

3-15-2000

September Primary And Campaign Finance Reform.

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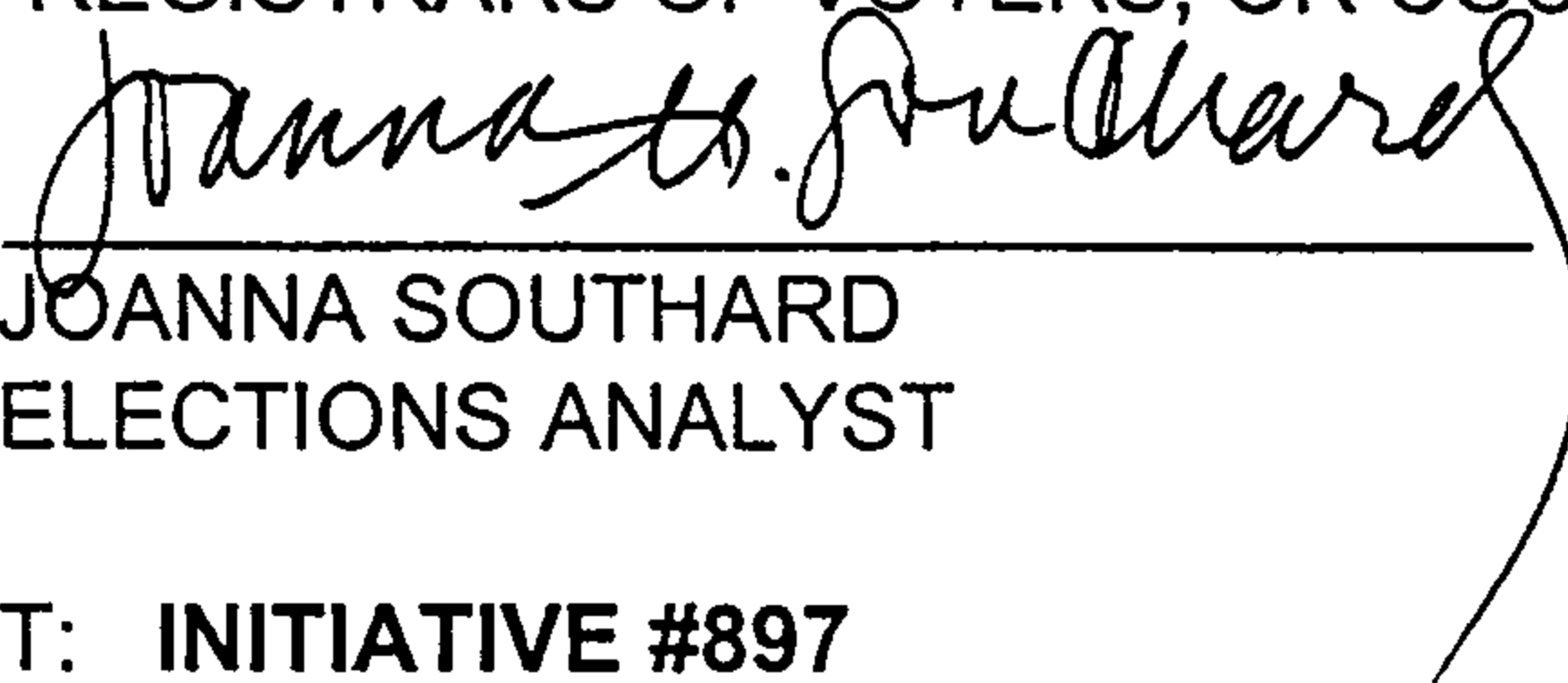
BILL JONES
Secretary of State
State of California

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

March 15, 2000

TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (00095)

FROM:



JOANNA SOUTHARD
ELECTIONS ANALYST

SUBJECT: **INITIATIVE #897**

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:

**SEPTEMBER PRIMARY AND
CAMPAIGN FINANCE REFORM.
INITIATIVE STATUTE.**

The proponent of the above-named measure is:

Thomas W. Hiltachk
19 Sand Court
Sacramento, CA 95831

(916) 442-7757

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#897
SEPTEMBER PRIMARY AND
CAMPAIGN FINANCE REFORM.
INITIATIVE STATUTE.

CIRCULATING AND FILING SCHEDULE

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

2. Official Summary Date:..... Wednesday, 03/15/00
Elections Code section (EC§) 336

3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336) Wednesday, 03/15/00

 - 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, 08/14/00*

 - 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, 08/24/00

(If the Proponent files the petition with the county on a date prior to 08/14/00,
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, 09/02/00**

 - 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, 10/17/00

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

** Date varies based on receipt of county certification.

INITIATIVE #897

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 09/02/00, 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 461,186 or less than 398,297 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 398,297 and 461,186 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, 10/27/00*
- 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)). Wednesday, 12/13/00

(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 10/27/00, 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)..... Sunday, 12/17/00*

NOTE TO PROPONENTS WHO WISH TO QUALIFY FOR THE NOVEMBER 7, 2000 PRESIDENTIAL ELECTION: This initiative must be certified for the ballot 131 days before the election (June 29, 2000). 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 April 21, 2000. If a 100% check of signatures is necessary, it is advised that the petitions be filed by March 1, 2000.

