

9-22-2004

DRIVER'S LICENSES. COLLEGE EXPENSES.
PUBLIC BENEFITS. ELIGIBILITY OF
ILLEGAL ALIENS. INIATIATIVE
CONSTITUTIONAL AMENDMENT.

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DRIVER'S LICENSES. COLLEGE EXPENSES. PUBLIC BENEFITS. ELIGIBILITY OF ILLEGAL ALIENS. INIATIATIVE
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SECRETARY OF STATE
KEVIN SHELLEY
STATE OF CALIFORNIA

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September 22, 2004

TO: ALL REGISTRARS OF VOTERS/COUNTY CLERKS AND PROPONENTS
(04312)

FROM: *Joanna Southard*
JOANNA SOUTHARD, Program Manager
Ballot Pamphlet and Initiatives

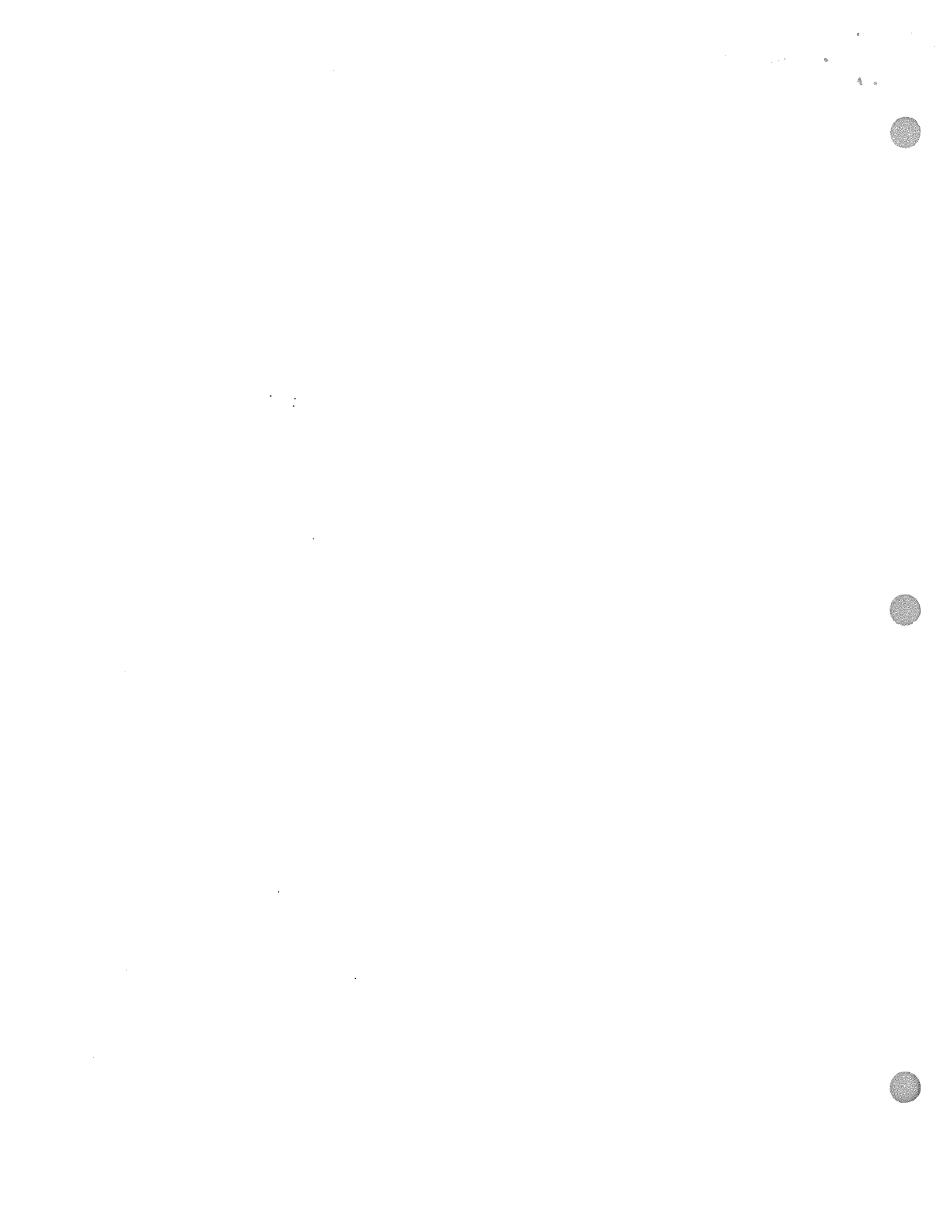
SUBJECT: **INITIATIVE #1065**

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:

**DRIVER'S LICENSES. COLLEGE EXPENSES.
PUBLIC BENEFITS. ELIGIBILITY OF ILLEGAL ALIENS.
