

1-26-2000

## Legalized Gambling.

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Notary Public  
Political Reform  
Uniform Commercial Code



**BILL JONES**  
*Secretary of State*  
*State of California*

January 26, 2000

**ELECTIONS DIVISION**  
(916) 657-2166  
1500 - 11<sup>th</sup> 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

TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (00032)

FROM:

  
WALDEEP SINGH

INITIATIVE & BALLOT PAMPHLET COORDINATOR

SUBJECT: INITIATIVE #884

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:

**LEGALIZED GAMBLING.  
INITIATIVE CONSTITUTIONAL AMENDMENT.**

The proponent of the above-named measure is:

Robert W. Wilson  
John Brown Law Offices  
500 Esplanade Drive, Suite 1270  
Oxnard, CA 93030

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FEB 7 2000

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#884  
LEGALIZED GAMBLING.  
INITIATIVE CONSTITUTIONAL AMENDMENT.

**CIRCULATING AND FILING SCHEDULE**

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1. Minimum number of signatures required: ..... 670,816  
California Constitution, Article II, Section 8(b)
  
2. Official Summary Date:..... Wednesday, 01/26/00  
Elections Code section (EC§) 336
  
3. Petitions Sections:
  - a. First day Proponent can circulate Sections for  
signatures (EC §336) ..... Wednesday, 01/26/00
  
  - 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, 06/26/00\*
  
  - 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)).....Friday, 07/07/00  
  
(If the Proponent files the petition with the county on a date prior to 06/26/00,  
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))..... Sunday, 07/16/00\*\*
  
  - 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, 08/25/00

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

\*\* Date varies based on receipt of county certification.

**INITIATIVE #884**

**Circulating and Filing Schedule continued:**

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(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 07/16/00, 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, 09/04/00\*\*

g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (EC §9031(b)(c)). ..... Tuesday, 10/17/00

(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 09/04/00, the last day is no later than the thirtieth working day after the county's receipt of notification) (EC §9031(b)(c)).

h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (EC §9031(d); 9033)..... Saturday, 10/21/00\*\*

\* Date varies based on receipt of county certification.

## IMPORTANT POINTS

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- 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 127  
P.O. BOX 9442  
SACRAMENTO, CA 94244-2535  
Public: (916) 445-9555

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

January 26, 2000

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

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

**JAN 26 2000**

BILL JONES, Secretary of State

By   
Deputy Secretary of State

RE: INITIATIVE TITLE AND SUMMARY  
SUBJECT: LEGALIZED GAMBLING.  
INITIATIVE CONSTITUTIONAL AMENDMENT.  
FILE NO: SA1999RF0065

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  
Initiative Coordinator

For **BILL LOCKYER**  
Attorney General

DC:ms  
Enclosures

Date: January 26, 2000  
File No.: SA1999RF0065

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

**LEGALIZED GAMBLING. INITIATIVE CONSTITUTIONAL AMENDMENT.** Legalizes Las Vegas and Atlantic City type gambling for a period of 28 years at two locations only, California City in Kern County and an Indian reservation to be selected by majority vote of all California tribes recognized by the federal government. Permits gambling presently prohibited including slot machines and various other banked games. Creates three-member state commission to supervise gaming activities, including the issuance of permits. Upon expiration of 28 years, Legislature may: further extend experimental program; extend legalized gambling to all counties and Indian tribes; or eliminate gambling in its entirety. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This initiative could result in annual revenues to the state and local governments potentially in the tens of millions of dollars from fees and taxes associated with Las Vegas- and Atlantic City-type operations and related economic activity.



