

3-20-1990

Alien Land Ownership.

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Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

ELECTIONS DIVISION
(916) 445-0820

For Hearing and Speech Impaired
Only:
(800) 833-8683

August 27, 1990

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND PROPONENT
(90172)

FROM: Caren Daniels-Meade
CAREN DANIELS-MEADE
Chief, Elections Division

Pursuant to Elections Code section 3520(b) you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE CONSTITUTIONAL AMENDMENT filed with all county officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has failed.

TITLE: ALIEN LAND OWNERSHIP.
INITIATIVE CONSTITUTIONAL AMENDMENT.

SUMMARY DATE: March 20, 1990

PROPONENT: Mark Peters

CDM/b1/cb



Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

ELECTIONS DIVISION
(916) 445-0820

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#520

March 20, 1990

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT (90061)

Pursuant to Section 3513 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

**ALIEN LAND OWNERSHIP.
INITIATIVE CONSTITUTIONAL AMENDMENT.**

Circulating and Filing Schedule

- 1. Minimum number of signatures required.....595,485
Cal. Const., Art. II, Sec. 8(b).
- 2. Official Summary Date.....Tuesday, 03/20/90
Elec. C., Sec. 3513.
- 3. Petition Sections:
 - a. First day Proponent can circulate Sections for
signaturesTuesday, 03/20/90
Elec. C., Sec. 3513.
 - b. Last day Proponent can circulate and file with
the county. All sections are to be filed at
the same time within each
countyFriday, 08/17/90+
Elec. C., Secs. 3513, 3520(a)
 - c. Last day for county to determine total number of
signatures affixed to petition and to transmit total
to the Secretary of State
.....Friday, 08/24/90

(If the Proponent files the petition with the county on a date prior to 08/17/90, the county has five 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. C., Sec. 3520(b).

+ NOTE TO PROPONENTS WHO WISH TO QUALIFY FOR THE NOVEMBER 6, 1990 GENERAL ELECTION: The law allows approximately 107 days for county election officials to check and report petition signatures and transmit results. The law also requires that this process be completed 131 days before the election in which the people will vote on the initiative. It is possible that the county may not need precisely 107 days. However, if you want to be sure that this initiative qualifies for the November 6, 1990 General Election, you should file this petition with the county before March 23, 1990.



- d. Secretary of State determines whether the total number of signatures filed with all county clerks meets the minimum number of required signatures, and notifies the counties
.....Sunday, 09/02/90**

- 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
.....Tuesday, 09/25/90

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 08/24/90, the last day is no later than the fifteenth day after the county's receipt of notification.)
Elec. C., Sec. 3520(d), (e).

- f. If the signature count is more than 655,033 or less than 565,711, then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 565,711 and 655,033 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures
.....Friday, 10/05/90**

- 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
.....Tuesday, 11/20/90

(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 09/25/90, the last day is no later than the thirtieth working day after county's receipt of notification.)
Elec. C., Sec. 3521(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
.....Saturday, 11/24/90

**Date varies based on receipt of county certification.

ALIEN LAND OWNERSHIP.
INITIATIVE CONSTITUTIONAL AMENDMENT.
March 20, 1990
Page 3

4. The Proponent of the above-named measure is:

Mr. Mark Peters
Attorney at Law
1200 East Alosta Avenue #105
Glendora, California 91740
(818) 963-7635

5. Important Points:

- (a) 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 fund raising or requests for support. Any such misuse constitutes a crime under California law. Elections Code section 29770; *Bilofsky v. Deukmejian* (1981) 123 Cal.App. 3d 825, 177 Cal.Rptr. 621; 63 Ops. Cal.Atty.Gen. 37 (1980).
- (b) Please refer to Elections Code sections 44, 3501, 3507, 3508, 3517, and 3519 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.
- (c) Your attention is directed to the campaign disclosure requirements of the Political Reform Act of 1974, Government Code section 81000 et seq.
- (d) 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.
- (e) 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.
- (f) When filing the petition with the county elections official, please provide a blank petition for elections official use.

