



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

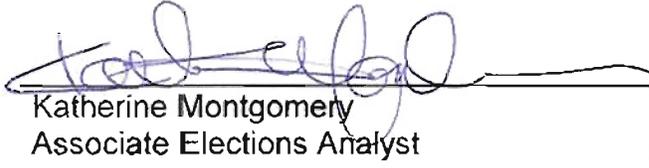
1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

November 30, 2009

County Clerk/Registrar of Voters (CC/ROV) Memorandum #09192

TO: All County Clerks/Registrars of Voters and Proponent

FROM:


Katherine Montgomery
Associate Elections Analyst

RE: Initiative: 1399, Related to Criminal Acts

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:

**CRIMINALIZES FALSE STATEMENTS
ABOUT LEGISLATIVE ACTS, ELECTIONS, OR GOVERNMENT
EMPLOYEES. INITIATIVE CONSTITUTIONAL AMENDMENT.**

The proponent of the above-named measure is:

Glen C. Simmons
63 Via Pico Plaza, #541
San Clemente, CA 92672

glencsimmons@univ.us.com

#1399

**CRIMINALIZES FALSE STATEMENTS
ABOUT LEGISLATIVE ACTS, ELECTIONS, OR GOVERNMENT
EMPLOYEES. 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: Monday, 11/30/09

3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elec. Code § 336)..... Monday, 11/30/09

 - 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))..... Thursday, 04/29/10

 - 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)).....Tuesday, 05/11/10

(If the Proponent files the petition with the county on a date prior to
04/29/10, 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.....Thursday, 05/20/10*

 - 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)).....Friday, 07/02/10

* Date varies based on the date of county receipt.

INITIATIVE #1399

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 05/20/10, 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))..... Monday, 07/12/10*

- 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, 08/23/10

(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 07/12/10, 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, 08/27/10*

*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



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
Public: (916) 445-9555
Telephone: (916) 445-4752
Facsimile: (916) 324-8835
E-Mail: Krystal.Paris@doj.ca.gov

November 30, 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

NOV 30 2009

Debra Bowen, Secretary of State
By 
Deputy Secretary of State

Attention: Ms. Katherine Montgomery
Associate Elections Analyst

Re: Initiative 09-0049, "California Citizens Initiative."

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

Proponent:

Glen C. Simmons
63 Via Pico Plaza, #541
San Clemente, CA 92672

Date: November 30, 2009
Initiative 09-0049

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

**CRIMINALIZES FALSE STATEMENTS ABOUT LEGISLATIVE ACTS, ELECTIONS,
OR GOVERNMENT EMPLOYEES. INITIATIVE CONSTITUTIONAL AMENDMENT.**

Amends constitution to hold candidates for public office, government officials and employees, and members of the media criminally liable for intentionally making a false statement of "material fact" about legislative acts, elections for public office, or the employment or dismissal of government employees. Imposes on violators a 2 to 10 year prison term, a \$10,000 to \$500,000 fine, or both, and a lifetime ban on serving as a government official or employee, or member of the media. Permits private citizens to criminally prosecute suspected violators. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Unknown increase in state criminal justice costs offset partially or entirely by fines levied against persons convicted under the measure. (09-0049.)

Glen C. Simmons
63 Via Pico Plaza #541
San Clemente, CA 92672

Email: GlenCSimmons@UNIV.US.com

Krystal M. Paris
Initiative Coordinator
Office of the Attorney General
13400 I Street, 17th Floor
Sacramento, CA 95814

00 = 0049
RECEIVED
OCT 08 2009

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Krystal,

Please prepare a title and summary for the enclosed amendment. I have enclosed herein the required signed and certified statement, together my check for \$200, made payable to the Office of the Attorney General, State of California.

Please do not make any contact information available to the public with the following two exceptions:

GlenCSimmons@UNIV.US.com

Glen C. Simmons/Amendment
63 Via Pico Plaza #541
San Clemente, CA 82672

Please advise me immediately if you require anything further from me at this time.

I want to take this opportunity to thank you and your colleagues once again for your advice and assistance in developing this proposed amendment.