541777 RFD005

Law Offices of  
**John Brown**  
500 Esplanade Drive, Suite 1270  
Oxnard, California 93030

(805) 983-2238

Fax: (805) 983-3418

November 19, 1999

Daniel E. Lungren, Attorney General  
State of California  
Elections Division  
1500 – 11<sup>th</sup> Street  
Post Office Box 944260  
Sacramento, California 94244-2600

**RECEIVED**  
NOV 29 1999

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

**RE: SUMMARY AND TITLE OF CONSTITUTIONAL AMENDMENT**

Dear General Lungren:

Robert W. Wilson, as proponent, submits the attached initiative proposing an amendment to the California Constitution.

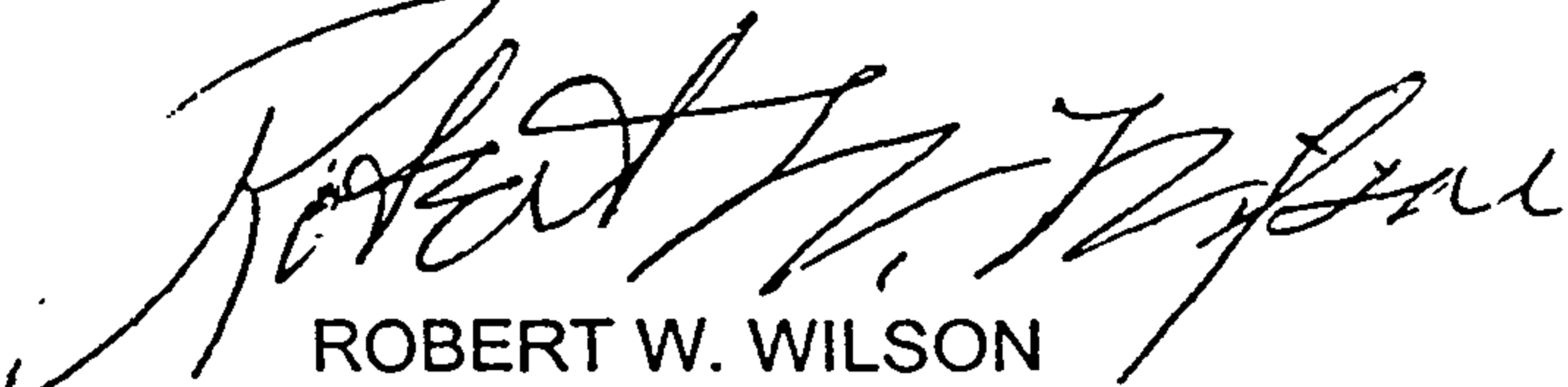
Subject: Gaming

I Request that you prepare a summary and title of said initiative in accordance with the provisions of the election code.

Enclosed is a \$200.00 certified check as required.

Thank you for your courtesy and cooperation in this matter.

Very truly yours,

  
ROBERT W. WILSON

**TO THE HONORABLE SECRETARY OF THE STATE OF CALIFORNIA**

We, the undersigned, registered and qualified electors of California, residents of \_\_\_\_\_ County, hereby propose an amendment to the Constitution of the State of California a new Article and Subsection within Article IV, Section 19 of said Constitution, relating to the People's Experimental Gaming Act and petition the Secretary of State to submit the same to the electors of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The proposed constitutional amendments (full title and text of the measure) reads as follows:

**AMENDMENT TO ARTICLE IV, SECTION 19, SUBSECTION TO BE APPROPRIATELY NUMBERED ACCORDING TO ALPHABETICAL PROGRESSION TITLED AS "THE PEOPLE'S GAMING ACT"**

**SECTION I** The purpose of this article is to legalize Las Vegas and Atlantic City type gambling as defined in the Constitution of the State of California and further defined in California Penal Code, Chapter 10, Section 330, 330(a), 330(b), 330(c), 330.1, 330.4 and 337(a) in California City, California, and on one Indian Reservation located in California to be selected by majority vote of all California Indian Tribes recognized by the Bureau of Indian Affairs, so as to lower the per capita tax structure of the State of California.

