



**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

December 27, 2011

County Clerk/Registrar of Voters (CC/ROV) Memorandum #11153

TO: All County Clerks/Registrars of Voters and Proponent

FROM:

  
Joanna Southard, Assistant Chief of Elections

RE: Initiative: 1535, Related to Local Officials

Pursuant to Elections Code section 9004 (c), we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**ELIMINATION OF BENEFITS FOR PART-TIME LOCAL OFFICIALS.  
INITIATIVE CONSTITUTIONAL AMENDMENT.**

The proponent of the above-named measure is:

Peter Foy  
c/o Thomas W. Hiltachk  
455 Capitol Mall, Suite 600  
Sacramento, CA 95814

(916) 442-7757

**ELIMINATION OF BENEFITS FOR PART-TIME LOCAL OFFICIALS.  
INITIATIVE CONSTITUTIONAL AMENDMENT.**

**CIRCULATING AND FILING SCHEDULE**

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1. Minimum number of signatures required: .....807,615  
California Constitution, Article II, Section 8(b)
2. Official Summary Date: ..... Tuesday, 12/27/11
3. Petitions Sections:
  - a. First day Proponent can circulate Sections for  
signatures (Elections Code § 336) ..... Tuesday, 12/27/11
  - b. Last day Proponent can circulate and file with the county.  
All sections are to be filed at the same time within each  
county. (Elections Codes §§ 9014, 9030(a)).. .....Friday, 05/25/12
  - c. Last day for county to determine total number of  
signatures affixed to petitions and to transmit total  
to the Secretary of State (Elections Code § 9030(b)).....Thursday, 06/07/12  
  
(If the Proponent files the petition with the county on a date prior to  
05/25/12, 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) (Elections 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, 06/16/12\*
  - 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  
(Elections Code §§ 9030(d)(e)).....Monday, 07/30/12

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

**INITIATIVE #1535**

**Circulating and Filing Schedule continued:**

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(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 06/16/12, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elections Code §§ 9030(d)(e).)

- f. If the signature count is more than 888,377 or less than 767,235 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 767,235 and 888,377 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)) ..... Thursday, 08/09/12\*
  
- 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. (Elections Code §§ 9031(b)(c)). ..... Monday, 09/24/12

(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 08/09/12, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elections 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 (Elections Code §§ 9031(d), 9033) ... .. Friday, 09/28/12\*

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

## IMPORTANT POINTS

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- 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 § 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 §§ 100, 101, 104, 9008, 9009, 9013, 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.

KAMALA D. HARRIS  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



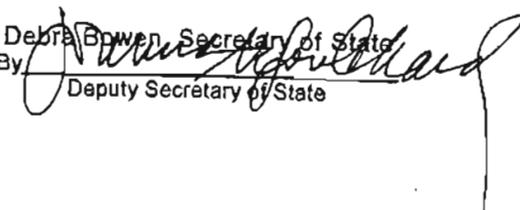
1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550  
Public: (916) 445-9555  
Telephone: (916) 324-5464  
Facsimile: (916) 324-8835  
E-Mail: Dawn.McFarland@doj.ca.gov

December 27, 2011

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

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

DEC 27 2011

Debra Bowen, Secretary of State  
By:   
Deputy Secretary of State

Attention: Ms. Katherine Montgomery  
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 the following proposed initiative to the proponent:

- 11-0066, "No Perks for Part-Time Politicians"

A copy of that title and summary and text of the proposed initiative is enclosed. Please contact me if you have questions.

Sincerely,



DAWN L. MCFARLAND  
Acting Initiative Coordinator

For KAMALA D. HARRIS  
Attorney General

DLM:

cc: Peter Foy, Proponent

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

**ELIMINATION OF BENEFITS FOR PART-TIME LOCAL OFFICIALS. INITIATIVE CONSTITUTIONAL AMENDMENT.** Prohibits part-time elected or appointed officials of local governments or special districts from receiving pension, retirement, health insurance and other benefits. Limits compensation of part-time local officials to salary, stipend or per diem payment for attending public meetings. Requires a local entity's monetary payments to its part-time officials to be posted on the entity's and State Controller's websites. Prohibits any elected part-time local official from receiving monetary payment for service on any governmental body other than the one to which he or she was elected. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Unknown reductions in local official compensation costs, potentially in the range of tens of millions of dollars annually.** (11-0066.)

