



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

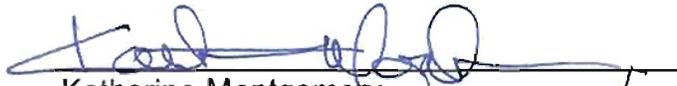
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December 7, 2009

County Clerk/Registrar of Voters (CC/ROV) Memorandum #09203

TO: All County Clerks/Registrars of Voters and Proponents

FROM:


Katherine Montgomery
Associate Elections Analyst

RE: Initiative: 1403, Related to Labor

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:

**MAKES ILLEGAL THE USE OF PUBLIC
EMPLOYEE WAGE DEDUCTIONS FOR POLITICAL
ACTIVITIES. INITIATIVE CONSTITUTIONAL AMENDMENT.**

The proponents of the above-named measure are:

Mark W. Bucher
Dawn M. Wildman
Allan R. Mansoor
Lawrence D. Sand
Mark J. Meckler
Bucher & Palmer, LLP
18002 Irvine Blvd., Suite 108
Tustin, CA 92780

(714) 573-2201

#1403

**MAKES ILLEGAL THE USE OF PUBLIC
EMPLOYEE WAGE DEDUCTIONS FOR POLITICAL
ACTIVITIES. INITIATIVE CONSTITUTIONAL AMENDMENT.**

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required:694,354
California Constitution, Article II, Section 8(b)
2. Official Summary Date:Friday, 12/04/09
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elec. Code § 336) Friday, 12/04/09
 - 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))Monday, 05/03/10
 - 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)).....Thursday, 05/13/10

(If the Proponent files the petition with the county on a date prior to
05/03/10, 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.....Saturday, 05/22/10*
 - 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)).....Monday, 07/05/10

* Date varies based on the date of county receipt.

INITIATIVE #1403

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 05/22/10, 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 763,790 or less than 659,637 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 659,637 and 763,790 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures (Elec. Code §§ 9030(f)(g), 9031(a)) Thursday, 07/15/10*
- 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)). Thursday, 08/26/10

(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 07/15/10, 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)..... Monday, 08/30/10*

*Date varies based on the date of county receipt.

IMPORTANT POINTS

- 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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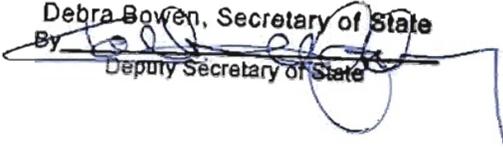
Public: (916) 445-9555
Telephone: (916) 445-4752
Facsimile: (916) 324-8835
E-Mail: Krystal.Paris@doj.ca.gov

December 4, 2009

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

DEC 07 2009

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

Debra Bowen, Secretary of State
By 
Deputy Secretary of State

Attention: Ms. Katherine Montgomery
Associate Elections Analyst

Initiative 09-0054, Re: Public Employee Payroll Deductions.

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 the above-referenced proposed initiative to the proponent. A copy of that title and summary and text of the proposed measure is enclosed.

Please contact me if you have any questions. Thank you.

Sincerely,

Handwritten signature of Krystal M. Paris in blue ink.

KRYSTAL M. PARIS
Initiative Coordinator

For EDMUND G. BROWN JR.
Attorney General

Proponents:

Mark W. Bucher
Dawn M. Wildman
Allan R. Mansoor
Lawrence D. Sand
Mark J. Meckler
Bucher & Palmer LLP
18002 Irvine Blvd., Ste. 108
Tustin, CA 92780

Date: December 4, 2009
Initiative 09-0054

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

MAKES ILLEGAL THE USE OF PUBLIC EMPLOYEE WAGE DEDUCTIONS FOR POLITICAL ACTIVITIES. INITIATIVE CONSTITUTIONAL AMENDMENT. Amends

the California Constitution to make it illegal to deduct from wages or earnings of a public employee any amount that will be used for political activities as defined. Prohibits any membership organization that receives public employee wage deductions from using those funds for any political activities, but does not apply to deductions for charitable organizations, health, life or disability insurance, or other purposes directly benefitting the public employee.

Authorizes the Legislature and Fair Political Practices Commission to adopt related laws and regulations. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Probably minor state and local government implementation costs, potentially offset in part by revenues from fines and/or fees. (09-0054.)

October 12, 2009

0 9 - 0 0 5 4

Office of the Attorney General
Initiative Coordinator
1300 I Street
Sacramento, CA 95814

RECEIVED
OCT 13 2009

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Initiative Coordinator:

Pursuant to Elections Code Section 9002 and 9004, we hereby request that your office prepare a title and summary of the chief purpose and points of the attached measure. The text of the amended measure is enclosed, along with a check in the amount of \$200.

Attached is a signed statement certifying that we will not willfully allow initiative signatures to be used for purposes other than qualification of the measure as required by Election Code Section 9608. Also attached is the addresses at which we are registered to vote.