Sincerely,



CAREN DANIELS-MEADE
Chief, Elections Division

Attachment: POLITICAL REFORM ACT OF 1974 REQUIREMENTS

JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511
P. O. BOX 944255
SACRAMENTO 94244-2550
(916) 445-9555

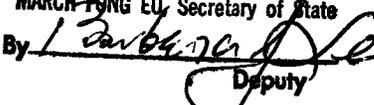
March 20, 1990

(916) 324-5508

Honorable March Fong Eu
Secretary of State
1230 J Street
Sacramento, CA 95814

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

MAR 20 1990

MARCH-FONG EU, Secretary of State
By 
Deputy

Dear Mrs. Eu:

Initiative Title and Summary
Subject: ALIEN LAND OWNERSHIP.
INITIATIVE CONSTITUTIONAL AMENDMENT.
Our File No. SA 90 RF 0011

Pursuant to the provisions of sections 3503 and 3513 of the Elections Code, you are hereby notified that on this day we mailed to the proponent of the above-identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponent, a copy of our title and summary, a declaration of mailing 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 mailing.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General


MARY WHITCOMB
Initiative Coordinator

MW:rjm

Enclosures

Date: March 20, 1990
File No: SA 90 RF 0011

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

ALIEN LAND OWNERSHIP. INITIATIVE CONSTITUTIONAL AMENDMENT.

Prohibits aliens from acquiring title to or other specified interests in California real property. Defines aliens to include: persons not United States citizens or resident legal aliens; corporations and business associations controlled or secured by aliens, or persons who have not lawfully declared intent to become United States citizens. Exempts previously acquired lands under stated conditions. Requires property held in violation of Act, or acquired by aliens through inheritance or debt collection, be sold within specified time or property escheats to State. Conveyances to evade Act declared void. Directs Attorney General to enforce measure. Summary of estimate of Legislative Analyst and Director of Finance of fiscal impact on state and local governments: The net fiscal impact of this measure on state and local governments is unknown.

Mark Peters

Attorney at Law
1200 E. Alostia Avenue # 105
Glendora, California 91740
(818) 963-7635

SAGORFC011

6 February 1990

Attorney General John Vande Camp
Attn: Mary Whitcomb
Initiative Coordinator
1515 K. Street
Sacramento, CA 95814

RECEIVED
FEB 07 1990

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Ms. Whitcomb,

Enclosed please find my proposed Amendment to the California Constitution, which I am sponsoring.

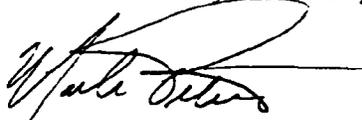
I hereby request that a Title and Summary be given this proposed Amendment.

The initiative is substantive.

My voter registration address is 1884 Bonita Ave. La Verne, CA, however please direct all correspondence to my letterhead.

Please find enclosed a personal check for 200 clams/dollars/samolians.

Thanks for your help- any questions, holler.



Mark Peters

INBBFZISG

Mark Peters

SA902F0011

Attorney at Law

1200 E. Alost Avenue # 105

Glendora, California 91740

(818) 963-7635

PROPOSED AMENDMENT TO THE CALIFORNIA CONSTITUTION

§1. Findings, Declarations and Purposes.

We the people of the State of California find and declare as follows:

That land and the buildings on them constitute an invaluable asset of our state and our nation and that their importance has reached the level of a vital security interest;

That real property is unlike any commercial commodity. It is unique, it is essential and it is of limited quantity;

That as the economies of the world surge and the population of the world continues to increase rapidly, the real property of California becomes increasingly attractive to foreign acquisition;

That as foreign demand for our real property increases so does its price, and as the foreign appetite for our real property soars, so shall its price;

That rather than allow this vital resource to be devoured in the world of predatory economics, California must serve and be loyal and faithful to its people first and foremost;

That generations of Californians yet unborn must be allowed to share in home and land ownership, that this should be at least their birthright;

That already much of our finest real property has been offered up and gobbled up in the great foreign investor land grab of this past decade;

That many Californians cannot now afford a home and that to continue to allow foreign "investors" to speculate on our real property will drive home and land prices and availability further out of their reach;

That we must think not in terms of the next profit statement but in terms of the next generation;

That with the increasing strain on home life due to single parenting, the home becomes even more valuable as a foundation of growth and a source of stability yet present trends continue to take it out of single parent ownership;

