



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

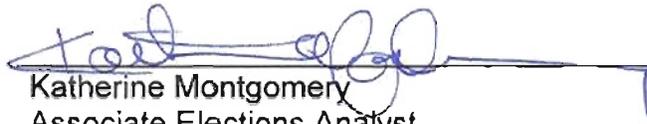
1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

January 19, 2010

County Clerk/Registrar of Voters (CC/ROV) Memorandum #10027

TO: All County Clerks/Registrars of Voters and Proponent

FROM:


Katherine Montgomery
Associate Elections Analyst

RE: Initiative: 1438, Related to Political Contributions

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:

**IMPOSES POLITICAL CONTRIBUTION
AND EXPENDITURE RESTRICTIONS ON
CORPORATIONS. INITIATIVE STATUTE.**

The proponent of the above-named measure is:

Lance H. Olson
Olson Hagel & Fishburn, LLP
555 Capitol Mall, Suite 1425
Sacramento, CA 95814

(916) 442-2952

#1438

**IMPOSES POLITICAL CONTRIBUTION
AND EXPENDITURE RESTRICTIONS ON
CORPORATIONS. 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:Friday, 01/15/10
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elec. Code § 336) Friday, 01/15/10
 - 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, 06/14/10
 - 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, 06/24/10

(If the Proponent files the petition with the county on a date prior to
06/14/10, 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, 07/03/10*
 - 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, 08/13/10

* Date varies based on the date of county receipt.

INITIATIVE #1438

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 07/03/10, 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, 08/23/10*
- 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)). Wednesday, 10/06/10

(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 08/23/10, 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)..... Sunday, 10/10/10*

*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

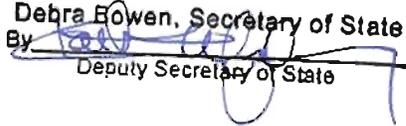
Public: (916) 445-9555
Telephone: (916) 445-4752
Facsimile: (916) 324-8835
E-Mail: Krystal.Paris@doj.ca.gov

January 15, 2010

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

JAN 15 2010

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

Dear Secretary Bowen:

Pursuant to Elections Code, section 9004, you are hereby notified that on this day we sent our title and summary for each of the following proposed initiatives to the proponent:

- 09-0085, "Foster Child Opportunity Scholarship Act." (Amdt. #1-S.)
- 09-0087, "Corporate Political Accountability Act."
- **09-0088, RE: Corporate Campaign Contributions and Expenditures.**

A copy of the title and summary and text of each proposed initiative is enclosed.

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

Sincerely,



KRYSTAL M. PARIS
Initiative Coordinator

For EDMUND G. BROWN JR.
Attorney General

January 15, 2010

Page 2

Proponents:

09-0085

William Oberndorf

c/o Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP

2350 Kerner Blvd., Suite 250

San Rafael, CA 94901

Attn.: Chip Nielsen

09-0087 & 09-0088

Lance H. Olson

Olson Hagel & Fishburn LLP

555 Capitol Mall, Suite 1425

Sacramento, CA 95814-4602

Date: January 15, 2010
Initiative 09-0088

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

IMPOSES POLITICAL CONTRIBUTION AND EXPENDITURE RESTRICTIONS ON

CORPORATIONS. INITIATIVE STATUTE. Prohibits corporations or other business entities as defined from making contributions or expenditures related to any elective office, ballot measure, or for issue advocacy, unless approved by resolution of the shareholders.

Requires that authorizing resolutions specify the recipient, amount, and purpose of the contribution or expenditure, and time period the authorization is valid. Prohibits corporate officers and directors from consenting to prohibited contributions. Prohibits candidates, political committees, and persons from knowingly receiving prohibited contributions or expenditures.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **State enforcement costs potentially totaling a few hundred thousand dollars annually, partially offset by increased fine revenues. (09-0088.)**

Law Offices of

OLSON

HAGEL &

FISHBURN

LLP

November 19, 2009

09 - 0088

RECEIVED

NOV 19 2009

Office of the Attorney General
Ms. Krystal Paris, Initiative Coordinator
1300 I Street
Sacramento, CA 95814

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

RE: Request to Prepare Title and Summary

Dear Ms. Paris:

This letter is to request that the Attorney General prepare a title and summary of the enclosed measure.

Please also find enclosed the statement required under Elections Code Section 9608, the address at which I am currently registered to vote, and a check payable to the State of California in the amount of \$200.00.

Please direct any inquiries regarding this request to me.

Sincerely,

~~OLSON HAGEL & FISHBURN LLP~~

✓ LANCE H. OLSON

LHO/RRR/ljm

Lance H. Olson

Bruce J. Hagel

Diane M. Fishburn

Elizabeth L. Gade

Deborah B. Caplan

N. Eugene Hill

Richard C. Miadich

Richard R. Rios

Rebecca J. Olson

Christopher W. Waddell

SECTION 1 - Findings and Declarations

The People of California find and declare that:

Corporations make political contributions and expenditures without the approval of the stockholders and owners of the corporations.

Corporations should be accountable to their stockholders and owners prior to making political contributions and expenditures.

Requiring the express approval of the stockholders and owners prior to making political contributions and expenditures will establish necessary accountability.

SECTION 2 - Prohibition on Corporate Campaign Contributions and Expenditures

Government Code § 85300.5 added to read:

(a) Notwithstanding any other provision of law, and except as provided in subdivision (b), it is unlawful for any corporation with stockholders to directly or indirectly make any contribution or expenditure in connection with any elective office, any contribution or expenditure in connection with any ballot measure, or any contribution or expenditure for issue advocacy. It shall also be unlawful for any candidate, political committee, or other person knowingly to accept or receive any contribution or expenditure prohibited by this section, or any officer or any director of any corporation to consent to any contribution or expenditure by a corporation prohibited by this section.

(b) Prior to making any contribution or expenditure in connection with any elective office, any contribution or expenditure in connection with any ballot measure, or any contribution or expenditure for issue advocacy, the stockholders of the corporation must adopt a valid resolution authorizing such contributions or expenditures. This resolution shall state in clear and unambiguous language the intended recipients of the contributions or expenditures, the amount of contributions or expenditures authorized, the purposes of such contributions or expenditures, and the time period within which such authority shall exist. The contemporaneous records of the resolution and vote approving such contribution or expenditure shall be maintained in the corporation's minutes.

(c) For all purposes herein, the term "corporation" means (i) any corporation with shareholders, (ii) any entity in which a corporation with shareholders has an equity interest or the ability to control or direct such entity's actions.

SECTION 3 - Severability

It is the intent of the People that the provisions of this Act are severable and that if any provision of this Act, or the application thereof to any person or circumstances, is held invalid such invalidity shall not affect any other provision or application of this Act which can be given effect without the invalid provision or application.