



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

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April 9, 2009

County Clerk/Registrar of Voters (CC/ROV) Memorandum #09058

TO: All County Clerks/Registrars of Voters and Proponents

FROM:

  
Katherine Montgomery  
Associate Elections Analyst

RE: Initiative: 1358, Related to Social and Welfare Aid, Pensions

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**DENIAL OF PUBLIC BENEFITS FOR PERSONS  
WHO CANNOT VERIFY LAWFUL PRESENCE. DENIAL  
OF BIRTH CERTIFICATES TO CHILDREN OF UNDOCUMENTED  
PARENTS WHO FAIL TO VERIFY STATUS. INITIATIVE STATUTE.**

The proponents of the above-named measure are:

Ted Hilton  
Tony Dolz  
Bill Morrow  
P.O. Box 9985  
San Diego, CA 92169

**DENIAL OF PUBLIC BENEFITS FOR PERSONS  
WHO CANNOT VERIFY LAWFUL PRESENCE. DENIAL  
OF BIRTH CERTIFICATES TO CHILDREN OF UNDOCUMENTED  
PARENTS WHO FAIL TO VERIFY STATUS. INITIATIVE STATUTE.**

**CIRCULATING AND FILING SCHEDULE**

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1. Minimum number of signatures required: .....433,971  
California Constitution, Article II, Section 8(b)
2. Official Summary Date: .....Thursday, 04/09/09
3. Petitions Sections:
  - a. First day Proponent can circulate Sections for  
signatures (Elec. Code § 336) ..... Thursday, 04/09/09
  - b. Last day Proponent can circulate and file with the county.  
All sections are to be filed at the same time within each  
county. (Elec. Codes §§ 336, 9030(a)).....Tuesday, 09/08/09\*
  - c. Last day for county to determine total number of  
signatures affixed to petitions and to transmit total  
to the Secretary of State (Elec. Code § 9030(b)).....Monday, 09/21/09  

(If the Proponent files the petition with the county on a date prior to  
09/08/09, the county has eight working days from the filing of the petition  
to determine the total number of signatures affixed to the petition and to  
transmit the total to the Secretary of State) (Elec. Code § 9030(b)).
  - d. Secretary of State determines whether the total number  
of signatures filed with all county clerks/registrars of  
voters meets the minimum number of required signatures  
and notifies the counties.....Wednesday, 09/30/09\*\*
  - e. Last day for county to determine total number of qualified  
voters who signed the petition, and to transmit certificate  
with a blank copy of the petition to the Secretary of State  
(Elec. Code § 9030(d)(e)).....Friday, 11/13/09

\* Date adjusted for official deadline, which falls on a weekend/holiday (Elec. Code § 15).

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

**INITIATIVE #1358**

**Circulating and Filing Schedule continued:**

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(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 09/30/09, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elec. Code § 9030(d)(e)).

- f. If the signature count is more than 477,369 or less than 412,273 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 412,273 and 477,369 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures (EC §9030(f)(g); 9031(a)).....Monday, 11/23/09\*
  
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (Elec. Code § 9031(b)(c)). ..... Friday, 01/08/10

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 11/23/09, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elec. Code § 9031(b)(c).)

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (Elec. Code §§ 9031(d), 9033).....Tuesday, 01/12/10\*

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

## IMPORTANT POINTS

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- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal.App.3d 825, 177 Cal.Rptr. 621; 63 Ops.Cal.Atty.Gen. 37 (1980).
- Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

EDMUND G. BROWN JR.  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



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April 9, 2009

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

APR 09 2009

Honorable Debra Bowen  
Secretary of State  
1500 11<sup>th</sup> Street, 5<sup>th</sup> Floor  
Sacramento, CA 95814

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

Attention: Ms. Katherine Montgomery  
Associate Elections Analyst

**Re: Initiative 09-0004, "California Taxpayer Protection Act of 2010."**

Official Circulating Title: Denial of Public Benefits for Persons Who Cannot Verify Lawful Presence. Denial of Birth Certificates to Children of Undocumented Parents Who Fail to Verify Status. Initiative Statute.