* Date varies based upon receipt of county certification.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 123 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- Please refer to Elections Code sections 100,101,104,9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation 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 17
P.O. BOX 9442
SACRAMENTO, CA 94244-2550
Public: (916) 445-9555

Facsimile: (916) 324-8835
(916) 324-5490

March 15, 2000

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

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

JAN 15 2000
By Bill Jones Secretary of State
Deputy Secretary of State

RE: Initiative Title and Summary
SUBJECT: SEPTEMBER PRIMARY AND CAMPAIGN FINANCE REFORM.
INITIATIVE STATUTE.
FILE NO: SA2000RF0007

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,

Tricia Knight
TRICIA KNIGHT
Initiative Coordinator

For BILL LOCKYER
Attorney General

TK:ms
Enclosures

Date: March 15, 2000
File No: SA2000RF0007

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

SEPTEMBER PRIMARY AND CAMPAIGN FINANCE REFORM. INITIATIVE STATUTE.

Establishes the first Tuesday in September as a statewide, nonpresidential primary election date.

Repeals most campaign finance laws. Limits contributions to statewide candidates to \$10,000 per person, and state legislative candidates to \$5,000 per person, in each general, primary or special election. Exempts committees of political parties from campaign contribution limits. Adjusts the maximum contribution limits biennially, beginning in the year 2003 to reflect changes in the Consumer Price Index. Requires candidates to file an online report, within 24 hours of receipt, of every contribution of \$5,000 or more. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure could have significant fiscal effect on state government. However, the net fiscal effect of this new initiative is unknown at this time because it depends upon (1) whether the courts uphold Proposition 208 and allow it to go into effect before this new initiative would go before the voters, (2) whether the voters enact Proposition 25 on the March 2000 ballot, and (3) whether the provisions in this measure pertaining to primary election dates are interpreted to change the date such elections are held.

Thomas W. Hiltachk
19 Sand Court
Sacramento, CA 95831
(916) 442-7757
FAX (916) 442-7759

RECEIVED
JAN 18 2000

Bill Lockyer
Attorney General
Department of Justice
1300 I Street
Sacramento, CA 95814

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

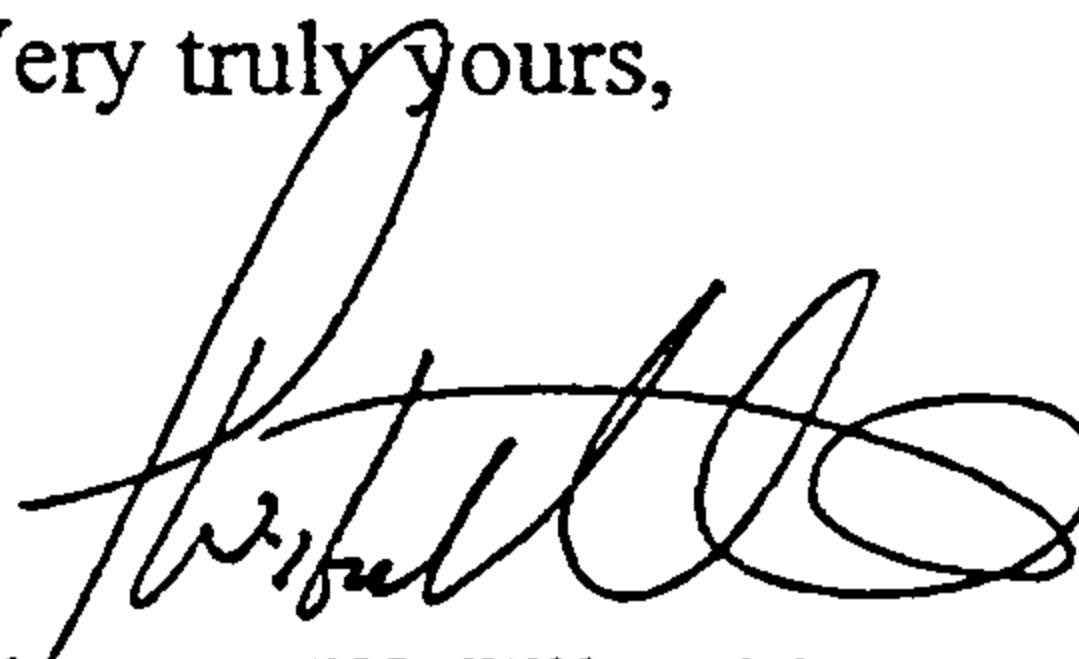
Dear Attorney General Lockyer:

Please find enclosed a draft initiative petition which would reform California's campaign finance system by imposing contribution limits and shortening the election cycle. The initiative is entitled "The Election Reform Act." I am the proponent of the proposed initiative and am registered to vote in the county of Sacramento. This letter is my request that you prepare a title and summary pursuant to the California Elections Code.

