

7-13-2009

# MANDATORY DRUG AND ALCOHOL TESTING FOR MEMBERS OF THE LEGISLATURE. INITIATIVE STATUTE

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## Recommended Citation

MANDATORY DRUG AND ALCOHOL TESTING FOR MEMBERS OF THE LEGISLATURE. INITIATIVE STATUTE  
California Initiative 1367 (2009).  
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**DEBRA BOWEN** | SECRETARY OF STATE  
STATE OF CALIFORNIA | ELECTIONS

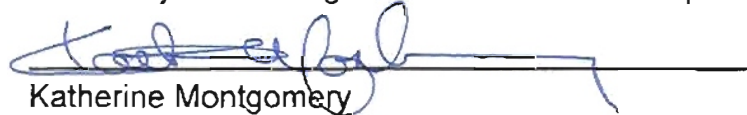
1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

December 28, 2009

County Clerk/Registrar of Voters (CC/ROV) Memorandum #09226

TO: All County Clerks/Registrars of Voters and Proponents

FROM:

  
Katherine Montgomery  
Associate Elections Analyst

RE: Initiative: Failure of #1367, Related to the Legislature: Drug and Alcohol Testing

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures for the hereinafter named statute filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has **failed**.

TITLE: MANDATORY DRUG AND ALCOHOL TESTING FOR MEMBERS OF THE LEGISLATURE. INITIATIVE STATUTE.

SUMMARY DATE: July 13, 2009

PROPONENTS: Dorothy Cummings and Gary Ellis



**DEBRA BOWEN** | SECRETARY OF STATE  
STATE OF CALIFORNIA | ELECTIONS

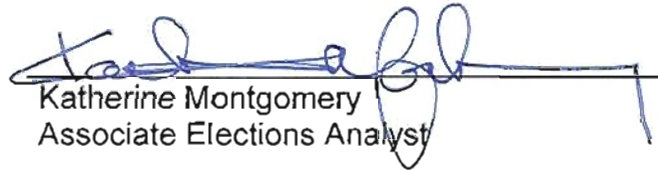
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July 13, 2009

County Clerk/Registrar of Voters (CC/ROV) Memorandum #09115

TO: All County Clerks/Registrars of Voters and Proponents

FROM:

  
Katherine Montgomery  
Associate Elections Analyst

RE: Initiative: 1367, Related to the Legislature: Drug and Alcohol Testing

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 DRUG AND ALCOHOL TESTING FOR MEMBERS  
OF THE LEGISLATURE. INITIATIVE STATUTE.**

The proponents of the above-named measure are:

Dorothy Cummings  
Gary Ellis  
P.O. Box 969  
Lake Arrowhead, CA 92352

**MANDATORY DRUG AND ALCOHOL TESTING FOR MEMBERS  
OF THE LEGISLATURE. INITIATIVE STATUTE.**

**CIRCULATING AND FILING SCHEDULE**

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1. Minimum number of signatures required: .....433,971  
California Constitution, Article II, Section 8(b)
2. Official Summary Date: ..... Monday, 07/13/09
3. Petitions Sections:
  - a. First day Proponent can circulate Sections for  
signatures (Elec. Code § 336) ..... Monday, 07/13/09
  - b. Last day Proponent can circulate and file with the county.  
All sections are to be filed at the same time within each  
county. (Elec. Codes §§ 336, 9030(a)).....Thursday, 12/10/09
  - c. Last day for county to determine total number of  
signatures affixed to petitions and to transmit total  
to the Secretary of State (Elec. Code § 9030(b)).....Tuesday, 12/22/09  
  
(If the Proponent files the petition with the county on a date prior to  
12/10/09, 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) (Elec. Code § 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.....Thursday, 12/31/09\*
  - 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  
(Elec. Code § 9030(d)(e)).....Wednesday, 02/17/10

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

**INITIATIVE #1367**

**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 12/31/09, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elec. Code § 9030(d)(e)).

- f. If the signature count is more than 477,369 or less than 412,273 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 412,273 and 477,369 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))..... Saturday, 02/27/10\*
  
- 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. (Elec. Code § 9031(b)(c)). ..... Monday, 04/12/10

(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 02/27/10, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elec. Code § 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 (Elec. Code §§ 9031(d), 9033).....Friday, 04/16/10\*

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

## 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) 124 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.
- 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.