This proposed program provides for a pilot experimental program for a period of 28 (Twenty-Eight) years which limits gaming as hereinabove described to the City of California City, California, and to the one Indian Tribe to be selected to the exclusion of all other cities, counties and reservations. This program will be conducted in accord with the experimental program described in this initiative within the State in order to prove or disprove the viability of the plan

**SECTION II** The California Legislature shall provide for the regulation of Gaming as defined in Penal Code, Chapter 10, Section 330, 330(a), 330(b), 330(c), 330.1, 330.4 and 337(a).

**SECTION III** This Article shall be cited and known as the PEOPLES GAMING ACT, and all reference to it shall be the same.

**SECTION IV** Recognizing the mandate of the people, The Legislature shall pass all laws reasonably necessary to implement the legalization and conducting of gaming as presently proscribed by State Penal Code, Chapter 10, Sections 330, 330(a), 330(b), 330(c), 330.1, 330.4 and 337(a) including Betting On Sporting Events, Slot Machines, Card Dice, Dice, Punchboard, Pool Selling, Faro, Monte, Roulette, Lansquenet, Rouge et Noire, Rondo, Tan, Fan-Tan, Stud-Horse Poker, Seven-and-a-Half, Twenty-One, Hokey-Pokey, or any banking or percentage game played with cards, dice or any device for money, checks, credit or other representations of value.

**SECTION V.** After expiration of the twenty-eight (28) year period referred to in Section I of this Article, the Legislature shall have the power to extend the pilot experimental program to a time to be determined by it according with all rules, regulations, and conditions the legislature may have then prescribed or to confirm said Article for all counties and Indian tribes of this State or eliminate gaming entirely should the pilot plan prove gaming not to be in the best interests of California.

**SECTION VI** Jurisdiction and supervision over Gaming in this State and over all persons or things having to do with the operation of Gaming is vested in the People's Gaming Act Commission. The People's Gaming Act commission shall consist of three members to be appointed by the governor. Each member shall have been a resident of this State for four years prior to the date of appointment. Each member shall hold office for a term of four years. Any vacancy shall be filled by the governor for the remainder of the term.

**SECTION VII.** The Governor may remove any People's Gaming Act Commission member for cause upon first giving him a copy of the charges against him and an opportunity to be heard. The members of the People's Gaming Act Commission shall elect one of its members as a Chairman. The People's Gaming Act Commission shall appoint such employees as may be necessary to carry out the provisions of this law.

**SECTION VIII.** The salaries of the People's Gaming Act Commission members, the Secretary, other employees, and all other necessary expenses to carry out the Gaming Measure shall be paid monthly out of the California State General Fund by the State Treasurer on the warrant of the State Controller and the Certification of the Chairman of the People's Gaming Act Commission. The Peoples' Gaming Act Commission shall establish and maintain a general office for the transaction of its business at a place to be determined by it. The People's Gaming Act Commission may hold meetings at any other place when the convenience of the members of the People's Gaming Act Commission requires.

All meetings of the People's Gaming Act Commission shall be open to the public and all persons shall be permitted to attend any meeting of the People's Gaming Act Commission.

A majority of the People's Gaming Act Commission constitutes a quorum for the transaction of its business or the exercise of any of its powers. The Secretary shall keep a full and true record of all proceedings, books, documents, and papers of the board, prepare for service such notices and other papers as may be required by the People's Gaming Act Commission and perform such other duties as the People's Gaming Act Commission may prescribe.

All records of the People's Gaming Act Commission shall be open to inspection by the public during regular business hours.

The Legislature shall give the People's Gaming Act Commission all powers necessary and proper to enable it to carry out fully and effectively the purposes of this law.

**SECTION IX.** Kern County shall be the only county, and the City of California City, subject to the local option by the City Counsel, within said county shall be the only city for this pilot program and the one Indian Reservation to be selected shall be the only Reservation for this pilot. Consequently, the geographical areas where gaming shall be permitted according to the provisions of this Article shall be limited to the city boundaries of the City of California City, County of Kern and the boundries of the one Indian Reservation to be selected.