Also enclosed, please find the \$200 filing fee.

If you have any questions, please contact the undersigned.

Very truly yours,



Thomas W. Hiltachk

Enclosures

"Election Reform Act"

SECTION 1. Title

This measure shall be known and may be cited as "Election Reform Act."

SECTION 2. Findings and Declarations of Purpose

The People of the State of California find and declare that:

(a) Corruption in the California campaign finance system has been attributed to the high cost of conducting campaigns here. That cost is directly related to the excessive length of the current election period. Currently, candidates for partisan elective office are nominated in March of an even-numbered year while general elections are held in November -- 7 months later!

(b) Reform of the system of campaign finance by shortening the active campaign season and imposing limits on campaign contributions, will reduce the need to raise excessive and unnecessary campaign contributions which have the potential to corrupt the election process.

A September primary, with the shortened general election period, will also (1) shorten the overall election season, (2) enable the public to better focus on elections, and (3) increase voter participation.

(c) Several times the voters of California have adopted campaign finance reform only to have significant portions of those initiatives stricken by the courts. What remains is a fragmented and incomplete regulatory scheme filled with loopholes and exclusions. Simple and comprehensive campaign finance reform limits will reduce the potential for and the appearance of political corruption, including the establishment of campaign contribution limits and immediate public disclosure of contributions so that our representatives will act in the best interest of California's citizens and not for the benefit of the special interests or their own narrow self-interest.

Therefore, The People ordain and enact:

Therefore, The People ordain and enact:

SECTION 3. Primary Election Date

Chapter 1 of Division 1 of the Elections Code is amended as follows:

1000. Established election dates

The established election dates in each year are as follows:

- (a) The second Tuesday of April in each even-numbered year.
- (b) The first Tuesday after the first Monday in March of each odd-numbered year.
- (c) The first Tuesday in March of each even-numbered year.
- (d) The first Tuesday after the first Monday in September of each even-numbered year.
- (e) The first Tuesday after the first Monday in November of each year.

1001. Statewide election dates

Elections held in ~~March~~ September and November of each even-numbered year are statewide elections and these dates are statewide election dates. Elections held in March of each even-numbered year which is evenly divisible by the number four is a statewide Presidential primary election.

316. "Direct primary" definition

"Direct primary" is the primary election held on the first Tuesday after the first Monday in ~~March~~ September in each even-numbered year, to nominate candidates to be voted for at the ensuing general election or to elect members of a party central committee.

SECTION 4. Reasonable and Simplified Campaign Finance Limits

Articles 2, 3, 4, 5 and 6 of Chapter 5 of Title 9 of the Government Code (commencing with Section 85202) as added by the California Political Reform Act of 1996 are repealed. Article 3 of Title 9 of the Government Code (commencing

with Section 85300 through 85313) and Article 1 of Title 9 of the Government Code (commencing with Section 85400-85404, 83124, and 89519) and Article 2 of Title 9 of the Government Code (commencing with Section 85500-85504) and Article 3 of Title 9 of the Government Code (commencing with 85600-85603) as added by the California Voters Bill of Rights Act are repealed.

Section 85305 of Article 3 of Chapter 5 of Title 9 of the Government Code is amended to read:

Section 85305. No person shall make contributions to any candidate for elective state office and his or her controlled committee and no candidate for elective state office shall solicit or accept any contribution from a person with respect to an election, which in the aggregate exceed \$5,000 for state legislative office or \$10,000 for statewide elective office. This subdivision shall not apply to a committee of a political party.

(b) For purposes of this section the following terms are defined to mean:

- (i) "State legislative office" means the state senate and assembly;
- (ii) "Election" means an election, general election, primary election, or special election as defined by the Elections Code.
- (iii) "Political party" means the state and county organizations of a party as defined in Elections Code section 338.

(c) Beginning in 2003 and thereafter before December 31 of an odd-numbered year, the Fair Political Practices Commission shall adjust the contribution limit in subdivisions (a) and (b) to reflect changes in the Consumer Price Index, rounded to the nearest one hundred dollars (\$100).

Sections 84207 of the Government Code and Article 4.7 of Title 9 of the Government Code (commencing with 84700-84704) as adopted by the California Voters Bill of Rights Act are repealed.

Section 84605.5 of Chapter 4.6 of Article 4 of Title 9 of the Government Code is added to read:

Section 84605.5. In addition to the online disclosure required by sections 84604 and 84605, any candidate or controlled committee of a candidate for state legislative office or statewide elective office, as defined in this Title, shall file online with the Secretary of State, within 24 hours of receipt, a report disclosing every contribution received of \$5,000 or more. The report shall include the name and address of the recipient, as well as, the contributor's name, address, occupation and the name of his or her employer, or if self-employed, the name of the business.

SECTION 5. Severability

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

SECTION 6. Amendment

The Legislature may amend Section 4 of this Act by a statute passed in each house of the Legislature by roll call vote entered in the journal, two-thirds of the members concurring, to further the purposes of this Act.