limits.

(4) For governor, \$6,000,000 in the primary election and \$10,000,000 in the general, special or special runoff election. Expenditures for postage for a gubernatorial candidate, other than postage for slate mailers, shall be exempt from the spending limits.

(5) For a state ballot initiative, \$6,000,000 per election. Expenditures for postage for state ballot initiative, other than postage for slate mailers, shall be exempt from the spending limits. Direct expenditures for signature-gathering

purposes by an initiative proponent committee prior to the submission of the qualifying signatures shall also be exempt from the spending limits.

(b) Candidates and committees who accept the voluntary spending limits also agree to accept no more than \$100,000 or 10% of their voluntary spending limit amounts, whichever is greater, from any single donor other than committees of a political party.

(c) Any candidate or committee who declined to accept the voluntary spending limits upon the filing deadline shall not be eligible to receive the benefits accompanying such an agreement specified in this Act.

85402. Time Periods for Expenditures.

For purposes of the spending limits for candidates, campaign expenditures made at any time up to and including the date of the primary, special primary or special election shall be considered expenditures for that election, and campaign expenditures made after the date of such election shall be considered expenditures for the general or runoff election. However, in the event that payments are made but the goods or services are not used during the period purchased, the payments shall be considered campaign expenditures for the time period in which the goods or services are used. Payments for goods and services used in both periods shall be prorated.

85403. Spending limits Lifted.

(a) If a candidate declines to accept voluntary spending limits and receives contributions, has cash on hand or makes qualified expenditures equal to 75% or more of the voluntary spending limit for that office, the voluntary spending limit shall be two and one-half times the limit specified in this Act for any candidate running for the same elective office.

(b) If a candidate declines to accept voluntary spending limits, has retained the option of contributing to his own campaign over half the voluntary spending limit, and has subsequently contributed to his own campaign 25% or more of the voluntary spending limit, the voluntary spending limit shall be two and one-half times the limit specified in this Act for any candidate running for the same elective office.

(c) If the committee or committees either in support or in opposition to a state ballot measure have in aggregate raised or spent over 100% of the voluntary spending limit, the voluntary spending limit shall be two and one-half times the limit specified in this Act.

(d) If an independent expenditure committee or committees in the aggregate spend in support or opposition to a state candidate or ballot measure more than 50% of the applicable voluntary spending limit, the voluntary spending limit shall be two and half times the limit specified in this Act for any candidate running for the same elective office or any committee campaigning for or against the same ballot measure.

(e) The Commission shall require, by regulation, candidates, committees supporting or opposing ballot measures, and independent expenditure committees

subject to this section to provide sufficient notice to the Commission and to all candidates for the same office and appropriate committees that they are approaching and exceeding the thresholds set forth in this section.

85404. Notification to Voters.

(a) The Secretary of State and local elections officers shall prominently designate in the ballot pamphlet, the sample ballot and the voter information packet those candidates and proponents and opponents of state initiative measures who have voluntarily agreed to the spending limits of this Act. The Commission shall prescribe by regulation the method or methods of such designation.

(b) In addition to the disclosure requirements for campaign advertisements specified in Section 84503 of this Act, candidates and ballot initiative committees shall disclose in each electronic media advertisement, in a highly conspicuous manner to be determined by the Commission, a reasonable estimate of the dollar amount of total campaign expenditures made by the campaign committee at the time the advertisement airs. The expenditure estimates shall be rounded to a unit of either \$1 million or the voluntary spending limit for that office or campaign, whichever is greater. In the event that the estimate of expenditures would round to zero, the campaign may at its discretion either disclose that it has spent less than the disclosure amount or may waive the disclosure requirement. In no event shall a campaign be required to change the disclosure in an advertisement more frequently than once every three days.

Section 83124 is added to the Government Code to read:

83124. Cost of Living Adjustment.

The Commission shall adjust the contribution and spending limitations provisions in Sections 85100 *et seq.* in October of every odd numbered year to reflect any increase or decrease in the California Consumer Price Index. Such adjustments shall be rounded to the nearest \$1,000 for the limitations on contributions and \$100,000 for the limitations on expenditures.

