



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

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July 15, 2009

County Clerk/Registrar of Voters (CC/ROV) Memorandum #09116

TO: All County Clerks/Registrars of Voters and Proponent

FROM:


Katherine Montgomery
Associate Elections Analyst

RE: Initiative: 1368, Related to Legislative Activities

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:

**REQUIREMENT FOR
LEGISLATORS TO CERTIFY THAT
THEY UNDERSTAND LEGISLATION AND HAVE
NOT ACCEPTED A BRIBE OR ENGAGED IN ILLEGAL
VOTE SWAPPING. INITIATIVE CONSTITUTIONAL AMENDMENT.**

The proponent of the above-named measure is:

Jerrold LeBaron
6708 Foothill Blvd., Suite 106
Tujunga, CA 91042

(818) 273-8164

#1368

**REQUIREMENT FOR
LEGISLATORS TO CERTIFY THAT
THEY UNDERSTAND LEGISLATION AND HAVE
NOT ACCEPTED A BRIBE OR ENGAGED IN ILLEGAL
VOTE SWAPPING. 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:Wednesday, 07/15/09
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elec. Code § 336) Wednesday, 07/15/09
 - 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, 12/14/09*
 - 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)).....Thursday, 12/24/09

(If the Proponent files the petition with the county on a date prior to
12/14/09, 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.....Saturday, 01/02/10**
 - 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)).....Wednesday, 02/17/10

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

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

INITIATIVE #1368

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 01/02/10, 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)) Saturday, 02/27/10*

- 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)). Monday, 04/12/10

(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 02/27/10, 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).....Friday, 04/16/10*

*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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July 15, 2009

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

Attention: Ms. Katherine Montgomery
Associate Elections Analyst

Re: Initiative "Honor in Office Act." (Amdt. #2-NS.)
Official Circulating Title: Official Circulating Title: Requirement for Legislators to Certify
That They Understand Legislation and Have Not Accepted a Bribe or Engaged in Illegal Vote
Swapping. Initiative Constitutional Amendment.

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 09-0012, "Honor in Office Act." (Amdt. #2-
NS.) 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.

Sincerely,

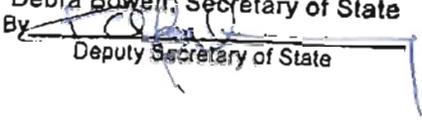
KRYSTAL M. PARIS
Initiative Coordinator

For EDMUND G. BROWN JR.
Attorney General

Proponent: Jerrol LeBaron
6708 Foothill Blvd. Suite 106
Tujunga, CA 91042

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

JUL 15 2009

Debra Bowen, Secretary of State
By 
Deputy Secretary of State

Date: July 15, 2009
Initiative 09-0012 (Amdt. #2-NS.)

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

**REQUIREMENT FOR LEGISLATORS TO CERTIFY THAT THEY UNDERSTAND
LEGISLATION AND HAVE NOT ACCEPTED A BRIBE OR ENGAGED IN ILLEGAL
VOTE SWAPPING. INITIATIVE CONSTITUTIONAL AMENDMENT.** Prohibits

legislators from voting in support of legislation unless they certify under penalty of perjury that they have read and understood the legislation and execute a statement regarding their duties to the People. Prohibits legislators from voting on legislation unless they certify under penalty of perjury that they have not received a bribe or engaged in illegal vote swapping. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Probably no net increase in state costs. (09-0012.)

09-0012
Amdt. #2NS

June 24, 2009

California Attorney General
The Honorable Edmund G. Brown Jr.
Attn: Initiative Coordinator
1300 I St.
Sacramento, CA 35814

RECEIVED

JUN 26 2009

**INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE**

RE: Honor in Office Act

Dear Initiative Coordinator:

Pursuant to Elections Code section 9004, I am submitting technical, non-substantive edits to the enclosed "Honor In Office Act" (Initiative #09-0012 Amdt. #1S).

For your ease, these changes can be found at:

Section 1, point 1: in the first line.

Section 1, point 4: a comma was inserted after "TARP program"

Sec. 8. (b)(2): last line of first paragraph was changed to be more grammatically correct.