Please direct all correspondence and inquiries regarding this measure to:

Bucher & Palmer LLP
18002 Irvine Blvd., Ste 108
Tustin, CA 92780
Phone: (714)573-2201
Fax: (714)619-6878

Sincerely,

Mark W. Bucher
Proponent

Dawn M. Wildman
Proponent

Alfan R. Mansoor
Proponent

Lawrence D. Sand
Proponent

Mark J. Meckler
Proponent

Enclosures

STATE OF CALIFORNIA
INITIATIVE CONSTITUTIONAL AMENDMENT

SECTION ONE: FINDINGS AND DECLARATIONS.

The people of the State of California find and declare that:

- (a) Public agencies commonly take deductions from the wages, earnings or compensation of public employees and transmit them to public labor organizations, which use them for political activities.
- (b) In taking such payroll deductions from public employees for use in political activities, public agencies are unfairly and improperly brought into the political process by assisting certain organizations that receive such payroll deductions while not providing the same benefit to organizations that do not receive such funds.
- (c) Taking payroll deductions from public employees for such purposes is also unfair to public employees who do not agree with the political activities of the organizations receiving such funds, who prefer to engage in political activities directly or who do not want their wages used for political purposes at all.
- (d) The principal recipients of payroll deductions from public employees used for political activities are labor organizations that represent public employees.
- (e) The State of California has a strong interest in avoiding the reality or appearance of government favoritism or entanglement with partisan politics.
- (f) Public employees, like all citizens, have a strong interest in choosing which political causes to support with their own earnings, and the State of California has a strong interest in affording its employees the opportunity to choose which political activities or candidates to support.

SECTION TWO:

Section 12 of Article VII of the California Constitution is added to read:

- SEC. 12. (a) It shall be unlawful to deduct from the wages, earnings or compensation of a public employee any amount to be used for political activities.
- (b) No public labor organization or other membership organization that receives funds deducted from the wages, earnings or compensation of public employees may use any portion of those funds for political activities.
- (c) Nothing in this Section shall prohibit a public employee from making donations for political activities, provided those donations are not deducted from the public employee's wages, earnings, or compensation or are otherwise prohibited by law.
- (d) Nothing in this Section shall prohibit any public labor organization or other membership organization from contributing to or conducting political activities, as long as the funds for the contributions or political activities do not originate from deductions taken from the wages, earnings or compensation of public employees.

(e) Nothing in this Section shall prohibit deductions for retirement, health, life or disability insurance, or any optional benefit intended to directly benefit an individual public employee or the public employee's immediate family, nor shall it prohibit the public employee's voluntary deduction of payments to charitable organizations organized under Title 26 United States Code section 501(c)(3).

(f) DEFINITIONS. As used in this Section:

(1) "Public agency" means the State of California and every governmental subdivision of the state, every district, every public and quasi-public corporation, every public service corporation, every town, city, county, city and county and municipal corporation, whether incorporated or not and whether chartered or not, police and sheriff departments, fire departments, fire authorities and fire services of counties or cities, every school district and county board of education.

(2) "Public employee" means any person employed by any public agency.

(3) "Political activities" means making contributions to, or independent expenditures in support of or opposition to, any candidate, political party or political committee including contributions or expenditures in support of or opposition to the qualification or passage of any ballot measure.

(4) "Public labor organization" means any organization that has public employees as members and exists for the purpose, in whole or in part, of collective bargaining or of dealing with employees of a public agency concerning grievances, terms or conditions of employment, or of other mutual aid or protection.

(5) "Membership organization" means any corporation, partnership or unincorporated association that has public employees as members and to which public employees are required to pay dues or fees.

(g) ENFORCEMENT: The Legislature shall enact such laws as may be necessary to enforce the provisions of this Section. In addition to any other remedy allowed by law, the Fair Political Practices Commission, or its successor, shall enforce this Section and to that end it is authorized to adopt regulations consistent with this Section's goals and objectives.

(h) EFFECTIVE DATE: This Section shall become effective six months after its passage.

(i) LIBERAL CONSTRUCTION: The provisions of this Section shall be liberally construed to effectuate its purposes.

(j) SEVERABILITY. If any provision of this Section, 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 Section are severable.

(k) EXISTING AGREEMENTS: This Section shall not be interpreted to amend or invalidate any collective bargaining agreement or other agreement between any public labor organization or membership organization and a public agency existing on the day of its passage. However, no future agreements or extension of an existing agreement between any public labor organization or membership organization and a public agency shall be valid or enforceable to the extent it conflicts with or attempts to supersede this Section.

SECTION THREE: CONFLICTING MEASURES.

In the event that this measure and another initiative measure or measures relating to the same subject shall appear on the same statewide election ballot, the provisions of the other measure or 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 all provisions of the other measure or measures shall be null and void.