



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

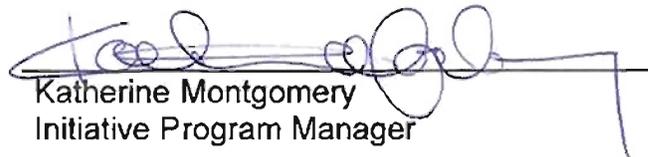
1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

October 20, 2011

County Clerk/Registrar of Voters (CC/ROV) Memorandum #11093

TO: All County Clerks/Registrars of Voters and Proponent

FROM:

  
Katherine Montgomery  
Initiative Program Manager

RE: Referendum: 1511, Related to Student Financial Aid

Pursuant to Elections Code section 9006 (c), we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed referendum measure entitled:

**REFERENDUM TO OVERTURN STATE  
FINANCIAL AID FOR UNDOCUMENTED STUDENTS.**

The proponent of the above-named measure is:

Tim Donnelly  
P.O. Box 426  
Twin Peaks, CA 92391

#1511

**REFERENDUM TO OVERTURN STATE  
FINANCIAL AID FOR UNDOCUMENTED STUDENTS.**

**CIRCULATING AND FILING SCHEDULE**

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1. Minimum number of signatures required: ..... 504,760  
Cal. Const., art. II, § 9(b)
  
2. Date of Enactment: .....Saturday, 10/08/11
  
3. Official Summary Date: .....Thursday, 10/20/11  
(Elections Code § 336)
  
4. Petition Sections:
  - a. First day Proponent can circulate Sections for  
signatures (Elections Code § 9014).....Thursday, 10/20/11
  
  - b. Last day Proponent can circulate and file with the county.  
All sections are to be filed at the same time  
within each county within 90 days of the  
enactment date (Elections Code § 9014). ..... Friday, 01/06/12
  
  - 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, 01/19/12  
  
(If the Proponent files the petition with the county on a date prior to  
01/06/12, 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 (Elections Code § 9030(c)).....Saturday, 01/28/12\*
  
  - 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)).....Tuesday, 03/13/12

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

**REFERENDUM #1511**  
**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 01/28/12, 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)).....Friday, 03/23/12\*
  
- 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, 05/04/12

(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 03/23/12, 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, 05/08/12\*

\*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, referendum or recall petitions for any purpose other than to qualify the 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, 9010, 9011, 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.
- Please refer 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 or referendum 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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SACRAMENTO, CA 94244-2550  
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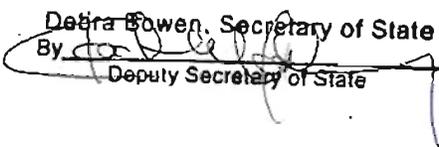
October 20, 2011

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

Attention: Ms. Katherine Montgomery  
Elections Analyst

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

OCT 20 2011

Debra Bowen, Secretary of State  
By   
Deputy Secretary of State

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 referendum to the proponent:

- 11-0050, Referendum of AB 131 (Dream Act)

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

Sincerely,

DAWN L. MCFARLAND  
Acting Initiative Coordinator

For KAMALA D. HARRIS  
Attorney General

DLM:

cc: Tim Donnelly

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

**REFERENDUM TO OVERTURN STATE FINANCIAL AID FOR UNDOCUMENTED STUDENTS.** If signed by the required number of registered voters and filed with the Secretary of State, this petition will place on the statewide ballot a challenge to a state law previously approved by the Legislature and Governor. The law must then be approved by a majority of voters at the next statewide election to go into effect. The law would allow students who are undocumented immigrants and attended a California high school for three or more years, and graduated, to receive state financial aid to attend California universities and community colleges.  
(11-0050)

11 0050

RECEIVED

OCT 10 2011

October 10th, 2011

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Initiative Coordinator  
Office of the Attorney General  
State of California  
P.O. Box 994255  
Sacramento, California 94244-25550

RE: Request for Title and Summary for Proposed Referendum

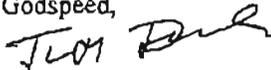
Dear Sir or Madame:

I submit the enclosed proposed statewide referendum of Assembly Bill 131 (Ch. 2011 CHP 604) Stats. 2011, Chaptered October 8th, 2011), pursuant to Section 10(d) of Article II of the California Constitution. I request that you prepare a circulating title and summary of the measure as provided for in the Elections Code. A check in the amount of \$200 is enclosed as well as the statements I have signed in accordance with Section 9001 and 9608 of the California Elections Code. My public contact information is as follows:

Tim Donnelly  
P.O. Box 426  
Twin Peaks, CA 92391

I thank you in advance for your assistance in the matter.

Godspeed,



Assemblyman Tim Donnelly

## CHAPTER \_\_\_\_\_

An act to amend Section 68130.7 of, and to add Sections ~~66021.6, 69508.5, and 76300.5~~ to, the Education Code, relating to student financial aid.

## LEGISLATIVE COUNSEL'S DIGEST

AB 131, Cedillo. Student financial aid.

(1) The Donahoe Higher Education Act sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education. Provisions of the act apply to the University of California only to the extent that the Regents of the University of California, by appropriate resolution, act to make a provision applicable.

Existing law requires that a student, other than a nonimmigrant alien, as defined, who has attended high school in California for 3 or more years, who has graduated from a California high school or attained the equivalent thereof, who has registered at or attends an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001-02 academic year, and who, if he or she is an alien without lawful immigration status, has filed a prescribed affidavit is exempt from paying nonresident tuition at the California Community Colleges and the California State University.