Dear Secretary Bowen:

Pursuant to Elections Code sections 9004 and 336, you are hereby notified that on this day we mailed our title and summary for Initiative 09-0004, "California Taxpayer Protection Act of 2010" to the respective proponents.

Enclosed is a copy of that title and summary, and a copy of the proposed measure.

Sincerely,

  
KRYSTAL M. PARIS  
Initiative Coordinator

For EDMUND G. BROWN JR.  
Attorney General

kmp:  
Enclosures

Proponents:  
Ted Hilton, Tony Dolz, & Bill Morrow  
Taxpayer Revolution  
P.O. Box 9985  
San Diego, CA 92169

Date: April 9, 2009  
Initiative No.: 09-0004

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

DENIAL OF PUBLIC BENEFITS FOR PERSONS WHO CANNOT VERIFY LAWFUL PRESENCE. DENIAL OF BIRTH CERTIFICATES TO CHILDREN OF UNDOCUMENTED PARENTS WHO FAIL TO VERIFY STATUS. INITIATIVE STATUTE. Requires applicants for state, local, and state-administered federal aid to verify lawful presence in United States. Requires applications for public benefits submitted by undocumented parents on behalf of their lawful-resident children to be given to federal authorities. Denies birth certificates to children born to undocumented parents unless mother provides fingerprint and other information to be given to federal authorities. Limits benefits for children in child-only CalWORKS cases to federal minimum. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: If upheld in the courts, unknown potential one-time and ongoing costs to state and local governments due to changes in the application process for public benefits as well as changes in the way birth certificates are issued. These costs would be partly offset by additional new fees for certain birth certificates. Unknown, but probably minor, state and local law enforcement costs due to provisions in the measure creating new crimes, such as for the filing of false affidavits to obtain public benefits. If upheld in the courts, state savings of over \$1 billion annually from prohibiting child-only CalWORKS cases, partially offset by state and county costs for children who shifted to Foster Care or county general assistance programs. Further unknown savings from the provisions changing the application processes for public benefits. (09-0004.)

RECEIVED

FEB 17 2009

February 14, 2009

California Attorney General Edmund G. Brown Jr.  
Attn: Krystal Paris, Initiative Coordinator  
1300 I Street, 17<sup>th</sup> Floor, Post Office Box 944255  
Sacramento, California 94244-2550

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

This is the written request for preparation of title and summary of the chief purposes and points of the proposed initiative measure, known as the California Taxpayer Protection Act of 2010. This text of the initiative is attached.

Proponent TED HILTON

I, Ted Hilton, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot. This statement shall be kept on file at the Attorney General's Office for not less than eight months after the certification of the results of the election for which the petition qualified or, if the measure did not qualify, eight months after the deadline for submission of the petitions to elections officials.

I, \_\_\_\_\_, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot. This statement shall be kept on file at the Attorney General's Office for not less than eight months after the certification of the results of the election for which the petition qualified or, if the measure did not qualify, eight months after the deadline for submission of the petitions to elections officials.

Proponent signature: Ted Hilton Date: February 14, 2009

Proponent signature: \_\_\_\_\_ Date: \_\_\_\_\_

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** This measure shall be known and may be cited as the California Taxpayer Protection Act of 2010.

**SECTION 2.** Section 27 is added to the Government Code, to read:

**27. (a) (1)** Except as provided in paragraph (2) or where exempted by federal law, every agency or a political subdivision of this state shall verify the lawful presence in the United States of any natural person fourteen (14) years of age or older who has applied for state or local benefits, as defined in 8 U.S.C., Section 1621, or for federal public benefits as defined in 8 U.S.C., Section 1611, that are administered by an agency or political subdivision of this state.

**(2)** Verification of lawful presence under the provisions of this section shall not be required:

**(A)** For any purpose for which lawful presence in the United States is not restricted by law, ordinance or regulation.

**(B)** For emergency medical care and other assistance exempt from verification as described in Section 1611 (b) and Section 1621 (b) of Title 8 of the United States Code.

**(b) (1)** Verification of lawful presence in the United States by the agency or political subdivision required to make such verification shall require that the applicant execute an affidavit under penalty of perjury that:

**(A)** He or she is a United States citizen; or

**(B)** He or she is a qualified alien under the federal Immigration and Nationality Act and is lawfully present in the United States.