Section 20300 of the Elections Code is repealed and Section 89519 of the Government Code is repealed and the following section is added to the Government Code to read:

89519. Surplus Campaign Funds.

Any campaign funds in excess of expenses incurred for the campaign or for expenses specified in Section 85303(d), received by or on behalf of an individual who seeks nomination for election, or election to office, shall be deemed to be surplus campaign funds and shall be distributed within 90 days after withdrawal, defeat or election to office either to any political party, to the General Fund, or shall be returned to contributors on a pro rata basis.

Section 18521 of the Elections Code is amended to read:

(d) Voted or agreed to vote.

~~(d)~~(e) Induced any other person to:

(1) Remain away from the polls.

(2) Refrain from voting.

(3) Vote or refrain from voting for any particular person or measure.

(4) Vote or agree to vote.

Any person violating this section is punishable by imprisonment in the state prison for 16 months or two or three years.

Article 2. CAMPAIGN ADVERTISING MEDIA CREDIT PROGRAM

Sections 85500 through 85503 are added to the Government Code to read:

85500. Campaign Broadcasting Media Credits.

Candidates for statewide office, the committee or committees so designated by official proponents, and opponents of state initiative measures and their controlled committees who have agreed to the voluntary spending limits prescribed in this Act, and who have met the qualification requirements specified in Sections 85600 through 85603 shall be eligible to receive public media credits to be used to purchase broadcast time for campaign advertisements.

85501. Amount.

(a) Campaign broadcasting media credits awarded to qualified candidates and qualified proponents and opponents of state initiative measures shall be in the following amounts:

(1) For office of Governor or state initiative measure, up to a limit of \$1,000,000 per election.

(2) For other statewide elective office, up to a limit of \$300,000 per election.

(b) A candidate or committee who is eligible to receive campaign broadcasting media credits shall receive media credits on the basis of the following formulas:

(1) For any dollar amount of a contribution or contributions amounting to the first \$100 or less from a contributor received after a declaration of accepting spending limits is filed, a matching ratio of ten dollars (\$10) in media credits for each dollar received.

(2) For any dollar amount of a contribution or contributions amounting in excess of \$100 up to the first \$1,000 or less from a contributor received after a declaration of accepting spending limits is filed, a matching ratio of two dollars (\$2) in media credits for each dollar received.

(c) The total payments from the campaign advertising media credits by the designated candidate or proponent or opponent and their controlled committees, when added to the total campaign expenditures by such candidate or proponent or opponent and their controlled committees, shall not exceed the amount which may be expended by such persons pursuant to the provisions of this Act.

(2) For any dollar amount of a contribution or contributions amounting in excess of \$100 up to the first \$1,000 or less from a contributor received after a declaration of accepting spending limits is filed, a matching ratio of two dollars (\$2) in media credits for each dollar received.

(c) The total payments from the campaign advertising media credits by the designated candidate or proponent or opponent and their controlled committees, when added to the total campaign expenditures by such candidate or proponent or opponent and their controlled committees, shall not exceed the amount which may be expended by such persons pursuant to the provisions of this Act.

(d) Only the campaign committee so designated by the official proponents of an initiative campaign shall be eligible for media credits. Campaign committees opposing a ballot initiative shall be awarded matching fund media credits on a first-come, first-serve basis, up to the aggregate limit of \$1,000,000 in media credits for all such opposition committees. Only campaign committees which limit their expenditures to supporting or opposing a single ballot measure shall be eligible for media credits.

85502. Use; exclusive purpose.

Campaign broadcasting media credits shall be used exclusively to finance the purchase of advertising time on television, radio or other telecommunications medium as determined by the Commission for campaign purposes on behalf of the candidacy of the recipient candidate or for the promotion or defeat of the initiative measure represented by the proponent or opponent and their controlled committees.

85503. Funding.

(a) The campaign advertising media credit program shall be funded by the state General Fund.

(b) The Commission shall promulgate regulations for the authorization of issuing campaign advertising media credits by the State Controller to eligible persons. These regulations shall include the promulgation and distribution of forms on which such expenditures are to be reported, the verification required, and the procedures for repayment by the candidate or proponent or opponent and their controlled committees in those cases where a subsequent audit discloses that the expenditures either had not been incurred or did not fulfill the requirements of this Act.