Please direct correspondence to:

Jerrold LeBaron
6708 Foothill Blvd. Suite 106
Tujunga, CA 91042
(818) 273-8164
info@honorinoffice.org

Sincerely,



Je
Proponent

Honor In Office Act:

SECTION 1. Title.

This measure shall be known and may be cited as the "Honor in Office Act."

SECTION 2. Findings and Declarations.

The people of the State of California hereby find and declare all of the following:

1. The decisions that our leaders make can affect thousands or millions of lives for generations to come. By simply voting "yea" or "nay," our legislators have tremendous power to either increase or decrease our quality of life, including power to either strengthen or weaken our civil rights. Carelessly passed, relaxed or repealed laws can do significant damage by, for example, causing or contributing to economic bubbles, recessions, and/or depressions.

2. Many legislators vote in favor of bills without ever having read the text of the bills or having understood what they are voting on. Instead, they excessively rely on their political party, unelected staff, consultants, and lobbyists to inform them regarding the content of the bills upon which they are voting.

3. The state is currently in a fiscal crisis, with a multi-billion dollar budget deficit. The adoption of laws, which have not been properly considered leads to irresponsible spending, thus contributing to such deficits.

4. The adoption of laws by a legislature which has not taken the time to read or understand the laws it is enacting leads to badly drafted laws which have unintended consequences. A recent example at the Federal level is Congress's 2008 adoption of the "bailout bill" which established the Troubled Asset Relief Program (TARP) to provide billions of dollars of taxpayer money to financial institutions. What was originally a 3 page proposal ballooned into an extremely complex bill of more than 400 pages, yet that bill was passed by Congress and signed by the President within a matter of days. Many members of Congress voted for the bill without reading or understanding it, and were later surprised to discover it did not function as they had supposed. For example, the bill did not require the financial institutions, which received funds under the TARP program, to free up the credit market by using such funds to make loans. Instead, some of these financial institutions bought out other institutions. Additionally, the bill did not restrict the ability of the failing financial institutions from using taxpayer funds to pay extravagant bonuses to their executives and other employees. Firms that received bailout money thus turned around and paid out millions of dollars in bonuses to their executives and employees.

5. California Penal Code section 86 prohibits members of the Legislature from soliciting or accepting bribes and from trading votes with other members of the Legislature or other legislative bodies. California Penal Code section 85 and section 15 of Article IV of the California Constitution prohibit others from corruptly influencing legislators. While the vast majority of the legislators would not consider taking a bribe, it is not clear that the prohibition on trading votes, and that the improper influencing of legislators is as strictly adhered to.

6. Trading votes generally occurs when a bill is not good enough to be passed on merit alone, resulting in reciprocal voting arrangements, and thus leading to the adoption of bad laws. Ensuring that legislators comply with California law prohibiting trading votes is necessary so that each bill is considered and voted upon based upon its own merits.

7. Our Legislature is given considerable power, income, perks, and privileges not afforded others, and therefore should be held to the highest ethical standard.

SECTION 3. Statement of Purposes and Intent.

The people hereby declare that the intents and purposes of this initiative measure are to:

1. Increase the accountability of our elected representatives by requiring members of the state legislature to take personal responsibility for reading and understanding the content of proposed laws.

2. Encourage members of the Legislature to more carefully study and consider proposed legislation before enacting new laws.

3. Increase compliance with the prohibition against vote trading contained in Penal Code section 86, by requiring members of the state legislature to consider whether they have taken any act in violation of Penal Code section 86 prior to voting on bills.

4. Promote greater awareness of Penal Code section 85 and section 15 of Article IV of the California Constitution in order to prevent improper influence of our legislators.

5. Encourage the creation of a legislative environment, which is conducive to passing good laws and rejecting poorly written and wasteful bills.

SECTION 4. Section 8 of Article IV of the California Constitution is amended to read as set forth below. Text to be added is indicated in *boldface italics*.

Sec. 8. (a) At regular sessions no bill other than the budget bill may be heard or acted on by committee or either house until the 31st day after the bill is introduced unless the house dispenses with this requirement by rollcall vote entered in the journal, three fourths of the membership concurring.