INIATIATIVE CONSTITUTIONAL AMENDMENT.**

The proponents of the above-named measure are:

Senator Richard Mountjoy (Ret.)
Mike Spence
Victor Valenzuela
Mark Wyland
Jeff Evans
P.O. Box 877
Monrovia, CA 91017
(626) 357-8237



DRIVER'S LICENSES. COLLEGE EXPENSES.
PUBLIC BENEFITS. ELIGIBILITY OF ILLEGAL ALIENS.
INITIATIVE CONSTITUTIONAL AMENDMENT.

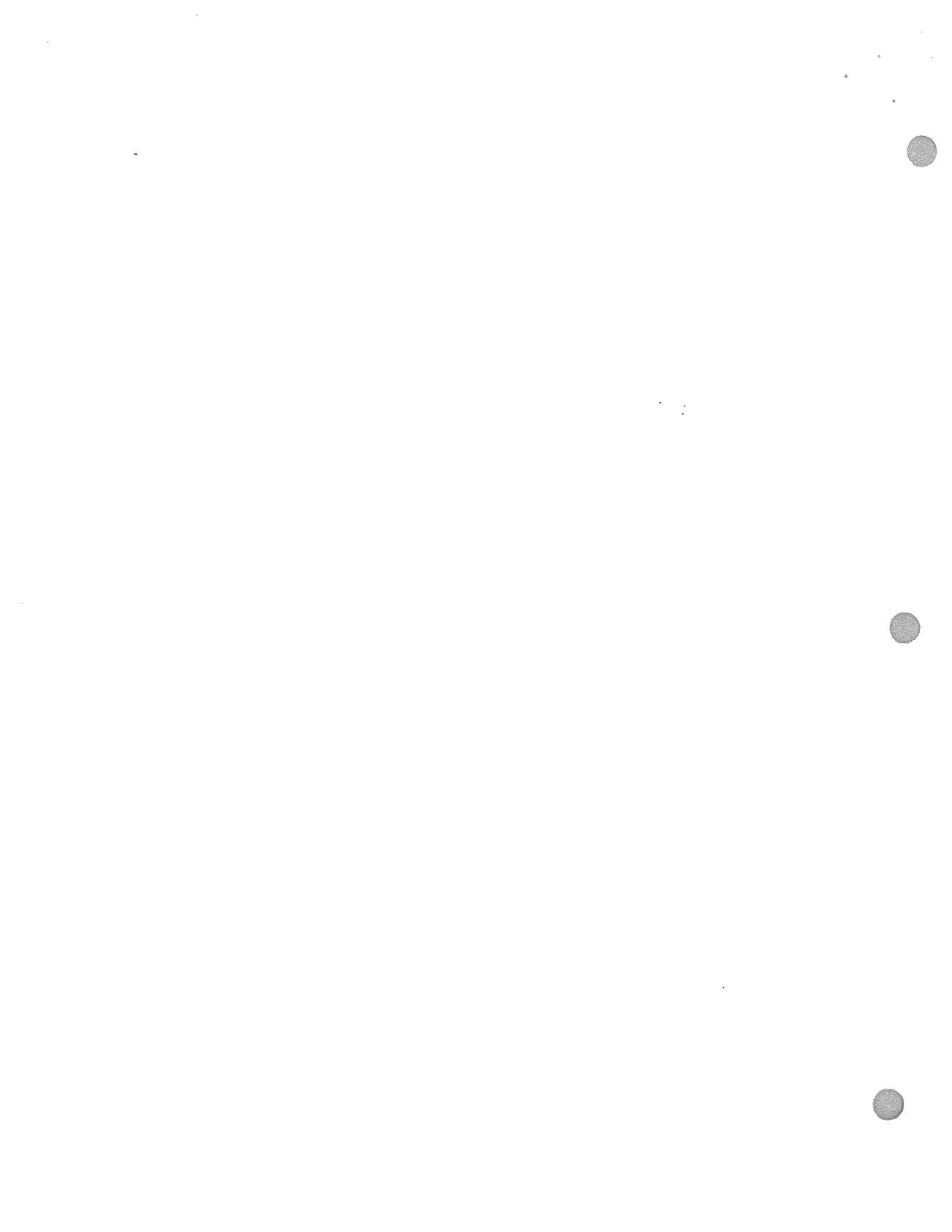
CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 598,105
California Constitution, Article II, Section 3(b)
2. Official Summary Date:..... Wednesday, 09/22/04
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336) Wednesday, 09/22/04
 - 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))..... Tuesday, 02/22/05*
 - 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, 03/04/05

