



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

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September 29, 2011

County Clerk/Registrar of Voters (CC/ROV) Memorandum #11078

TO: All County Clerks/Registrars of Voters and Proponents

FROM:

  
Katherine Montgomery  
Initiative Program Manager

RE: Initiative: 1505, Related to Government Purchasing

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:

**STATE AND LOCAL GOVERNMENT PURCHASING.  
MADE IN UNITED STATES. INITIATIVE STATUTE.**

The proponents of the above-named measure are:

Jim Gonzalez  
Bill Zimmerman  
John Thiella  
c/o Jim Gonzalez and Associates  
1830 N Street  
Sacramento, CA 95811

(916) 449-6190

#1505

**STATE AND LOCAL GOVERNMENT PURCHASING.  
MADE IN UNITED STATES. 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: ..... Thursday, 09/29/11
  
3. Petitions Sections:
  - a. First day Proponent can circulate Sections for  
signatures (Elections Code § 336) ..... Thursday, 09/29/11
  
  - 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)) ..... Monday, 02/27/12\*
  
  - 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, 03/08/12  
  
(If the Proponent files the petition with the county on a date prior to  
02/27/12, 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, 03/17/12\*\*
  
  - 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, 04/27/12

\* Date adjusted for official deadline, which falls on a weekend/holiday (Elec. Code § 15).

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

**INITIATIVE #1505**  
**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 03/17/12, 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)) ..... Monday, 05/07/12\*
  
- 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, 06/19/12

(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 05/07/12, 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, 06/23/12\*

\*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**



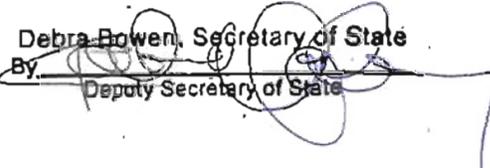
1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550  
Public: (916) 445-9555  
Telephone: (916) 324-5464  
Facsimile: (916) 324-8835  
E-Mail: [Dawn.McFarland@doj.ca.gov](mailto:Dawn.McFarland@doj.ca.gov)

September 29, 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

SEP 29 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:

- 11-0027, "The Bring Manufacturing Jobs Back to California Act"

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

Sincerely,

Handwritten signature of Dawn L. McFarland in cursive.

DAWN L. MCFARLAND  
Acting Initiative Coordinator

For KAMALA D. HARRIS  
Attorney General

DLM:

cc: Jim Gonzalez, Proponent  
John Thiella, Proponent  
Bill Zimmerman, Proponent

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

**STATE AND LOCAL GOVERNMENT PURCHASING. MADE IN UNITED STATES.**

**INITIATIVE STATUTE.** Amends existing state law, previously held unconstitutional, that required state and local governments to use only products made in the United States. Eliminates exceptions for materials that are not generally produced in the United States, for medical and scientific equipment, for sewing machines, for printing presses, and for office machines and supplies. Creates new limited exceptions for some foreign materials, including where restriction prohibited by federal law, for spare parts for existing equipment, and for literature, artwork, and historical artifacts. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Increased state and local government costs to purchase goods and materials, potentially in the range of hundreds of millions of dollars annually.** (11-0027)

**RECEIVED**

AUG 09 2011

August 9, 2011

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

The Honorable Kamala Harris  
Office of the Attorney General  
1300 I Street  
Sacramento, CA 95814

**Attention: Initiative Coordinator**

**RE: Request for Title and Summary**

Dear Attorney General Harris:

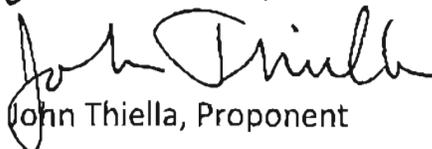
We are respectfully submitting the attached initiative, "The Bring Manufacturing Jobs Back to California Act," to obtain title and summary.

Attached please find a check in the amount of \$200.00 to cover the cost of processing this initiative.

Please also find the declarations required under Elections Code Section 9608, and the address to we are registered in the State of California.

