

Text of Proposed Laws—Continued

Proposition 22: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8, of the California Constitution.

This initiative measure adds a section to the Family Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. This act may be cited as the “California Defense of Marriage Act.”

SECTION 2. Section 308.5 is added to the Family Code, to read:
308.5. Only marriage between a man and a woman is valid or recognized in California.

Proposition 23: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends and adds sections to the Elections Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

“NONE OF THE ABOVE” ELECTION REFORM ACT

SECTION 1. This act shall be known and may be cited as the “None of the Above” Election Reform Act.

SEC. 2. FINDINGS AND DECLARATIONS

The people of the State of California find and declare:

(a) Many eligible citizens of all political parties do not participate in elections because they are angered by negative campaigns, frustrated with the narrow choice of candidates, and convinced that those elected to represent them are out of touch with their needs.

(b) Voters in the State of Nevada have, for more than 20 years, benefited from having the choice to vote for “none of these candidates” and have their choice counted and reported as part of official election results.

(c) Establishing the option of voting for “None of the Above” will encourage voter participation in elections by giving citizens who have tended not to vote in the past a means of participating responsibly while voicing a protest against negative campaigns, limited choice of candidates, and poor performance of officeholders.

(d) Establishing a nonbinding “None of the Above” option will not alter the principle that the election is won by the candidate who receives the most votes.

(e) Voters, candidates, and officeholders will benefit from official publication of information concerning how many voters choose “None of the Above” rather than any of the candidates on the ballot for a particular public office. Specifically, when more voters cast their ballots for “None of the Above” than for any of the candidates, they will send a powerful message about the need for reform. Votes for “None of the Above” will tell politicians that their methods of recruiting candidates, campaigning, and communicating with the public need improvement.

SEC. 3. PURPOSE AND INTENT

The people of the State of California hereby declare their purpose and intent in enacting this act to be as follows:

(a) To increase voter participation in elections.

(b) To give voters a means to responsibly protest, and visibly express their dissatisfaction with, the choices offered on the ballot.

(c) To send politicians a message about voter anger over negative campaigns, the lack of meaningful choices among candidates, and the inaccessibility of their elected representatives.

SEC. 4. Chapter 5 (commencing with Section 400) is added to Division 0.5 of the Elections Code, as follows:

CHAPTER 5. OPTION OF VOTING FOR NONE OF THE ABOVE

400. *Notwithstanding any other provision of law, in all primary, general, special, and recall elections for President, Vice President, Member of the United States Senate, Member of the House of Representatives, Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, Insurance Commissioner, Member of the Board of Equalization, Member of the Assembly, and State Senator, voters shall be provided with the option of voting for “None of the Above.” Only votes cast for named candidates (including valid write-in candidates) shall be counted in determining the selection of presidential electors or nomination or election to any of the other specified federal and state offices, but for each office the number of ballots on which “None of the Above” was selected shall be listed below the names of the candidates and the number of their votes in every tally sheet, snap tally form, semiofficial return, official return, statement of the result, return, statement of the vote, supplement to the statement of the vote, or other official listing of election results.*

SEC. 5. Section 6480 of the Elections Code is amended to read:

6480. The format of the presidential portion of the Republican

primary ballot shall be governed by Chapter 2 (commencing with Section 13100) of Division 13, with the following exceptions:

(a) Instructions to voters shall exclude any reference to groups of candidates preferring a person whose name appears on the ballot or references to any group of candidates not expressing a preference for a particular candidate.

(b) In place of the heading: “FOR DELEGATES TO NATIONAL CONVENTION. Vote for One Group or ‘None of the Above’ Only.” shall appear the heading: “PRESIDENTIAL PREFERENCE. Vote for One or ‘None of the Above’.”

(c) Candidates for President shall be listed on the ballot in the same order provided for in Chapter 2 (commencing with Section 13100) of Division 13 for statewide candidates.

(d) Only the names of selected and unselected presidential candidates shall appear on the ballot in the spaces provided. No reference shall be made to their being preferred by candidates for delegates to the national convention.

SEC. 6. Section 6620 of the Elections Code is amended to read:

6620. For the presidential primary election, the format of the American Independent Party ballot shall be governed by Chapter 2 (commencing with Section 13100) of Division 13, with the following exceptions:

(a) In place of the heading “Delegates to National Convention, vote for one group or ‘None of the Above’ only” shall appear the heading “Presidential Preference, vote for one or ‘None of the Above’.”

(b) Selected and unselected presidential candidates shall be listed below the heading specified in subdivision (a).

(c) Below the presidential candidates shall appear in the same column, or in the next column if there is not sufficient space in the first column, the heading “Delegates to National Convention, vote for one group or ‘None of the Above’.”

(d) The instructions to voters shall be the same as provided for in Chapter 2 (commencing with Section 13100) of Division 13 except that they shall begin with the words, “To express your preference for a candidate for nomination for President, stamp a cross (+) in the square opposite the name of the candidate or ‘None of the Above.’ Your vote in this portion of the ballot is advisory only. Delegates to the national convention will be elected in the delegate selection portion of the ballot.”

SEC. 7. Section 6821 of the Elections Code is amended to read:

6821. For the presidential primary election, the format of the Peace and Freedom Party ballot shall be governed by Chapter 2 (commencing with Section 13100) of Division 13, with the following exceptions:

(a) In place of the heading “Delegates to National Convention, vote for one group only” shall appear the heading “Presidential Preference, vote for one or ‘None of the Above’.”

(b) Selected and unselected presidential candidates shall be listed below the heading specified in subdivision (a).

(c) Below the presidential candidates shall appear in the same column, or in the next column if there is not sufficient space in the first column, the heading “Delegates to National Convention, vote for one group or ‘None of the Above’.”

(d) Presidential candidates who have qualified for the ballot and to whom delegations are pledged, and the chairpersons of unpledged delegations which have qualified for the ballot, shall be listed below the heading specified in subdivision (c).

(e) The instructions to voters shall be the same as provided for in Chapter 2 (commencing with Section 13100) of Division 13, except that they shall begin with the words, “To express your preference for a candidate for nomination for President, stamp a cross (+) in the square opposite the name of the candidate or ‘None of the Above’.” Your vote in this portion of the ballot is advisory only. Delegates to the national convention will be elected in the delegate selection portion of the ballot.”

SEC. 8. Section 9035 of the Elections Code is amended to read:

9035. An initiative measure may be proposed by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the Constitution and is certified to have been signed by registered voters equal in number to 5 percent in the case of a statute, and 8 percent in the case of an amendment to the Constitution, of the voters for all candidates and for “None of the Above” for Governor

at the last gubernatorial election preceding the issuance of the title and summary for the initiative measure by the Attorney General.

SEC. 9. Section 11322 of the Elections Code is amended to read:

11322. In addition to the material contained in Section 11320, the following shall appear on ballots at all recall elections, except at a landowner voting district recall election:

(a) The names of the candidates nominated to succeed the officer sought to be recalled shall appear under each recall question.

(b) Following each list of candidates, the ballot shall provide one blank line with a voting space to the right of it for the voter to write in a name not printed on the ballot.

(c) *In addition to the material contained in subdivisions (a) and (b), the following shall appear on ballots at all recall elections for the offices specified in Section 400: the phrase "None of the Above" with a voting space to the right of it.*

SEC. 10. Section 13204 of the Elections Code is amended to read:

13204. (a) (1) The instructions to voters shall be printed at least three-eighths of an inch below the district designation. The instructions shall begin with the words "INSTRUCTIONS TO VOTERS:" in no smaller than 16-point gothic condensed capital type. Thereafter, there shall be printed in 10-point gothic type all of the following directions that are applicable to the ballot:

"To vote for a candidate for Chief Justice of California; Associate Justice of the Supreme Court; Presiding Justice, Court of Appeal; or Associate Justice, Court of Appeal, stamp a cross (+) in the voting square after the word "Yes," to the right of the name of the candidate. To vote against that candidate, stamp a cross (+) in the voting square after the word "No," to the right of the name of that candidate."

"To vote for any other candidate of your selection, stamp a cross in the voting square to the right of the candidate's name. (When justices of the Supreme Court or court of appeal do not appear on the ballot, the instructions referring to voting after the word "Yes" or the word "No" will be deleted and the above sentence shall read: "To vote for a candidate whose name appears on the ballot, stamp a cross (+) in the voting square to the right of the candidate's name.") Where two or more candidates for the same office are to be elected, stamp a cross (+) after the names of all candidates for the office for whom you desire to vote, not to exceed, however, the number of candidates to be elected."

"To vote for a qualified write-in candidate, write the person's name in the blank space provided for that purpose after the names of the other candidates for the same office."

"To vote on any measure, stamp a cross (+) in the voting square after the word "Yes" or after the word "No."

"All distinguishing marks or erasures are forbidden and make the ballot void."

"If you wrongly stamp, tear, or deface this ballot, return it to the precinct board member and obtain another."

"On absent voter ballots mark a cross (+) with pen or pencil."

(2) *With respect only to elections in which the names of candidates for one or more of the affected offices appear, the instructions to voters shall include, printed after the directions set forth in paragraph (1), the following paragraph:*

"If you do not choose to vote for any candidate for the office of President, Vice President, Member of the United States Senate, Member of the House of Representatives, Governor, Lieutenant Governor, Attorney General, Controller, Insurance Commissioner, Secretary of State, Superintendent of Public Instruction, Treasurer, Member of the Board of Equalization, Member of the Assembly, or State Senator, should any or all of these offices appear on the ballot, you may stamp a cross (+) in the voting square to the right of the phrase "None of the Above," or you may decline to vote with respect to that office."

(b) The instructions to voters shall be separated by no smaller than a two-point rule from the portion of the ballot which contains the various offices and measures to be voted on.

SEC. 11. Section 13205 of the Elections Code is amended to read:

13205. Additional instructions to voters shall appear on the ballot prior to those provided for in Section 13204 under the following conditions:

(a) In a primary election at which candidates for delegate to national convention are to be voted upon, the instructions shall read:

"To vote for the group of candidates preferring a person whose name appears on the ballot, stamp a cross (+) in the square opposite the name of the person preferred. To vote for a group of candidates not expressing a preference for a particular candidate, stamp a cross (+) in the square opposite the name of the chairman of the group. *If you do not choose to vote for any group of candidates, you may stamp a cross (+) in the voting square to the right of the phrase "None of the Above," or you may decline to vote with respect to that office."*

(b) In elections when electors of President and Vice President of the United States are to be chosen, there shall be placed upon the ballot, in addition to the instructions to voters as provided in this chapter, an instruction as follows:

(1) "To vote for all of the electors of a party, stamp a cross (+) in the square opposite the names of the presidential and vice presidential candidates of that party. A cross (+) stamped in the square opposite the

name of a party and its presidential and vice presidential candidate, is a vote for all of the electors of that party, but for no other candidates."

(2) *"If you do not choose to vote for any electors, you may stamp a cross (+) in the voting square to the right of the phrase "None of the Above," or you may decline to vote with respect to electors of President and Vice President of the United States."*

(c) If a group of candidates for electors has been nominated under Chapter 3 (commencing with Section 8400) of Division 8, and has under Chapter 1 (commencing at Section 8300) of Division 8 designated the names of the candidates for President and Vice President of the United States for whom those candidates have pledged themselves to vote, the instructions to voters shall also contain the following, *before the instruction required by paragraph (2) of subdivision (b)* :

"To vote for those electors who have pledged themselves to vote for a candidate for President and Vice President not supported by any particular party stamp a cross (+) in the square opposite the names of those presidential and vice presidential candidates."

(d) If a group of candidates for electors has been nominated by a party not qualified to participate in the election, the instructions to voters shall also contain the following, *before the instruction required by paragraph (2) of subdivision (b)* :

"To vote for those electors who have pledged themselves to vote for a candidate for President and for Vice President of any party not qualified to participate in the election write in the names and party of those presidential and vice presidential candidates in the blank space provided for that purpose."

SEC. 12. Section 13208 of the Elections Code is amended to read:

13208. (a) In the right-hand margin of each column light vertical lines shall be printed in such a way as to create a voting square after the name of each candidate for partisan office, nonpartisan office (except for justice of the Supreme Court or court of appeal), or for chairman of a group of candidates for delegate to a national convention who express no preference for a presidential candidate. *In the case of all elections for the offices of President, Vice President, Member of the United States Senate, Member of the House of Representatives, Governor, Lieutenant Governor, Attorney General, Controller, Insurance Commissioner, Secretary of State, Superintendent of Public Instruction, Treasurer, Member of the Board of Equalization, Member of the Assembly, or State Senator, there shall be a voting square after the phrase "None of the Above."* In the case of Supreme Court or appellate justices and in the case of measures submitted to the voters, the lines shall be printed so as to create voting squares to the right of the words "Yes" and "No." The voting squares shall be used by the voters to express their choices as provided for in the instruction to voters.

(b) The standard voting square shall be at least three-eighths of an inch square but may be up to one-half inch square. Voting squares for measures may be as tall as is required by the space occupied by the title and summary.