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That countries without our equivalent equity in commitment to or sacrifice for our nation's, indeed the world's, civil, equal and natural rights can nonetheless ante up only a commitment to paying the sales price and thus own what so many in America have fought for, sacrificed in some great measure for or died for - namely our land;

That as the supply is limited and dwindling, those Americans who have not yet had the opportunity to own a part of the American dream should be able to do so before foreign investors can;

That as mortgages on their homes provide many Californians who seek to become new entrepreneurs with their sole source of starting capital;

That vast foreign ownership of real property dilutes the independence with which both politicians and business people loyal to America can act in the best interest of our state and nation;

That vast foreign holdings give great power which in turn yields great influence;

That if the threat of war ever becomes a reality, that Californians stand ready and subject to a draft and will fight for not only their country and their families but their homes and lands as well, yet foreign owners do not have to risk death or injury yet can still enjoy the equivalent benefits of land ownership;

That increasing foreign ownership of the land which produces our food presents the possibility of a danger which cannot be risked;

That Californians contribute mightily to the National defense - multi-billions of dollars of which go to defend nations which in turn take their savings in not having to do the job themselves, turn around and buy our real property. This audacity and ingratitude further weakens Californian's ability to enjoy real property ownership;

That many nations do not treat our state or nation in a fair and equal manner when it comes to business, trade or land ownership, yet we open our doors and our markets to them, and that as a result of this inequity, great damage has been done to our economy;

That to allow this inequity would be suicidal and that a major step in our self protection is the removal from their shopping list, with its bargain basement prices, our real property;

That some of our citizens still remain ignorant of the danger existing, while others, who could care less, seek to line their pockets at the expense of their fellow Californians,

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That we must stop "selling the family jewels for a night out on the town";

Be it resolved that

As our geographical integrity and our political and economic independence are threatened;

As preservation is the first law of nature;

As food and shelter are vital to our people;

As the land will be sold one way or the other;

As foreign ownership of our real property has grown at an alarming and unprecedented rate allowing them to proceed towards cornering a limited market;

AND

As we must be considerate enough and wise enough to plan for the future;

We the people of the State of California do hereby enact
the following provisions:

Mark Peters

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§2. Definitions. As used in this part:

Alien shall include any person not a citizen of the United States or legal resident alien thereof, and shall also include any corporation, partnership, limited partnership, association, joint development or other legal entity which is controlled, directed, or otherwise secured in excess of forty-nine (49) per cent by a person or persons who are not citizens or legal resident aliens of the United States or have not declared their intention to become citizens of the United States in the manner provided by law.

Real Property shall include 1. Land; 2. That which is affixed to land; 3. That which is incidental or appurtenant to land; 4. That which is immovable by law; except that for the purposes of sale, emblements, industrial growing crops and things attached to or forming part of the land, which are agreed to be severed before sale or under the contract of sale, shall be treated as goods and be governed by the provisions of the title of the State Code regulating the sales of goods. Structures are affixed to land. 

Agricultural Land shall include any tract of land which is capable, without substantial modification to the character of the land, of supporting an agricultural enterprise, including but not limited to land used for the production of agricultural crops or fruit or other horticultural products, or for the raising or feeding of animals for the production of livestock or livestock products, poultry or poultry products, or milk or dairy products.

Residential Land shall include any structure or portion of a structure which has been or is being occupied and customarily used as an inhabited dwelling for a permanent or semipermanent period of time. This shall include single family homes, houses, apartment buildings, trailers, trailer parks, townhouses, condominiums and buildings of a similar nature and use but shall exclude motels, hotels, resorts and similar buildings wherein occupancy is generally of a more temporary and transient nature typified by payment for day to day occupancy.

§3. Lands in the State of California

No alien shall, either directly or indirectly, acquire title to or take or hold any real property, or any leasehold interest extending for a period for more than five (5) years, or any other greater interest less than fee in any real property in the State of California by purchase or otherwise for a period of ten (10) years from the enactment of this Amendment except as hereinafter provided. The prohibition of this section shall not apply to cases in which the right to hold or dispose of lands in the United States is secured by existing treaties to citizens or subjects of foreign countries, which rights, so far as they may exist by force of any such treaty, shall continue to exist so long as such treaties are in force, and no longer.