  
Jim Gonzalez, Proponent

  
Bill Zimmerman, Proponent

  
John Thiella, Proponent

Contact: Jim Gonzalez and Associates  
1830 N Street  
Sacramento, CA 95811

916-449-6190

## Initiative Measure to be Submitted to Voters

This initiative measure is submitted to the people of California in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends, repeals and adds sections to the Government Code; therefore existing provisions proposed to be deleted are printed in ~~strike-out type~~; and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

## PROPOSED LAW

### *THE BRING MANUFACTURING JOBS BACK TO CALIFORNIA ACT of 2012*

#### SECTION 1. TITLE

This measure shall be known as "*The Bring Manufacturing Jobs Back to California Act.*"

#### SECTION 2. FINDINGS AND DECLARATIONS

The People of the State of California hereby find and declare that:

- A. Between 2001 and 2011, California lost 612,000 manufacturing jobs, equal to over 32% of our state's industrial base.
- B. The outsourcing of jobs, particularly for manufacturing products that once had the "Made in America" label, contributes to these losses.
- C. The most recent example of how this outsourcing hurts Californians is the new \$6.3 billion San Francisco-Oakland Bridge Eastern Span, which is being built in China by workers reportedly being paid \$12 per day. The work on this one project alone reportedly represents over 3 million person hours of high wage manufacturing jobs lost to California.
- D. The decline of our industrial base, and the loss of high wage manufacturing jobs, has led to suffering for unemployed workers and frustration for consumers who can't find good "Made in America" products in stores.

- E. A key to reducing our state's double-digit unemployment rate is to bring back manufacturing jobs to California.
- F. For every manufacturing job created, an additional 2.5 jobs are created in the broader economy.
- G. The State of California, counties, cities, districts and local government agencies should curtail spending billions of tax dollars to purchase products for use by state and local government that are manufactured overseas.
- H. With the enactment of a 33% renewable portfolio standard for all California electric utilities by 2020, the development of clean and safe renewable energy sources will require extensive manufacturing of new solar, wind, geothermal equipment, and other materials and equipment to be used in the construction and operation of publicly owned renewable energy facilities.

### **SECTION 3. PURPOSE AND INTENT**

The People of the State of California do hereby enact this measure to:

- A. Bring manufacturing jobs back to California.
- B. Create a market for new manufacturing contracts based upon the unified purchasing power of the State of California and our state's counties, cities, districts, and local government agencies.
- C. Unleash the entrepreneurial skills of California manufacturers who have been forced to close their factories due to anti-competitive outsourcing policies that ignore the human and material costs of shipping manufacturing jobs overseas.
- D. Turn the tide against the continuous outsourcing of California's industrial base.
- E. Leverage a newly created demand for Made in America manufactured products to create real choices for California consumers who want to purchase "Made in America" products.
- F. Assure that the expansion of California's publicly-owned renewable energy industry facilities creates "Made in America" manufacturing jobs.

### **SECTION 4. Section 4300 of the Government Code is amended to read as follows:**

4300. As used in this article:

(a) "United States" means the United States of America, and includes any Territory or insular possession of the United States.

(b) "Produced" includes mined and manufactured.

(c) "Materials" includes articles and supplies.

(d) "Equipment" includes devices, tools, machines, and vehicles.

**SECTION 5.** Section 4301 of the Government Code is amended to read as follows:

4301. ~~This article does not apply to materials which are of a class or kind which are not, or which are manufactured from materials which are not, produced in the United States, nor to key driven calculators manufactured in branch plants located outside continental United States, but which plants are wholly owned and operated by a corporation the majority of whose stock is owned or controlled by an American manufacturer whose principal manufacturing centers and home offices are located in the United States. Notwithstanding any other provision of law and except as prohibited by federal law, commencing January 1, 2014, the governing body of any political subdivision, municipal corporation, or district, or any public officer or person charged with the letting of contracts for the purchase or lease of any manufactured tangible personal property or for any materials or structural components to be incorporated into real property shall let such contracts only for manufactured tangible personal property or for any materials or structural components to be incorporated into real property that is manufactured in the United States, substantially all from materials produced in the United States. The only waivers, exceptions or exemptions to these requirements are:~~

(a) *For purchase or lease of spare parts for any existing equipment owned by or under lease to any political subdivision, municipal corporation, or district on or before December 31, 2013.*

(b) *For purchase or lease of manufactured tangible personal property or for any materials or structural components to be incorporated into real property the age of which exceeds 60 months.*

(c) *For purchase or lease of any books, newspapers, magazines, journals, or other media, not produced in the United States, for use by libraries, museums, research facilities, or government repositories.*

(d) *For purchase or lease of any artwork, or any historical, cultural, literary, or scientific artifacts intended for display or for research in libraries, museums, research facilities, or government repositories.*

(e) *For purchase or lease by any political subdivision, municipal corporation, or district of specifically identified and particularly described manufactured tangible personal property or any materials or structural components to be incorporated into real property excepted by statutes approved by a simple majority vote of each house of the Legislature and signed by the Governor.*

(f) For waivers, exceptions, or exemptions in response to an emergency or to protect public health or safety enacted in statutes approved by a simple majority vote of each house of the Legislature and signed by the Governor.