EDMUND G. BROWN JR.  
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  
Telephone: (916) 445-4752  
Facsimile: (916) 324-8835  
E-Mail: Krystal.Paris@doj.ca.gov

July 11, 2009

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

JUL 13 2009

Debra Bowen, Secretary of State  
By  Deputy Secretary of State

Honorable Debra Bowen  
Secretary of State of the State of California  
State of California Elections  
1500 11th Street, 5th Floor  
Sacramento, CA 95814

Attention: Ms. Katherine Montgomery  
Associate Elections Analyst

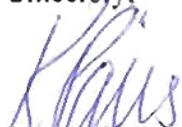
Re: Initiative 09-0014, 'Drug and Alcohol Testing for Members of the Legislature.  
Official Circulating Title: Mandatory Drug and Alcohol Testing for Members of the Legislature.  
Initiative Statute.

Dear Secretary Bowen:

Pursuant to Elections Code sections 9004 and 336, you are hereby notified that on this day we mailed our title and summary for initiative 09-0014, Drug and Alcohol Testing for Members of the Legislature to the respective proponents. A copy of that title and summary and text of the proposed measure is enclosed.

Please contact me if you have any questions.

Sincerely,



KRYSTAL M. PARIS  
Initiative Coordinator

For EDMUND G. BROWN JR.  
Attorney General

Proponent:  
Dorothy Cummings  
Gary Ellis  
PO Box 969  
Lake Arrowhead, CA 92352

Date: July 13, 2009  
Initiative 09-0014

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

**MANDATORY DRUG AND ALCOHOL TESTING FOR MEMBERS OF THE LEGISLATURE. INITIATIVE STATUTE.** Requires all legislators elected subsequent to passage of this initiative to be tested for the illegal use of drugs and the “habitual use of alcohol.” Prevents a legislator who tests positive from performing his or her official duties or from getting paid until that legislator completes a substance abuse program at his or her own expense. Requires a legislator to permanently forfeit his or her office upon a second positive test. Provides exception for use of medicinal marijuana under a doctor’s care. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Probably no significant change in state costs in most years. (09-0014.)



09-0014  
**RECEIVED**  
MAY 20 2009

May 13, 2009

Krystal Paris  
Initiative Coordinator  
Office of the Attorney General  
1300 I Street  
Sacramento, CA 95814

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Re: Request for title and summary of Ballot Initiative

Dear Ms. Paris,

Enclosed is the draft text of a proposed Ballot Initiative to be submitted to the voters of California. We request that a ballot title and summary be prepared.

Please send the title and summary to:

Dorothy Cummings or Gary Ellis  
PO Box 969  
Lake Arrowhead, CA 92352

If you have any questions or concerns, please call us at: 7am-3pm  
Monday through Friday. You may also email me at: [dody@mpcas.com](mailto:dody@mpcas.com). Thank you.

Sincerely,

Enclosures

ED  
's Office

2009

of  
Law

## INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

12-point  
Boldface  
Type

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

Type: Roman  
Boldface not  
smaller than  
12-point

We, the undersigned, registered, qualified voters of California, residents of San Bernardino County, hereby propose amendments to the Government Code, relating to the Legislature, 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. The proposed statutory amendments (full title and text of the measure) read as follows:

An act to add Section 9021.5 to the Government Code, relating to mandatory drug and alcohol testing for Members of the California Legislature.

SECTION 1. Section 9021.5 is added to the Government Code, to read:

9021.5. (a) On the first day of a regular session, each Senator and Member of the Assembly shall be tested for the illegal use of controlled substances and the habitual use of alcohol by the Department of the California Highway Patrol. Testing conducted pursuant to this section shall be performed in conformance with the procedures and standards established by the United States Department of Transportation for drug and alcohol testing of federal employees.

(b) If a Senator or Member of the Assembly tests positive for either the illegal use of a controlled substance or the habitual use of alcohol or if he or she refuses to be tested, he or she shall not be permitted to engage in any official act as a Senator or Member of the Assembly until he or she has completed a substance abuse treatment program identified by the Department of the California Highway Patrol, the cost of which shall be paid for by the Senator or Member of the Assembly. Until the Senator or Member of the Assembly completes substance abuse treatment, he or she shall not be entitled to collect salary or payment of travel or living expenses.

(c) Upon completion of substance abuse treatment pursuant to subdivision (b), a Senator or Member of the Assembly shall again be tested for the illegal use of controlled substances and the habitual continual use of alcohol. If the Senator or Member of the Assembly again tests positive for either the illegal use of a controlled substance or the habitual use of alcohol or if he or she again refuses to be tested, he or she shall permanently forfeit his or her office after being afforded notice and an opportunity to be heard.

(d) The requirements of subdivisions (b) and (c) shall not apply to a Senator or Member of the Assembly who tests positive for the use of marijuana and whose use of marijuana was approved or recommended by a licensed physician.

(e) This section shall not apply to a Senator or Member of the Assembly currently serving a term of office at the time of the enactment of this section.

SEC. 2. The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.