



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

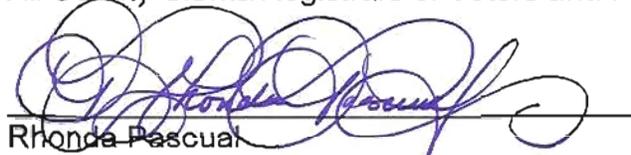
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June 23, 2009

County Clerk/Registrar of Voters (CC/ROV) Memorandum #09100

TO: All County Clerks/Registrars of Voters and Proponents

FROM:


Rhonda Pascual
Associate Elections Analyst

RE: Initiative: 1365, 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 STANDARD BIRTH CERTIFICATE
FOR CHILDREN OF UNDOCUMENTED PARENTS. INITIATIVE STATUTE.**

The proponents of the above-named measure are:

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

#1365

**DENIAL OF PUBLIC BENEFITS
FOR PERSONS WHO CANNOT VERIFY LAWFUL
PRESENCE. DENIAL OF STANDARD BIRTH CERTIFICATE
FOR CHILDREN OF UNDOCUMENTED PARENTS. INITIATIVE STATUTE.**

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required:433,971
California Constitution, Article II, Section 8(b)
2. Official Summary Date: Tuesday, 06/23/09
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elec. Code § 336) Tuesday, 06/23/09
 - 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)) Friday, 11/20/09
 - 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)) Friday, 12/04/09

(If the Proponent files the petition with the county on a date prior to
11/20/09, 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 Sunday, 12/13/09*
 - 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)) Wednesday, 01/27/10

* Date varies based on the date of county receipt.

INITIATIVE #1365

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 12/13/09, 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))..... Saturday, 02/06/10*
- 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)). Tuesday, 03/23/10

(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 02/06/10, 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)..... Saturday, 03/27/10*

*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



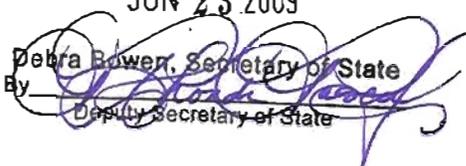
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Telephone: (916) 445-4752
Facsimile: (916) 324-8835
E-Mail: Krystal.Paris@doj.ca.gov

June 23, 2009

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

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

JUN 23 2009
Debra Bowen, Secretary of State
By 
Deputy Secretary of State

Attention: Ms. Katherine Montgomery
Associate Elections Analyst

Re: Initiative 09-0010, "California Taxpayer Protection Act of 2010." [V-2.]
Official Circulating Title: Denial of Public Benefits for Persons Who Cannot Verify Lawful Presence. Denial of Standard Birth Certificate for Children of Undocumented Parents. 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 09-0010, "California Taxpayer Protection Act of 2010" [V-2] to the respective proponents. A copy of that title and summary and text of the proposed measure is enclosed.

June 23, 2009

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Please contact me if you have any questions.

Sincerely,



KRYSTAL M. PARIS
Initiative Coordinator

For EDMUND G. BROWN JR.
Attorney General

Proponents:

Ted Hilton
Bill Morrow
Bill Siler
Tony Dolz
c/o Taxpayer Revolution
P.O. Box 9985
San Diego, CA 92169

kmp:
Encl.

Date: June 23, 2009
Initiative 09-0010

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 STANDARD BIRTH CERTIFICATE FOR CHILDREN OF UNDOCUMENTED PARENTS. 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. Permits issuance of "Foreign Parent" birth certificate if undocumented mother provides government-issued photo ID, US address, fingerprints, and a record of publicly funded delivery costs. Eliminates benefits for children in child-only CalWORKS cases. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: If upheld in the courts, unknown significant one-time and ongoing costs to state and local governments due to changes in the application process for public benefits as well as unknown but likely significant savings from decreased use of public benefits. Unknown potential one-time and ongoing costs due to changes in the way birth certificates are issued. These costs would be offset to an unknown extent 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. (09-0010.)

April 17, 2009

09-0010

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

RECEIVED
MAY 01 2009

INITIATIVE COORDINATOR

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: Bill Morrow _____

I, Bill Morrow, 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.

_____ (Signature of Proponent)

Date: _____ 2009

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.

_____ (Signature of Proponent)

Date: _____ 2009

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 on June 1, 2010, or for federal public benefits as defined in 8 U.S.C., Section 1611 on June 1, 2010, 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) of, and Section 1621 (b) of, Title 8 of the United States Code, on June 1, 2010.

(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 operated by the United States Department of Homeland Security, 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) (1) If an ineligible applicant, as defined in paragraph (2), is unable to satisfy the verification requirements of subdivision (b) when applying for a public benefit on behalf of a person who is determined to be eligible, a copy of the application shall be provided to the United States Department of Homeland Security, or its successor.

(2) For purposes of this subdivision, "ineligible applicant" means a parent, relative, or guardian, applying on behalf of an eligible person for a state or local public benefit or federal public benefit, as defined in paragraph (1) of subdivision (a), who is a member of the same household as the eligible person.

(d) (1) A person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation 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.

SECTION 3. Section 102425.5 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 registered for a birth that occurs on or after July 1, 2010, only after compliance with Section 102425 and subdivision (b) or (c) of this section.

(b) (1) 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 execute an affidavit under penalty of perjury, stating the signer's social security number and either of the following that:

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 who maintains his or her residence 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 an equivalent program designated by the United States Department of Homeland Security.

(c) (1) If neither parent has provided the documentation required under subdivision (b), a certificate of live birth as described in Section 102425 shall be registered for a birth that occurs on or after July 1, 2010, only after the birth mother appears in person before the local registrar and provides the local registrar with all of the following:

(A) Either of the following documents, which shall be photocopied by the local registrar:

(i) A United States-issued document with photograph proving lawful status in the United States.

(ii) An official foreign government-issued identification document with photograph.

(B) Documentation proving current United States address.

(C) Documentation of all hospital birth delivery costs paid with public funds, which shall constitute a public record.

(D) A fingerprint.

(E) An additional fee of fifty dollars (\$50), paid in cash or by money order.

(2) The information obtained pursuant to paragraph (1) shall constitute an official government record. The local registrar shall provide this information to the United States Department of Homeland Security, or its successor. The local registrar shall provide this information to any state or federal agency, upon request.

(3) A certificate of live birth registered pursuant to this subdivision shall contain a space for the printed words "Foreign Parent," if applicable to the documentation presented.

SECTION 4. Section 10003 is added to the Welfare and Institutions Code, to read:

10003. To the extent permitted under federal law, an ineligible applicant, as defined in paragraph (2) of subdivision (c) of Section 27 of the Government Code, who files 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 on June 1, 2010, 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 eligible recipient receiving the state or local benefit.

SECTION 5. Section 11200.1 is added to the Welfare and Institutions Code, to read:

11200.1. (a) Notwithstanding any other provision of law, commencing on the first day of the first calendar quarter after the effective date of this section, aid under this chapter shall be provided only to an assistance unit that includes one or more aided adults.

(b) If subdivision (a) is not upheld in a court of law, a child in a child-only CalWORKS case shall be prohibited from receiving benefits for more than five years.

SECTION 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.