

12-9-1999

Civil Rights. Taxes For Higher Education.

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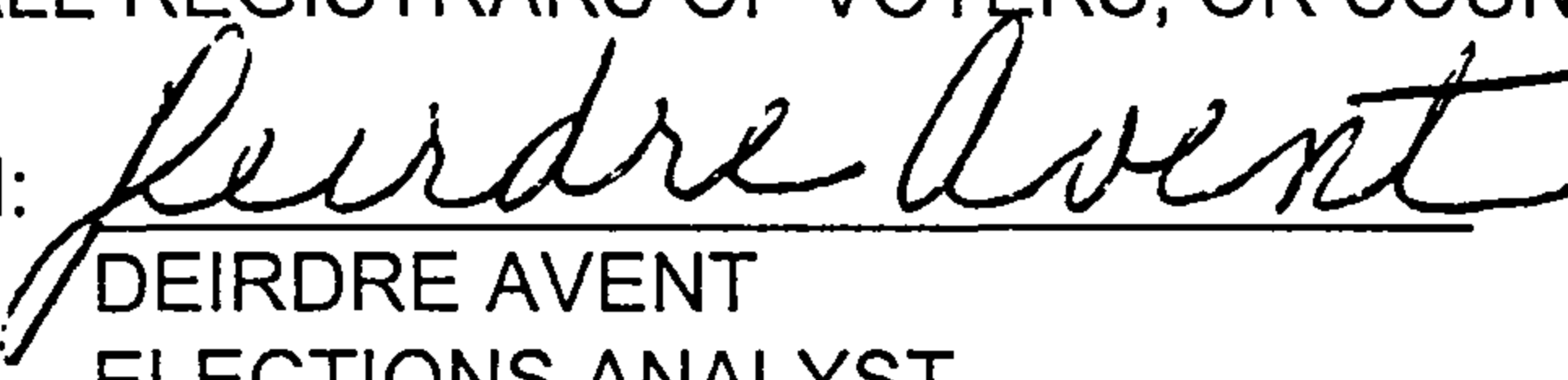


BILL JONES
Secretary of State
State of California

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

December 9, 1999

TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (99297)

FROM: 
DEIRDRE AVENT
ELECTIONS ANALYST

SUBJECT: INITIATIVE #867

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:

**CIVIL RIGHTS. TAXES FOR HIGHER EDUCATION.
INITIATIVE CONSTITUTIONAL AMENDMENT.**

The proponent of the above-named measure is:

Mervin Evans
P.O. Box 71351
Los Angeles, CA 90071

RECEIVED
DEC 10 1999
ELECTIONS DIVISION

#867

CIVIL RIGHTS. TAXES FOR HIGHER EDUCATION.
INITIATIVE CONSTITUTIONAL AMENDMENT.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 670,816
California Constitution, Article II, Section 8(b)

2. Official Summary Date:..... Thursday, 12/09/99
Elections Code section (EC§) 336

3. Petitions Sections:

a. First day Proponent can circulate Sections for
signatures (EC §336) Thursday, 12/09/99

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, 05/08/00*

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, 05/18/00

(If the Proponent files the petition with the county on a date prior to 05/08/00,
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, 05/27/00**

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, 07/11/00

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

** Date varies based on receipt of county certification.

INITIATIVE #867

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 05/27/00, 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)) Friday, 07/21/00**

- 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)). Friday, 09/01/00

(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 07/21/00, 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)..... Tuesday, 09/05/00**

* 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 94425
SACRAMENTO, CA 94244-2550
Public: (916) 445-9555

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

December 9, 1999

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

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

DEC 09 1999

RE: INITIATIVE TITLE AND SUMMARY
SUBJECT: CIVIL RIGHTS. TAXES FOR HIGHER
EDUCATION. INITIATIVE CONSTITUTIONAL
AMENDMENT.
FILE NO: SA1999RF0049

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

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

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,

Diane Calkins

DIANE CALKINS
Initiative Coordinator

For BILL LOCKYER
Attorney General

DC:tk
Enclosures

Date: December 9, 1999
File No.: SA1999RF0049

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

CIVIL RIGHTS. TAXES FOR HIGHER EDUCATION. INITIATIVE CONSTITUTIONAL

AMENDMENT. Revises California Constitution to restore affirmative action programs and preferences for historical victims of racism or sexism in the operation of public education and public contracting. Creates a 1.5% tax on retail sales to establish "The Student Higher Education Trust Fund." Half of the Fund will be used to pay for all admission and student related fees for all California residents at California public colleges. The other half of the Fund will go to the California Superintendent of Public Instruction to create college-bound programs for poor children. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: If passed, there would be an annual increase in retail sales taxes of about 6 billion dollars to be used for higher education and social services programs. The measure would result in significant increases in state capital costs for constructing public higher education facilities as well as increases in state and local costs of potentially tens of millions of dollars per year to implement preferential contracting programs.

SA1999RF0049

MERVIN EVANS

555 S. Flower Suite 4510
POST OFFICE BOX 71351
Los Angeles, CA 90071
323-299-3471

RECEIVED
OCT 1 1999

Office of the Attorney General
State of California

STATE OF CALIFORNIA
ATTORNEY GENERAL'S OFFICE

RE: Request for Official Title and Summary

Dear Friend:

Please find payment and a copy of the California Evans Civil Rights Act.

I would like this measure to be on the 2000 General Election (November)
Ballot.