85504. Limits on Public Funds.

Total public funds allocated under this Act for the provision of campaign advertising media credits for use by candidates or committees shall amount to \$1 per income taxpayer of the State of California per fiscal year, deposited into the fund on July 1 of each year, starting July 1, 2000, adjusted for inflation and rounded to the nearest 10 cents. Media credits will be paid out to candidates and ballot measure committees from this fund on a first-come, first-serve basis up to the limit available in the fund each year. Public funds may be appropriated for this purpose in excess of \$1 per taxpayer per year only by approval of a vote of the people. Unspent public funds for this purpose shall be carried over from year to year.

Article 3. MAJOR CANDIDATES AND QUALIFIED OFFICIAL PROPONENTS AND OPPONENTS OF STATE INITIATIVE MEASURES

Sections 85600 through 85603 are added to the Government Code to read:

85600. Eligibility of Candidates for Citizen Support in Nomination Elections.

Primary and special primary election candidates eligible to participate in the campaign advertising media credit program specified in Section 85500, or the voter information packet program specified in Section 88100, shall be certified by the Secretary of State according to the following criteria:

(a) A candidate is declared a "major candidate" eligible for public funding assistance pursuant to this Act upon submitting qualification petitions to the County Registrars with valid signatures of registered voters amounting to:

(1) For office of Governor, 10 percent of the number of valid signatures required to qualify an initiative constitutional amendment for the state ballot.

(2) For other statewide office, 3 percent of the number of valid signatures required to qualify an initiative constitutional amendment for the state ballot.

(3) For the offices of State Senate and Board of Equalization, 2,500 valid signatures.

(4) For the office of State Assembly, 1,000 valid signatures.

(b) Signatures shall be from registered voters able to vote for the candidate in question.

(c) Qualification petitions shall clearly state at the top of each petition in 18-point boldface font: "We the undersigned are seriously considering voting for this candidate in the next election." The statement of intent shall be immediately followed in the same legible font by the name and address of the candidate, the party affiliation of the candidate unless the elective office is non-partisan, the office sought for election by the candidate, and the date of the election. The Secretary of State shall promulgate rules and regulations governing the format of qualification petitions.

(d) Verification of qualification petition signatures shall be conducted by county election officials in accordance with signature-verification procedures established for state initiative measures to be paid for from the state General Fund.

85601. Eligibility of Candidates for Citizen Support in General and Special Runoff Elections.

General, special and special runoff election candidates eligible to participate in the campaign advertising media credit program specified in Section 85500, et seq., or the voter information packet program specified in Section 88100, shall be certified by the Secretary of State according to the following criteria:

(a) A candidate is declared a "major candidate" eligible for all of the benefits of the public funding programs if the candidate received at least 12 percent of votes cast for that office in the preceding primary or special primary election.

(b) A candidate is declared eligible for 20 percent of the total value of the campaign advertising media credit program specified in Section 85500 if that candidate received at least 5 percent but less than 12 percent of votes cast for that office in the preceding primary or special primary election. Such candidate shall be eligible for the total public funding benefits of the voter information packet program specified in Section 88100.

(c) A candidate is declared eligible for the total public funding benefits of the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election. Such candidate shall not be eligible to participate in the campaign advertisement media credit program specified in Section 85500.

85602. Official Proponents and Opponents Eligible for Citizen Support.

The official proponent and opponents of a state initiative measure shall be eligible for participation in the campaign advertising media credit program specified in Section 85500 and the voter information packet program specified in Section 88100 upon meeting the following conditions:

(a) Qualification of the initiative for the next statewide ballot.

(b) Voluntarily agreeing to comply to the spending limits prescribed in this Act.

(c) The proponent or opponent is not a candidate for state office.

85603. Absence of Opposition; exception.

(a) Any candidate or proponent of a state initiative measure shall not be eligible for participation in the campaign advertising media credit program in Section 85500 *et seq.* or for public funding assistance in the voter information packet program in Section 88100 *et seq.* if that candidate or proponent is unopposed in the election. A write-in candidate or none-of-the-above option shall not constitute an opposition candidate for the purposes of this Act.

(b) An opponent of a state initiative measure shall not be eligible for participation in the campaign advertising media credit program in Section 85500 *et seq.* or for public funding assistance in the voter information packet program in Section 88100 *et seq.* if the official proponent withdraws support for the measure and no other proponent qualifies.

(c) The Secretary of State shall promulgate regulations for determining whether an official proponent has withdrawn support for a state initiative measure.