Sincerely,


Glen C. Simmons

California Citizens Initiative

0 9 - 0 0 4 9

Fundamental premise: It is NOT unreasonable for the people of California to demand that those who comprise the Public Trust tell them the truth!

Proposed Amendment to the California State Constitution

Any person who functions within the 'Public Trust' who knowingly and intentionally makes a false statement of a Material Fact to the public that is reasonably likely to influence the public regarding the passage or repeal of legislative act(s), election or non-election of a candidate for public office, retention of a person in public office, or the employment or dismissal of a person in a public position including employment by any California state, county or local government (hereinafter referred to as "false statement") shall be held criminally liable. Upon conviction, said person will be immediately suspended from holding any position wherein they would function within the Public Trust.

Material Fact Defined

A fact that would be important to a reasonable person in deciding whether to engage or not to engage in a particular action; an important fact as distinguished from some unimportant or trivial detail.

Persons defined as 'included' in the Public Trust

- (1) Any person running for elected office in the state, county, or local government in California and who makes a false statement in connection with their running for that office,
- (2) any person who holds a state, county or local government office in California,
- (3) any person who is appointed to a position in California state, county or local government that is normally occupied by an elected official,
- (4) any person who is employed by any California state, county or local government,
- (5) any person elected to the US House of Representatives and/or the US Senate by the voters of California,
- (6) any person who is selected, appointed, and/or otherwise employed in any capacity whatsoever to service and/or support a duly elected California US Representative or US Senator,
- (7) any person who engages in writing, publishing or otherwise disseminating information from or in the Mass Media.

Exemption

(1) An opinion or statement made to the public by any person in the Public Trust (as previously defined herein), shall not be considered a *false statement*, provided the statement is accompanied by a clear disclaimer declaring in advance of making the statement that the opinion or statement is the personal opinion of the person making the statement, and/or is based only on information and belief and may not be a provable fact,

(2) any private and/or personal communication by a person in the Public Trust shall not be considered a *false statement* provided the statement remains unpublished by the Mass Media, or is published through no fault of the person rendering the opinion or making the statement. A statement made to the Mass Media by a person in the Public Trust is presumed to be made for publication, unless the person making the statement specifically requests that the statement not be made public.

Mass Media Defined

Mass media includes any television or radio station that is required to have an FCC license and operates in the State of California, any newspaper in general circulation in California, including but not limited to any daily, weekly, or monthly newspapers or magazines sold, distributed, and/or otherwise made available to the public in California, or on any campus of a publicly owned educational institution in California.

Criminal Process and Penalty

The People of the State of California (State Attorney General's Office) as well as any citizen of California, or lawful organization, or group of persons organized under the laws of California and/or lawfully recognizable in California shall have the power and standing to criminally prosecute a person in the Public Trust for making a *false statement*, as defined herein.

Any person in the Public Trust who is convicted of making a *false statement* shall be *immediately suspended* from any office, employment or function within the Public Trust. The convicted person shall be sentenced to a prison term of 2 to 10 years and/or fined ten thousand to five hundred thousand dollars. When said conviction becomes final, the convicted person shall be prohibited for life from any employment, appointment, or function of any kind within the Public Trust. If the criminal prosecution is conducted by a private citizen, organization, or group of persons (hereinafter referred to as Private Prosecuting Plaintiff) then the convicted person shall be liable for all costs and attorneys fees of the Private Prosecuting Plaintiff. If a prosecution by the Private Prosecuting Plaintiff results in acquittal, all costs and attorneys fees of the defense shall be awarded to the accused.

A US Senator or Congressman elected from California will not be automatically removed or suspended from office upon conviction under this amendment, if such removal or suspension conflicts with federal law. However, their conviction shall be brought to the attention of the US Senate or House of Representatives, as applicable. An employee or agent of the federal government will not be automatically removed or suspended from office upon conviction under this amendment, if such removal or suspension conflicts with federal law. However the conviction shall be brought to the attention of the appropriate federal agency or branch of the federal government.