Thank You,

Mervin Evans



California Evans Civil Rights Fund

EVANS CIVIL RIGHTS ACT of 2000

MERVIN EVANS

Proponent

INITIATIVE CONSTITUTIONAL AMENDMENT TO BE SUBMITTED DIRECTLY TO THE VOTERS

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

We, the undersigned, registered, qualified voters of California, residents of _____ County (or City and County), hereby propose amendments to the CALIFORNIA STATE CONSTITUTION and the Revenue and Taxation Code, relating to the protection of Educational Civil Rights and reduction of public college fees 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.

PROPOSED INITIATIVE CONSTITUTIONAL AMENDMENT

The title of this measure is: *CALIFORNIA EVANS CIVIL RIGHTS ACT.*

Section 31 is revised to Article I of the California Constitution as follows:

SEC. 31 (a) The State of California shall create Affirmative Action Programs and grant preferential treatment to, groups or persons that have a history of being victims of racism or sexism, in the operation of public education and public contracting.

(b) This section shall apply only to action taken after the section's effective date being 30 Days of Passage.

(c) Nothing in this section shall be interpreted as prohibiting qualifications based on sex which are reasonably necessary to the normal operation of public education or public contracting.

(d) Nothing in this section shall be interpreted as invalidating any court order or consent decree which is in force as of the effective date of this section.

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

(f) For the purposes of this section, "state" shall include, but not necessarily be limited to, the state itself, any city, county, city and county, public university system, including the University of California, California State University, Community College Districts, School Districts, Special District, or any other political subdivision or governmental instrumentality of or within the state.

(g) The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of then-existing California anti-discrimination law.

(h) The Student Higher Education Trust Fund is hereby created in the State Treasury for the purpose of administering and implementing this amendment, all funds deposited in the Student Higher Education Trust Fund in each fiscal year is continuously appropriated, without regard to fiscal year, as follows:

(j) The Student Higher Education Trust Fund will pay:

1.) 100% of all admission and student related fees for California

Residents in the University of California, California State University and California Community College systems. Reflecting 50% of the Student Higher Education Trust Funds . The Office of the State Treasurer will issue a report to the Assembly and Senate at the end of each academic year listing the use of funds, name of students and fees paid for by the fund.

In the event that there are funds not spent, those funds will be transferred to the Office of Superintendent of Public Instruction for the following year's use.

2.) The California Superintendent of Public Instruction is the State of California's Guardian of Education services for children in public schools. To enhance the quality of education to poor children, 50% of the Student Higher Education Trust Funds will be directed to the Office of The California Superintendent of Public Instruction to create and finance educational service programs to provide added resources directed (K-12) Public Educational Needs for College Bound Youth, Early Childhood Needs and Programs

The Superintendent deems fit to enhance the Quality of Life of the People of California and protect and serve the needs of poor children:

- 3.) The Office of The California Superintendent of Public Instruction will issue an Student Higher Education Trust Fund "USE OF FUNDS"- Annual Report to the State Senate and Assembly describing a complete budget and listing of Educational Programs, Grants, Local School District Partnerships, Federal - State Partnerships, Corporate-State Partnerships.

The California Superintendent of Public Instruction will respond to the needs of:

- (AA) At Risk Youth and Children of persons in prison.
- (BB) Poor Children and AFDC-Welfare Children
- (CC) Rural Children living in low tax base school districts
- (DD) Inner-City Youth, Asian, Black, Latin, Native American
- (EE) Foster Care Children
- (FF) Children living with Poor Grandparents
- (GG) Teen Mothers and Second Chance Programs
- (HH) Pre-School Children of Migrant Farm Workers and Farm Workers
- (II) The California Superintendent of Public Instruction will Create Long-Distance Learning and or TeleVideo Learning Resources for Children of Migrant Farm Workers, Rural School Districts, Children of Farm Workers and poor children.
- (KK) The California Superintendent of Public Instruction will develop a Migrant Farm Workers Children's Tracking and Resource Services and support for local schools serving the needs of Children of Migrant Farm Workers. The Office of The California Superintendent of Public Instruction may purchase Educational Materials for Children of Migrant Farm Workers without any concern of national origin or legal status of that child. The California Superintendent of Public Instruction will not disclose or share any information with any State or Federal agency on any child without a Court Order.
- (LL) The California Superintendent of Public Instruction will Create a Tracking System to Service the Needs of Children of any Farm Workers. The Office of The California Superintendent of Public Instruction may Purchase Educational Materials for Children of any Farm Workers.
- (MM) The Office of The California Superintendent of Public Instruction may provide Funding or Partner with local or County agencies for Child Abuse Service, Anti-Gang, Anti-Drug programs. The California Superintendent of Public Instruction may: Provide or Partner with Local or County Agencies for Health Testing of Any Child in private or public schools, Health Testing of Children of Migrant Farm Workers, Farm Workers and Urban City Children for lead or chemical agents that could harm a child's health and welfare.

4.) Each Academic year the Attorney General of California will issue an Executive Order to define the rules to determine the status of a California Resident to the University of California, California State University and California Community College systems.

5.)The State Senate and Assembly shall have no power to transfer or control any funding created by this tax measure. (k) Section 6051 . 6 is added to the Revenue and Taxation Code, to read:

6051.6 (A) In addition to taxes imposed by Section 6051, 6051.2, 6051.3 and any other provisions of this part, for the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers at a rate of 1.5% (One & Half Percent) of Gross Receipts of any retailer from the sale of all tangible personal property sold at retail in this state 30 days of passage.

(B) All revenues received pursuant to this section shall be deposited in the State Treasury to the credit of the Student Higher Education Trust Fund.

(l) This section shall be self-executing. If any part or parts of this section are found to be in conflict with federal law or the United States Constitution, the section shall be implemented to the maximum extent that federal law and the United States Constitution permit. Any provision held invalid shall be severable from the remaining portions of this section.

(m) This Sales Tax shall become operative 30 days of passage.