

1-20-2000

Mandatory Defense Of Initiatives. Public Funding For Attorney Fees.

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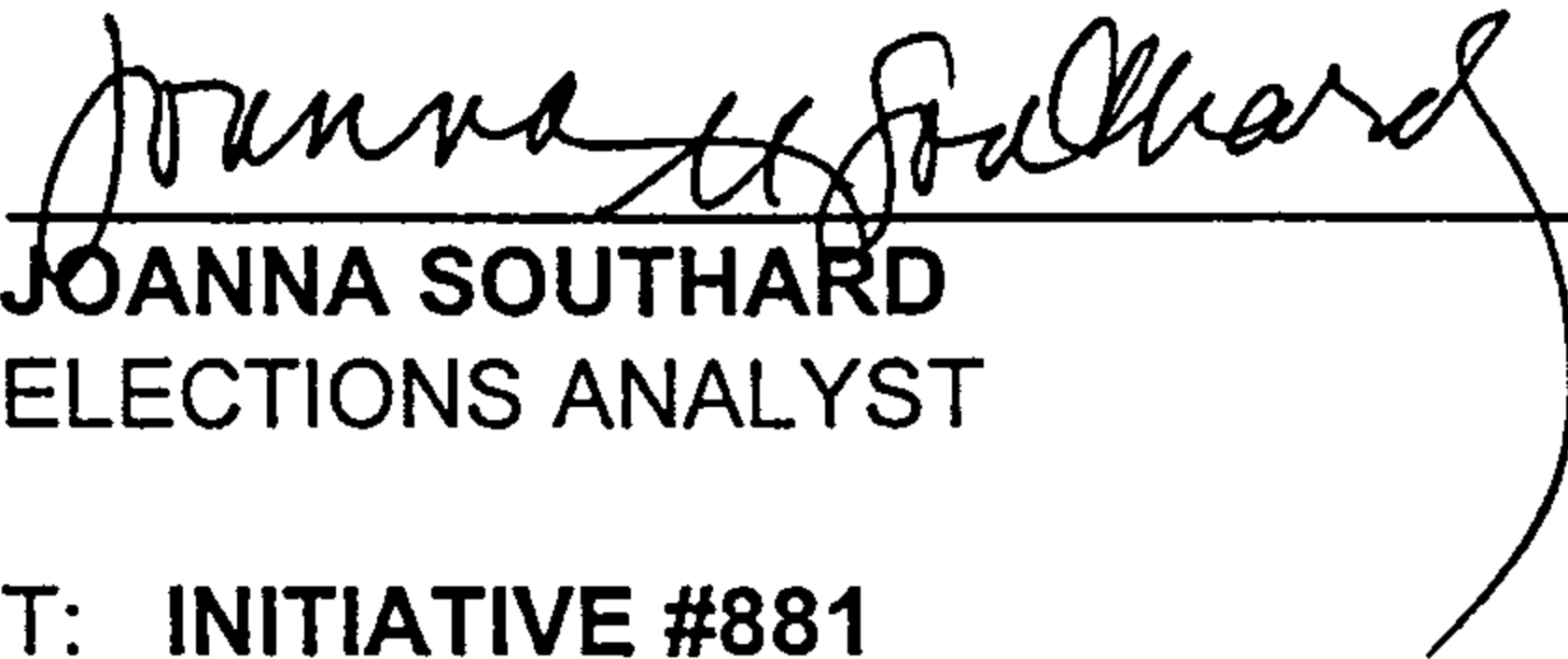
BILL JONES
Secretary of State
State of California

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

January 20, 2000

TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (00024)

FROM:


JOANNA SOUTHARD
ELECTIONS ANALYST

SUBJECT: INITIATIVE #881

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:

**MANDATORY DEFENSE OF INITIATIVES.
PUBLIC FUNDING FOR ATTORNEY FEES.
INITIATIVE CONSTITUTIONAL AMENDMENT.**

The proponent of the above-named measure is:

Ron Prince
P.O. Box 3449
Huntington Beach, CA 92605
(714) 903-3771

RECEIVED

FEB 07 2000

LIST BY
COLLECTOR

#881

MANDATORY DEFENSE OF INITIATIVES.
PUBLIC FUNDING FOR ATTORNEY FEES.
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, 01/20/00
Elections Code section (EC§) 336

3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336) Thursday, 01/20/00

 - 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, 06/19/00*

 - 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, 06/29/00

(If the Proponent files the petition with the county on a date prior to 06/19/00 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, 07/08/00**

- 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))Friday, 08/18/00

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

** Date varies based on receipt of county certification.

INITIATIVE #881
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 07/08/00 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))Monday, 08/28/00*

- 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, 10/11/00

(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 08/28/00, 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, 10/15/00*

* 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. 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 121
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
Public: (916) 445-9555

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

January 20, 2000

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

JAN 20 2000

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

BILL JONES, Secretary of State
By *Jannett Stullard*
Deputy Secretary of State

RE: INITIATIVE TITLE AND SUMMARY
SUBJECT: MANDATORY DEFENSE OF INITIATIVES. PUBLIC FUNDING FOR
ATTORNEY FEES. INITIATIVE CONSTITUTIONAL AMENDMENT.
FILE NO: SA1999RF0064

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:ms
Enclosures

Date: January 20, 2000
File No.: SA1999RF0064

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

MANDATORY DEFENSE OF INITIATIVES. PUBLIC FUNDING FOR ATTORNEY FEES.