SEC. 13. Section 13210 of the Elections Code is amended to read:

13210. (a) In the case of candidates for delegate to national convention, there shall be printed in boldface gothic type, not smaller than 12-point, across the column above the names of the persons preferred by the groups of candidates for delegates, the words, "President of the United States." The words "Vote for one group or 'None of the Above' only" shall extend to the extreme right-hand margin of the column and over the voting square.

(b) In the case of candidates for President and Vice President, the words "Vote for One Party or 'None of the Above'" shall appear just below the heading "President and Vice President" and shall be printed so as to appear above the voting squares for that office. The heading "President and Vice President" shall be printed in boldface 12-point gothic type, and shall be centered above the names of the candidates.

(c) In that section of the ballot designated for judicial offices, next to the heading "judicial" shall appear the instruction: "Vote yes or no for each office."

(d) In the case of candidates for Justice of the Supreme Court and court of appeal, within the rectangle provided for each candidate, and immediately above each candidate's name, there shall appear the following: "For (designation of judicial office)." There shall be as many of these headings as there are candidates for these judicial offices. No heading shall apply to more than one judicial office. Underneath each heading shall appear the words "Shall (title and name of Justice) be elected to the office for the term provided by law?"

(e) In the case of all other candidates, each group of candidates to be voted on shall be preceded by the designation of the office for which they are running, and the words "vote for one" or "vote for no more than two," or more, according to the number to be nominated or elected. The designation of the office shall be printed flush with the left-hand margin in boldface gothic type not smaller than 8-point. The words, "vote for ____" shall extend to the extreme right-hand margin of the column and over the voting square. The designation of the office and the directions for voting shall be separated from the candidates by a light line. There shall be no line between the headings for federal or legislative offices and the designation of the office and the directions for voting.

Text of Proposed Laws—Continued

SEC. 14. Section 13211 of the Elections Code is amended to read:
13211. The names of the candidates *and, with regard to all elections for the offices specified in Section 400, the phrase "None of the Above,"* shall be printed on the ballot, without indentation, in roman capital, boldface type not smaller than eight-point, between light lines or rules at least three-eighths of an inch apart but no more than one-half inch apart. However, in the case of candidates for President and Vice President, the lines or rules may be as much as five-eighths of an inch apart.

SEC. 15. Section 14441 of the Elections Code is amended to read:
14441. (a) The elections official shall prepare and forward to each selected precinct forms containing a list of the offices and measures designated as being of more than ordinary interest, and stating the number of ballots to be counted for the snap tally. In each general election, the special form shall, for each office listed on it, include the names of all candidates for that office whose names appear on the ballot - *and, with regard to elections for the offices specified in Section 400, the designation "None of the Above."*

(b) The inspector at each selected precinct shall note the results of the count and the total number of votes cast in the precinct on the snap tally forms as soon as the designated number of ballots has been tallied. The inspector shall then communicate the figures in the manner directed by the elections official. In each general election, the figures shall include the votes cast for every candidate whose name appears on the ballot for an office listed on the forms. The inspector shall continue, each time the designated number of ballots have been tallied, to note and report the results as directed.

SEC. 16. Section 14442 of the Elections Code is amended to read:
14442. Upon receipt from the precincts of the reports of votes cast on the specially designated offices and measures, the elections official shall tabulate the results and make the results available to the public. In each general election, all these reports of the election results shall include the votes cast for all candidates whose names appear on the ballot for each office for which returns are reported - *and, with regard to the offices specified in Section 400, the votes cast for "None of the Above."*

SEC. 17. Section 15151 of the Elections Code is amended to read:
15151. (a) The elections official shall transmit the semifinal official results to the Secretary of State in the manner and according to the schedule prescribed by the Secretary of State prior to each election, for the following:

(1) All candidates *and, with regard to elections for the statewide offices specified in Section 400, "None of the Above,"* voted for statewide office.

(2) All candidates *and "None of the Above"* voted for the following offices:

- (A) State Assembly.
- (B) State Senate.
- (C) Member of the United States House of Representatives.
- (D) Member of the State Board of Equalization.
- (E) (3) All candidates voted for Justice of the Court of Appeals.
- (F) (4) All persons *and "None of the Above"* voted for at the presidential primary or for electors of President and Vice President of the United States. The results at the presidential primary for candidates for President to whom delegates of a political party are pledged shall be reported according to the number of votes each candidate *and "None of the Above"* received from all voters and separately according to the number of votes each candidate *and "None of the Above"* received from voters affiliated with each political party qualified to participate in the presidential primary election, and from voters who have declined to affiliate with a qualified political party. The elections official shall adopt procedures required to tabulate the ballots separately by party affiliation.

(4) (5) Statewide ballot measures.
(b) The elections official shall transmit the results to the Secretary of State at intervals no greater than two hours, following commencement of the semifinal official canvass.

SEC. 18. Section 15276 of the Elections Code is amended to read:
15276. The precinct board members shall ascertain the number of votes cast for each person, for *"None of the Above,"* and for and against each measure in the following manner:

One precinct board member shall read from the ballots. As the ballots are read, at least one other precinct board member shall keep watch of each vote so as to check on any possible error or omission on the part of the officer reading or calling the ballot.

SEC. 19. Section 15277 of the Elections Code is amended to read:
15277. (a) Two of the precinct board members shall each keep a tally sheet in a form prescribed by the elections official. Each tally sheet shall contain all of the following:

(1) The name of each candidate *and, with regard to elections for the offices specified in Section 400, "None of the Above,"* being voted for and the specific office for which each candidate is *and "None of the Above"* are being voted. The offices shall be in the same order as on the ballot.

(2) A list of each measure being voted upon.
(3) Sufficient space to permit the tallying of the full vote cast for each candidate, for *"None of the Above,"* and for and against each measure.

(b) The precinct board members keeping the tally sheets shall record opposite each name or measure, with pen or indelible pencil, the number of votes by tallies as the name of each candidate, *"None of the Above,"* or measure voted upon is read aloud from the respective ballot.

(c) Immediately upon the completion of the tallies, the precinct board members keeping the tally shall draw two heavy lines in ink or indelible pencil from the last tally mark to the end of the line in which the tallies terminate and initial that line. The total number of votes counted for each candidate, for *"None of the Above,"* and for and against each measure shall be recorded on the tally sheets in words and figures.

SEC. 20. Section 15374 of the Elections Code is amended to read:
15374. (a) The statement of the result shall show all of the following:

- (1) The total number of ballots cast.
- (2) The number of votes cast at each precinct for each candidate, for *"None of the Above,"* and for and against each measure.
- (3) The total number of votes cast for each candidate, for *"None of the Above,"* and for and against each measure.

(b) The statement of the result shall also show the number of votes cast in each city, Assembly district, congressional district, senatorial district, State Board of Equalization district, and supervisorial district located in whole or in part in the county, for each candidate for the offices of presidential elector and all statewide offices, depending on the offices to be filled, and on each statewide ballot proposition. *With regard to elections for the offices specified in Section 400, the statement of the result shall also show the number of votes cast for "None of the Above."*

SEC. 21. Section 15375 of the Elections Code is amended to read:
15375. The elections official shall *forthwith* send to the Secretary of State *within 35 days of the election* in the manner requested one complete copy of all results as to all of the following:

(a) All candidates voted for statewide office - *and with regard to elections for the statewide offices specified in Section 400, "None of the Above."*

(b) All candidates *and "None of the Above"* voted for the following offices:

- (1) Member of the Assembly.
- (2) Member of the Senate.
- (3) Member of the United States House of Representatives.
- (4) Member of the State Board of Equalization.
- (5) (c) All candidates voted for the following offices:
 - (1) Justice of the Courts of Appeal.
 - (2) Judge of the Superior Court.
 - (3) Judge of the Municipal Court.

(e) (d) All persons *and "None of the Above"* voted for at the presidential primary. The results for all persons voted for at the presidential primary for delegates to national conventions shall be canvassed and shall be sent within 20 days after the election. The results at the presidential primary for candidates for President to whom delegates of a political party are pledged *and "None of the Above"* shall be reported according to the number of votes each candidate *and "None of the Above"* received from all voters and separately according to the number of votes each candidate *and "None of the Above"* received from voters affiliated with each political party qualified to participate in the presidential primary election, and from voters who have declined to affiliate with a qualified political party.

(f) (e) The vote given for persons *and "None of the Above"* for electors of President and Vice President of the United States. The results for presidential electors shall be endorsed "Presidential Election Returns," and sent so that they are received by the Secretary of State not later than the first Monday in the month following the election.

(f) (f) All statewide measures.
SEC. 22. Section 15501 of the Elections Code is amended to read:
15501. (a) Except as to presidential electors, the Secretary of State shall compile the results for all of the following:

- (1) All candidates for statewide office - *and, with regard to statewide offices specified in Section 400, "None of the Above."*
- (2) All candidates *and "None of the Above"* for Assembly, State Senate, Congress, *and* State Board of Equalization; ~~Supreme Court, and Courts of Appeal.~~

(3) All candidates for Supreme Court and Courts of Appeal.
(4) All statewide measures.

(b) The Secretary of State shall prepare, certify, and file a statement of the vote from the compiled results no later than the 39th day after the election.

(c) The Secretary of State may gather returns for local elections, including, but not limited to, the following:

- (1) Candidates for county office.
- (2) Candidates for city office.
- (3) Candidates for school and district office.
- (4) County ballot measures.
- (5) City ballot measures.
- (6) School and district ballot measures.

SEC. 23. Section 15502 of the Elections Code is amended to read:
15502. Within 120 days of the filing of the statement of the vote, the Secretary of State, upon the basis of the information provided, shall

compile a supplement to the statement of the vote, showing the number of votes cast in each county, city, Assembly district, senatorial district, congressional district and supervisorial district for each candidate and "None of the Above" for the offices of presidential elector, Governor, and United States Senator, depending on the offices to be filled, and on each statewide ballot proposition. A copy of this supplement shall be made available, upon request, to any elector of this state.

SEC. 24. No provision of this act may be amended by the Legislature except to further the purposes of that provision by a statute passed in each house by roll call vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electorate. No amendment by the Legislature shall be deemed to further the purposes of this act unless it furthers the purpose of the specified provision of this act being amended. In any judicial action with respect to any legislative amendment, the court shall exercise its independent judgment as to whether or not the amendment satisfies the requirements of this section.

SEC. 25. If this act is approved by 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 self-executing and given full force of the law.

SEC. 26. In the event that this measure and another measure or measures relating to a "none of the above" option in this state shall appear on the same statewide election ballot, the provisions of these other measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure or measures shall be null and void in their entirety. In the event that the other measure or measures shall receive a greater number of affirmative votes, the provisions of this measure shall take effect to the extent permitted by law.

SEC. 27. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Proposition 24: Text of Proposed Law

Proposition 24 removed by order of the California Supreme Court.

Proposition 25: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends, repeals, and adds sections to the Elections Code and the Government Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Title

This measure shall be known as the California Voters Bill of Rights Act.

SECTION 2. Findings and Declarations

The people of California find and declare as follows:

(a) The people of California should be governed by a political system that is fair to all persons, open to public scrutiny, and dedicated to the principle that government derives its powers from the consent of the governed.

(b) The existing political system has failed to provide fairness in representation and is disproportionately dominated by individuals and groups whose extraordinary financial or political advantages enable a disregard of the consent of the governed.

(c) The recent history in California of financing campaigns and providing disproportionate advantages to protect incumbent officeholders have undermined public confidence in government.

(d) This unfair current political system is recognized by many residents of California, leading to worrisome levels of voter apathy and disenchantment with politics.

(e) Our democracy cannot continue to flourish if elections are often unfair, and voters perceive them to be unfair.

SECTION 3. Purposes of This Act

The people enact this law to accomplish the following related purposes:

(a) To ensure that all individuals and interest groups in our society have a fair and equitable opportunity to participate in the elective and governmental processes.

(b) To minimize the potentially corrupting influence and appearance of corruption caused by excessive contributions and expenditures in campaigns.

(c) To lessen the potentially corrupting pressures on candidates and officeholders and the appearance of corruption by establishing sensible time periods for soliciting and accepting campaign contributions.

(d) To provide voters with ample and fair election information from which to make informed campaign decisions.

(e) To encourage fair representation of the governed.

(f) To nurture voter trust in the outcome of elections and confidence in the fairness of state government and the commitment of officeholders.

SECTION 4. Section 3513.5 is added to the Elections Code, to read:

3513.5. The proponent shall place at the top of each petition, in clearly visible font at least twice the size of any font on the petition, the

following statement if the circulator is being paid to gather signatures: "THIS PETITION IS BEING CIRCULATED BY A PAID CIRCULATOR."

SECTION 5. Section 18521 of the Elections Code is amended to read:

18521. A person shall not directly or through any other person receive, agree, or contract for, before, during or after an election, any money, gift, loan, or other valuable consideration, office, place, or employment for himself or any other person because he or any other person:

(a) Voted, agreed to vote, refrained from voting, or agreed to refrain from voting for any particular person or measure.

(b) Remained away from the polls.

(c) Refrained or agreed to refrain from voting.