(If the Proponent files the petition with the county on a date prior to 02/22/05,
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..... Sunday, 03/13/05**
 - 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))Monday, 04/25/05

*Date adjusted for official deadline, which falls on a weekend or holiday.
(EC §15)

**Date varies based on the date of county receipt.



INITIATIVE #1065
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 03/13/05, the last day is no later than the thirtieth working day after the county's receipt of notification).(EC §9030(d)(e)).

- f. If the signature count is more than 411,198 or less than 355,125 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 355,125 and 411,198 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures
..... Thursday, 05/05/05*

- 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, 06/17/05

(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 05/05/05, 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, 06/21/05*

*Date varies based on the date of county receipt.



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) 124 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- Please refer to Elections Code sections 100,101,101.5,104,9001, 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.
- 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) 324-8835
Phone: (916) 324-5490

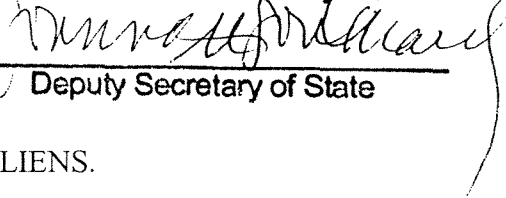
September 22, 2004

FILED
in the office of the Secretary of State
of the State of California

SEP 22 2004

Kevin Shelley
Secretary of State
1500 - 11th Street, 5th Floor
Sacramento, California 95814

KEVIN SHELLEY, Secretary of State

By 
Deputy Secretary of State

RE: Initiative Title and Summary
SUBJECT: DRIVER'S LICENSES. COLLEGE EXPENSES.
PUBLIC BENEFITS. ELIGIBILITY OF ILLEGAL ALIENS.
INITIATIVE CONSTITUTIONAL AMENDMENT.
FILE NO: SA2004RF0026, Amdt. #1-NS

Dear Mr. Shelley:

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 proponents of the above-identified proposed initiative.

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.

