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ELECTION CAMPAIGN FINANCE. PUBLIC FUNDING. INITIATIVE STATUTE.

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October 6, 2015

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

The Honorable Kamala D. Harris
Attorney General
State of California
Department of Justice
C/O Attorney General's Initiative Coordinator
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550

Re: Initiative Petition Title and Summary

Dear Attorney General Harris:

Alison Hartson, on behalf of Americans Take Action, hereby requests a Title and Summary using the amended language for the attached statewide initiative petition pursuant to California Election Code Sections 9001, 9002. The measure will update the Political Reform Act of 1974 in light of the changes made to our political system by the United States Supreme Court since the Citizens United Decision of 2010. For an electronic courtesy copy, please visit www.cafreeact.com.

Submitted this 6th day of October, 2015.

I declare under penalty of perjury that I am a citizen of the United States, 18 years of age or older, and a resident of Orange County, California.

I, Alison Hartson, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.



Alison Hartson

DRAFT CALIFORNIA FAIR REFORM FOR EQUALITY IN ELECTIONS ACT PROPOSAL

Section 1: Name and Summary

A. Name

This Act shall be known as the "California Fair Reform for Equality in Elections Act of 2016" abbreviated the "California FREE Act of 2016."

B. Summary

The California FREE Act of 2016 will update the Political Reform Act of 1974 in light of the changes made to our political system by the United States Supreme Court since the Citizens United decision of 2010. The Act will broaden the purpose of Fair Political Practices Commission to ensure free and fair elections. The Act also repeals the ban on publicly financed elections. Finally, the Act delays the deadline to prosecute crimes under the Reform Act until after they are discovered and increases the maximum fine to account for inflation.

Section 2: Findings, Intent and Purpose

This Act, adopted by the People of the State of California, makes the following Findings and Statement of Intent and Purpose:

A. Findings

1. In 2010, the United States Supreme Court decided Citizens United v. the Federal Election Commission, amplifying the power of money to control our government.
2. In 2012 and 2014 the Legislature of the State of California joined many other states in seeking to amend the Constitution of the United States to address the decision.
3. Constitutional Amendment is a long process and the State of California needs to do all it can to ensure that elections within the State are as free and fair as possible in the meantime.

4. 1988, the voters of the State of California approved Proposition 68, including a public financing system for state elections. However, in the same year, a competing ballot initiative, Proposition 73, obtained more votes by strategically confusing voters with similar language but expressly banning public financing of elections.
5. Elected officials work for those who put them in power, i.e. the people who fund their campaigns. It is in the interest of the State of California for campaigns to be funded by the people of the State of California rather than special interests that spend excessively in our elections.
6. When politicians must rely on special interest money to get elected, this undermines our ability to choose our political leadership, write our own laws, and determine the fate of our state.
7. In 2010, the Legislature passed a public campaign financing system and put it on the ballot as Proposition 15. The bill narrowly failed in a special election in which only a third of the electorate voted.
8. The 2016 presidential election is expected to attract a much larger turnout that better represents the will of the people of the State of California. Further, unlike the 2010 vote, the people have now had enough time to see the effects of the Citizens United decision. It is therefore time to give the people a new opportunity to tell the Legislature that now is the time to create a public funding system so that our government will be, as James Madison once stated, "dependent on the people alone."
9. Current law also does not explicitly give the Fair Political Practices Commission the power to ensure that every vote counts or that elections should be fair and open to all Citizens of the State of California. It is vital that the Commission be empowered to protect the most important right of the citizens of the State.
10. The maximum fine for violations of this act has not been changed since it was implemented in 1974. This maximum should be increased to account for more than four decades of inflation and indexed to inflation going forward.

11. Finally, current law gives prosecutors four years to target violations of the Political Reform Act, but the recent rise of "dark money" organizations makes it often impossible to discover such crimes within that period. California law routinely delays the deadline for crimes that are easily hidden. Violations of the Political Reform Act should be treated the same way.