Article 4. VOTER INFORMATION PACKET PROGRAM

Sections 88100 through 88102 are added to the Government Code to read:

88100. Voter Information Packet.

There shall be a "voter information packet" which shall be prepared and distributed by the Secretary of State to all households containing registered voters four times per election. One voter information packet shall be mailed to arrive no more than 90 days but no less than 60 days prior to the election, a second packet shall be mailed to arrive no more than 60 days but no less than 30 days prior to the election, a third packet shall be mailed to arrive no more than 30 days but no less than 20 days prior to the election, and another packet shall be mailed to arrive no more than 10 days prior to the election.

88101. Contents.

(a) Each state candidate and each official proponent and opponent of a state initiative measure and their controlled committees may at their own cost design and print a single sheet campaign advertisement to be inserted in the voter information packet. Any campaign advertising information may be included on the inserts within the constraints of the law. Each insert must clearly be labeled as to source, including the name, street address and city of the candidate or proponent or opponent, printed in 12-point boldface roman font that is clearly legible.

(b) All submissions to the voter information packet shall be available for public examination for four days prior to mailing. Any elector may seek a writ of mandate requiring an advertisement submitted to the voter information packet to be amended or deleted upon clear and convincing proof that the advertisement is false or misleading. Expedited review for a proceeding under this section shall be exclusively in Sacramento County.

(c) For a ballot initiative with multiple opponents, the opponent provided this opportunity shall be the opponent or its designee selected by the Secretary of State to provide the opposition statement for the official ballot pamphlet.

88102. Format and Procedures.

(a) The voter information packet shall be prepared according to the following format and procedures:

(1) Each candidate or official proponent or opponent shall design and print sufficient copies of a campaign insert 8.5 x 11 inches in size on paper no greater in weight than that specified by the Secretary of State.

(2) The candidate and proponent and opponent shall submit the inserts for inclusion in the voter information packet by the deadline determined by the California Secretary of State's Office.

(3) The Secretary of State shall prepare and distribute the voter information packet which includes each insert compiled in the order that the races are to appear on the ballot.

(4) The voter information packet envelopes shall be clearly labeled "Important Election Information from the Secretary of State."

(b) The costs for major candidates and qualified proponents and opponents of state initiative measures as specified in Section 85600, voluntarily complying with the spending limits set forth in this Act, shall be paid for from the state General Fund.

(c) Candidates and proponents and opponents of state initiative measures and their controlled committees not choosing to limit their campaign expenditures in accordance to this Act, and state candidates and proponents and opponents of state initiative measures otherwise not eligible for public funding, may also submit an insert for publication and distribution with the voter information packet, but shall be charged the pro-rata costs of preparing, printing, handling and mailing of the packets. The pro-rata costs shall be calculated among those candidates and committees submitting inserts but not participating in, or otherwise ineligible for, public funding as provided in this Act, but not to exceed 10 percent of the total cost of preparing, printing, handling and mailing the packets for each payor.

Chapter 9. Incumbency.

Section 89001 of the Government Code is amended to read:

89001. Newsletter or Mass Mailing.

No newsletter or other mass mailing, other than official election materials established by the Political Reform Act of 1974 as amended, and the California Voters Bill of Rights, shall be sent at public expense.

Section 10. SLATE MAILER DISCLOSURE

Section 84305.5 of the Government Code is amended to read:

84305.5 Slate Mailers, requirements.

(a) No slate mailer organization shall send a slate mailer unless:

(1) The name, street address, and city of the slate mailer organization are shown on the outside of each piece of slate mail and on ~~at least one of the inserts~~ every insert included with each piece of slate mail in no less than 8-point roman font which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the organization's street address is a matter of public record with the Secretary of State's Political Reform Division.

(2) ~~At the top of or bottom front each side or surface of at least one insert of a slate mailer or at the top of or bottom of one each side or surface of a postcard or other self-mailer there is a notice in boldface font at least one point larger than any other font on the page, which shall be in a color or print which contrasts with the background so as to be easily legible, and in a printed or drawn box and set apart from any other printed matter. The statement "THIS IS A PAID POLITICAL ADVERTISEMENT" shall be printed in a font at least one point larger than any other font on the page, and the remainder of the notice shall be printed in 8-point size font. The notice shall consist of the following statement:~~

NOTICE TO VOTERS

THIS IS A PAID POLITICAL ADVERTISEMENT

(3) Any reference to a ballot measure which has paid to be included on the slate mailer shall also comply with the provisions of Section 84503 et seq. ~~The name, street address, and city of the slate mailer organization as required by paragraph (1) and the notice required by paragraph (2) may appear on the same side or surface of the insert.~~

(4) Each candidate and each ballot measure that has paid to appear in the slate mailer is designated by ~~an~~ the notice "\$PAID\$" next to and clearly associated with the candidate or ballot measure. Any candidate or ballot measure that has not paid to appear in the slate mailer is not designated by ~~an~~ the notice.