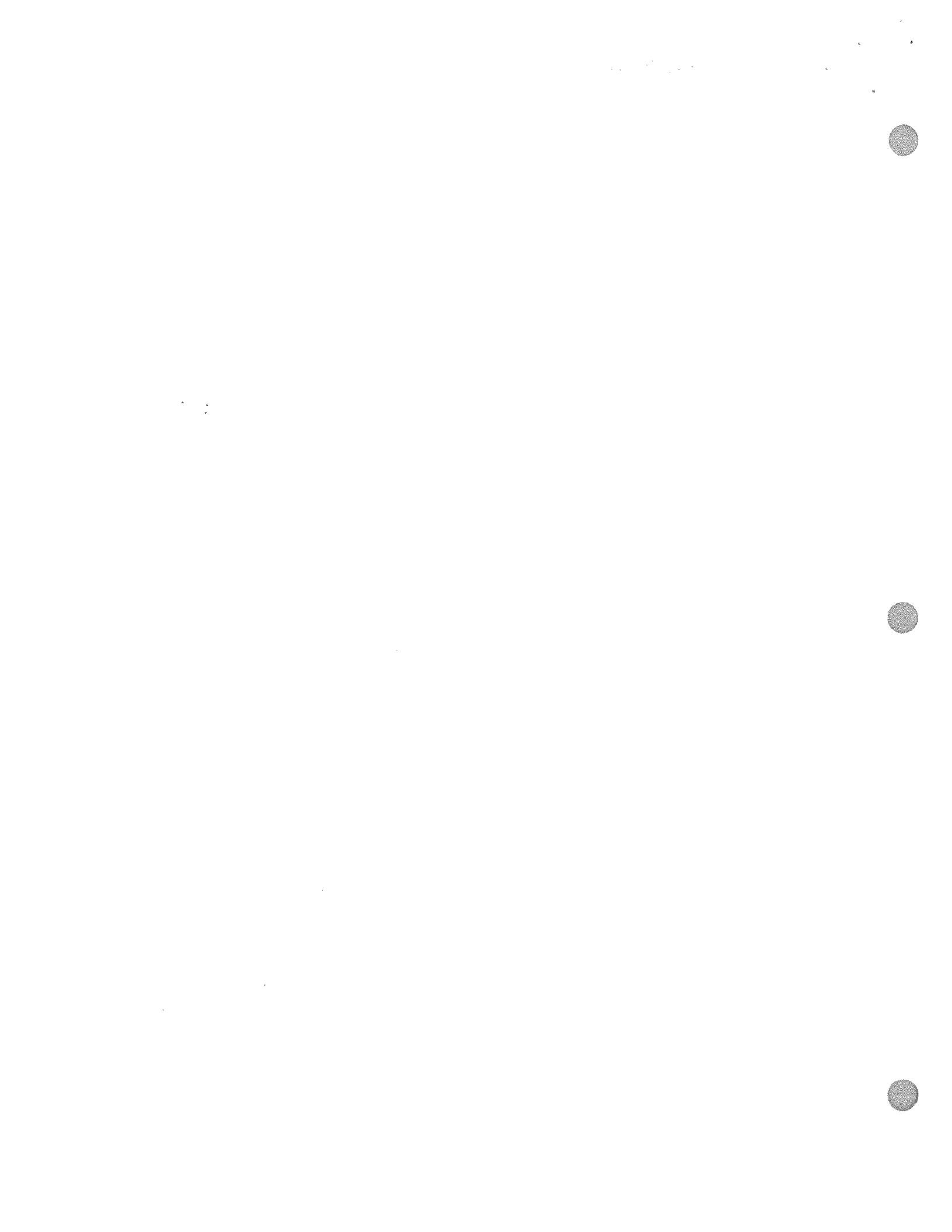
Sincerely,



TRICIA KNIGHT
Initiative Coordinator

For BILL LOCKYER
Attorney General