This bill would amend the Donahoe Higher Education Act, as of January 1, 2013, to require the Trustees of the California State University and the Board of Governors of the California Community Colleges, and to request the regents, to establish procedures and forms that enable students who are exempt from paying nonresident tuition under the above-described provision, or who meet equivalent requirements adopted by the regents, to apply for, and participate in, all student aid programs administered by these segments to the full extent permitted by federal law, except as provided. This provision would apply to the University of California only if the regents, by appropriate resolution, act to make it applicable.

This bill would provide that students who are exempt from paying nonresident tuition under the above provision, or who meet equivalent requirements adopted by the regents, are eligible to apply for, and participate in, any student financial aid program administered by the State of California to the full extent permitted by federal law. This bill would require the Student Aid Commission to establish procedures and forms that enable those students who are exempt from paying nonresident tuition under the above provision to apply for, and participate in, all student financial aid programs administered by the State of California to the full extent permitted by federal law. This bill would prohibit students who are exempt from paying nonresident tuition under the provision described above from being eligible for Competitive Cal Grant A and B Awards unless specified conditions are met. The bill would make these provisions operative as of January 1, 2013.

(2) Existing federal law requires that a state may provide that an alien who is not lawfully present in the United States is eligible for any state or local public benefit for which that alien would otherwise be ineligible under a specified federal law only through enactment of a state law that affirmatively provides for that eligibility.

This bill would find and declare that the amendments to the Donahoe Higher Education Act described above are state laws within the meaning of this federal provision.

(3) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction, for prescribed fees, at community college campuses throughout the state. Existing law authorizes the waiver of these fees for, among others, students who are eligible under income standards established by the board of governors.

This bill, as of January 1, 2013, would require community college districts to waive the fees of students who are exempt from nonresident tuition under the provision described in (1) above, and who otherwise qualify for a waiver under this provision, under regulations and procedures adopted by the board of governors. Because the bill would impose new duties on community college

districts with respect to determining eligibility for fee waivers, the bill would constitute a state-mandated local program.

(4) The California Constitution requires the state to reimburse ~~local agencies and school districts for certain costs mandated by~~ the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

*The people of the State of California do enact as follows:*

SECTION 1. Section 66021.6 is added to the Education Code, to read:

66021.6. (a) Notwithstanding any other law, and except as provided for in subdivision (b), the Trustees of the California State University and the Board of Governors of the California Community Colleges shall, and the Regents of the University of California are requested to, establish procedures and forms that enable persons who are exempt from paying nonresident tuition under Section 68130.5, or who meet equivalent requirements adopted by the regents, to apply for, and participate in, all student aid programs administered by these segments to the full extent permitted by federal law. The Legislature finds and declares that this section is a state law within the meaning of Section 1621(d) of Title 8 of the United States Code.

(b) The number of financial aid awards received by California resident students from financial aid programs administered by the segments shall not be diminished as a result of the application of subdivision (a). The University of California is requested to comply with this subdivision.

(c) This section shall become operative on January 1, 2013.

SEC. 2. Section 68130.7 of the Education Code is amended to read:

68130.7. If a state court finds that Section 66021.6, 66021.7, or 68130.5, or any similar provision adopted by the Regents of the University of California, is unlawful, the court may order, as equitable relief, that the administering entity that is the subject of the lawsuit terminate any waiver awarded under that statute or

provision, but no money damages, tuition refund or waiver, or other retroactive relief, may be awarded. In any action in which the court finds that Section 66021.6, 66021.7, or 68130.5, or any similar provision adopted by the Regents of the University of California, is unlawful, the California Community Colleges, the California State University, and the University of California are immune from the imposition of any award of money damages, tuition refund or waiver, or other retroactive relief.

SEC. 3. Section 69508.5 is added to the Education Code, to read:

69508.5. (a) Notwithstanding any other law, and except as provided for in subdivision (c), a student who meets the requirements of subdivision (a) of Section 68130.5, or who meets equivalent requirements adopted by the Regents of the University of California, is eligible to apply for, and participate in, any student financial aid program administered by the State of California to the full extent permitted by federal law. The Legislature finds and declares that this section is a state law within the meaning of subsection (d) of Section 1621 of Title 8 of the United States Code.

(b) Notwithstanding any other law, the Student Aid Commission shall establish procedures and forms that enable students who are exempt from paying nonresident tuition under Section 68130.5, or who meet equivalent requirements adopted by the regents, to apply for, and participate in, all student financial aid programs administered by the State of California to the full extent permitted by federal law.

(c) A student who is exempt from paying nonresident tuition under Section 68130.5 shall not be eligible for Competitive Cal Grant A and B Awards unless funding remains available after all California students not exempt pursuant to Section 68130.5 have received Competitive Cal Grant A and B Awards that they are eligible for.

(d) This section shall become operative on January 1, 2013.

SEC. 4. Section 76300.5 is added to the Education Code, to read:

76300.5. (a) A district shall waive the fees of a student who is exempt from paying nonresident tuition under Section 68130.5, and who otherwise qualifies for a waiver under Section 76300, under regulations and procedures adopted by the board of governors. The Legislature finds and declares that this section is

a state law within the meaning of Section 1621(d) of Title 8 of the United States Code.

(b) This section shall become operative on January 1, 2013.

**SEC. 5.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.