



**DEBRA BOWEN | SECRETARY OF STATE  
STATE OF CALIFORNIA | ELECTIONS**

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July 18, 2011

County Clerk/Registrar of Voters (CC/ROV) Memorandum #11048

TO: All County Clerks/Registrars of Voters and Proponents

FROM:

  
Katherine Montgomery  
Initiative Program Manager

RE: Initiative: 1488, Related to Immigration and Public Benefits

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:

**UNDOCUMENTED IMMIGRANTS.  
DENIES BENEFITS FOR CERTAIN  
CHILDREN IN CALWORKS. INITIATIVE STATUTE.**

The proponents of the above-named measure are:

Tirso Del Junco  
Ted Hilton  
Bill Siler

#1488

**UNDOCUMENTED IMMIGRANTS.  
DENIES BENEFITS FOR CERTAIN  
CHILDREN IN CALWORKS. INITIATIVE STATUTE.**

**CIRCULATING AND FILING SCHEDULE**

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1. Minimum number of signatures required: ..... 504,760  
California Constitution, Article II, Section 8(b)
  
2. Official Summary Date: ..... Monday, 07/18/11
  
3. Petitions Sections:
  - a. First day Proponent can circulate Sections for  
signatures (Elections Code § 336) ..... Monday, 07/18/11
  
  - 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)). ..... Thursday, 12/15/11
  
  - 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)).....Wednesday, 12/28/11  
  
(If the Proponent files the petition with the county on a date prior to  
12/15/11, 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.....Friday, 01/06/12\*
  
  - 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)).....Wednesday, 02/22/12

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

**INITIATIVE #1488**  
**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 01/06/12, 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 555,236 or less than 479,522 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 479,522 and 555,236 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, 03/03/12\*
  
- 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)). ..... Friday, 04/13/12

(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 03/03/12, 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)... Tuesday, 04/17/12\*

\*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**



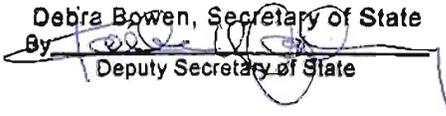
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E-Mail: [Dawn.McFarland@doj.ca.gov](mailto:Dawn.McFarland@doj.ca.gov)

July 18, 2011

The Honorable Debra Bowen  
Secretary of State  
Office of the Secretary of State  
1500 11th Street, 6th Floor  
Sacramento, CA 95814

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

JUL 18 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:

- 11-0012, "California Taxpayer Protection Act of 2012"

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

Sincerely,

Handwritten signature of Dawn L. McFarland in cursive.

DAWN L. MCFARLAND  
Acting Initiative Coordinator

For KAMALA D. HARRIS  
Attorney General

DLM:

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

**UNDOCUMENTED IMMIGRANTS. DENIES BENEFITS FOR CERTAIN CHILDREN IN CALWORKS. INITIATIVE STATUTE.** Requires state and local agencies to check immigration status of applicants for public benefits, including certain children. Requires agencies to report applicants whose immigration status is unverified to federal immigration authorities, including parents requesting benefits for legal resident children. Denies CalWORKS benefits for certain children with unverified immigration status. Requires state and local law enforcement to comply with direction from federal immigration authorities for holding and transferring undocumented immigrants arrested. Requires commitment for law enforcement agencies to perform federal immigration functions. Bars policies against enforcement of federal immigration laws. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: **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. State savings in the hundreds of millions annually from imposing a two-year time limit on CalWORKs benefits for children of undocumented persons, partially offset by state and county costs for children who shifted to Foster Care or county general assistance programs. Increased costs to the state and local criminal justice system, potentially exceeding tens of millions of dollars annually, for training of peace officers, verifying the immigration status of individuals who are arrested, and detaining some of these persons until their transfer to federal custody. (11-0012.)**

11-0012

May 1, 2011

California Attorney General Kamala Harris  
Attn: Krystal Paris, Initiative Coordinator  
1300 I Street, 17<sup>th</sup> Floor, Post Office Box 944255  
Sacramento, California 94244-2550

RECEIVED

MAY 26 2011

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

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 2012. This text of the initiative is attached.

Proponent: Tirso Del Junco

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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 2012. This text of the initiative is attached.

Proponent: Ted Hilton

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 2012. This text of the initiative is attached.

Proponent: Bill Siler

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SEC. 1.** This measure shall be known, and may be cited as the California Taxpayer Protection Act of 2012.

**SEC. 2.** Section 27 is added to the Government Code, to read:

**27. (a)** Notwithstanding any other provision of law and except as prohibited by federal law, every agency and political subdivision of this state shall verify the eligibility of any person fourteen years of age or older who has applied for state or local benefits, as defined in Section 1621 of Title 8 of the United States Code, or for federal public benefits as defined in Section 1611 of Title 8 of the United States Code, that are provided or funded by the state or any local government or political subdivision of this state, or by appropriated state or federal funds.

**(b) (1)** For the purposes of this section, verification of eligibility by the agency or political subdivision required to make such verification shall require that the applicant execute an affidavit under penalty of perjury and the laws of the State of California that:

**(A)** He or she is a United States citizen; or

**(B)** He or she is a qualified alien as defined in subsection (b) of Section 1641 of Subchapter IV of Chapter 14 of Title 8 of the United States Code.

**(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 shall be presumed to be proof of lawful presence for the purposes of this section.

**(c)** A person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit required by this section shall be subject to the penalties specified in Section 114 of the Penal Code.