(b)(1) The Legislature may make no law except by statute and may enact no statute except by bill. No bill may be passed unless it is read by title on 3 days in each house except that the house may dispense with this requirement by rollcall vote entered in the journal, two thirds of the membership concurring. No bill may be passed until the bill with amendments has been printed and distributed to the members. No bill may be passed unless, by rollcall vote entered in the journal, a majority of the membership of each house concur, *subject to the requirements set forth in paragraphs (2) and (3) of this subdivision.*

(2) No member of the Legislature shall vote in favor of the passage of any bill by either house unless such member certifies that he or she has fully read and understood the contents of such bill. Prior to voting in favor of the passage of any bill, each member of the Legislature who intends to vote in favor of such bill shall execute a writing containing the following two-part statement (the first part does not require a signature and is a non-binding, heartfelt request from the People):

“The people of the State of California have entrusted you with a tremendous responsibility, a power granted only to a select few. With this honor and privilege, the People have certain requests to make of you:

“The people of the State of California specifically desire practical, down-to-earth, real world, common sense solutions, which have a track record of proven uniform success, which don’t violate or encroach upon the Constitution of the United States, and which don’t infringe upon their rights as citizens. Therefore, for any bill or funding you plan to vote in favor of, please research the ramifications that such a bill or funding would have upon the people of the State of California.

“As there are so many lives that your decisions affect, the People would like you to consider that the People come first; that personal integrity, honesty, and honor, as a legislator of the State of California, are more important than any personal interest, vested interest, other political pressures or your political career, and the People would like you to exercise the authority and duty of this office in order to benefit the people of the State of California, not other interests.

“Thank you,

“The People of the State of California.

“I hereby certify under penalty of perjury that I have read [INSERT BILL NUMBER AND TITLE] in its entirety and understand its contents.”

A vote in favor of the passage of a bill shall not be counted unless it is determined that the member casting such vote has executed this writing. This certification requirement shall not apply to committee votes.

(3) Prior to voting on any bill, each member of the Legislature shall execute a writing containing the following statement:

“I hereby certify under penalty of perjury that I have not committed any act in violation of Penal Code section 86, in connection with [INSERT BILL NUMBER AND TITLE]. I further certify under penalty of perjury that, to the best of my knowledge, my vote on [INSERT BILL NUMBER AND TITLE] has not been influenced by any act taken by any person in violation of Penal Code section 85 and/or section 15 of Article IV of the California Constitution.”

A vote shall not be counted unless it is determined that the member casting such vote has executed this writing. This certification requirement shall not apply to committee votes.

(c)(1) Except as provided in paragraphs (2) and (3) of this subdivision, a statute enacted at a regular session shall go into effect on January 1 next following a 90-day period from the date of enactment of the statute and a statute enacted at a special session shall go into effect on the 91st day after adjournment of the special session at which the bill was passed.

(2) A statute, other than a statute establishing or changing boundaries of any legislative, congressional, or other election district, enacted by a bill passed by the Legislature on or before the date the Legislature adjourns for a joint recess to reconvene in the second calendar year of the biennium of the legislative session, and in the possession of the Governor after that date, shall go into effect on January 1 next following the enactment date of the statute unless, before January 1, a copy of a referendum petition affecting the statute is submitted to the Attorney General pursuant to subdivision (d) of Section 10 of Article II, in which event the statute shall go into effect on the 91st day after the enactment date unless the petition has been presented to the Secretary of State pursuant to subdivision (b) of Section 9 of Article II.

(3) Statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the state, and urgency statutes shall go into effect immediately upon their enactment.

(d) Urgency statutes are those necessary for immediate preservation of the public peace, health, or safety. A statement of facts constituting the necessity shall be set forth in one section of the bill. In each house the section and the bill shall be passed separately, each by rollcall vote entered in the journal, two thirds of the membership concurring. An urgency statute may not create or abolish any office or change the salary, term, or duties of any office, or grant any franchise or special privilege, or create any vested right or interest.

SECTION 5. Severability.

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.