(d) *Voted or agreed to vote.*

(e) Induced any other person to:

(1) Remain away from the polls.

(2) Refrain from voting.

(3) Vote or refrain from voting for any particular person or measure.

(4) *Vote or agree to vote.*

Any person violating this section is punishable by imprisonment in the state prison for 16 months or two or three years.

SECTION 6. Section 20300 of the Elections Code is repealed.

~~20300. Upon leaving any elective office, or at the end of the postelection reporting period following the defeat of a candidate for elective office, whichever occurs last, surplus campaign funds raised prior to January 1, 1989, under the control of the former candidate or officeholder or his or her controlled committee shall be used or held only for the following purposes:~~

~~(a) (1) The repayment of personal or committee loans or other obligations if there is a reasonable relationship to a political, legislative, or governmental activity.~~

~~(2) For purposes of this subdivision, the payment for, or the reimbursement to the state of, the costs of installing and monitoring an electronic security system in the home or office, or both, of a candidate or elected officer who has received threats to his or her physical safety shall be deemed to have a reasonable relationship to a political, legislative, or governmental activity, provided that the threats arise from his or her activities, duties, or status as a candidate or elected officer and that the threats have been reported to and verified by an appropriate law enforcement agency. Verification shall be determined solely by the law enforcement agency to which the threat was reported. The candidate or elected officer shall report any expenditure of campaign funds made pursuant to this section to the commission. The report to the commission shall include the date that the candidate or elected officer informed the law enforcement agency of the threat, the name and phone number of the law enforcement agency, and a brief description of the threat. No more than five thousand dollars (\$5,000) in surplus campaign funds may be used, cumulatively, by a candidate or elected officer pursuant to this subdivision. Payments made pursuant to this subdivision shall be made during the two years immediately following the date upon which the campaign funds became surplus~~

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campaign funds. The candidate or elected officer shall reimburse the surplus campaign fund account for the fair market value of the security system no later than two years immediately following the date upon which the campaign funds become surplus campaign funds; upon sale of the property on which the system is installed, or prior to the closing of the surplus campaign fund account, whichever comes first. The electronic security system shall be the property of the campaign committee of the candidate or elected officer.

(b) The payment of the outstanding campaign expenses.

(c) Contributions to any candidate, committee, or political party, except where otherwise prohibited by law.

(d) The pro rata repayment of contributors.

(e) Donations to any religious, scientific, educational, social welfare, civic, or fraternal organization no part of the net earnings of which inures to the benefit of any private shareholder or individual or to any charitable or nonprofit organization which is exempt from taxation under subsection (e) of Section 501 of the Internal Revenue Code or Section 17214 or Sections 23701a to 23701j, inclusive, or Section 23701L, 23701n, 23701p, or 23701s of the Revenue and Taxation Code.

(f) Except where otherwise prohibited by law, held in a segregated fund for future political campaigns; not to be expended except for political activity reasonably related to preparing for future candidacy for elective office.

SECTION 7. Section 82002.5 is added to the Government Code, to read:

82002.5. (a) "Advertisement" means any general or public communication that is authorized and paid for by a person or committee for the purpose of supporting or opposing a candidate or candidates for elective office or a ballot measure or ballot measures, including a television broadcast, a radio broadcast, a web site display, text placed in a newspaper or magazine of general circulation, a mass mailing, a sign larger than 1,000 square inches, or telephone messages that are similar in nature and aggregate 2,000 or more in number. Communications in additional forms of media may be classified as advertisements under future regulations promulgated by the commission.

(b) "Advertisement" does not include a communication from an organization, other than a political party, reasonably restricted to its members, a campaign button smaller than 10 inches in diameter, a bumper sticker smaller than 60 square inches, a yard sign smaller than 1,000 square inches, pens, pins, articles of clothing, handbills not distributed by mail, or other communication as determined by the commission.

SECTION 8. Section 82013 of the Government Code is amended to read:

82013. "Committee" means any person or combination of persons who directly or indirectly does any of the following:

(a) Receives contributions totaling one thousand dollars (\$1,000) or more in a calendar year.

(b) Makes independent expenditures totaling one thousand dollars (\$1,000) or more in a calendar year; or

(c) Makes contributions totaling ~~ten thousand dollars (\$10,000)~~ one hundred thousand dollars (\$100,000) or more in a calendar year to or at the behest of candidates or committees.

A person or combination of persons that becomes a committee shall retain its status as a committee until such time as that status is terminated pursuant to Section 84214.

SECTION 9. Section 82016 of the Government Code is amended to read:

82016. "Controlled committee" means a committee which is controlled directly or indirectly by a candidate or state measure proponent or opponent or which acts jointly with a candidate, controlled committee, or state measure proponent or opponent in connection with the making of expenditures. A candidate or state measure proponent or opponent controls a committee if he, his agent or any other committee he controls has a significant influence on the actions or decisions of the committee.

SECTION 10. Section 82025 of the Government Code is amended to read:

82025. "Expenditure" means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. For purposes of disclosure and contribution limits, "expenditure" shall include payments for any mass communications referring to a clearly identified candidate or ballot measure broadcast or distributed to the public within 45 days of an election in which the candidate is on the ballot and that any reasonable person would conclude was done for the purpose of influencing the election. If coordinated with a candidate or committee, such payments shall be an in-kind contribution to the candidate or committee. "Expenditure" does not include a candidate's use of his or her own money to pay for either a filing fee for a declaration of candidacy or a candidate statement prepared pursuant to Section 13307 of the Elections Code or any payment made for communications appearing in a news story, commentary, or editorial distributed through the facilities of a broadcast station, newspaper, magazine, or Internet provider, unless

the facilities are owned or controlled by a political party, committee, or candidate. An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier.

SECTION 11. Section 83124 is added to the Government Code, to read:

83124. The commission shall adjust the contribution and spending limitations provisions in Chapter 5 (commencing with Section 85100) in October of every odd-numbered year to reflect any increase or decrease in the California Consumer Price Index. The adjustments shall be rounded to the nearest one thousand dollars (\$1,000) for the limitations on contributions and one hundred thousand dollars (\$100,000) for the limitations on expenditures.

SECTION 12. Section 84207 is added to the Government Code, to read:

84207. (a) Each state candidate or committee which is required to file an original campaign statement with the Secretary of State, that receives contributions or makes expenditures of twenty-five thousand dollars (\$25,000) or more in a calendar year, shall report each contribution of one thousand dollars (\$1,000) or more to the Secretary of State. The recipient of the contribution shall report the recipient's full name, street address, city, and ZIP Code, the committee identification number assigned by the Secretary of State, the date and amount of the contribution, and the office sought if the recipient is a candidate, or the ballot measure number or letter or, if none has yet been assigned, a brief description of the subject matter of the measure, if the recipient committee is a committee formed primarily to support or oppose a state ballot measure. The recipient shall also report the full name of the contributor, the contributor's street address, city, ZIP Code, occupation, and employer, or, if self-employed, the name of the business.

(b) Such contributions of one thousand dollars (\$1,000) or more shall be reported by electronic means pursuant to Chapter 4.6 (commencing with Section 84600) within 24 hours of receipt of the contribution.

(c) Each state candidate or committee that is required to file an original campaign statement with the Secretary of State, other than a committee of a political party, that makes cumulative expenditures of fifty thousand dollars (\$50,000) or more, or a committee of a political party that makes cumulative expenditures of two hundred thousand dollars (\$200,000) or more, since the filing of the last campaign expenditure report required by this article shall file an additional expenditure report with the Secretary of State, within 14 days of the expenditure, containing the following information:

(1) The name, street address, city, ZIP Code, and telephone number of the candidate or committee making the expenditure and of the committee's treasurer, and the committee identification number assigned by the Secretary of State.

(2) If the report is related to a candidate, the full name of the candidate and the office and district for which the candidate seeks election. If the report is related to a ballot measure, the number or letter of the measure, or, if none has yet been assigned, a brief description of the subject matter of the measure.

(3) The total amount of expenditures during the period covered.

(4) The amount of expenditures for each person to whom an expenditure of one thousand dollars (\$1,000) or more has been made during the period covered by the report, including the recipient's full name and street address, the number assigned to the recipient committee, if any, and a brief description of the consideration for which each such expenditure was made.

(d) A candidate or committee subject to reporting pursuant to subdivisions (a) and (b) shall not be subject to the reporting requirements of Section 84203.

(e) Within 30 days of the campaign statement required to be filed pursuant to Section 84200, the Secretary of State shall determine who has contributed an aggregate total of ten thousand dollars (\$10,000) or more in a calendar year to all state candidates and to committees that are required to file original campaign statements with the Secretary of State. The Secretary of State shall send a form listing the compiled contributions of each such contributor and request that the contributor verify the compilation as to that contributor. The contributor, under penalty of perjury, shall reply within 30 days, verifying, denying, or amending the compilation provided by the Secretary of State. A contributor that fails to respond in a timely manner shall be liable to the Secretary of State for the penalty set forth in subdivision (a) of Section 91013 but any such liability shall not exceed one thousand dollars (\$1,000). A contributor shall not be held civilly or criminally liable for violating this section but may be the subject of an administrative action brought pursuant to Section 83116.

SECTION 13. Section 84305.5 of the Government Code is amended to read:

84305.5. (a) No slate mailer organization or committee primarily formed to support or oppose one or more ballot measures shall send a slate mailer unless:

(1) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures are shown on the outside of each piece of slate mail and on every insert included with each piece of slate mail in no

less than 8-point roman type font which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the organization's street address of the slate mailer organization or the committee primarily formed to support or oppose one or more ballot measure is a matter of public record with the Secretary of State's Political Reform Division.

(2) At the top of each side or surface of a slate mailer or at the top of each side or surface of a postcard or other self-mailer; there is a notice in at least 8-point roman boldface type font, which shall be in a color or print which contrasts with the background so as to be easily legible, and in a printed or drawn box and set apart from any other printed matter. *The statement "THIS IS A PAID POLITICAL ADVERTISEMENT" shall be printed in a font at least one point larger than any other font on the page, and the remainder of the notice shall be printed in 8-point size font.* The notice shall consist of the following statement:

NOTICE TO VOTERS
THIS DOCUMENT WAS PREPARED BY (name of slate mailer organization or committee primarily formed to support or oppose one or more ballot measures), NOT AN OFFICIAL POLITICAL PARTY ORGANIZATION. All candidates and ballot measures designated by \$\$\$ have paid for their listing in this mailer. A listing in this mailer does not necessarily imply endorsement of other candidates or measures listed. Appearance in this mailer does not necessarily imply endorsement of others appearing in this mailer, nor does it imply endorsement of, or opposition to, any issues set forth in this mailer.

(3) Any reference to a ballot measure that has paid to be included on the slate mailer shall also comply with the provisions of Section 84503 et seq.

(4) Each candidate and each ballot measure that has paid to appear in the slate mailer is designated by \$\$\$ the notice "\$PAID\$" next to and clearly associated with the candidate or ballot measure. Any candidate or ballot measure that has not paid to appear in the slate mailer is not designated by \$\$\$ the notice. The \$\$\$

The notice required by this subdivision shall be of the same type size, type style, color or contrast, printed in boldface and at least the same font size and legibility as is used for the name of the candidate or the ballot measure name or number and position advocated to which the \$\$\$ designation notice applies except that in no case shall the \$\$\$ be required to be larger than 10-point boldface type. The designation notice shall immediately follow the name of the candidate, or the name or number and position advocated on the ballot measure where the designation appears in the slate of candidates and measures. If there is no slate listing, the designation shall appear at least once in at least 8-point boldface type, immediately following the name of the candidate, or the name or number and position advocated on the ballot measure in boldface and at least the same font size as any other font relating to that candidate or ballot measure.

(5) The name of any candidate appearing in the slate mailer who is a member of a political party differing from the political party which the mailer appears by representation or indicia to represent is accompanied, immediately below the name, by the party designation of the candidate, in no less than 9-point roman type font which shall be in a color or print that contrasts with the background so as to be easily legible. The designation shall not be required in the case of candidates for nonpartisan office.

(6) Any candidate endorsement appearing in the slate mailer that differs from the official endorsement of the political party which the mailer appears by representation or indicia to represent is accompanied, immediately below the endorsement, in no less than 9-point boldface font which shall be in a color or print that contrasts with the background so as to be easily legible, the following notice: **THIS IS NOT THE POSITION OF THE** (political party which the mailer appears by representation or indicia to represent) **PARTY.**

(b) For purposes of the designations notice required by paragraph (4) of subdivision (a), the payment of any sum made reportable by subdivision (c) of Section 84219 by or at the behest of a candidate or committee, whose name or position appears in the mailer, to the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures, shall constitute a payment to appear, requiring the \$\$\$ designation notice. The payment shall also be deemed to constitute authorization to appear in the mailer.

(c) A slate mailer that complies with this section shall be deemed to satisfy the requirements of Sections 20003 and 20004 of the Elections Code.