**(2)** For an applicant who has executed the affidavit described in subparagraph (B), eligibility for benefits shall be verified through the Systematic Alien Verification for Entitlements (SAVE) Program administered by the United States Citizenship and Immigration Services, or its successor, or an equivalent program designated by the United States Department of Homeland Security. Until this eligibility verification is made, the affidavit may be presumed to be proof of lawful presence for the purposes of this section.

(3) The California Health and Human Services Agency shall adopt regulations to provide for the adjudication of extraordinary individual circumstances under which the verification procedures imposed by this section would impose undue hardship on a legal resident of California.

(c) If an ineligible applicant files an application for a public benefit on behalf of an eligible recipient and does not satisfy the verification requirements of subdivision (b), if the application is approved, a copy shall be provided to the United States Department of Homeland Security, or its successor agency.

(d) (1) A person who knowingly and willfully makes a false, fictitious, or fraudulent statement or claim in an affidavit executed pursuant to subdivision (b) shall be subject to the penalties specified in Section 114 of the Penal Code.

(2) An officer or employee of an agency or political subdivision of the state who provides any state, local, or federal public benefits in violation of the requirements of this section is guilty of a misdemeanor.

(3) The penalties provided by this subdivision are not exclusive remedies and do not affect any other remedy as may be provided by law for any act or omission that constitutes a violation of this section.

SEC. 3. Section 10245.5 is added to the Health and Safety Code, to read:

102425.5. (a) Notwithstanding any other provision of law, a certificate of live birth as described in Section 102425 shall be issued for a birth that occurs on or after July 1, 2010, only if the child is born to parents either of whom is a citizen or national of the United States; or an alien lawfully admitted for permanent residence who maintains his or her residence in the United States.

(b) (1) In addition to the information required by Section 102425, as a condition of issuance of a birth certificate pursuant to subdivision (a), the parent or parents registering a birth, either in person to the local registrar or, at the time of the child's birth, to a hospital official, shall be required to sign an affidavit, under penalty of perjury, stating either of the following:

A) He or she is a citizen, or national of the United States.

**B) He or she is an alien lawfully admitted for permanent residence and who maintains his or her residence is in the United States.**

**(2)The local registrar shall verify an affidavit executed pursuant to subparagraph (B), through the United States Citizenship and Immigration Services (USCIS), or its successor.**

**(c) (1) Notwithstanding any other provision of law, a certificate of live birth designated as a “Certificate of Live Birth for Birth to a Foreign Parent” shall be issued for a birth that occurs on or after July 1, 2010, for whom neither parent has provided the documentation required under subdivision (b).**

**(2) A birth mother shall appear in person before the local registrar prior to the issuance of a Certificate of Live Birth for Birth to a Foreign Parent, and shall provide the local registrar with all of the following additional information:**

**(A) Country of origin.**

**(B) Employer or other means of support.**

**(C) A fingerprint.**

**(D) An additional fee of seventy-five dollars (\$75).**

**(E) Three passport-type photographs provided by the applicant.**

**(3) The information obtained pursuant to paragraph (2) shall constitute an official government record. The local registrar shall provide the birth certificate application and this information to the United States Department of Homeland Security, or its successor. The local registrar shall provide any information to any state or federal agency, upon request.**

**SEC. 4. Section 11200.1 is added to the Welfare and Institutions Code, to read:**

**11200.1. To the extent permitted under federal law, an ineligible applicant filing an application on behalf of an eligible recipient for publicly funded social services that constitute a state or local benefit as defined in subsection (c) of Section 1621 of Title 8 of the United States Code, that are funded by state block grants, or other state or local funds, shall be subject to the verification requirements under**

subdivision (b) of Section 27 of the Government Code as a condition of establishing the recipient's initial eligibility, or upon re-determination of eligibility, as a condition of the recipient receiving the state or local benefit.

SEC. 5. Section 11200.2 is added to the Welfare and Institutions Code, to read:

11200.2. A child in a child-only CalWORKs case shall be prohibited from receiving benefits for more than the minimum number of years required under federal law.

SEC. 6. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.