The notice required by this subdivision shall be printed in boldface and at least the same font size of the same type size, type style, color or contrast, and legibility as is used for the name of the candidate or the ballot measure name or number and position advocated to which the notice designation applies. ~~except that in no case shall the notice be required to be larger than 10 point boldface type.~~ The notice designation shall immediately follow the name of the candidate, or the name or number and position advocated on the ballot measure where the designation appears in the slate of candidates and measures. If there is no slate listing, the designation shall appear at least ~~once in at least 8 point boldface type,~~ immediately following the name of the candidate, or the name or number and position advocated on the ballot measure in boldface and at least the same font size as any other font relating to that candidate or ballot measure.

(5) The name of any candidate appearing in the slate mailer who is a member of a political party differing from the political party which the mailer appears by representation or indicia to represent is accompanied, immediately below the name, by the party designation of the candidate, in no less than 9-point roman font which shall be in a color or print that contrasts with the background so as to be easily legible. The designation shall not be required in the case of candidates for nonpartisan office.

(6) Any candidate endorsement appearing in the slate mailer that differs from the official endorsement of the political party which the mailer appears by representation or indicia to represent is accompanied, immediately below the endorsement, in no less than 9-point boldface type which shall be in a color or print that contrasts with the background so as to be easily legible, the following notice: THIS IS NOT THE POSITION OF THE (political party which the mailer appears by representation or indicia to represent) PARTY.

(b) For purposes of the ~~notice designation~~ required by paragraph (4) of subdivision (a), the payment of any sum made reportable by subdivision (c) of Section 84219 by or at the behest of a candidate or committee, whose name or position appears in the mailer, to the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures, shall constitute a payment to appear, requiring the ~~notice designation~~. The payment shall also be deemed to constitute authorization to appear in the mailer.

(c) A slate mailer that complies with this section shall be deemed to satisfy the requirements of Sections 20003 and 20004 of the Elections Code.

(b) For purposes of the notice designation required by paragraph (4) of subdivision (a), the payment of any sum made reportable by subdivision (c) of Section 84219 by or at the behest of a candidate or committee, whose name or position appears in the mailer, to the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures, shall constitute a payment to appear, requiring the * notice designation. The payment shall also be deemed to constitute authorization to appear in the mailer.

(c) A slate mailer that complies with this section shall be deemed to satisfy the requirements of Sections 20003 and 20004 of the Elections Code.

Section 11. BALLOT MEASURES

Section 3513.5 shall be added to the Elections Code to read:

3513.5 Notice of Paid Petition Circulator.

The proponent shall place at the top of each petition in clearly visible font at least twice the size of any font on the petition the following statement if the circulator is being paid to gather signatures: "THIS PETITION IS BEING CIRCULATED BY A PAID CIRCULATOR."

Section 12. COMPENSATION AND BENEFITS OF STATE OFFICERS

Section 8 of Article 3 of the California Constitution is amended to read:

Art. 3, §8. California Citizens Compensation Commission.

(a) The California Citizens Compensation Commission is hereby created and shall consist of seven members appointed by the Governor. The commission shall establish the annual salary and the medical, dental, insurance, and other similar benefits of state officers, provided however that any adjustment in such salary shall not exceed the increase in the state's Consumer Price Index since the last salary adjustment. In the event the Commission determines that a larger adjustment is necessary, it shall notify the Secretary of State of that determination who shall submit the question to the voters at the next regularly scheduled election held at least 131 days after being notified.

(b) The commission shall consist of the following persons:

(1) Three public members, one of whom has expertise in the area of compensation, such as an economist, market researcher, or personnel manager; one of whom is a member of a nonprofit public interest organization; and one of whom is representative of the general population and may include, among others, a retiree, homemaker, or person of median income. No person appointed pursuant to this paragraph may, during the 12 months prior to his or her appointment, have held public office, either elective or

Section 17. CALIFORNIA SUPREME COURT

The California Supreme Court shall, to the fullest extent possible, reform any provisions of this initiative which it, or any federal court, determines to be unconstitutional or contrary to any superseding provision of law in order that such provisions carry out the purposes of the initiative.