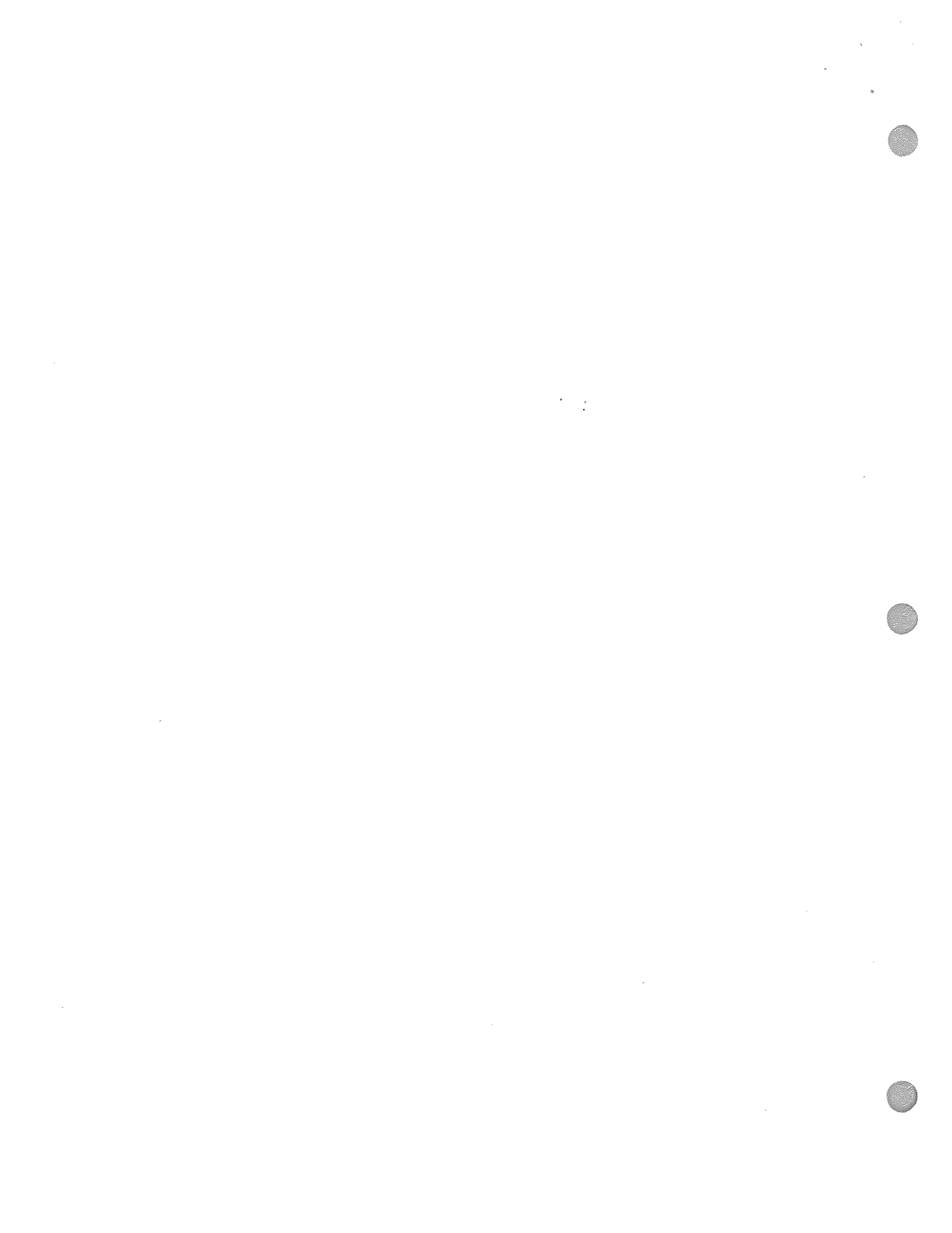
TK/cw
Enclosures



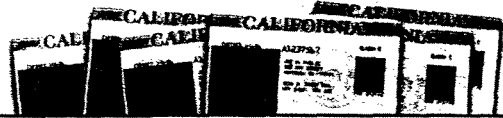
Date: September 22, 2004
File No.: SA2004RF0026,
Amdt. #1-NS