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§4. Minority Ownership.

Notwithstanding any provision of this Amendment to the contrary, an alien may participate in the purchase or lease of real property, except for agricultural land and residential land, when an alien is a bona fide member of a corporation, partnership, limited partnership, association, joint development or other legal entity duly constituted under the laws of the State of California and when such alien does not own, control, direct or otherwise secure more than forty-nine (49) per cent of said entity.

§5. Previously acquired lands; bona fide resident aliens.

This Amendment shall not apply to real property owned in the State of California by aliens, which was acquired before the enactment of this Amendment, so long as it is held by the then owners, their heirs or legal representatives, nor to any legal resident alien who shall have the right to acquire and hold real property in the State of California upon the same terms as citizens of the United States. If any such legal resident alien shall cease to be a bona fide resident of the United States then such alien shall have five years from the time he ceases to be such bona fide resident in which to alienate such real property.

§6. Acquisition by inheritance, in collection of debts, etc.

This Amendment shall not prevent aliens from acquiring real property or any interests therein by inheritance or in the ordinary course of justice in the collection of debts, nor from acquiring liens on real estate or any interest therein, nor from lending money and securing the same upon real estate or any interest therein; nor from enforcing any such lien, nor from acquiring and holding title to such real estate, or any interest therein, upon which a lien may have heretofore or may hereafter be fixed, or upon which a loan of money may have been heretofore or hereafter may be made and secured. All real property so acquired shall be sold within five (5) years after title shall be perfected in him under said sale or the same shall escheat to the State of California and be forfeited as provided by this Amendment.

§7. Conveyance of lands in the State by aliens before escheat proceedings.

Any alien who shall hold real property in the State of California in contravention of the provisions of this Amendment may nevertheless convey his title thereto at any time before the institution of escheat proceedings as hereinafter provided. If any such conveyance shall be made by such alien, either to an alien or to a citizen of the United States, in trust and for the purpose and with the intention of evading the provisions of this Amendment, such conveyance shall be null and void, and any such lands so conveyed shall be forfeited and escheat to the State of California.

Mark Peters

Attorney at Law

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(818) 963-7635

§8. Proceedings for escheat of improperly held real property.

It shall be the duty of the Attorney General of the State of California, when he shall be informed or have reason to believe that real property in the State of California is being held contrary to the provisions of this Amendment to institute or cause to be instituted suit in behalf of the State of California in the appropriate court of the State in the jurisdiction where such real property or a part thereof may be situated, praying for the escheat of the same on behalf of the State to the State of California. Before any such suit is instituted, the Attorney General shall give or cause to be given ninety (90) days' notice by registered letter of his intention to sue, or by personal notice directed to or delivered to the owner of said real property, or the person who last rendered the same for taxation, or his agent, and to all other persons having an interest in such real property of which he may have actual or constructive notice. In the event personal notice can not be obtained in some one of the modes above provided, then said notice shall be made by publication in a newspaper of general circulation in the county where the land is situate.

MP

§9. General guidelines.

As there will be a variety of imaginative and covert attempts to circumvent the spirit, purpose and wording of this Amendment; in any interpretation and application of this Amendment, a common sense approach true to the spirit, purpose and wording of this Amendment shall be used.

Any mechanism, including corporations, trusts, nominees, or ones not yet invented or named herein, shall be scrutinized with that same common sense approach to the extent necessary by the Attorney General to determine whether or not a violation of this Amendment has occurred.

In determining ownership of legal entities, legal fictions such as corporate form or trust shall be disregarded.

The Attorney General shall vigorously and expeditiously carry out his duties under this Amendment, and shall make the enforcement of this Amendment one of his priorities.

In any controversy regarding the ownership of an entity, in the enforcement of this Amendment, the issue shall be decided by a twelve (12) member jury composed of members of the public in the appropriate court of the State in the jurisdiction where such real property or a part thereof may be situated.

Mark Peters

Attorney at Law

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Glendora, California 91740

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§10. Personal right of action and Jurisdiction of Courts

Any person who is a resident of or doing business in the State of California shall have standing to sue the State of California and the Attorney General of the State of California to enforce this Amendment, and the Courts of record of the State of California shall have jurisdiction to hear cases brought to enforce this Amendment. The Legislature may provide reasonable and appropriate limitations on the time and manner of suits brought under this Amendment.

