



**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

September 21, 2009

County Clerk/Registrar of Voters (CC/ROV) Memorandum #09158

TO: All County Clerks/Registrars of Voters and Proponent

FROM:

  
Katherine Montgomery  
Associate Elections Analyst

RE: Initiative: 1378, Related to Marijuana

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:

**CHANGES CALIFORNIA LAW TO LEGALIZE,  
REGULATE, AND TAX MARIJUANA. INITIATIVE STATUTE.**

The proponent of the above-named measure is:

John Donohue  
P.O. Box 32622  
Long Beach, CA 90832

**CHANGES CALIFORNIA LAW TO LEGALIZE,  
REGULATE, AND TAX MARIJUANA. 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: ..... Monday, 09/21/09
3. Petitions Sections:
  - a. First day Proponent can circulate Sections for  
signatures (Elec. Code § 336) ..... Monday, 09/21/09
  - 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, 02/18/10
  - 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, 03/02/10  
  
(If the Proponent files the petition with the county on a date prior to  
02/18/10, 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, 03/11/10\*
  - 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, 04/23/10

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

**INITIATIVE #1378**

**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 03/11/10, 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 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, 05/03/10\*
  
- 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, 06/15/10

(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 05/03/10, 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, 06/19/10\*

\*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

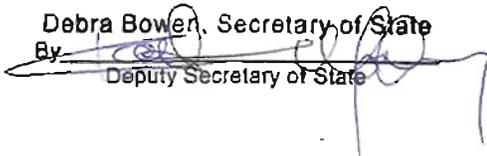
Public: (916) 445-9555  
Telephone: (916) 445-4752  
Facsimile: (916) 324-8835  
E-Mail: Krystal.Paris@doj.ca.gov

September 21, 2009

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

SEP 21 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

Re: Initiative 09-0025, "*Common Sense Act of 2010.*"  
Official Circulating Title: CHANGES CALIFORNIA LAW TO LEGALIZE, REGULATE,  
AND TAX MARIJUANA. 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 09-0025, "*Common Sense Act of 2010.*" 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,

Handwritten signature of Krystal M. Paris in blue ink.

KRYSTAL M. PARIS  
Initiative Coordinator

For EDMUND G. BROWN JR.  
Attorney General

Proponent:  
John Donohue  
c/o Californians for Common Sense  
P.O. Box 32622  
Long Beach, CA 90832

Date: September 21, 2009  
Initiative 09-0025

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

**CHANGES CALIFORNIA LAW TO LEGALIZE, REGULATE, AND TAX**

**MARIJUANA. INITIATIVE STATUTE.** Repeals state laws that make it a crime for people to use, possess, sell, cultivate, or transport marijuana. Requires the Legislature to adopt laws regulating and taxing marijuana within one year of passage. Allows local governments to also tax the manufacture, sale, and use of marijuana. Bars state and local governments from spending money to enforce laws prohibiting the use, possession, sale, cultivation, or transportation of marijuana. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Savings in the several tens of millions of dollars annually to state and local governments on the costs of incarcerating and supervising certain marijuana offenders. Unknown but potentially major new excise, income, and sales tax revenues related to the manufacture and sale of marijuana products. (09-0025.)

**CALIFORNIANS FOR COMMON SENSE**  
**POST OFFICE BOX 32622**  
**LONG BEACH CA 90832**

Ms. Krystal Paris, Initiative Coordinator  
Attorney General's Office  
1300 "I" Street  
Sacramento, California 95814

09 - 0025 July 27, 2009

**RECEIVED**

AUG 04 2009

Dear Ms. Paris:

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Pursuant to Article II, Section 10(D) of the California Constitution and Sections 9002 and 9004 of the Elections Code, I hereby request that a title and summary be prepared for the attached initiative entitled "Common Sense Act of 2010" as provided by law.

Pursuant to Section 9005, I also request that an estimate of the savings in state and local expenditures and of the additional revenues to state and local governments that passage of this measure will bring be included with the title and summary.

Also attached is the Proponent's affidavit, pursuant to Elections Code Section 9608.

My home address where I am registered to vote is also attached.

Also enclosed is a money order in the amount of \$200, payable to the State of California, pursuant to Elections Code Section 9004.

Please direct all correspondence and inquiries regarding this measure to the post office box noted in the letterhead.

Thank you for your assistance in this matter.

Sincerely,

John Donohue  
Proponent  
Common Sense Act

Er  
in

# INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

## COMMON SENSE ACT OF 2010

09 - 0025

### Section 1: Title

This measure shall be known as the "Common Sense Act of 2010"

### Section 2: Findings and Declarations

The People of the State of California hereby make the following findings, and declare that the intent of this measure is to bolster California's economy by recognizing that:

- (A) Marijuana is a valuable agricultural crop.
- (B) Prohibition is costly, unpopular and ineffective.
- (C) The expense of enforcement, prosecution, and imprisonment of violators of the prohibition of marijuana has drained federal, state and local resources and tax revenue.
- (D) Otherwise law-abiding citizens have been prosecuted and incarcerated for their part in contributing to this substantial segment of California's economy.
- (E) It is desirable to ease the overwhelming cost of prison overcrowding by reducing the number of people incarcerated for victimless acts.
- (F) Federal classification of marijuana as a Schedule One substance is scientifically incorrect, falsely stating that it has "no currently accepted medical use."
- (G) Tax revenue from the legal trade in cannabis and hemp products will help to mitigate state budget problems.

### Section 3: Legalization and Taxation of Marijuana

- (A) The People of the State of California hereby repeal the prohibition on marijuana use, cultivation, possession, transportation and sale.
- (B) The People of the State of California authorize federal, state, county and municipal authorities to tax the manufacture, sale and use of marijuana.
- (C) All government entities within California shall immediately cease spending any public or private funds for the purpose of enforcing or prosecuting any law prohibiting the use, cultivation, possession, transportation or sale of marijuana.

### Section 4: Instructions to California State Legislators

The People of the State of California hereby instruct our State Legislators to formulate new laws to regulate and tax the cultivation, production, transport, sale and/or use of marijuana and cannabis products. Legislators should take into account current laws regulating and taxing alcohol and tobacco, as well as pertinent laws of countries in which cannabis products are legal. We recommend California's regulation and taxation of the wine industry as a model.

### Section 5: Instructions to Members of the Congress of the United States of America

The People of the State of California hereby instruct every Member of the United States Congress from California to actively work for the removal of marijuana from the federal Schedule of Controlled Substances, and to vote against any funding for the purpose of enforcing or prosecuting any law prohibiting the use, cultivation, possession, transportation or sale of marijuana, cannabis or hemp products.

Section 6: Operative Dates

- (A) This measure shall become effective immediately upon certification of passage by the California Secretary of State.
- (B) The California State Legislature and Governor shall have one year from the date of certification to codify appropriate regulations and tax provisions into state law.

Section 7: Severability

If any provision of this measure or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the measure that can be given effect without the invalid provision or application, and to this end the provisions of the measure are severable.