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

DRIVER'S LICENSES. COLLEGE EXPENSES. PUBLIC BENEFITS. ELIGIBILITY OF ILLEGAL ALIENS. INITIATIVE CONSTITUTIONAL AMENDMENT. Prohibits aliens unlawfully in United States from obtaining: a driver's license or government identification card; a college fee or tuition exemption; government grant, contract, loan; a professional or commercial license; or any other public benefit not required by federal law. Authorizes any state citizen to sue to enforce prohibitions, requires State to defend initiative, and provides costs and attorney's fees to prevailing party. Makes any elected or government official who willfully violates the prohibitions personally liable for litigation costs, attorney's fees, and actual damages. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure could have the following major fiscal effects: Potentially major one-time costs, with annual costs in the tens of millions of dollars, to verify citizenship or immigration status of persons receiving public benefits. Program savings to the state and local governments due to reduced expenditures for certain public services. These savings could be in the low hundreds of millions of dollars annually.



Save Our License



SH2004RF0026, Am07

#1-N.

CITIZENS OPPOSED TO DRIVER'S LICENSES AND OTHER BENEFITS FOR ILLEGAL IMMIGRANTS

A project of the California Republican Assembly

September 1, 2004

Office of the Attorney General
ATTN: Initiative Coordinator
1300 I Street
Sacramento, CA 95814

RECEIVED

SEP 15 2004

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Additional Proponents for Proposed Initiative
Your file No. SA2004RF0026

Dear Initiative Coordinator,


On August 4, 2004, the proponents of the Save Our License Initiative requested your preparation of the title and summary. We wish to add the following individual as a proponent of the proposed initiative: **Mark Wyland**.


With this non-substantive change we are re-submitting: 1) the language of the proposed initiative measure (unchanged); 2) the executed certifications required by Elections Code section 9608 for each proponent; and 3) the voter registration addresses for each proponent.

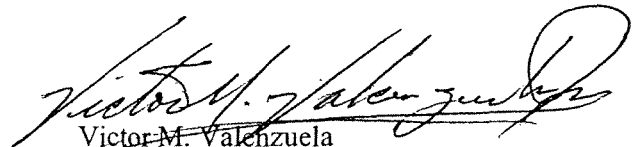
Should you have any questions or require further information, please contact Stephen R. McCutcheon, Jr., Sweeney, Davidian & Greene, LLP, 8001 Folsom Blvd., Suite 101, Sacramento, Ca, 95826, (916) 388-5170.

Sincerely,


Sen. Richard Mounjoy (ret.)