*Peter Foy*  
21650 Oxnard Street, Suite 1900  
Woodland Hills, CA 91367

**RECEIVED**  
NOV 09 2011

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

November 8, 2011

Initiative Coordinator  
Office of the Attorney General  
State of California  
PO Box 994255  
Sacramento, CA 94244-25550

Re: Request for Title and Summary for Proposed Initiative

Dear Ms. McFarland:

I am proponent of Initiative Number 11-0066. After filing, I identified a non-substantive typographical error as follows:

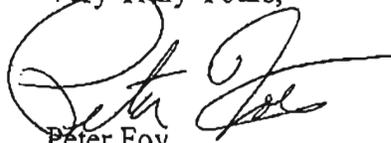
Subdivision (c) of Section 10.5 of Article XI, Section 3 of the initiative on page 1, should read as follows:

(c) The amount of monetary compensation provided to a part-time local official shall be posted prominently on the Controller's and governmental body's website.

(inserting *of* between amount and monetary, and adding a period to the end of the subdivision)

Thank you for your time and attention to this important matter. Should you have any questions or require additional information, please contact Thomas W. Hiltachk, (916) 442-7757, tomh@bmhlaw.com.

Very Truly Yours,

  
Peter Foy

## INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO VOTERS

### SECTION 1. STATEMENT OF FINDINGS

In recent years, part-time local officials have abused their positions of power to provide themselves with excessive compensation and expensive perks, like lifetime health insurance and pensions. Worse yet, these abuses have been hidden from the public through complicated formulas, multiple layers of local governmental bodies, even the abuse of the Charter power provided for in this Constitution.

### SECTION 2. STATEMENT OF PURPOSE

Part-time local officials deserve to be fairly paid for their service. However, excessive perks, including lifetime health insurance and pensions, shall be prohibited. The total amount of all compensation shall be made public so that the public is better informed and abusive compensation practices are eliminated.

### SECTION 3. No Perks for Part-Time Politicians.

Section 10.5 of Article XI of the California Constitution is added to read:

Sec. 10.5(a) Notwithstanding any other provision of law, no part-time local official shall receive any other benefit, including lifetime health insurance or a pension, for his or her service except for monetary compensation.

(b) No part-time local elected official shall receive any monetary compensation for his or her service on any governmental body other than the office to which he or she was elected.

(c) The amount of monetary compensation provided to a part-time local official shall be posted prominently on the Controller's and governmental body's website.

(d)(1) "Full-time" means the local official is required to provide service to the local government or special district for a minimum of five days and forty hours per week, exclusive of holidays, or otherwise requires the local official to devote his or her full-time to the duties of the office and prohibits any outside employment which would interfere with those duties. Designation of an elective or appointive office as full-time shall be enacted by law.

(2) "Local official" means a person elected or appointed to a local government or special district, as defined in Article XIIC, for a fixed term of office.

(3) "Monetary Compensation" means a monetary payment paid as either: a salary, a stipend, or a per diem payment for attending a publicly noticed meeting. The type and amount of monetary compensation shall be enacted by law. In no event shall a local official be entitled to receive more than one per diem payment per day.

(4) "Other benefit" includes, but is not limited to, pension, retirement, health insurance, car allowance, home office allowance, professional and other membership dues. "Other benefit" does not include reimbursement for actual out-of-pocket expenses incurred and directly related to the office.

(5) "Part-time" means the elective or appointive office is not full-time.

#### SECTION 4. GENERAL PROVISIONS

A. The provisions of this Act are severable. If any provision of this Act or its application is held invalid, that finding shall not affect other provisions or applications that can be given effect without the invalid provision or application.

B. This Act shall become effective immediately upon its approval by the voters pursuant to Section 10(a) of Article II and shall be operative with respect to non-incumbent and newly elected or appointed local officials to term of office commencing on or after the date this Act becomes effective. With respect to incumbent local officials who have earned a vested right to additional pension benefits, the prohibition on pension benefits shall not be applicable to such persons, however the prohibitions on other benefits shall become operative upon the commencement of a new term of office on or after the date this Act becomes effective.