INITIATIVE CONSTITUTIONAL AMENDMENT. Amends Constitution to: Require

Governor to direct Attorney General to defend, through the highest appellate court, any lawsuit

challenging an initiative approved by the voters; require initiative proponent be a party to any

legal challenge; require state to pay attorney's fees and legal costs incurred by proponent as a

party to any challenge; require party that loses a legal challenge to an approved initiative to pay

reasonable legal costs and attorney's fees; defines proponent, and gives proponent of initiatives

the right to sue government to enforce the initiative. Summary of estimate by Legislative

Analyst and Director of Finance of fiscal impact on state and local governments: This measure

would result in potential unknown state costs. The magnitude of these costs are probably not

significant in the context of overall state expenditures.

RON PRINCE
POST OFFICE BOX 3449
HUNTINGTON BEACH, CA 92605
(714) 903-3771

RECEIVED
NOV 24 1999

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

November 23, 1999

Ms. Diane Calkins
Initiative Coordinator
Office of the Attorney General
1300 "I" Street, 17th Floor
Sacramento, CA 95814

Dear Diane,

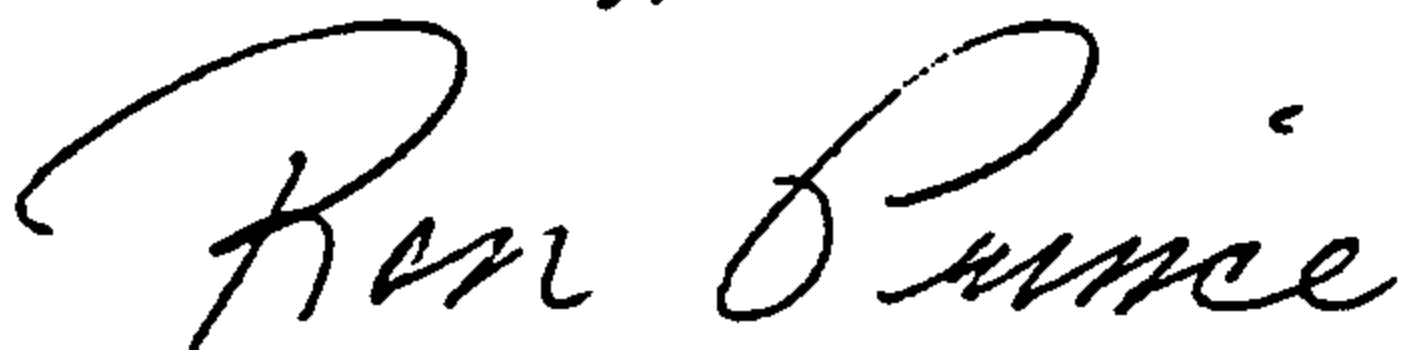
Enclosed herewith, please find my proposed initiative measure and check for \$200.00.

Because the proposed measure involves potential costs, as well as income, to the State, a fiscal analysis will be necessary.

Please prepare a title and summary for the measure at your earliest opportunity.

Thank you for your assistance.

Sincerely,



Ron Prince

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the Constitution.

This initiative measure expressly amends the Constitution by adding a section thereto; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Title

This section shall be known and may be cited as the Initiative Rights Amendment.

SECTION 2. Findings and Declaration

The People of California find that their power to legislate through the initiative process must be protected from infringement by the Governor. When he refused to defend Proposition 187 in court, Governor Gray Davis effectively vetoed most of that initiative measure. In addition, he bound the State to a political settlement of that measure without consulting the voters. The Governor's actions have weakened the initiative process and threaten the enforceability of all initiatives. Therefore, the People of California declare their intention to defend their initiative rights and to prevent political tampering with any initiative measure approved by the voters.

SECTION 3. Defending initiative measures

Section 8.5. is added to Article II of the Constitution to read:

Section 8.5. Defending initiative measures

It is a public policy of the State, binding upon its agents and agencies, that the will of the People, as expressed by their approval of an initiative measure, be supported and defended as follows:

- (a) The Governor shall direct the Attorney General to defend any statute or amendment to the Constitution, adopted by the electors, against any suit challenging its validity or constitutionality; such defense shall continue through the highest court of appeal so long as any challenge remains.*
- (b) The Proponent of any statute or amendment to the Constitution, adopted by the electors, is an indispensable party to any suit challenging its validity or constitutionality and shall have standing in any court of record to intervene in its defense; the State shall be liable to the Proponent for reasonable attorney's fees and costs incurred in any such defense.*
- (c) The Proponent of any statute or amendment to the Constitution, adopted by the electors, shall have the right to bring suit against any appropriate agent or agency of the State or its political subdivisions to compel that agent or agency to enforce the measure, any such action may include but shall not be limited to an action for mandamus.*
- (d) The Proponent shall be defined as the person who set forth the written request to the Attorney General for a title and summary of a proposed statute or amendment to the Constitution; if there is more than one person making the request, the Proponent shall be recognized as the first signatory to such request.*

(e) In any suit challenging the validity or constitutionality of a statute or amendment to the Constitution, adopted by the electors, the losing party shall pay all reasonable attorney's fees and costs.

SECTION 4. Severability

If any provision of this amendment or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect any other provision or application of the amendment which can be given effect without the invalid provision or application, and to that end the provisions of this amendment are severable.