**(d)** Verification of eligibility under the provisions of this section shall not be required for any purpose for which the state is prohibited from verifying lawful status under federal law.

(e) Each agency or department shall monitor its use of the SAVE Program for application verification errors and significant delays. Errors shall be reported to the Department of Justice by each agency or department.

(f) The California Health and Human Services Agency shall adopt uniform regulations, applicable to all applicants for federal, state or local public benefits, to provide for the adjudication of extraordinary individual circumstances under which compliance with the verification procedures imposed by this section would impose severe hardship on a citizen or lawful domiciliary of California.

(g) Any agency that accepts a completed application for a public benefit for which SAVE verification is required pursuant to this section, but is unable to obtain final verification of the applicant's status as an eligible qualified alien, shall promptly make a report identifying the ineligible applicant to the Department of Justice.

(1) For purposes of this subdivision, "ineligible applicant" shall include a parent, relative, or guardian, who is ineligible for a state or local public benefit or federal benefit who has applied on behalf of an eligible person and who is a member of the same household.

(2) The Department of Justice shall, not less than monthly, compile and forward to the United States Department of Homeland Security a copy of all reports received from state agencies pursuant to this section.

(h) It shall be unlawful and contrary to public policy for any agency of this state or a political subdivision thereof to provide or offer to provide any state or local benefit, as defined in Section 1621 of Title 8 of the United States Code or federal public benefit, as defined in Sections 1611 of Title 8 of the United States Code, in violation of this section.

SEC. 3. Chapter 3.5 (commencing with Section 653.65) is added to Title 15 of Part 1 of the Penal Code, to read:

**CHAPTER 3.5. COOPERATIVE ENFORCEMENT OF FEDERAL IMMIGRATION LAW.**

653.65 (a) When a law enforcement officer acting in the enforcement of a

state law or local ordinance has made a lawful stop, detention, or arrest of a person, that individual may be subject to an immigration status inquiry by the law enforcement officer who may, if there is reasonable suspicion that the individual is unlawfully present in the United States, request verification of the immigration status from federal immigration authorities to the fullest extent permitted under federal law.

(b) Upon notification that an arrested person is unlawfully present in the United States, the arresting agency shall immediately verify with the United States Department of Homeland Security whether an immigration detainer is to be issued for that person.

(c) Any state or local law enforcement agency having custody of an alien for whom a request for a detainer has been received from federal immigration authorities may not release the alien, unless otherwise directed by a court of competent jurisdiction, but shall transfer the alien into federal custody.

SEC. 4. Section 11057 is added to the Penal Code, to read:

11057. (a) The Department of Justice is authorized and directed to negotiate the terms of a memorandum of agreement (MOA), pursuant to 287 (g) of the United States Immigration and Nationality Act, between the State of California and the United States Department of Justice or United States Department of Homeland Security, providing for designated law enforcement officers to perform certain functions of federal immigration officers within the State of California.

(b) The MOA negotiated pursuant to subdivision (a) shall be signed on behalf of the state by the Attorney General.

(c) Each law enforcement agency shall designate to the Department of Justice one or more peace officers who shall be trained pursuant to the MOA.

(d) Training under the MOA may be provided to designated peace officers pursuant to the availability of funds appropriated for this purpose.

SEC. 5. Section 11059 is added to the Penal Code, to read:

11059. (a) Notwithstanding any other provision of law, no official or agency of this state or political subdivision herein may prohibit or in any way restrict any peace officer from inquiring into the citizenship or immigration status of a person and from verifying that status, or exchanging information with any law enforcement agency for the following purposes:

(1) For the purpose of complying with a Secure Communities Memorandum of Agreement between the U.S. Department of Homeland Security, Immigration and Customs Enforcement, and the state.

(2) For any other purpose authorized by Sections 1373 and 1644 of Title 8 of the United States Code.

(b) No official or agency of this state, county, city, city and county, or other political subdivision of this state may adopt a law, ordinance, regulation or policy that limits or restricts the enforcement of criminal provisions of federal alien registration laws, as provided in Section 261 et seq. of the federal Immigration and Nationality Act, as amended.

(c) Enactment or enforcement of a law, ordinance, regulation, or policy in conflict with the provisions of this section shall be deemed to be an official act in violation of public policy, for which any citizen or lawful domiciliary of this state may seek appropriate declaratory and injunctive relief to prohibit the enactment or enforcement of that law, ordinance, regulation, or policy.

SEC. 6. 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, a child in a child-only CalWORKS case, or a child-only case under a successor program, where a non-work eligible adult due to immigration status or without United States

citizenship or qualified alien status has applied for benefits on behalf of the child, shall be prohibited from receiving aid for more than two years.

SEC. 7. Section 14007.703 is added to the Welfare and Institutions Code, to read:

14007.703. (a) Each application for restricted scope Medi-Cal services for birth delivery or other related medical services shall include a fingerprint of the applicant. The applicant shall pay a reasonable fee, determined by the Department of Justice, to pay for the costs of processing the fingerprint. A report identifying the applicant shall be provided to the department.

(b) Notwithstanding any other law, any fingerprint shall be provided to any local, state, or federal governmental agency upon request.

SEC. 8. (a) The provisions of this act are severable. If any provision of this act or its application is held invalid, the invalid provision shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(b) The provisions of this Act shall be implemented in a manner consistent with federal laws regulating immigration, and protecting the civil rights of all persons.