SECTION 14. Article 5 (commencing with Section 84501) is added to Chapter 4 of Title 9 of the Government Code, to read:

Article 5. Disclosure in Advertisements

84501. For purposes of Sections 84503 and 84505, "cumulative contributions" means the cumulative contributions to a committee

placing an advertisement in which a disclosure pursuant to Section 84503 is required, beginning one year prior to and ending seven days prior to the time the advertisement is sent to the vendor.

84502. (a) In addition to the information required in the ballot pamphlet in Section 88001, and in the sample ballot in Section 13307 of the Elections Code, the top five contributors, if any, of twenty-five thousand dollars (\$25,000) or more to committees primarily formed to support or oppose a state ballot measure shall be listed in the ballot pamphlet in a manner determined by the commission, together with the aggregate amount of contributions made by those contributors. For purposes of this section, the top five contributors and their aggregate contributions shall be determined as of the date at which the text of the ballot pamphlet is subject to public review.

(b) Following the list of the top five contributors shall be the statement: "This list reflects only the top five financial contributors as of [insert the date of public review for the ballot pamphlet]."

84503. (a) Any advertisement for or against any state or local ballot measure shall include a disclosure statement identifying any person, other than an individual, whose cumulative contributions to the committee placing the advertisement are fifty thousand dollars (\$50,000) or more, or any individual whose cumulative contributions are two hundred fifty thousand dollars (\$250,000) or more.

(b) If there are more than two donors whose disclosure is required under subdivision (a), the committee is required to disclose only the highest and second highest in that order. In the event that more than two donors meet this disclosure threshold at identical contribution levels, the highest and second highest shall be selected according to the chronological order of their contributions.

(c) If candidates or their controlled committees, as a group or individually, meet the contribution thresholds for a person, they shall be identified by the controlling candidate's name but are not treated as an individual under subdivision (a).

84504. In addition to the requirements of Sections 84503 and 84505, the committee placing the advertisement or persons acting in concert with that committee shall be prohibited from creating or using a non-candidate controlled committee or a nonsponsored committee to avoid, or that results in the avoidance of, the disclosure of any business entity, controlled committee, or sponsored committee as a major funding source.

84505. If the expenditure for a mailing advertisement that expressly advocates the election or defeat of any state candidate is an independent expenditure, the committee shall disclose in the advertisement the names of the two persons, other than individuals, making the largest contributions in excess of twenty-five thousand dollars (\$25,000) to the committee making the independent expenditure. If an acronym is used to specify any committee names in this section, the names of any sponsoring organization of the committee shall be prominently displayed on televised or printed advertisements or spoken in radio broadcast or phone message advertisements. For the purposes of determining the two contributors to be disclosed, the contributions of each person to the committee making the independent expenditure during the one-year period before the election shall be aggregated.

84506. (a) Any disclosure statement required by this article shall be printed clearly and legibly in no less than 10-point roman font and in a conspicuous manner as defined by the commission for televised or printed advertisements, or shall be spoken so as to be clearly audible and understood by the intended public for radio or phone message advertisements.

(b) Phone calls that are advertisements shall disclose, during the course of the call, the name of the committee making the independent expenditure that paid for the call and the name of the donor if any, other than an individual, that has made the greatest contribution in dollar value greater than ten thousand dollars (\$10,000) to the independent expenditure committee.

84507. Notwithstanding the requirements of Sections 84503 and 84505, the committee shall not be required to disclose, in addition to the committee name, its major contributors in any advertisement that is:

(a) A radio broadcast of 15 seconds or less, or
(b) A newspaper, magazine, or other public print media advertisement which is 20 square inches or less.

84508. When a committee files an amended campaign statement pursuant to Section 81004.5, the committee shall change its advertisements to reflect the changed disclosure information.

84509. Any individual who appears in an advertisement paid for by a campaign committee or committees for or against a state or local ballot measure or candidate, and who is paid or promised payment of five thousand dollars (\$5,000) or more for that individual, or an organization controlled by the individual, from said campaign committee or from any donor of five thousand dollars (\$5,000) or more to said campaign committee, shall disclose that payment or promised payment in a manner prescribed by the commission. The campaign advertisement shall include the statement "(spokesperson's name) is being paid by this campaign or its donors" in highly visible roman font shown continuously if the advertisement consists of printed or televised

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material, or spoken in a clearly audible format if the advertisement is a radio broadcast or phone message.

84510. (a) In addition to the remedies provided for in Chapter 11 (commencing with Section 91000), any person who violates this article is liable in a civil or administrative action brought by the commission, or any person pursuant to the procedures set forth in Section 91007, for a fine of up to three times the cost of the advertisement, including placement costs, contributions, or expenditures.

(b) The remedies provided in subdivision (a) shall also apply to any person who purposely causes any other person to violate any provision of this article or who aids and abets any other person in a violation.

(c) If a judgment is entered against the defendant or defendants in an action brought under this section, the plaintiff shall receive 50 percent of the amount recovered. The remaining 50 percent shall be deposited in the General Fund of the State. In an action brought by a local civil prosecutor, 50 percent shall be deposited in the account of the agency bringing the action and 50 percent shall be paid to the general fund of the applicable jurisdiction.

84511. In addition to any reporting and disclosure requirements applicable to local candidates and committees, candidates and committees campaigning for or against a candidate or candidates or ballot measure or ballot measures in a local election, who raise or spend one hundred thousand dollars (\$100,000) or more in any single election held after January 1, 2002, or raise or spend fifty thousand dollars (\$50,000) or more in any single election held after January 1, 2003, shall be subject to the reporting and disclosure requirements applicable to state candidates of Section 84207 and this article, and the Internet campaign disclosure requirements of Chapter 4.7 (commencing with Section 84700). All such disclosures required pursuant to this section shall be sent to the appropriate local filing officer. However, if the filing officer lacks the technological capability of receiving or making available any of the information to be disclosed in the manner contemplated by this act, then the information shall be sent to the Secretary of State who shall receive and make the information available in the same manner as is done with respect to state candidates and state ballot measures.

SECTION 15. Chapter 4.7 (commencing with Section 84700) is added to Title 9 of the Government Code, to read:

CHAPTER 4.7. ACCESS TO CAMPAIGN MATERIALS

84700. This chapter shall be known and may be cited as the Access to Campaign Materials Act of 2000.

84701. (a) The Secretary of State, notwithstanding any other provision of law, shall establish and maintain a campaign web site on the largest nonproprietary, nonprofit cooperative public network of computer networks which includes a grid for each state candidate and each state ballot measure from the time the candidate files the statement of intention pursuant to Section 85200 or the proponents of a ballot measure apply for title and summary pursuant to a qualification drive. The Secretary of State shall establish and maintain similar campaign web sites for all local candidates covered under Section 84511.

(b) The campaign web site shall contain all registration information for each state candidate committee and state ballot measure committee as filed with the Secretary of State, and provide links to the online disclosure network of campaign contributions and expenditures specified in Section 84602 as well as links to private campaign web sites managed by campaign committees, when available.

(c) The campaign web site shall also contain dynamic, multimedia copies of all campaign advertisements authorized by state campaign committees that are received and processed by the Secretary of State pursuant to Section 84702.

(d) All data on the campaign web site shall be available to the public within 24 hours utilizing telecommunications technology, which assures convenient public access, including dynamic multimedia access when feasible, and preserves the integrity of the data against efforts to tamper with or subvert the data.

(e) All contribution and expenditure data required by this act to be filed shall be made available on the Secretary of State's web site within 24 hours in a form that is sortable by donor, city, state, ZIP Code, amount, date, employer, occupation, and other information determined by the Secretary of State.

84702. (a) A digital copy of any television, radio, or other electronically distributed campaign advertisement, authorized by the official campaign committee of each state candidate and state ballot measure, shall be filed with the Secretary of State within 24 hours after its release on the airwaves. The digital copy of each such broadcast advertisement shall be provided in a standard, dynamic multimedia format.

(b) A digital copy of any essentially similar printed campaign advertisement, authorized by the campaign committee of each state candidate and state ballot measure, which has been mailed to or otherwise distributed to at least 10,000 persons, shall be filed with the Secretary of State within 24 hours of its mailing or distribution.

(c) A digital copy of any telephone message, authorized by the

campaign committee of each state candidate and state ballot measure, which is provided in an essentially similar nature to 2,000 or more persons shall be filed with the Secretary of State within 24 hours after its initial use, in a standard, dynamic multimedia format.

(d) Transmission of the campaign advertisements as required by this section shall be made online or through CD-ROM, diskette, or other electronic means according to procedures and formats determined by the Secretary of State.

84703. Any committee which qualifies as an independent expenditure committee shall also provide a digital multimedia copy of each advertisement set forth in Section 84702 for or against a state candidate or state ballot measure, for inclusion on the campaign web site, in accordance with the requirements of this chapter for campaign committees.

84704. There is hereby appropriated from the General Fund of the State to the Secretary of State the sum of one million five hundred thousand dollars (\$1,500,000) in the first fiscal year and seven hundred fifty thousand dollars (\$750,000) in each subsequent fiscal year, adjusted for the cost-of-living changes, for expenditures related to the full and expedited implementation of this chapter, above and beyond any sum that is appropriated for operations of the Secretary of State other than for the implementation of this chapter. The first fiscal year's appropriation shall be made available to the Secretary of State within 60 days of the election at which this measure is approved, and such appropriation shall not be prorated based on that date. The appropriation shall be increased by the Legislature to the extent necessary to fully and effectively implement the provisions of this chapter.

SECTION 16. Section 85100 of the Government Code is repealed. 85100. This chapter shall be known as the California Political Reform Act of 1996.

SECTION 17. Section 85102 of the Government Code is repealed. 85102. The people enact this law to accomplish the following separate but related purposes:

(a) To ensure that individuals and interest groups in our society have a fair and equitable opportunity to participate in the elective and governmental processes.

(b) To minimize the potentially corrupting influence and appearance of corruption caused by excessive contributions and expenditures in campaigns by providing for reasonable contribution and spending limits for candidates.

(c) To reduce the influence of large contributors with a specific financial stake in matters before government by severing the link between lobbying and campaign fundraising.

(d) To lessen the potentially corrupting pressures on candidates and officeholders for fundraising by establishing sensible time periods for soliciting and accepting campaign contributions.

(e) To limit overall expenditures in campaigns, thereby allowing candidates and officeholders to spend a lesser proportion of their time on fundraising and a greater proportion of their time communicating issues of importance to voters and constituents.

(f) To provide impartial and noncoercive incentives that encourage candidates to voluntarily limit campaign expenditures.

(g) To meet the citizens' right to know the sources of campaign contributions, expenditures, and political advertising.

(h) To enact tough penalties that will deter persons from violating this chapter and the Political Reform Act of 1974.

SECTION 18. Section 85202 of the Government Code is amended to read:

85202. Unless specifically superseded by this act, the definitions and provisions of this title the Political Reform Act of 1974 (Title 9 (commencing with Section 81000)) shall govern the interpretation of this law.

SECTION 19. Section 85300 of the Government Code is repealed. 85300. No public officer shall expend and no candidate shall accept any public moneys for the purpose of seeking elective office.

SECTION 20. Section 85300 is added to the Government Code, to read:

85300. (a) No person, other than political party committees, shall make to any candidate or candidate's controlled committee, and no such candidate or candidate's controlled committee shall accept, a contribution or contributions totaling more than three thousand dollars (\$3,000) for state or local office, other than statewide office, or contribution or contributions totaling more than five thousand dollars (\$5,000) for statewide office, for each election in which the candidate is attempting to be on the ballot, is on the ballot, or is a write-in candidate.

(b) No person shall make to any committee that contributes to any candidate or makes expenditures for or against any candidate, and no such committee shall accept from each such person, a contribution or contributions totaling more than five thousand dollars (\$5,000) per calendar year. This subdivision shall not apply to candidate-controlled committees or political party committees.

(c) This section shall not apply to a candidate's contribution of his or her personal funds to his or her own campaign committee, but shall apply to contributions from a spouse.

SECTION 21. Section 85301 of the Government Code is repealed.

85301. (a) Except as provided in subdivision (a) of Section 85402 and Section 85706, no person, other than small contributor committees and political party committees, shall make to any candidate or the candidate's controlled committee for local office in districts with fewer than 100,000 residents, and no such candidate or the candidate's controlled committee shall accept from any person a contribution or contributions totaling more than one hundred dollars (\$100) for each election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(b) Except as provided in subdivision (b) of Section 85402 and Section 85706, no person, other than small contributor committees and political party committees, shall make to any candidate or the candidate's controlled committee campaigning for office in districts of 100,000 or more residents, and no such candidate or the candidate's controlled committee shall accept from any such person a contribution or contributions totaling more than two hundred fifty dollars (\$250) for each election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(c) Except as provided in subdivision (c) of Section 85402, no person, other than small contributor committees and political party committees, shall make to any candidate or the candidate's controlled committee for statewide office, and no such candidate or the candidate's controlled committee shall accept from any such person a contribution or contributions totaling more than five hundred dollars (\$500) for each election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(d) No person shall make to any committee that contributes to any candidate and no such committee shall accept from each such person a contribution or contributions totaling more than five hundred dollars (\$500) per calendar year. This subdivision shall not apply to candidate-controlled committees, political party committees, and independent expenditure committees.