(g) Any waiver, exception, or exemption approved by statutes enacted shall be in effect for a period no longer than three years from the effective date of the statute. Such waivers, exceptions, or exemptions may be renewed by law.

**SECTION 6.** Section 4302 of the Government Code is amended to read as follows:

~~4302. This article does not apply to medical and surgical instruments, scientific equipment, microscopes, lenses, or instruments used for scientific or medical purposes, including research.~~

**SECTION 7.** Section 4302.5 of the Government Code is amended to read as follows:

~~4302.5. The provisions of this article do not apply to the purchase of sewing machines, regardless of the place of their manufacture or the source of the materials from which such machines were manufactured.~~

**SECTION 8.** Section 4302.6 of the Government Code is amended to read as follows:

~~4302.6. The provisions of this article do not apply to the purchase of printing presses of rotary gripper system or single revolution design, which are purchased exclusively for use in schools and colleges for educational purposes; provided, however, that if printing presses of rotary gripper system or single revolution design are manufactured within the United States that only such presses as are manufactured in the United States shall be purchased.~~

**SECTION 9.** Section 4303 of the Government Code is amended to read as follows:

4303. Subject to the provision of Section 4301, ~~The~~ the governing body of any political subdivision, municipal corporation, or district, and any public officer or person charged with the letting of contracts for (1) the construction, alteration, or repair of public works or (2) for the purchasing of materials for public use, shall let such contracts only to persons who agree to use or supply only such unmanufactured materials as have been produced in the United States, and only such manufactured materials as have been manufactured in the United States, substantially all from materials produced in the United States.

**SECTION 10.** Section 4303.5 of the Government Code is amended to read as follows:

~~4303.5 Any provision of this article to the contrary notwithstanding, any such body or person may let a contract for the purchase of office machines or supplies therefor without regard to the place of their manufacture or the source of the materials from which such machines or supplies are manufactured, except that such contracts or purchases shall be subject to the provisions of Section 4334.~~

**SECTION 11.** 4304. Section 4304 of the Government Code is amended to read as follows:

4304. *Subject to the provisions of Section 4301, Every every* contract for the construction, alteration or repair of public works or for the purchase of materials for public use shall contain a provision that only unmanufactured materials produced in the United States, and only manufactured materials manufactured in the United States, substantially all from materials produced in the United States shall be used in the performance of the contract. Any person who fails to comply with such provision shall not be awarded any contract to which this article applies for a period of three years from the date of the violation.

**SECTION 12.** Section 4305 of the Government Code is amended to read as follows:

4305. *Subject to the provisions of Section 4301, The the* name of the person failing to comply, together with a report of the facts constituting the violation, shall be posted by the governing board or person who let the contract in at least three public places in the county in which the contract was made.

**SECTION 10. Severability**

The provisions of this Act are severable. If any provision of this Act, or part thereof, is for any reason held to be invalid under state or federal law, the remaining provisions shall not be affected but shall remain in full force and effect.

**SECTION 11. Conflicting Measures**

(a) This measure is intended to be comprehensive. It is the intent of the People that in the event that this measure and another initiative measure relating to the same subject appear on the same statewide election ballot, the provisions of the other measure or measures are deemed to be in conflict with this measure. In the event this measure shall receive the greater number of affirmative vote, the provisions of this measure shall prevail in their entirety and all provisions of the other measure or measures shall be null and void.

(b) If this measure is approved by voters but superseded by law by any other conflicting ballot measure approved by the voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force of law.

**SECTION 12. Amendments**

The provisions of this act may be amended to carry out its purpose and intent by statutes enacted by a two thirds vote of each house of the Legislature and signed by the Governor.

**SECTION 13. Effective Date**

This Act shall become effective January 1, 2014 pursuant to Section 10 (a) of Article II.

**SECTION 14. Legal Challenge**

Any legal challenge to this law must be filed within six months of its effective date.