



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

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September 6, 2011

County Clerk/Registrar of Voters (CC/ROV) Memorandum #11069

TO: All County Clerks/Registrars of Voters and Proponent

FROM:


Katherine Montgomery
Initiative Program Manager

RE: Initiative: 1501, Related to Public Employees and Taxes

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:

**INCREASES INCOME TAXES ON TEACHERS, NURSES, POLICE
OFFICERS, FIREFIGHTERS, AND OTHER PUBLIC EMPLOYEES
FOR PENSION INCOME. INITIATIVE CONSTITUTIONAL AMENDMENT.**

The proponent of the above-named measure is:

Alan Oliver Ebenstein
c/o Lanny Ebenstein
2685 Glendessary Lane
Santa Barbara, CA 93105

(805) 682-9815

#1501

INCREASES INCOME TAXES ON TEACHERS, NURSES, POLICE OFFICERS, FIREFIGHTERS, AND OTHER PUBLIC EMPLOYEES FOR PENSION INCOME. INITIATIVE CONSTITUTIONAL AMENDMENT.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 807,615
California Constitution, Article II, Section 8(b)
2. Official Summary Date: Tuesday, 09/06/11
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for signatures (Elections Code § 336) Tuesday, 09/06/11
 - 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, 02/03/12
 - 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, 02/16/12

(If the Proponent files the petition with the county on a date prior to 02/03/12, 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, 02/25/12*
 - 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)) Friday, 04/06/12

* Date varies based on the date of county receipt.

INITIATIVE #1501
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 02/25/12, 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))Monday, 04/16/12*

- 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)).Tuesday, 05/29/12

(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 04/16/12, 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)... Saturday, 06/02/12*

*Date varies based on the date of county receipt.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative 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



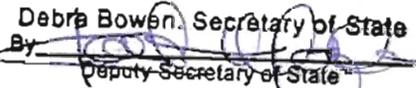
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September 6, 2011

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

SEP 06 2011 VIA
EMAIL

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

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:

• 11-0021, "Tax Public Pensions Above \$100,000 Per Year Act"

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:

September 6, 2011
Initiative 11-0021

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

**INCREASES INCOME TAXES ON TEACHERS, NURSES, POLICE OFFICERS,
FIREFIGHTERS, AND OTHER PUBLIC EMPLOYEES FOR PENSION INCOME.**

INITIATIVE CONSTITUTIONAL AMENDMENT. Increases income tax rate by 15% for annual pension income between \$100,000 and \$149,999, and 25% for annual pension income over \$150,000, on income received by teachers, nurses, police officers, firefighters, and other public employees from the California Public Employees' Retirement System and the California State Teachers' Retirement System. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Possible increase in state revenues from a new tax on certain public employee pensions. Over the long run, these revenue gains would be offset by decreases in other state and local revenues and increases in some state and local costs.** (11-0021)

July 12, 2011

VIA MESSENGER

Initiative Coordinator
Office of the Attorney General
1300 "I" Street
Sacramento, California 95814

RECEIVED

JUL 15 2011

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary for Proposed Initiative

I hereby request that the Attorney General prepare a title and summary of the attached proposed statewide ballot measure pursuant to Elections Code section 9002. The text of the measure, "Tax Public Pensions Above \$100,000 Per Year Act," a check for \$200 payable to the State of California, and the address at which I am registered to vote are enclosed.

Thank you for your attention to this matter.

Yours sincerely,



Alan Oliver Ebenstein

Address for correspondence:

Lanny Ebenstein, President
California Center for Public Policy
2685 Glendessary Lane
Santa Barbara, CA 93105
Ph. (805) 682-9815

Tax Public Pensions Above \$100,000 Per Year Act

Section 1. Title

This measure shall be known and may be cited as the Tax Public Pensions Above \$100,000 Per Year Act.

Section 2. Findings and Declaration of Purpose

The People of the State of California find and declare that the purpose of local and state government is to provide cost-effective and quality public services and benefits to residents at a reasonable cost. The current system of public sector pensions is inimical to appropriate taxation and government spending and regulatory policies. Therefore, the People of the State of California hereby enact the Tax Public Pensions Above \$100,000 Per Year Act.

Section 3. Tax Public Pensions Above \$100,000 Per Year Act

Section 36 of Article 13 of the California Constitution is added to read:

Article 13, Section 36. Income Tax on Public Sector Pensions Above \$100,000 Per Year

A state income tax of 15 percent above the standard state income tax rate is hereby instituted on all public sector pensions paid by the California Public Employees' Retirement System and the California State Teachers' Retirement System on annual pension income from these sources, exclusive of health benefits and health insurance, between \$100,000 and \$149,999; and of 25 percent above the standard state income tax rate on all public sector pensions paid by the California Public Employees' Retirement System and California State Teachers' Retirement System on annual pension income from these sources, exclusive of health benefits and health insurance, above \$150,000.

Section 4. Severability

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 application that can be given effect without the invalid provision or application.

Section 5. Effective Date

This Act shall become effective upon its approval by the voters.