



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

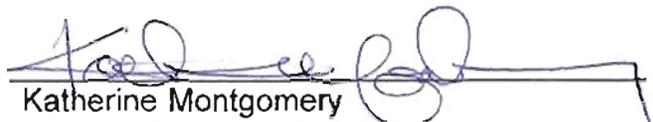
1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

October 28, 2011

County Clerk/Registrar of Voters (CC/ROV) Memorandum #11104

TO: All County Clerks/Registrars of Voters and Proponent

FROM:


Katherine Montgomery
Initiative Program Manager

RE: Referendum: 1517, Related to Labor

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 LAW
THAT PROHIBITS THE REQUIRED USE OF FEDERAL
ELECTRONIC EMPLOYMENT-VERIFICATION SYSTEMS.**

The proponent of the above-named measure is:

Rick Oltman
P.O. Box 5262
Novato, CA 94948

(415) 884-9960

#1517

**REFERENDUM TO OVERTURN LAW
THAT PROHIBITS THE REQUIRED USE OF FEDERAL
ELECTRONIC EMPLOYMENT-VERIFICATION SYSTEMS.**

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 504,760
Cal. Const., art. II, § 9(b)

2. Date of Enactment:Sunday, 10/09/11

3. Official Summary Date:Friday, 10/28/11
(Elections Code § 336)

4. Petition Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elections Code § 9014)..... Friday, 10/28/11

 - 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).Saturday, 01/07/12

 - 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
01/07/12, 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 #1517
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 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

- 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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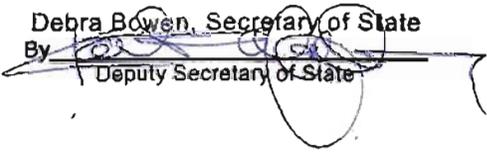
October 28, 2011

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

OCT 28 2011 ^{VIA} EMAIL

Attention: Ms. Katherine Montgomery
Elections Analyst

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:

- 11-0055, Referendum of AB 1236

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: Rick Oltman, Proponent

October 28, 2011
Initiative 11-0055

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 LAW THAT PROHIBITS THE REQUIRED USE OF FEDERAL ELECTRONIC EMPLOYMENT-VERIFICATION SYSTEMS. 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 prohibits state and local governments from requiring private employers to use federal electronic employment-verification systems to verify their employees are authorized to work in United States. (11-0055)

October 17, 2011

Initiative Coordinator
Attorney General's Office
California Department of Justice
1300 I Street 17th Floor
Sacramento, CA 95814

RECEIVED

OCT 18 2011

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Referendum of AB 1236

This is a request that the Attorney General prepare a circulating title and summary for the proposed referendum of Assembly Bill 1236 which was signed into law by Governor Brown and Chaptered (691) on October 9, 2011.

Attached are the statements pursuant to Elections Code sections 9001 and 9608, the name and address of the proponent and a check for \$200.

You may contact me at **415-884-9960** or via e-mail at **CalEVerify@gmail.com**.

The public contact information for the proponent is as follows:

Rick Oltman
PO Box 5262
Novato, CA 94948

Thank you,



Rick Oltman
www.rickoltman.net
415-884-9960

Assembly Bill No. 1236

CHAPTER 691

An act to add Article 2.5 (commencing with Section 2811) to Chapter 2 of Division 3 of the Labor Code, relating to employment

[Approved by Governor October 9, 2011. Filed with
Secretary of State October 9, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1236, Fong. Employment: hiring practices: electronic employment verification.

The E-Verify Program of the United States Department of Homeland Security, in partnership with the United States Social Security Administration, enables participating employers to use the program, on a voluntary basis, to verify that the employees they hire are authorized to work in the United States.

The bill would prohibit the state, or a city, county, city and county, or special district, from requiring an employer other than one of those government entities to use an electronic employment verification system except when required by federal law or as a condition of receiving federal funds.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Federal law establishes an electronic employment verification system, originally known as the Basic Pilot Program (enacted by Section 404 of Public Law 104-208) and renamed in 2007 as the E-Verify Program, as an experimental and temporary system available to employers on a voluntary basis.

(b) A 2007 independent evaluation commissioned by the federal Department of Homeland Security found that the electronic employment verification database was still not sufficiently up to date to meet requirements for accurate verification. This has led to employers being unable to hire employees in a timely manner and kept workers from earning wages.

(c) Mandatory use of an electronic employment verification program would increase the costs of doing business in a difficult economic climate. The United States Chamber of Commerce estimates that the net societal cost of all federal contractors using the E-Verify Program would amount to \$10 billion a year, federally.

(d) California businesses would face considerable odds in implementing such a program. Employers using the program report that staff must receive

additional training that disrupts normal business operations. If E-Verify had been made mandatory for all employers in 2010, it would have cost businesses \$2.7 billion, \$2.6 billion of which would have been borne by the small businesses, which drive our economy.

(e) Employers report that the cost, technological demands, and staff time that an electronic employment verification system requires to use and implement come at a time when they are already struggling.

(f) California's unemployment rate has risen to 11 percent. The state must pursue all avenues in facilitating and incubating job development and economic growth.

(g) Therefore, it is the intent of the Legislature that the state maintain the intent of federal law by ensuring that private employers retain the ability to choose whether to participate in the electronic verification program.

SEC. 2. Article 2.5 (commencing with Section 2811) is added to Chapter 2 of Division 3 of the Labor Code, to read:

Article 2.5. Electronic Employment Verification Systems

2811. This article shall be known and may be cited as the Employment Acceleration Act of 2011.

2812. Except as required by federal law, or as a condition of receiving federal funds, neither the state nor a city, county, city and county, or special district shall require an employer to use an electronic employment verification system, including under the following circumstances:

- (a) As a condition of receiving a government contract.
- (b) As a condition of applying for or maintaining a business license.
- (c) As a penalty for violating licensing or other similar laws.

2813. For purposes of this article, the following terms have the following meanings:

(a) "Electronic employment verification system" means an employment verification system that allows employers to electronically verify workers' employment authorization with the federal government. This includes the Basic Pilot Program, enacted by Section 404 of Public Law 104-208 and renamed in 2007 as the E-Verify Program, and other pilot programs for electronic employment eligibility confirmation. The term "electronic employment verification system" does not include the I-9 Employment Eligibility Verification form or any other employment eligibility systems that are required by federal law.

(b) "Employer" means an employer other than the state, or a city, county, city and county, or special district.