

1-13-2012

# Education. Repeals Non-Discrimination Requirements for School Instruction. Initiative Statute.

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## Recommended Citation

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


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June 22, 2012

County Clerk/Registrar of Voters (CC/ROV) Memorandum #12208

TO: All County Clerks/Registrars of Voters and Proponent

FROM:

  
Katherine Montgomery  
Initiative Program Manager

RE: Initiative: Failure of #1552, Related to Education

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures for the hereinafter named initiative 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: EDUCATION. REPEALS NON-DISCRIMINATION  
REQUIREMENTS FOR SCHOOL INSTRUCTION.  
INITIATIVE STATUTE.

SUMMARY DATE: January 13, 2012

PROPONENT: Richard Rios



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

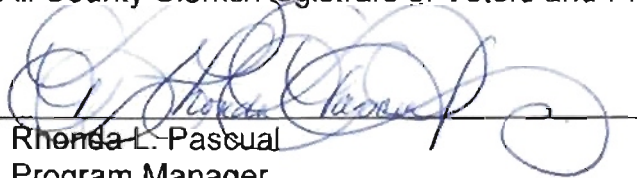
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January 13, 2012

County Clerk/Registrar of Voters (CC/ROV) Memorandum #12023

TO: All County Clerks/Registrars of Voters and Proponent

FROM:

  
Rhonda L. Pascual  
Program Manager

RE: Initiative: 1552, Related to Education

Pursuant to Elections Code section 9004 (c), we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**EDUCATION. REPEALS NON-DISCRIMINATION  
REQUIREMENTS FOR SCHOOL INSTRUCTION. INITIATIVE STATUTE.**

The proponent of the above-named measure is:

Richard Rios  
3407 Arden Way  
Sacramento, CA 95825

(714) 333-0303

#1552

**EDUCATION. REPEALS NON-DISCRIMINATION  
REQUIREMENTS FOR SCHOOL INSTRUCTION. INITIATIVE STATUTE.**

**CIRCULATING AND FILING SCHEDULE**

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1. Minimum number of signatures required: ..... 504,760  
California Constitution, Article II, Section 8(b)
2. Official Summary Date: ..... Friday, 01/13/12
3. Petitions Sections:
  - a. First day Proponent can circulate Sections for  
signatures (Elections Code § 336) ..... Friday, 01/13/12
  - b. Last day Proponent can circulate and file with the county.  
All sections are to be filed at the same time within each  
county. (Elections Codes §§ 9014, 9030(a)) ..... Monday, 06/11/12
  - c. Last day for county to determine total number of  
signatures affixed to petitions and to transmit total  
to the Secretary of State (Elections Code § 9030(b)) ..... Thursday, 06/21/12  
  
(If the Proponent files the petition with the county on a date prior to  
06/11/12, 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) (Elections 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 ..... Saturday, 06/30/12\*
  - 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  
(Elections Code §§ 9030(d)(e)) ..... Monday, 08/13/12

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

**INITIATIVE #1552**  
**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 06/30/12, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elections Code §§ 9030(d)(e).)

- f. If the signature count is more than 555,236 or less than 479,522 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 479,522 and 555,236 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)) ..... Thursday, 08/23/12\*
  
- 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. (Elections Code §§ 9031(b)(c)). ..... Tuesday, 10/09/12

(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 08/23/12, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elections 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 (Elections Code §§ 9031(d), 9033)... Saturday, 10/13/12\*

\*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 § 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 §§ 100, 101, 104, 9008, 9009, 9013, 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.

KAMALA D. HARRIS  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



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E-Mail: Ashley.Johansson@doj.ca.gov

January 13, 2012

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

Attention: Ms. Katherine Montgomery  
Elections Analyst

Dear Secretary Bowen:

Pursuant to Elections Code section 9004, you are hereby notified that on this day we sent our title and summary for the following proposed initiative to the proponent:

- 11-0074, "Repeal SB 48 Act"

A copy of that title and summary and text of the proposed initiative is enclosed. Please contact me if you have questions. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ashley Johansson".

ASHLEY JOHANSSON  
Initiative Coordinator

For KAMALA D. HARRIS  
Attorney General

cc: Richard Ríos, Committee to Repeal SB 48

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

VIA Email.

JAN 13 2012

Debra Bowen, Secretary of State  
By: Deputy Secretary of State

January 13, 2012  
Initiative 11-0074

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

**EDUCATION. REPEALS NON-DISCRIMINATION REQUIREMENTS FOR SCHOOL**

**INSTRUCTION. INITIATIVE STATUTE.** Repeals requirement that schools prohibit instructional materials that reflect adversely on persons based on their sexual orientation.