(e) The provisions of this section shall not apply to a candidate's contribution of his or her personal funds to his or her own campaign committee, but shall apply to contributions from a spouse.

SECTION 22. Section 85301 is added to the Government Code, to read:

85301. No person shall give in the aggregate to political party committees of the same political party, and no such party committees combined shall accept from any person, a contribution or contributions totaling more than twenty-five thousand dollars (\$25,000) per calendar year to be used for the purpose of promoting the support or defeat of any specific candidate, transfers to candidates or their controlled committees, or any expenditure on advertising through electronic media, except that a candidate may distribute a portion of any surplus, residual or unexpended campaign funds to a political party committee. This section shall not apply to a committee established by a political party committee for the exclusive purpose of supporting or opposing a ballot measure provided that the committee established is not controlled by a candidate or an elected official.

SECTION 23. Section 85302 of the Government Code is repealed.

85302. No small contributor committee shall make to any candidate or the controlled committee of such a candidate, and no such candidate or the candidate's controlled committee shall accept from a small contributor committee, a contribution or contributions totaling more than two times the applicable contribution limit for persons prescribed in Section 85301 or 85402, whichever is applicable.

SECTION 24. Section 85302 is added to the Government Code, to read:

85302. No more than 25 percent of the voluntary spending limits specified in this act at the time of adoption by the voters, subject to cost-of-living adjustments as specified in Section 83124, shall be accepted in cumulative contributions for any election from all political party committees by any candidate or the controlled committee of such a candidate.

SECTION 25. Section 85303 of the Government Code is repealed.

85303. No person shall give in the aggregate to political party committees of the same political party, and no such party committees combined shall accept from any person, a contribution or contributions totaling more than five thousand dollars (\$5,000) per calendar year, except a candidate may distribute any surplus, residual, or unexpended campaign funds to a political party committee.

SECTION 26. Section 85303 is added to the Government Code, to read:

85303. (a) No candidate or the candidate's controlled committee for statewide office shall accept contributions prior to 12 months preceding any primary or special primary election or, in the event there is no primary or special primary election, any regular election or special election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(b) No candidate or the candidate's controlled committee for state office, other than statewide office, shall accept contributions prior to six months preceding any primary or special primary election or, in the event there is no primary or special primary election, any regular

election or special election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(c) Notwithstanding subdivisions (a) and (b), candidates or their controlled committees may accept contributions at any time up to the lesser of 5 percent of the general election voluntary spending limits or fifty thousand dollars (\$50,000) per year to pay for legal expenses or campaign reporting expenses. Such expenditures shall not count against the voluntary spending limits.

(d) No candidate or the controlled committee of such candidate for state office shall accept contributions more than 90 days after the date of withdrawal, defeat, or election to office. Contributions accepted immediately following such an election or withdrawal and up to 90 days after that date shall be used only to pay outstanding bills or debts owed by the candidate or controlled committee. This section shall not apply to retiring debts incurred with respect to any election held prior to the effective date of this act, provided such funds are collected pursuant to the contribution limits specified in this act, applied separately for each prior election for which debts are being retired, and such funds raised shall not count against the contribution limitations applicable for any election following the effective date of this act.

(e) Notwithstanding subdivision (d), funds may be collected at any time to pay for attorney's fees for litigation or administrative action that arises directly out of a candidate's or elected officer's alleged violation of state or local campaign, disclosure, or election laws or for a fine or assessment for violations of this act or the Political Reform Act of 1974, or for a recount or contest of the validity of an election, or for any expense directly associated with an external audit or unresolved tax liability of the campaign by the candidate or the candidate's controlled committee; provided the funds are collected pursuant to the contribution limits of this act.

(f) Contributions pursuant to subdivisions (c), (d) and (e) shall be considered contributions raised for the election in which the debts, fines, assessments, recounts, contests, audits, or tax liabilities were incurred and shall be subject to the contribution limits of this act.

SECTION 27. Section 85304 of the Government Code is repealed.

85304. No more than 25 percent of the recommended expenditure limits specified in this act at the time of adoption by the voters, subject to cost of living adjustments as specified in Section 83124, shall be accepted in cumulative contributions for any election from all political party committees by any candidate or the controlled committee of such a candidate. Any expenditures made by a political party committee in support of a candidate shall be considered contributions to the candidate.

SECTION 28. Section 85304 is added to the Government Code, to read:

85304. No candidate, committee controlled by a candidate or officeholder, or ballot measure committee shall make any contribution to any other candidate running for office or his or her controlled committee or other ballot measure committee. This section shall not prohibit a candidate or proponent or opponent from making a contribution from his or her own personal funds to his or her own candidacy or to the candidacy of any other candidate for elective office or ballot measure campaign.

SECTION 29. Section 85305 of the Government Code is repealed.

85305. (a) In districts of fewer than 1,000,000 residents, no candidate or the candidate's controlled committee shall accept contributions more than six months before any primary or special primary election or, in the event there is no primary or special primary election, any regular election or special election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(b) In districts of 1,000,000 residents or more and for statewide elective office, no candidate or the candidate's controlled committee shall accept contributions more than 12 months before any primary or special primary election or, in the event there is no primary or special primary election, any regular election or special election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(c) No candidate or the controlled committee of such candidate shall accept contributions more than 90 days after the date of withdrawal, defeat, or election to office. Contributions accepted immediately following such an election or withdrawal and up to 90 days after that date shall be used only to pay outstanding bills or debts owed by the candidate or controlled committee. This section shall not apply to retiring debts incurred with respect to any election held prior to the effective date of this act, provided such funds are collected pursuant to the contribution limits specified in Article 3 (commencing with Section 85300) of this act, applied separately for each prior election for which debts are being retired, and such funds raised shall not count against the contribution limitations applicable for any election following the effective date of this act.

(d) Notwithstanding subdivision (c), funds may be collected at any time to pay for attorney's fees for litigation or administrative action which arises directly out of a candidate's or elected officer's alleged violation of state or local campaign, disclosure, or election laws or for a fine or assessment imposed by any governmental agency for violations of this act or this title, or for a recount or contest of the validity of an

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election, or for any expense directly associated with an external audit or unresolved tax liability of the campaign by the candidate or the candidate's controlled committee; provided such funds are collected pursuant to the contribution limits of this act.

(e) Contributions pursuant to subdivisions (c) and (d) of this provision shall be considered contributions raised for the election in which the debts, fines, assessments, recounts, contests, audits, or tax liabilities were incurred and shall be subject to the contribution limits of that election.

SECTION 30. Section 85305 is added to the Government Code, to read:

85305. Any campaign contribution to a candidate or candidate's controlled committee received after the election at which the measure adding this section is approved, and prior to the permissible fundraising period for each elective office set forth in Section 85303, shall not be used to support or oppose the election of any candidate for such elective office held after the effective date of this act.

SECTION 31. Section 85306 of the Government Code is repealed.

85306. No candidate and no committee controlled by a candidate or officeholder, other than a political party committee, shall make any contribution to any other candidate running for office or his or her controlled committee. This section shall not prohibit a candidate from making a contribution from his or her own personal funds to his or her own candidacy or to the candidacy of any other candidate for elective office.

SECTION 32. Section 85306 is added to the Government Code, to read:

85306. (a) A loan shall be considered a contribution from the maker and the guarantor of the loan and shall be subject to all contribution limitations.

(b) No candidate shall personally make outstanding loans to his or her campaign or campaign committee that total at any one point in time more than fifty thousand dollars (\$50,000) in the case of any candidate, except for candidates for Governor, or one hundred thousand dollars (\$100,000) in the case of candidates for Governor. Nothing in this act shall prohibit a candidate from making unlimited contributions to his or her own campaign.

SECTION 33. Section 85307 of the Government Code is repealed.

85307. (a) A loan shall be considered a contribution from the maker and the guarantor of the loan and shall be subject to all contribution limitations:

(b) Extensions of credit for a period of more than 30 days, other than loans from financial institutions given in the normal course of business, are subject to all contribution limitations:

(c) No candidate shall personally make outstanding loans to his or her campaign or campaign committee that total at any one point in time more than twenty thousand dollars (\$20,000) in the case of any candidate, except for candidates for governor, or fifty thousand dollars (\$50,000) in the case of candidates for governor. Nothing in this chapter shall prohibit a candidate from making unlimited contributions to his or her own campaign.

SECTION 34. Section 85307 is added to the Government Code, to read:

85307. (a) Contributions by a husband and wife shall not be aggregated.

(b) Contributions by children under 18 shall be treated as contributions attributed equally to each parent or guardian.

SECTION 35. Section 85308 is added to the Government Code, to read:

85308. No person shall contribute in the aggregate more than fifty thousand dollars (\$50,000) to all state candidates and the state candidates' controlled committees per election. Contributions from political parties shall be exempt from this provision.

SECTION 36. Section 85309 is added to the Government Code, to read:

85309. All payments made by a person established, financed, maintained, or controlled by any business entity, labor organization, association, political party, or any other person or group of such persons shall be considered to be made by a single person.

SECTION 37. Section 85310 is added to the Government Code, to read:

85310. A for-profit corporation or joint stock company shall not make direct contributions from general treasury funds to candidates or to committees primarily formed to support or oppose a candidate or candidates.

SECTION 38. Section 85311 is added to the Government Code, to read:

85311. Notwithstanding Section 85309, the costs of internal communications to members, employees, or shareholders of an organization for the purpose of supporting or opposing a candidate or candidates for elective office or a ballot measure or measures shall not be considered a contribution or independent expenditure under this act, provided such payments are not for the costs of campaign materials or activities used in connection with broadcasting, newspaper, billboard, or similar type of general public communication. This section does not

apply to communications by political parties, whose contributions to candidates are governed by Section 85302.

SECTION 39. Section 85312 is added to the Government Code, to read:

85312. Any committee that accepts a contribution that is not from the person listed on the check or subsequent campaign disclosure statements shall be liable to pay to the state the entire amount of the laundered contribution. The liability imposed by this section shall extend to any committee controlled by a candidate or elected official, whether the committee was organized before or after the laundered contribution was accepted, if the controlling candidate or elected official controlled the committee that received the laundered contribution. The statute of limitations shall not apply to this provision, and repayments to the state shall be made as long as the committee has any funds sufficient to pay the state.

SECTION 40. Section 85313 is added to the Government Code, to read:

85313. The cost of any advertisement in support of or in opposition to a ballot measure that is paid for by a committee controlled by a candidate appearing on the same ballot as the ballot measure, and who is prominently featured in the advertisement, shall be deemed an in-kind contribution from the committee and the contribution shall be subject to the limitations of Section 85300. The commission shall draft appropriate regulations to implement the purposes of this section.

SECTION 41. Article 4 (commencing with Section 85400) is added to Chapter 5 of Title 9 of the Government Code, to read:

Article 4. Campaign Spending Limits and Public Support

85400. (a) Each candidate for state office shall file a statement of acceptance or rejection of the voluntary spending limits prescribed in Section 85401 upon filing the statement of intention pursuant to Section 85200. A candidate who wishes to retain the option of contributing personal funds to his or her own campaign in excess of one-half of the voluntary spending limits must file a statement so indicating at this same time.

(b) Each state ballot initiative committee shall file a statement of acceptance or rejection of the voluntary spending limits prescribed in Section 85401 within 30 days of applying for title and summary for official proponents of a ballot initiative or upon receiving contributions or making expenditures of one thousand dollars (\$1,000) or more either for or against a ballot initiative for other persons.

(c) Any candidate or committee that neglects to file the statement indicating acceptance of the voluntary spending limits by the appropriate date shall be assumed to have rejected the voluntary spending limits.

(d) Any violation of the pledge to abide by the voluntary spending limits shall be subject to a fine of five thousand dollars (\$5,000) or three times the amount of expenditures in excess of the spending limits, whichever is greater.

85401. (a) No candidate for state office, and no proponent or opponent of a state ballot initiative, who voluntarily accepts spending limits and any controlled committee of such a candidate or proponent or opponent, shall make campaign expenditures above the following amount:

(1) For an Assembly candidate, three hundred thousand dollars (\$300,000) in the primary or special primary election and four hundred thousand dollars (\$400,000) in the general, special, or special runoff election.

(2) For a Senate candidate or a candidate for the State Board of Equalization, five hundred thousand dollars (\$500,000) in the primary or special primary election and eight hundred thousand dollars (\$800,000) in the general, special, or special runoff election.

(3) For a statewide candidate, other than Governor, one million five hundred thousand dollars (\$1,500,000) in the primary election and two million dollars (\$2,000,000) in the general, special, or special runoff election. Expenditures for postage for a statewide candidate, other than postage for slate mailers, shall be exempt from the spending limits.

(4) For Governor, six million dollars (\$6,000,000) in the primary election and ten million dollars (\$10,000,000) in the general, special, or special runoff election. Expenditures for postage for a gubernatorial candidate, other than postage for slate mailers, shall be exempt from the spending limits.