§11. Upon enactment of this Amendment, the Governor of the State of California shall transmit to the President of the United States of America, as well as to each Member of Congress, a copy of this Amendment as well as an accompanying letter urging them to take similar action on a Federal level.

§12. If any section, subdivision, paragraph, part, clause, or phrase of this article, or any amendment or revision of this article, is for any reason held to be invalid or unconstitutional, the remaining sections, subdivisions, paragraphs, parts, clauses or phrases shall not be affected but shall remain in full force and effect.

This Amendment is proposed and sponsored by


Mark Peters, Esq.

dated:

6 Feb 1990


6 Feb 1990

JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511
P. O. BOX 944255
SACRAMENTO 94244-2550
(916) 445-9555

March 20, 1990

(916) 324-5508

Mr. Mark Peters
Attorney at Law
1200 East Alostia Ave. #105
Glendora, California 91740

Dear Mr. Peters:

Initiative Title and Summary
Subject: ALIEN LAND OWNERSHIP.
INITIATIVE CONSTITUTIONAL AMENDMENT.
Our File No. SA 90 RF 0011

Pursuant to your request, we have prepared the attached title and summary of the chief purposes and points of the above-identified proposed initiative. A copy of our letter to the Secretary of State, as required by Elections Code sections 3503 and 3513, our declaration of mailing, and the text of your proposal that was considered is attached.

The Secretary of State will be sending you shortly a copy of the circulating and filing schedule for your proposal that will be issued by that office.

Please send us a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file in this matter.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General

Mary Whitcomb
MARY WHITCOMB
Initiative Coordinator

MW:rjm
Enclosures

DECLARATION OF MAILING

The undersigned Declarant states as follows:

I am over the age of 18 years and not a proponent of the within matter; my place of employment and business address is 1515 K Street, Suite 511, Sacramento, California 95814.

On the date shown below, I mailed a copy or copies of the attached letter to the proponents, by placing a true copy thereof in an envelope addressed to the proponents named below at the addresses indicated, and by sealing and depositing said envelope or envelopes in the United States mail at Sacramento, California, with postage prepaid. There is delivery service by United States mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed.

Date of Mailing: March 20, 1990

Subject: ALIEN LAND OWNERSHIP.
INITIATIVE CONSTITUTIONAL AMENDMENT.

Our File No.: SA 90 RF 0011

Name of Proponent and Address:

NAME Mr. Mark Peters
ADDRESS 1200 East Alostia Ave. #105
Glendora, CA 91740

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California, on: March 20, 1990.


ROBERTA MELTON
Declarant

520

Cathy Mitchell

NEWS RELEASE

from: Secretary of State March Fong Eu
1230 J Street, Sacramento, CA 95814
(916) 445-6375

For Immediate Release
March 21, 1990

Contact: Melissa Warren

ALIEN LAND OWNERSHIP INITIATIVE DRIVE BEGINS ANNOUNCES EU

SACRAMENTO - California Secretary of State March Fong Eu announced today (Mar. 21) that an initiative measure relating to alien land ownership has been certified to begin circulation for signatures.

Mark Peters of Glendora, telephone (818) 963-7635, is heading the drive to place the initiative constitutional amendment, "Alien Land Ownership" before the voters. If approved, the measure would prohibit aliens from acquiring title to or other specified interests in California real property. It defines aliens to include persons not United States citizens or resident legal aliens; corporations and business associations controlled or secured by aliens; or persons who have not lawfully declared intent to become United States citizens. It would exempt previously acquired lands under stated conditions and would require property held in violation of Act, or acquired by aliens through inheritance or debt collection, be sold within specified time or property escheats to State.

Proponent Peters must collect 595,485 signatures of registered voters and submit them to county elections officials for verification by Aug. 17.

Addition of this new measure brings the total number of initiatives in circulation to a record 39.

A copy of the circulation calendar and title and summary is attached. The full text of the measure can be obtained from the secretary of state's elections division, 1230 J St., Sacramento, CA 95814, (916) 445-0820.

#

9038SW