B. Intent

1. This Act is intended to add to the purpose of the Fair Political Practices Commission to ensure that it has the power to pass rules and regulations specifically to ensure that a) elections should be free of excessive spending and fair enough that any citizen is able to effectively run for public office and b) every citizen shall have the equal freedom to vote and every vote cast shall be counted.
2. This Act is intended to repeal the ban on publicly financed elections. Similar to the 27th Amendment to the Constitution of the United States, ratified by the State of California on June 26, 1992, this Act ensures that the legislature cannot change the cost of publicly funded campaigns without first giving the People of the State of California a chance to vote them out of office. However, the legislature can implement, without delay, new systems and changes that do not vary the cost to taxpayers, such as by using additional funds from increases in fines for violations of the Political Reform Act.
3. This Act is intended to extend the deadline to prosecute violations of the Political Reform Act until after they have been discovered, and increase the penalties for violations, which have not been adjusted since 1974, in order to ensure that violators cannot profit from their crimes.

C. Purpose

The purpose of this Act is to update the Political Reform Act in light of the changes made to our political system by the United States Supreme Court since the Citizens United decision of 2010.

Section 3: Text of the Proposition

(This format presents struck wording in ~~{STRIKEOUT}~~ and new wording in *[ITALICS]*)

A. The Government Code is Amended as Follows:

81002 (g) *Elections should be free of excessive spending and fair enough that any citizen is able to effectively run for public office.*

(h) *Every citizen shall have the equal freedom to vote and every vote cast shall be counted.*

B. The Government Code is Amended as Follows:

Section 85300 of the Government Code is repealed.

C. The Government Code is Amended as Follows:

Section 85300 is added as follows:

85300(a) *The legislature shall enact and amend laws to implement the public financing of elections.*

(b) *No law varying the cost to taxpayers of any such public financing system, including a law to create such a system, shall take effect until an election of the legislature shall have intervened.*

D. The Government Code is Amended as Follows:

91000(d) *The maximum fine in subsection (b) of this section shall be indexed to inflation from the date last changed until the date of conviction.*

E. The Penal Code is Amended as Follows:

803 (e) A limitation of time prescribed in this chapter does not commence to run until the offense has been discovered, or could have reasonably been discovered, with regard to offenses

under Division 7 (commencing with Section 13000) of the Water Code, under Chapter 6.5 (commencing with Section 25100) of, Chapter 6.7 (commencing with Section 25280) of, or Chapter 6.8 (commencing with Section 25300) of, Division 20 of, or Part 4 (commencing with Section 41500) of Division 26 of, the Health and Safety Code, or under Section 386, or offenses under Chapter 5 (commencing with Section 2000) of Division 2 of, Chapter 9 (commencing with Section 4000) of Division 2 of, Section 6126 of, Chapter 10 (commencing with Section 7301) of Division 3 of, ~~or~~ Chapter 19.5 (commencing with Section 22440) of Division 8 of, the Business and Professions Code, or *Title 9 of the Government Code (commencing with section 81000)*.

F. Limitations on Influence of the Legislature:

The State Legislature may, without referendum, increase the amount of the fine in section 91000 (b) of the Government Code.

G. Severability:

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

H. Conflicting Measures:

If this measure is approved by the voters, but superseded by any other conflicting ballot measure approved by more voters at the same election, and the conflicting ballot measure is later held invalid, it is the intent of the voters that this Act shall be given the full force of the law.

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

ELECTION CAMPAIGN FINANCE. PUBLIC FUNDING. INITIATIVE STATUTE.

Repeals ban on public funding of election campaigns. Directs Legislature to create a public financing system for elections. Delays effective date of any such legislation until after the next election of the Legislature, unless there is no cost to taxpayers. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government:

Potentially significant state and local government costs to provide public funds to pay for campaigns and other unknown fiscal effects. Increased state and local government costs—possibly exceeding \$1 million annually—to administer amended campaign laws, offset by increased fine revenue. (15-0057.)