Section 18. STATUS OF PROPONENTS

The proponents of this initiative shall be included among any defendants in any judicial challenge to any provision of this initiative.

Section 19. EFFECTIVE DATE

All other provisions shall become effective January 1, 2001, except as otherwise stated within this measure.

Section 20. SECTION REFERENCES

For purposes of this Act, except as otherwise specified, all references to sections shall be those in effect on January 1, 1999.

Section 21. AMENDMENT TO POLITICAL REFORM ACT

(a) This Act shall amend the Political Reform Act of 1974 as amended and all of its provisions which do not conflict with this Act shall apply to the provisions of this Act, except as provided in subsection (b).

(b) If Proposition 208 approved by voters in the 1996 general election is reinstated by the courts, sections 85301 through 85312 and Section 6 "Legislative Amendments" as set forth in Proposition 208 shall prevail over conflicting provisions of this Act. All other provisions of this Act shall be appropriately codified and take effect as permitted by law.

End

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the private sector, recognizing, however, that state officers do not receive, and do not expect to receive,

compensation at the same levels as individuals in the private sector with comparable experience and responsibilities.

(3) The responsibility and scope of authority of the entity in which the state officer serves.

(i) Until a resolution establishing or adjusting the annual salary and the medical, dental, insurance, and other similar benefits for state officers takes effect, each state officer shall continue to receive the same annual salary and the medical, dental, insurance, and other similar benefits received previously.

(j) All commission members shall receive their actual and necessary expenses, including travel expenses, incurred in the performance of their duties. Each member shall be compensated at a rate of \$100 per day, adjusted for cost of living ~~changes the same rate as members, other than the chairperson, of the Fair Political Practices Commission, or its successor,~~ for each day engaged in official duties, not to exceed 45 days per year.

(k) It is the intent of the Legislature that the creation of the commission should not generate new state costs for staff and services. The Department of Personnel Administration, the Board of Administration of the Public Employees' Retirement System, or other appropriate agencies, or their successors, shall furnish, from existing resources, staff and services to the commission as needed for the performance of its duties.

(l) "State officer," as used in this section, means the Governor, Lieutenant Governor, Attorney General, Controller, Insurance Commissioner, Secretary of State, Superintendent of Public Instruction, Treasurer, member of the State Board of Equalization, and Member of the Legislature.

Subdivision (b) of Section 4 of Article IV of the California Constitution is amended to read:

ART. 4, §4(b) Per Diem.

Travel ~~and living~~ expenses for Members of the Legislature in connection with their official duties shall be prescribed by statute passed by roll-call vote entered in the journal, two-thirds of the membership of each house concurring. A Member may ~~not receive travel and living expenses only during the days times that the Legislature is in session and the Member is in attendance. recess for more than three calendar days, unless the Member is traveling to or from, or is in attendance at, any meeting of a committee of which he or she is a member, or a meeting, conference, or other legislative function or responsibility as authorized by the rules of the house of which he or she is a member, which is held at a location at least 20 miles from his or her place of residence.~~ A Member may receive living expenses for up to 20 days, for expenses associated with attendance at interim hearings of a committee or the Legislature as a whole when the Legislature is in recess.

Section 13. FAIR ELECTION DISTRICTS.

Article XXI of the California Constitution is repealed and the following provisions are added to the California Constitution to read as:

Art. 21, §1. Decennial Adjustment of Boundary Lines; authority

Except as provided in this article, the sole and exclusive authority to specify the boundaries of districts for the State Senate, Assembly, Board of Equalization and United States House of Representatives for California is vested in the Districting Commission established by this article.

Art. 21, §2. Standards for Election Districts.

In the year following the year in which the decennial census is taken under the direction of Congress at the beginning of each decade, the Districting Commission shall adopt separate districting plans for the Senate, Assembly, Board of Equalization, and United States House of Representatives. The Districting Commission shall solicit public input and hold public hearings regarding the districting plans. The districting plans shall be drawn according to the following standards:

(a) Each districting plan shall provide fair and effective representation for all citizens of the state, including racial, ethnic, and language minorities, and for political parties, as mandated by state and federal law, including the Voting Rights Act.