Repeals requirement that school instructional materials recognize societal contributions of lesbian, gay, bisexual, and transgendered individuals to the economic, political, and social development of California and the United States. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **This measure would not impose additional costs on school districts.** (11-0074.)



Committee to Repeal SB48  
3407 Arden Way, Sacramento, CA 95825  
714-333-0303

11-0074

November 14, 2011

Office of the Attorney General  
Dawn L. McFarland, Acting Initiative Coordinator  
1300 I Street  
Sacramento, CA 94244-2550

**RECEIVED**  
NOV 16 2011  
INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

RE: Request to Prepare Title and Summary

Dear Ms. McFarland:

Pursuant to Article II, Section 10(d) of the California Constitution and Section 9002 of the California Elections Code, I respectfully submit the attached proposed statewide ballot initiative measure to your office. I hereby request that you prepare a title and summary of the measure as provided by law.


I have also included the following documents:

- Exhibit A: A draft of the initiative
- Exhibit B: The required affidavits signed by the proponent pursuant to California Elections Code, Section 9001 and 9608.
- Exhibit C: A separate page containing the statement required under California Elections Code 9608 and the address at which I am currently registered to vote.

I have also enclosed a check in the amount of \$200 pursuant to Election Code Section 9001(c).

Thank you for your time and attention to this matter. Please contact me at the information provided above with any questions or concerns.

Regards,

  
Richard Rios  
Proponent

## INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

This amendment would amend existing Sections 51204.5, 51500, 60040, and 60044 of the Education Code, relating to instruction. Existing language proposed to be deleted is printed in ~~strikeout type~~. Language proposed to be added is printed in underlined type.

### Section 1. TITLE

This measure shall be known and may be cited as "Repeal SB48 Act"

### Section 2. FINDINGS AND DECLARATION OF PURPOSE

- A) Whereas, the public school system is responsible to educate our children in the basic education of reading, writing, and math and not to promote political and sociology dogma to students as young as age five.
- B) Whereas, concerned citizens and parents have been ignored by the legislature in their opposition to the indoctrination of political and sociological agenda of all children in the public schools.
- C) Whereas, parenting is very important and highly personal, especially in moral and religious matter. Parents are ultimately responsible for their children's intellectual and moral maturity, and they provide a zone of sovereignty, a moral space to fulfill their obligations according to their consciences.
- D) Whereas, it is the parent or guardian who should ultimately guide their child in moral and faith beliefs.

Section 3. This Act will amend the Education Code Sections 51204.5, 51500, 60040, and 60044 of the Education Code to read:

Section 51204.5: Instruction in social sciences shall include the early history of California and a study of the role and contributions of both men and women, Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, ~~lesbian, gay, bisexual, and transgender Americans~~, persons with disabilities, and members of other ethnic and cultural groups, to the economic, political, and social development of California and the United States of America, with particular emphasis on portraying the role of these groups in contemporary society.

Section 51500: A teacher shall not give instruction and a school district shall not sponsor any activity that reflects adversely upon persons on the basis of race or

ethnicity, gender, religion, disability, nationality, ~~sexual orientation~~, or because of a characteristic listed in Section 220.

Section 51501: The state board or and any governing board shall not adopt any textbook textbooks or other instructional materials for use in the public schools that contains any matter reflecting adversely upon persons on the basis of race or ethnicity, gender, religion, disability, nationality, ~~sexual orientation~~, or because of a characteristic listed in Section 220

Section 60040: When adopting instructional materials for use in the schools, governing boards shall include only instructional materials which, in their determination, accurately portray the cultural and racial diversity of our society, including: (a) The contributions of both men and women in all types of roles, including professional, vocational, and executive roles. (b) The role and contributions of Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, ~~lesbian, gay, bisexual, and transgender Americans~~, and members of other ethnic and cultural groups to the total development of California and the United States. (c) The role and contributions of the entrepreneur and labor in the total development of California and the United States.

Section 60044: A governing board shall not adopt any instructional materials for use in the schools that, in its determination, contains:

(a) Any matter reflecting adversely upon persons on the basis of race or ethnicity, gender, religion, disability, nationality, ~~sexual orientation~~, occupation, or because of a characteristic listed in Section 220.

(b) Any sectarian or denominational doctrine or propaganda contrary to law.

#### Section 4. SEVERABILITY

If any provisions of this Act, or part of thereof is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable.

#### Section 5. AMENDMENTS

The provisions of this Act shall not be amended by the Legislature except to further its purpose by a statute requiring a recorded two thirds vote of the members of the Senate and Assembly concurring.