(5) For a state ballot initiative, six million dollars (\$6,000,000) per election. Expenditures for postage for a state ballot initiative, other than postage for slate mailers, shall be exempt from the spending limits. Direct expenditures for signature-gathering purposes by an initiative proponent committee prior to the submission of the qualifying signatures shall also be exempt from the spending limits.

(b) Candidates and committees who accept the voluntary spending limits also agree to accept no more than one hundred thousand dollars (\$100,000) or 10 percent of their voluntary spending limit amounts, whichever is greater, from any single donor other than committees of a political party.

(c) Any candidate or committee who declines to accept the voluntary spending limits upon the filing deadline shall not be eligible to receive the benefits accompanying such an agreement specified in this act.

85402. For purposes of the spending limits for candidates, campaign expenditures made at any time up to and including the date of the primary, special primary, or special election shall be considered expenditures for that election, and campaign expenditures made after the date of such election shall be considered expenditures for the general or runoff election. However, in the event that payments are made but the goods or services are not used during the period purchased, the payments shall be considered campaign expenditures for the time period in which the goods or services are used. Payments for goods and services used in both periods shall be prorated.

85403. (a) If a candidate declines to accept voluntary spending limits and receives contributions, has cash on hand, or makes qualified expenditures equal to 75 percent or more of the voluntary spending limit for that office, the voluntary spending limit shall be two and one-half times the limit specified in this act for any candidate running for the same elective office.

(b) If a candidate declines to accept voluntary spending limits, has retained the option of contributing to his or her own campaign over one-half the voluntary spending limit, and has subsequently contributed to his or her own campaign 25 percent or more of the voluntary spending limit, the voluntary spending limit shall be two and one-half times the limit specified in this act for any candidate running for the same elective office.

(c) If the committee or committees either in support or in opposition to a state ballot measure have in aggregate raised or spent over 100 percent of the voluntary spending limit, the voluntary spending limit shall be two and one-half times the limit specified in this act.

(d) If an independent expenditure committee or committees in the aggregate spend in support or opposition to a state candidate or ballot measure more than 50 percent of the applicable voluntary spending limit, the voluntary spending limit shall be two and one-half times the limit specified in this act for any candidate running for the same elective office or any committee campaigning for or against the same ballot measure.

(e) The commission shall require, by regulation, candidates, committees supporting or opposing ballot measures, and independent expenditure committees subject to this section to provide sufficient notice to the commission and to all candidates for the same office and appropriate committees that they are approaching and exceeding the thresholds set forth in this section.

85404. (a) The Secretary of State and local elections officers shall prominently designate in the ballot pamphlet, the sample ballot, and the voter information packet those candidates and proponents and opponents of state initiative measures who have voluntarily agreed to the spending limits of this act. The commission shall prescribe by regulation the method or methods of that designation.

(b) In addition to the disclosure requirements for campaign advertisements specified in Section 84503, candidates and ballot initiative committees shall disclose in each electronic media advertisement, in a highly conspicuous manner to be determined by the commission, a reasonable estimate of the dollar amount of total campaign expenditures made by the campaign committee at the time the advertisement airs. The expenditure estimates shall be rounded to a unit of either one million dollars (\$1,000,000) or the voluntary spending limit for that office or campaign, whichever is greater. In the event that the estimate of expenditures would round to zero, the campaign may at its discretion either disclose that it has spent less than the disclosure amount or may waive the disclosure requirement. In no event shall a campaign be required to change the disclosure in an advertisement more frequently than once every three days.

SECTION 42. Section 89519 of the Government Code is repealed.

89519. Any campaign funds in excess of expenses incurred for the campaign or for expenses specified in subdivision (d) of Section 85305, received by or on behalf of an individual who seeks nomination for election, or election to office, shall be deemed to be surplus campaign funds and shall be distributed within 90 days after withdrawal, defeat, or election to office in the following manner:

(a) No more than ten thousand dollars (\$10,000) may be deposited in the candidate's officeholder account; except such surplus from a campaign fund for the general election shall not be deposited into the officeholder account within 60 days immediately following the election.

(b) Any remaining surplus funds shall be distributed to any political party, returned to contributors on a pro rata basis, or turned over to the General Fund.

SECTION 43. Section 89519 is added to the Government Code, to read:

89519. Any campaign funds in excess of expenses incurred for the campaign or for expenses specified in subdivision (d) of Section 85303, received by or on behalf of an individual who seeks nomination for election, or election to office, shall be deemed to be surplus campaign funds and shall be distributed within 90 days after withdrawal, defeat,

or election to office either to any political party, or to the General Fund of the State, or shall be returned to contributors on a pro rata basis.

SECTION 44. Article 5 (commencing with Section 85500) is added to Chapter 5 of Title 9 of the Government Code, to read:

Article 5. Campaign Advertising
Media Credit Program

85500. Candidates for statewide office, the committee or committees so designated by official proponents, and opponents of state initiative measures and their controlled committees who have agreed to the voluntary spending limits prescribed in this act, and who have met the qualification requirements specified in Article 6 (commencing with Section 85600) shall be eligible to receive public media credits to be used to purchase broadcast time for campaign advertisements.

85501. (a) Campaign broadcasting media credits awarded to qualified candidates and qualified proponents and opponents of state initiative measures shall be in the following amounts:

(1) For office of Governor or a state initiative measure, up to a limit of one million dollars (\$1,000,000) per election.

(2) For other statewide elective office, up to a limit of three hundred thousand dollars (\$300,000) per election.

(b) A candidate or committee who is eligible to receive campaign broadcasting media credits shall receive media credits on the basis of the following formulas:

(1) For any dollar amount of a contribution or contributions amounting to the first one hundred dollars (\$100) or less from a contributor received after a declaration of accepting spending limits is filed, a matching ratio of ten dollars (\$10) in media credits for each dollar received.

(2) For any dollar amount of a contribution or contributions amounting in excess of one hundred dollars (\$100) up to the first one thousand dollars (\$1,000) or less from a contributor received after a declaration of accepting spending limits is filed, a matching ratio of two dollars (\$2) in media credits for each dollar received.

(c) The total payments from the campaign advertising media credits by the designated candidate or proponent or opponent and their controlled committees, when added to the total campaign expenditures by such candidate or proponent or opponent and their controlled committees, shall not exceed the amount that may be expended by those persons pursuant to this act.

(d) Only the campaign committee so designated by the official proponents of an initiative campaign shall be eligible for media credits. Campaign committees opposing a ballot initiative shall be awarded matching fund media credits on a first-come, first-served basis, up to the aggregate limit of one million dollars (\$1,000,000) in media credits for all such opposition committees. Only campaign committees that limit their expenditures to supporting or opposing a single ballot measure shall be eligible for media credits.

85502. Campaign broadcasting media credits shall be used exclusively to finance the purchase of advertising time on television, radio, or other telecommunications medium as determined by the commission for campaign purposes on behalf of the candidacy of the recipient candidate or for the promotion or defeat of the initiative measure represented by the proponent or opponent and their controlled committees.

85503. (a) The campaign advertising media credit program shall be funded by the General Fund of the State.

(b) The commission shall promulgate regulations for the authorization of issuing campaign advertising media credits by the Controller to eligible persons. These regulations shall include the promulgation and distribution of forms on which such expenditures are to be reported, the verification required, and the procedures for repayment by the candidate or proponent or opponent and their controlled committees in those cases where a subsequent audit discloses that the expenditures either had not been incurred or did not fulfill the requirements of this act.

85504. Total public funds allocated under this act for the provision of campaign advertising media credits for use by candidates or committees shall amount to one dollar (\$1) per income taxpayer of the State of California per fiscal year, deposited into the fund on July 1 of each year, starting July 1, 2000, adjusted for inflation and rounded to the nearest ten cents (\$0.10). Media credits shall be paid to candidates and ballot measure committees from this fund on a first-come, first-served basis up to the limit available in the fund each year. Public funds may be appropriated for this purpose in excess of one dollar (\$1) per taxpayer per year only by approval by a vote of the people. Unspent public funds for this purpose shall be carried over from year to year.

SECTION 45. Article 6 (commencing with Section 85600) is added to Chapter 5 of Title 9 of the Government Code, to read:

Article 6. Major Candidates and Qualified
Official Proponents and Opponents of
State Initiative Measures

85600. Primary and special primary election candidates eligible to participate in the campaign advertising media credit program specified in Section 85500, or the voter information packet program specified in

Text of Proposed Laws—Continued

Section 88100, shall be certified by the Secretary of State according to the following criteria:

(a) A candidate is declared a “major candidate” eligible for public funding assistance pursuant to this act upon submitting qualification petitions to the county registrars with valid signatures of registered voters amounting to:

(1) For office of Governor, 10 percent of the number of valid signatures required to qualify an initiative constitutional amendment for the state ballot.

(2) For other statewide office, 3 percent of the number of valid signatures required to qualify an initiative constitutional amendment for the state ballot.

(3) For the offices of State Senate and State Board of Equalization, 2,500 valid signatures.

(4) For the office of State Assembly, 1,000 valid signatures.

(b) Signatures shall be from registered voters able to vote for the candidate in question.

(c) Qualification petitions shall clearly state at the top of each petition in 18-point boldface font: “We the undersigned are seriously considering voting for this candidate in the next election.” The statement of intent shall be immediately followed in the same legible font by the name and address of the candidate, the party affiliation of the candidate unless the elective office is nonpartisan, the office sought for election by the candidate, and the date of the election. The Secretary of State shall promulgate rules and regulations governing the format of qualification petitions.

(d) Verification of qualification petition signatures shall be conducted by county election officials in accordance with signature-verification procedures established for state initiative measures to be paid for from the General Fund of the State.

85601. General, special, and special runoff election candidates eligible to participate in the campaign advertising media credit program specified in Article 5 (commencing with Section 85500) or the voter information packet program specified in Section 88100 shall be certified by the Secretary of State according to the following criteria:

(a) A candidate is a “major candidate” eligible for all of the benefits of the public funding programs if the candidate received at least 12 percent of votes cast for that office in the preceding primary or special primary election.

(b) A candidate is eligible for 20 percent of the total value of the campaign advertising media credit program specified in Section 85500 if that candidate received at least 5 percent but less than 12 percent of votes cast for that office in the preceding primary or special primary election. Such candidate shall be eligible for the total public funding benefits of the voter information packet program specified in Section 88100.

(c) A candidate is eligible for the total public funding benefits of the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election. Such candidate shall not be eligible to participate in the campaign advertising media credit program specified in Section 85500.

85602. The official proponents and opponents of a state initiative measure shall be eligible for participation in the campaign advertising media credit program specified in Section 85500 and the voter information packet program specified in Section 88100 upon meeting the following conditions:

(a) Qualification of the initiative for the next statewide ballot.

(b) Voluntarily agreeing to comply to the spending limits prescribed in this act.

(c) The proponent or opponent is not a candidate for state office.

85603. (a) A candidate or proponent of a state initiative measure shall not be eligible for participation in the campaign advertising media credit program in Article 5 (commencing with Section 85500) or for public funding assistance under the voter information packet program in Chapter 8.5 (commencing with Section 88100) if that candidate or proponent is unopposed in the election. A write-in candidate or none-of-the-above option shall not constitute an opposition candidate for the purposes of this act.

(b) An opponent of a state initiative measure shall not be eligible for participation in the campaign advertising media credit program in Article 5 (commencing with Section 85500) or for public funding assistance in the voter information packet program in Chapter 8.5 (commencing with Section 88100) if the official proponent withdraws support for the measure and no other proponent qualifies.

(c) The Secretary of State shall promulgate regulations for determining whether an official proponent has withdrawn support for a state initiative measure.

SECTION 46. Chapter 8.5 (commencing with Section 88100) is added to Title 9 of the Government Code, to read:

CHAPTER 8.5. VOTER INFORMATION PACKET PROGRAM

88100. There shall be a “voter information packet” which shall be

prepared and distributed by the Secretary of State to all households containing registered voters four times per election. One voter information packet shall be mailed to arrive no more than 90 days but no less than 60 days prior to the election, a second packet shall be mailed to arrive no more than 60 days but no less than 30 days prior to the election, a third packet shall be mailed to arrive no more than 30 days but no less than 20 days prior to the election, and another packet shall be mailed to arrive no more than 10 days prior to the election.

88101. (a) Each state candidate and each official proponent and opponent of a state initiative measure and their controlled committees may at their own cost design and print a single sheet campaign advertisement to be inserted in the voter information packet. Any campaign advertising information may be included on the inserts within the constraints of the law. Each insert must clearly be labeled as to source, including the name, street address and city of the candidate or proponent or opponent, printed in 12-point boldface roman font that is clearly legible.

(b) All submissions to the voter information packet shall be available for public examination for four days prior to mailing. Any elector may seek a writ of mandate requiring an advertisement submitted to the voter information packet to be amended or deleted upon clear and convincing proof that the advertisement is false or misleading. Expedited review for a proceeding under this section shall be exclusively in Sacramento County.

(c) For a ballot initiative with multiple opponents, the opponent provided this opportunity shall be the opponent or its designee selected by the Secretary of State to provide the opposition statement for the official ballot pamphlet.