(b) Districts shall be single member.

(c) The State shall be divided into 40 Senatorial and 80 Assembly districts as specified in districting plans adopted under Article XXI.

(d) Each state Senate district shall be composed of two adjacent Assembly districts and each Board of Equalization district shall be composed of ten adjacent Senate districts.

(e) The population of all districts of a particular type shall be as nearly equal as practicable.

(f) Districts shall be contiguous.

(g) Districts shall be geographically compact.

(h) Districts of each type shall be numbered consecutively commencing at the northern boundary of the state and ending at the southern boundary.

(i) Districting plans shall neither disperse nor concentrate minority populations in a manner that has an adverse effect on their political influence.

(j) To the extent practicable, the district plan shall:

(1) Maximize the number of competitive districts in the general election.

(2) Preserve identifiable communities of interest.

(3) Minimize the division of cities and counties.

(4) Consist of whole census tracts.

Art. 21, §3. Composition of Districting Commission.

The Districting Commission shall consist of nine members, all of whom shall be retired federal, state appellate, or state supreme court judges, and who have been residents of the State of California for at least one year. Members shall be appointed according to the following procedures:

(a) The Speaker of the Assembly, the President Pro Tempore of the Senate, the Minority Leader of the Assembly, and the Minority Leader of the Senate shall each appoint two Commission members.

(b) Each appointing authority shall select individuals who were appointed to the bench by a President of the United States or Governor whose political party registration is or was other than the appointing authority's.

(c) At the Commission's first meeting, a ninth member who satisfies the criteria set forth in this section shall be chosen by a recorded vote of a majority of the membership of the Commission.

(d) Vacancies shall be filled by the same person who made the previous appointment in the same manner as required by this section.

Art. 21, §4. Districting Commission; responsibilities.

(a) The Commission shall elect one of its members chairman. Concurrence of five members of the Districting Commission is required for actions of the Commission, but a lesser number may conduct hearings. The Commission shall employ or contract for necessary services, staff and experts.

(b) The Commission shall adopt its own districting plans or a plan submitted to it based on the decennial census taken in the year of the Commission's formation or may adopt a plan submitted to it based on the same criteria. These plans shall be adopted and filed with the Secretary of State by October 1 following the formation of the Commission or 180 days after receipt of the census data, whichever is earlier.

(c) All documents prepared by or for the use of the Commission and Commission staff shall be public records.

(d) The Legislature shall provide the Commission with an operating budget of \$1 million, adjusted by the Consumer Price Index from the base fiscal year 2000-2001.

Art. 21, §5. Enforcement.

(a) The California Supreme Court shall have original and exclusive jurisdiction to review a plan adopted the Commission. A petition for mandamus or other review may be filed by a resident of the state within 45 days after adoption of the plan.

(b) The Supreme Court shall adopt a districting plan within 60 days in accordance with the standards and criteria set forth in this Article if any of the following apply:

(1) There is an insufficient number of qualified judges willing or able to serve on the Commission.

(2) A plan adopted by the Commission is adjudicated as unconstitutional or in violation of federal law.

(3) The Commission has been unable to adopt a plan by the deadline.

Section 14. APPROPRIATIONS

(a) The Legislature shall make the necessary appropriations to finance the requirements of this Act each fiscal year that this Act remains in effect.

(b) There is hereby appropriated from the state General Fund to the Fair Political Practices Commission the sum of \$1,000,000 annually above and beyond the appropriations established for the Commission in the fiscal year immediately prior to the effective date of this Act, adjusted for cost of living changes, for expenditures to support the operations of the Commission pursuant to this Act.

Section 15. CONSTRUCTION

This Act shall be liberally construed to accomplish its purposes.

Section 16. APPLICABILITY OF OTHER LAWS

Nothing in this law shall exempt any person from applicable provisions of any other laws of this state.

Section 17. LEGISLATIVE AMENDMENTS.

The statutory provisions of this Act applicable to the Government Code or the Elections Code may be amended by the legislature, to further the purposes and intent of this Act, passed in each house by roll-call vote entered into the journal, two-thirds of the membership concurring and signed by the Governor, if at least 12 days prior to passage in each house the bill has been delivered to the Secretary of State and the Commission for distribution to the public.

Section 18. SEVERABILITY

If any provision of this law, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this law to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this law are severable.

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