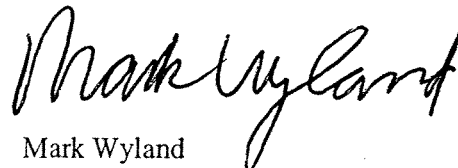

Jeff Evans

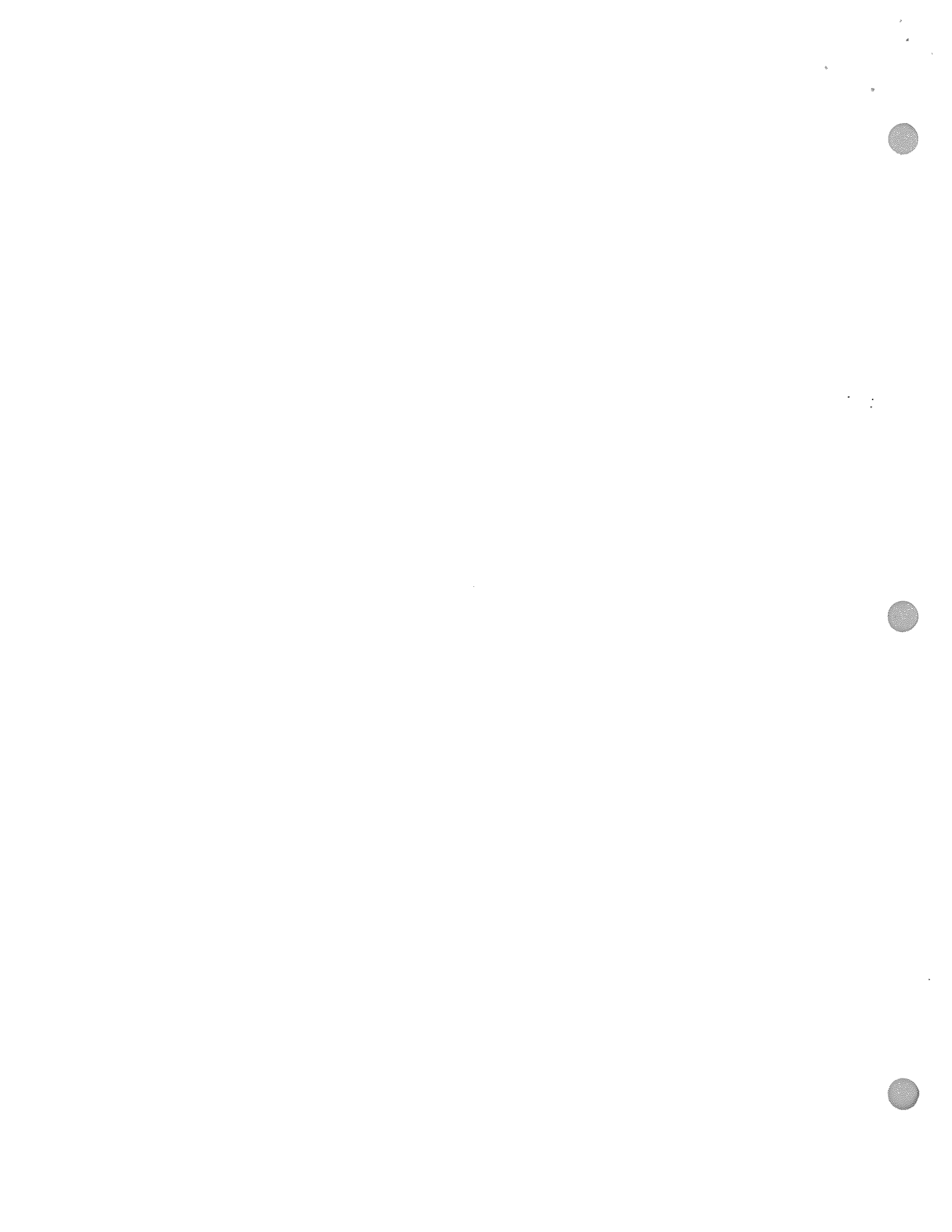

Mike Spence


Victor M. Valenzuela

ACKNOWLEDGEMENT

I, **Mark Wyland**, hereby request addition as a proponent of the Save Our License Initiative.


Mark Wyland



SAVE OUR LICENSE INITIATIVE

Text of the Proposed Measure

Section 1 - Addition of Article I, Section 26, to the California Constitution

Article I, Section 26, is hereby added to the California Constitution as follows:

SEC. 26. (a) The State shall not authorize or provide to any alien not lawfully in the United States, a driver's license or government identification card, exemption from nonresident tuition or fees for postsecondary education, grant, contract, loan, professional license, or commercial license; or any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit to an individual, household, or family eligibility unit, unless those benefits or services are required to be provided pursuant to federal law.

(b) For the purposes of this section, "State" shall include, but not necessarily be limited to, the State itself, any city, county, city and county, township, public university system, community college district, school district, special district, or any other political subdivision or governmental instrumentality of or within the State.

(c) If any part or parts of this section are challenged in state or federal court, the State shall defend the legality of this section until all appeals have been exhausted and a final judgment is enacted.

(d) 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.

(e) Any citizen residing in the state of California may sue for injunctive, declaratory, or any other appropriate relief to enjoin violations or to compel compliance with the provisions of this section. In any legal action to enforce subdivision (a), the burden shall be on the State to demonstrate that the benefits or services are required to be provided pursuant to federal law. The court shall award to a prevailing plaintiff or defendant, other than the State, the costs of litigation, including reasonable attorney's fees.

(f) Any elected official or government official who willfully violates the provisions of this title may be held personally liable for the costs of litigation including reasonable attorney's fees and actual damages.