88102. (a) The voter information packet shall be prepared according to the following format and procedures:

(1) Each candidate or official proponent or opponent shall design and print sufficient copies of a campaign insert 8.5 x 11 inches in size on paper no greater in weight than that specified by the Secretary of State.

(2) The candidate and proponent and opponent shall submit the inserts for inclusion in the voter information packet by the deadline determined by the Secretary of State's Office.

(3) The Secretary of State shall prepare and distribute the voter information packet which includes each insert compiled in the order that the races are to appear on the ballot.

(4) The voter information packet envelopes shall be clearly labeled “Important Election Information from the Secretary of State.”

(b) The costs for major candidates and qualified proponents and opponents of state initiative measures as specified in Section 85600, voluntarily complying with the spending limits set forth in this act, shall be paid for from the General Fund of the State.

(c) Candidates and proponents and opponents of state initiative measures and their controlled committees not choosing to limit their campaign expenditures in accordance with this act, and state candidates and proponents and opponents of state initiative measures otherwise not eligible for public funding, may also submit an insert for publication and distribution with the voter information packet, but shall be charged the pro rata costs of preparing, printing, handling, and mailing of the packets. The pro rata costs shall be calculated among those candidates and committees submitting inserts but not participating in, or otherwise ineligible for, public funding as provided in this act, but not to exceed 10 percent of the total cost of preparing, printing, handling, and mailing the packets for each payor.

SECTION 47. Section 89001 of the Government Code is amended to read:

89001. No newsletter or other mass mailing, other than official election materials established by the Political Reform Act of 1974, as amended, and the California Voters Bill of Rights, shall be sent at public expense.

SECTION 48. Appropriations

(a) The Legislature shall make the necessary appropriations to finance the requirements of this act each fiscal year that this act remains in effect.

(b) There is hereby appropriated from the General Fund of the State to the Fair Political Practices Commission the sum of one million dollars (\$1,000,000) annually above and beyond the appropriations established for the commission in the fiscal year immediately prior to the effective date of this act, adjusted for cost-of-living changes, for expenditures to support the operations of the commission pursuant to this act.

SECTION 49. Construction

This act shall be liberally construed to accomplish its purposes.

SECTION 50. Applicability of Other Laws

Nothing in this law shall exempt any person from applicable provisions of any other laws of this state.

SECTION 51. Legislative Amendments

The statutory provisions of this act applicable to the Government Code or the Elections Code may be amended by the Legislature, to further the purposes and intent of this act, passed in each house by rollcall vote entered into the journal, two-thirds of the membership concurring and signed by the Governor, if at least 12 days prior to

passage in each house the bill has been delivered to the Secretary of State and the commission for distribution to the public.

SECTION 52. Severability

If any provision of this law, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this law to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this law are severable.

SECTION 53. California Supreme Court

The California Supreme Court shall, to the fullest extent possible, reform any provisions of this initiative that it, or any federal court, determines to be unconstitutional or contrary to any superseding provision of law in order that such provisions carry out the purposes of the initiative.

SECTION 54. Status of Proponents

The proponents of this initiative shall be included among any

defendants in any judicial challenge to any provision of this initiative.

SECTION 55. Effective Date

All other provisions shall become effective January 1, 2001, except as otherwise stated by this measure.

SECTION 56. Section References

For purposes of this act, except as otherwise specified, all references to sections shall be to those in effect on January 1, 1999.

SECTION 57. Amendment to Political Reform Act

(a) This act shall amend the Political Reform Act of 1974, as amended, and all of its provisions that do not conflict with this act shall apply to the provisions of this act, except as provided by subdivision (b).

(b) If Proposition 208, as approved by voters in the November 5, 1996, statewide general election, is reinstated by the courts, Sections 85301 to 85312, inclusive, of the Government Code and Section 45 of Proposition 208 shall prevail over conflicting provisions of this act. All other provisions of this act shall be appropriately codified and take effect as permitted by law.

Proposition 26: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends the California Constitution and the Education Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

THE MAJORITY RULE ACT FOR SMALLER CLASSES, SAFER SCHOOLS, AND FINANCIAL ACCOUNTABILITY

SECTION 1. TITLE

This act shall be known as the Majority Rule Act for Smaller Classes, Safer Schools, and Financial Accountability.

SEC. 2. FINDINGS AND DECLARATIONS

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

(a) Investing in education is crucial if we are to prepare our children for the 21st century.

(b) We need to make sure our children have access to the learning tools of the 21st century like computers and the Internet, but most California classrooms do not have access to these technologies.

(c) We need to build new classrooms to facilitate class size reduction, so our children can learn basic skills like reading and mathematics in an environment that ensures that California's commitment to class size reduction does not become an empty promise.

(d) We need to repair and rebuild our dilapidated schools to ensure that our children learn in a safe and secure environment.

(e) Students in public charter schools should be entitled to reasonable access to a safe and secure learning environment.

(f) We need to give local citizens and local parents the ability to build those classrooms by majority vote local elections so each community can decide what is best for its children.

(g) We need to ensure accountability so that funds are spent prudently and only as directed by citizens of the community.

SEC. 3. PURPOSE AND INTENT

In order to prepare our children for the 21st century, to implement class size reduction, to ensure that our children learn in a secure and safe environment, and to ensure that school districts are accountable for prudent and responsible spending for school facilities, the people of the State of California do hereby enact the Majority Rule Act for Smaller Classes, Safer Schools, and Financial Accountability. This measure is intended to accomplish its purposes by amending the California Constitution and the Education Code:

(a) To provide an exception to the limitation on ad valorem property taxes and the two-thirds vote requirement to allow school districts, community college districts, and county offices of education to equip our schools for the 21st century, to provide our children with smaller classes, and to ensure our children's safety by repairing, building, furnishing, and equipping school facilities;

(b) To require school district boards, community college boards, and county offices of education to evaluate safety, class size reduction, and information technology needs in developing a list of specific projects to present to the voters;

(c) To ensure that before they vote, voters will be given a list of specific projects their bond money will be used for;

(d) To require an annual, independent financial audit of the proceeds from the sale of the school facilities bonds until all of the proceeds have been expended for the specified school facilities projects; and

(e) To ensure that the proceeds from the sale of school facilities bonds are used for specified school facilities projects only, and not for teacher and administrator salaries and other school operating expenses, by requiring an annual, independent performance audit to ensure that the funds have been expended on specific projects only.

SEC. 4. Section 1 of Article XIII A of the California Constitution is amended to read:

Section 1. (a) The maximum amount of any ad valorem tax on real property shall not exceed One percent (1%) of the full cash value of such property. The one percent (1%) tax to be collected by the counties and apportioned according to law to the districts within the counties.

(b) The limitation provided for in subdivision (a) shall not apply to ad valorem taxes or special assessments to pay the interest and redemption charges on ~~(±) any indebtedness of the following~~ :

(1) ~~Indebtedness~~ approved by the voters prior to July 1, 1978 ; ~~or~~ (2) ~~any bonded~~ .

(2) ~~Bonded~~ indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by the voters voting on the proposition.

(3) ~~Bonded indebtedness incurred by a school district, community college district, or county office of education for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, approved by a majority of the voters of the district or county, as appropriate, voting on the proposition on or after the effective date of the measure adding this paragraph. This paragraph shall apply only if the proposition approved by the voters and resulting in the bonded indebtedness includes all of the following accountability requirements:~~

(A) ~~A requirement that the proceeds from the sale of the bonds be used only for the purposes specified in this paragraph, and not for any other purpose, including teacher and administrator salaries and other school operating expenses.~~

(B) ~~A list of the specific school facilities projects to be funded and certification that the school district board, community college board, or county office of education has evaluated safety, class size reduction, and information technology needs in developing that list.~~

(C) ~~A requirement that the school district board, community college board, or county office of education conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed.~~

(D) ~~A requirement that the school district board, community college board, or county office of education conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.~~

(c) ~~Notwithstanding any other provisions of law or of this Constitution, school districts, community college districts, and county offices of education may levy a majority vote ad valorem tax pursuant to subdivision (b).~~

SEC. 5. Section 18 of Article XVI of the California Constitution is amended to read:

SEC. 18. (a) No county, city, town, ~~township~~, board of education, or school district ; shall incur any indebtedness or liability , in any manner or for any purpose , exceeding in any year the income and revenue provided for ~~such that year, without the assent of unless the indebtedness or liability is approved by~~ two-thirds of the ~~qualified electors thereof, voters of the public entity voting at an election to be held for that purpose, except provided that with respect to any such public entity which is authorized to incur indebtedness for public school purposes, any proposition for the incurrence of indebtedness in the form of general obligation bonds for the purpose of repairing, reconstructing or replacing public school buildings determined, in the manner prescribed by law, to be structurally unsafe for school use, shall be adopted upon the approval of a majority of the qualified electors of the public entity voting on the proposition at such election; nor unless before or at the time of incurring such the indebtedness provision shall be~~ is made for the collection of an annual tax sufficient to pay the interest on ~~such the~~ indebtedness as it falls due; and ~~also provision to~~

Text of Proposed Laws—Continued

constitute for a sinking fund for the payment of the principal thereof, on or before maturity, which shall not exceed forty 40 years from the time of contracting the same; provided, however, anything to the contrary herein notwithstanding, when indebtedness.

(b) Notwithstanding subdivision (a), on or after the effective date of the measure adding this subdivision, in the case of any school district, community college district, or county office of education, any proposition for the incurrence of indebtedness in the form of general obligation bonds for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, shall be adopted upon the approval of a majority of the voters of the district or county, as appropriate, voting on the proposition at an election. This subdivision shall apply only to a proposition for the incurrence of indebtedness in the form of general obligation bonds for the purposes specified in this subdivision if the proposition meets all of the accountability requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A.

(c) When two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds or a majority of the qualified electors voters, as the case may be, voting on any one of such those propositions, vote in favor thereof, such the proposition shall be deemed adopted.

SEC. 6. Section 47614 of the Education Code is amended to read:

47614. A school district in which a charter school operates shall permit a charter school to use, at no charge, facilities not currently being used by the school district for instructional or administrative purposes; or that have not been historically used for rental purposes provided the charter school shall be responsible for reasonable maintenance of those facilities: (a) The intent of the people in amending this section is that public school facilities should be shared fairly among all public school pupils, including those in charter schools.

(b) Each school district shall make available, to each charter school operating in the school district, facilities sufficient for the charter school to accommodate all of the charter school's in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district. Facilities provided shall be contiguous, furnished, and equipped, and shall remain the property of the school district. The school district shall make reasonable efforts to provide the charter school with facilities near to where the charter school wishes to locate, and shall not move the charter school unnecessarily.

(1) The school district may charge the charter school a pro rata share (based on the ratio of space allocated by the school district to the charter school divided by the total space of the district) of those school district facilities costs which the school district pays for with unrestricted general fund revenues. The charter school shall not be otherwise charged for use of the facilities. No school district shall be required to use unrestricted general fund revenues to rent, buy, or lease facilities for charter school students.

(2) Each year, each charter school desiring facilities from a school district in which it is operating shall provide the school district with a reasonable projection of the charter school's average daily classroom attendance by in-district students for the following year. The district shall allocate facilities to the charter school for that following year based upon this projection. If the charter school, during that following year, generates less average daily classroom attendance by in-district students than it projected, the charter school shall reimburse the district for the over-allocated space at rates to be set by the State Board of Education.

(3) Each school district's responsibilities under this section shall take effect on July 1, 2003, or if the school district passes a school bond measure in the years 2000, 2001, or 2002, on the first day of July next following such passage.

(4) Facilities requests based upon projections of fewer than 80 units of average daily classroom attendance for the year may be denied by the school district.

(5) The term "operating," as used in this section, shall mean either currently providing public education to in-district students, or having identified at least 80 in-district students who are meaningfully interested in enrolling in the charter school for the following year.

(6) The State Department of Education shall propose, and the State Board of Education may adopt, regulations implementing this subdivision, including, but not limited to, defining the terms "average daily classroom attendance," "conditions reasonably equivalent," "in-district students," and "facilities costs," as well as defining the procedures and establishing timelines for the request for, reimbursement for, and provision of, facilities.

SEC. 7. CONFORMITY

The Legislature shall conform all applicable laws to this act. Until the Legislature has done so, any statutes that would be affected by this act shall be deemed to have been conformed with the majority vote requirements of this act.

SEC. 8. SEVERABILITY

If any of the provisions of this measure or the applicability of any provision of this measure to any person or circumstances shall be found to be unconstitutional or otherwise invalid, such finding shall not affect the remaining provisions or applications of this measure to other persons or circumstances, and to that extent the provisions of this measure are deemed to be severable.

SEC. 9. AMENDMENT

Section 6 of this measure may be amended to further its purpose by a bill passed by a majority of the membership of both houses of the Legislature and signed by the Governor, provided that at least 14 days prior to passage in each house, copies of the bill in final form shall be made available by the clerk of each house to the public and the news media.

SEC. 10. LIBERAL CONSTRUCTION

The provisions of this act shall be liberally construed to effectuate its purposes.