The People's Gaming Act Commission shall issue permits for Gaming at the request of the City Council of the City of California City and the Indian Tribe to be selected. It shall be unlawful for any person, persons, corporations, public or private, associations or other legal entities to conduct Gaming in California City without a City license from California City and a permit from the People's Gaming Act Commission of this State, and it shall be unlawful for any entity to conduct Gaming on any Indian Reservation without a permit from the People's Gaming Act commission of this State and the selected Indian tribe.

The City of California City shall adopt a City Ordinance providing for a full-time three (3) man commission appointed by its City Council for the purpose of creating a universal screening-licensing

Commission of the City to investigate applicants for a Gaming License; supervising Gaming in the City; and establishing its own licensing and tax fees.

The People's Gaming Act Commission shall issue as many permits as the City of California City and as the Indian Tribe selected request for gaming.

**SECTION X.** Thirty days after the issuance of a permit for Gaming, the permittee shall pay to the People's Gaming Act Commission a permit fee in an amount to be determined by the legislature of the State of California which shall be paid into the State general fund. The permittee shall pay said permit fee annually thereafter. All revenues derived for the State from this Article are for the purposes of lowering taxation on the people of the State of California and all permit fees shall be paid into the State General Fund.

#### **SECTION XI**

It is hereby declared to be the policy of this State that all establishments where gambling games as defined herein are conducted or where gambling devices are operated in the City of California City shall be licensed by the City of California City and granted a permit from the People's Gaming Act Commission, and that all establishments where gambling games, as defined, are conducted or where gambling devices are operated on the Indian Reservation to be selected shall be licensed by the Tribal authority, and granted a permit from the People's Gaming Act Commission, so that these activities will be controlled so as to protect the public health, safety, morals, good order and general welfare of the inhabitants of the State of California.

#### **SECTION XII**            DEFINITIONS

**Banking Game:** A game in which the "house" or "bank" is a participant in the game, taking all comers, paying all winners, and collecting from all losers.

**Percentage Game:** Any game of chance from which the house collects money calculated as a portion of wagers made or sums won and played, exclusive of charges or fees for use of space and facilities.

**"Game" "Gambling Game":** Any banking or percentage game played with cards, dice or any device for money, checks, credit, or other representative of value including betting on sporting events, faro, monte, roulette, lansquenet, rouge et noir, rondo, tan, fan-tan, seven-and-a-half, twenty-one, hokey-pokey, bingo, craps, stud-horse poker, draw poker or slot machines.

**"Gaming Device" :** Any mechanical contrivance or machine used in connection with Gaming or any Game.

**"Gaming," "Gambling" :** Dealing, operating, carrying on, conducting, maintaining or exposing for play any Game as defined in Penal Code, Chapter 10, Section 330 and elsewhere in the People's Gaming Act.

**"Gaming License" :** Any license issued by the City of California City or which authorizes the person named therein to engage in Gaming.

**"Gaming Permits" :** Any permit issued by the People's Gaming Act Commission which authorizes the person named therein to engage in Gaming.

**"Person" :** Any association, corporation public or private, firm, partnership, trust or other form of business association as well as a natural person.

"City": Any incorporated or unincorporated city or town.

**SECTION XIII.** All provisions of the Constitution of the State of California and the laws of the State of California in conflict with or inconsistent with the provisions hereof are hereby repealed. If any portion, section or clause of this Article shall be declared unconstitutional or invalid, such declaration or adjudication shall not affect the remainder of this Article.

**SECTION XIV.** The Legislature shall pass all laws necessary to effect operation of this Measure. It shall take effect five days after the date of the official declaration of the vote by the Secretary of State and become operative upon the first day of the first month after the date of the official declaration of the vote.

**SECTION XV.** The provisions of this Article are self-executing.