Proposition 27: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure adds a section to the Elections Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

Section 1. Title

This measure shall be known and may be cited as the "Congressional Term Limits Declaration Act of 1998."

Section 2. Findings and Declarations of Purpose

(a) The State of California allows a candidate's political party affiliation and profession, vocation, or occupation to appear on the ballot.

(b) A candidate's party designation informs the people of certain basic choices a candidate will make with respect to the candidate's service in public office. Party designations are allowed because they may help the people discern what kind of representative the candidate will make.

(c) Many candidates currently inform the people of how many terms of office they intend to serve, but in an unofficial and unaccountable way.

(d) A candidate's position on voluntarily limiting his or her service helps the people discern what kind of representative the candidate will make to such an extent that the people of the State of California declare their desire to enact the Congressional Term Limits Declaration Act of 1998.

Section 3. Voluntary Term Limits Declaration

Section 13107.5 is added to the Elections Code, to read:

13107.5. (a) Any person seeking to be elected to the United States Congress may submit to the Secretary of State, no later than 15 days prior to the certification of all congressional election ballots, an executed copy of any one of the following declarations but is not required to submit a declaration. If a candidate does not submit a declaration as described by this section, the Secretary of State may not, on that account, refuse to place his or her name on the official ballot.

Term Limits Declaration One

Part A: I, _____, voluntarily declare that, if elected, I will not serve in the United States [House of Representatives more than 3 terms] [Senate more than 2 terms] after the effective date of the Congressional Term Limits Declaration Act of 1998.

Signature by candidate executes Part A _____ Date _____

After executing Part A, a candidate may execute and submit the voluntary statement in Part B.

Part B: I, _____, authorize and request the Secretary of State to place the applicable ballot designation, "Signed declaration to limit service to [3 terms] [2 terms]" or "Running for () term after declaring to limit service to no more than [3 terms] [2 terms]" next to my

name on every election ballot and in all state-sponsored voter education material in which my name appears as a candidate for the office to which Term Limits Declaration One refers.

Signature by candidate executes Part B Date

If the candidate chooses not to execute any or all parts of the above declaration, then he or she may execute and submit to the Secretary of State any or all parts of the following declaration:

Term Limits Declaration Two

Part A: I, _____, have voluntarily chosen not to sign Term Limits Declaration One. If I had signed this declaration, I would have voluntarily agreed to limit my service in the United States [House of Representatives to no more than 3 terms] [Senate to no more than 2 terms] after the effective date of the Congressional Term Limits Declaration Act of 1998.

Signature by candidate executes Part A Date

After executing Part A, a candidate may execute and submit the voluntary statement in Part B.

Part B: I, _____, authorize and request the Secretary of State to place the ballot designation, "Chose not to sign declaration to limit service to [3 terms] [2 terms]" next to my name on every election ballot and in all state-sponsored voter education material in which my name appears as a candidate for the office to which Term Limits Declaration Two refers.

Signature by candidate executes Part B Date

(b) In the ballot designations in this section, the Secretary of State shall incorporate the applicable language in brackets [] for the office the candidate seeks and shall calculate and put in place of the empty parentheses () the number of the term of office that the candidate seeks after the effective date of this section. However, service prior to January 1, 1999 may not be included in the calculation, and the terms shall be calculated without regard to whether the terms were served consecutively.

(c) The Secretary of State shall allow any candidate who at any time has submitted an executed copy of Term Limits Declaration Two to submit an executed copy of Term Limits Declaration One in accordance with this section, at which time all subdivisions affecting Term Limits Declaration One shall apply.

(d) Except when subdivision (e) applies, if a candidate has submitted an executed declaration, and the candidate is not elected to the office which that candidate sought, the executed term limits declaration will not be in effect for any future election. That candidate may resubmit any executed declaration in this section for a future election, pursuant to this section.

(e) If a candidate has submitted an executed copy of Term Limits Declaration One, and the candidate is elected to the office which that candidate sought, that executed declaration shall remain in effect for all future elections for that same office.

(f) Except when subdivision (d) applies, the Secretary of State shall place on that part of the official election ballot and in all state-sponsored voter education material, immediately following the name of each candidate who has executed and submitted Parts A and B of Term Limits Declaration One, either the words, "Signed declaration to limit service to [3 terms] [2 terms]" or, for any candidate who has executed and submitted Parts A and B of Term Limits Declaration One and thereafter qualifies as a candidate for a term that would exceed the number of terms set forth in Term Limits Declaration One, the words, "Running for () term after declaring to limit service to no more than [3 terms] [2 terms]". Except when subdivision (d) applies, the Secretary of State shall place on that part of the official election ballot and in all state-sponsored voter education material, immediately following the name of each candidate who has executed and submitted Parts A and B of Term Limits Declaration Two, the words, "Chose not to sign declaration to limit service to [3 terms] [2 terms]".

(g) For the purpose of this section, service in office for more than one-half of a term shall be deemed as service for a full term.

(h) A candidate may not have more than one declaration and ballot designation in effect for any office at the same time, and a candidate may execute and submit Part B of a declaration only if Part A of that declaration is or has been executed and submitted.

(i) The Secretary of State shall provide candidates with all the declarations in this section, and promulgate regulations as provided by law to facilitate implementation of this section as long as the regulations do not alter the intent of this section.

Section 4. Standing

The proponents of this initiative, as defined by Section 342 of the Elections Code, have standing to defend its provisions.

Section 5. Severability

If any part of Sections 1 to 4, inclusive, or their application to any person or circumstance is held invalid, the invalidity shall not affect other provisions, subdivisions or applications that reasonably can be given effect without the invalid provisions or application.

Proposition 28: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure adds a section to the Health and Safety Code, and amends a section of the Revenue and Taxation Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Declaration of Findings and Purposes

(a) In November, 1998, Californians adopted Proposition 10 which, among other things, imposed more than a 135% increase in the tax on tobacco products.

(b) Funds derived from the increased tax are distributed to a new state commission and 58 county commissions creating an enormous bureaucracy made up of unelected political appointees. This new bureaucracy is unnecessary because existing law provides mechanisms for local governments to fund children's programs, including a "Children's Trust Fund" which distributes both federal and state funds to counties for child abuse and neglect prevention and intervention programs.

(c) After the election, the office of the independent Legislative Analyst pointed out that neither the state Legislature nor the newly created state commission has any oversight or control over the expenditure of the nearly \$700 million annually raised by the tax. Not only is there no accountability for the expenditure of taxpayer funds, but Proposition 10 does not identify existing and successful programs to be implemented or expanded.

(d) The tax increase is extremely punitive and leveled against users of tobacco products, those least able to afford the massive tax increase. Yet, none of the funds raised by the tobacco tax are specifically dedicated to tobacco related education, prevention or research.

(e) The most critical problem facing our children is our failing

public education system. Yet, not one penny of the \$700 million in taxes collected each year from Proposition 10 will go to public schools. In fact, Proposition 10 prohibits any of the new tax revenue to be used for schools.

(f) Therefore, the voters of the state of California hereby repeal the tax increase imposed by Proposition 10 and the creation of an enormous new bureaucracy. At the same time, the voters encourage the Legislature to identify and fund effective programs that promote early childhood development from the prenatal stage to five years of age.

SECTION 2. Repeal of Proposition 10 Tobacco Tax

Section 30131.2 of the Revenue and Taxation Code is amended to read:

30131.2. (a) ~~In addition to~~ *Except for* the taxes imposed upon the distribution of cigarettes and tobacco products by Article 1 (commencing with Section 30101) and Article 2 (commencing with Section 30121) and any other taxes in this chapter, ~~there shall be no additional surtax on the distribution of cigarettes or tobacco products unless adopted by a statute passed by the Legislature. there shall be imposed an additional surtax upon every distributor of cigarettes at the rate of twenty-five mills (\$.025) for each cigarette distributed.~~

(b) ~~In addition to the taxes imposed upon the distribution of tobacco products by Article 1 (commencing with Section 30101) and Article 2 (commencing with Section 30121); and any other taxes in this chapter, there shall be imposed an additional tax upon every distributor of tobacco products, based on the wholesale cost of these products; at a tax rate, as determined annually by the State Board of Equalization, which is equivalent to the rate of tax imposed on cigarettes by subdivision (a).~~

(b) *All moneys collected pursuant to the taxes imposed by former Section 30131.2, as it existed on January 1, 1999, and in the California Children and Families First Trust Fund shall be appropriated pursuant to Section 30131.4 until all such monies are depleted, at which point the California Children and Families First Trust Fund shall be terminated.*

SECTION 3. Repeal of New Bureaucracy Created by Proposition 10

Text of Proposed Laws—Continued

Section 130105.1 is added to the Health and Safety Code, to read:
130105.1. After all monies collected pursuant to Section 30131.2 of the Revenue and Taxation Code and appropriated pursuant to Section 130105 are depleted, the California Children and Families First Trust Fund shall be terminated.

SECTION 4. Severability
If any provision of this act, or part 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.

Proposition 29: Text of Proposed Law

This law proposed by Senate Bill 287 of the 1997–98 Regular Session (Chapter 409, Statutes of 1998) is submitted to the people as a referendum in accordance with the provisions of Section 9 of Article II of the California Constitution.

This proposed law adds sections to the Government Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Section 12012.5 is added to the Government Code, to read:

12012.5. (a) The following tribal-state compacts entered in accordance with the Indian Gaming Regulatory Act of 1988 (18 U.S.C. Sec. 1166 et seq. and 25 U.S.C. Sec. 2701 et seq.) are hereby ratified:

(1) The compact between the State of California and the Barona Band of Mission Indians, executed on August 12, 1998.

(2) The compact between the State of California and the Big Sandy Rancheria of Mono Indians, executed on July 20, 1998.

(3) The compact between the State of California and the Cher-Ae Heights Indian Community of Trinidad Rancheria, executed on July 13, 1998.

(4) The compact between the State of California and the Jackson Rancheria Band of Miwuk Indians, executed on July 13, 1998.

(5) The compact between the State of California and the Mooretown Rancheria of Concow/Maidu Indians, executed on July 13, 1998.

(6) The compact between the State of California and the Pala Band of Mission Indians, as approved by the Secretary of the Interior on April 25, 1998.

(7) The compact between the State of California and the Redding Rancheria, executed on August 11, 1998.

(8) The compact between the State of California and the Rumsey Indian Rancheria of Wintun Indians of California, executed on July 13, 1998.

(9) The compact between the State of California and the Sycuan Band of Mission Indians, executed on August 12, 1998.

(10) The compact between the State of California and the Table Mountain Rancheria, executed on July 13, 1998.

(11) The compact between the State of California and the Viejas Band of Kumeyaay Indians, executed on or about August 17, 1998.

The terms of each compact apply only to the State of California and the tribe that has signed it, and the terms of these compacts do not bind any tribe that is not a signatory to any of the compacts.

(b) Any other compact entered into between the State of California

and any other federally recognized Indian tribe which is executed after August 24, 1998, is hereby ratified if (1) the compact is identical in all material respects to any of the compacts ratified pursuant to subdivision (a), and (2) the compact is not rejected by each house of the Legislature, two-thirds of the membership thereof concurring, within 30 days of the date of the submission of the compact to the Legislature by the Governor. However, if the 30-day period ends during a joint recess of the Legislature, the period shall be extended until the fifteenth day following the day on which the Legislature reconvenes. A compact will be deemed to be materially identical to a compact ratified pursuant to subdivision (a) if the Governor certifies that it is materially identical at the time he or she submits it to the Legislature.

(c) The Legislature acknowledges the right of federally recognized tribes to exercise their sovereignty to negotiate and enter into compacts with the state that are materially different from the compacts ratified pursuant to subdivision (a). These compacts shall be ratified upon approval of each house of the Legislature, a majority of the membership thereof concurring.

(d) The Governor is the designated state officer responsible for negotiating and executing, on behalf of the state, tribal-state gaming compacts with federally recognized Indian tribes in the State of California pursuant to the federal Indian Gaming Regulatory Act of 1988 (18 U.S.C. Sec. 1166 et seq. and 25 U.S.C. Sec. 2701 et seq.) for the purpose of authorizing class III gaming, as defined in that act, on Indian lands. Nothing in this section shall be construed to deny the existence of the Governor's authority to have negotiated and executed tribal-state compacts prior to the effective date of this section.

(e) The Governor is authorized to waive the state's immunity to suit in federal court in connection with any compact negotiated with an Indian tribe or any action brought by an Indian tribe under the Indian Gaming Regulatory Act (18 U.S.C. Sec. 1166 et seq. and 25 U.S.C. Sec. 2701 et seq.).

(f) In deference to tribal sovereignty, the execution of, and compliance with the terms of, any compact specified under subdivision (a) or (b) shall not be deemed to constitute a project for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(g) Nothing in this section shall be interpreted to authorize the unilateral imposition of a statewide limit on the number of lottery devices or of any allocation system for lottery devices on any Indian tribe that has not entered into a compact that provides for such a limit or allocation system. Each tribe may negotiate separately with the state over these matters on a government-to-government basis.