



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

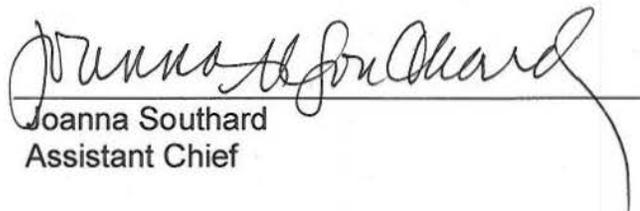
1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

February 2, 2012

County Clerk/Registrar of Voters (CC/ROV) Memorandum #12050

TO: All County Clerks/Registrars of Voters and Proponents

FROM:

  
Joanna Southard  
Assistant Chief

RE: Initiative: 1564, Related to Immigration 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:

**UNDOCUMENTED IMMIGRANTS.  
STATE INCOME TAXES. INITIATIVE STATUTE.**

The proponents of the above-named measure are:

Felipe Fuentes  
John G. Cruz  
c/o Angela Sanbrano  
2845 W. 7<sup>th</sup> Street  
Los Angeles, CA 90005

(323) 371-7305

#1564

**UNDOCUMENTED IMMIGRANTS.  
STATE INCOME TAXES. 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, 02/02/12
  
3. Petitions Sections:
  - a. First day Proponent can circulate Sections for  
signatures (Elections Code § 336) ..... Thursday, 02/02/12
  
  - 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 Code §§ 9014, 9030(a))..... Monday, 07/02/12\*
  
  - 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)).....Friday, 07/13/12  
  
(If the Proponent files the petition with the county on a date prior to  
07/02/12, 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..... Sunday, 07/22/12\*\*
  
  - 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, 08/31/12

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

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

**INITIATIVE #1564**  
**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 07/22/12, 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 (Elections Code §§ 9030(f) & (g); 9031(a)).....Monday, 09/10/12\*

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, 10/23/12

(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 09/10/12, 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, 10/27/12\*

\*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  
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E-Mail: Ashley.Johansson@doj.ca.gov

February 2, 2012

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

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:

- 11-0089, "The California Opportunity and Prosperity Act"

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,

ASHLEY JOHANSSON  
Initiative Coordinator

For **KAMALA D. HARRIS**  
Attorney General

cc: Angela Sanbrano

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

FEB 02 2012

VIA  
EMAIL

Debra Bowen, Secretary of State  
By Deputy Secretary of State

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

**UNDOCUMENTED IMMIGRANTS. STATE INCOME TAXES. INITIATIVE**

**STATUTE.** Creates a five-year program to encourage undocumented workers to pay state income taxes. Directs Governor to request that federal authorities not spend resources to apprehend, detain, or deport participants, or to prosecute their employers. Defines eligible participants as those undocumented taxpayers who have filed California tax returns for the most recent year, have been California residents since January 1, 2008, consent to background checks, speak or are learning English, and are not felons, suspected terrorists, public charges, or public employees. Maintains confidentiality of information gathered from participants. Does not provide citizenship or amnesty. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Unknown net change in annual state tax revenues through 2017-18, but probably without a significant impact on overall General Fund revenues. Annual state administrative costs through 2017-18 in the hundreds of thousands or low millions of dollars, supported by required participant fees.**

(11-0089.)

11-0089

December 2, 2011

RECEIVED

DEC 02 2011

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

HAND DELIVERED

Honorable Kamala Harris  
Attorney General of California  
Attn: Initiative Coordinator  
Department of Justice  
1300 I Street, 17<sup>th</sup> Floor  
Sacramento, CA 95814

Re: Request for Title and Summary for The California Opportunity and Prosperity Act

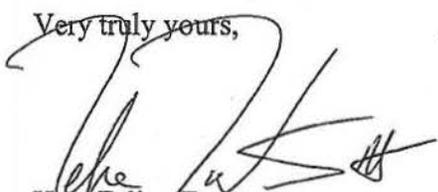
Dear Attorney General Harris:

This letter is to request that the Attorney General prepare a title and summary for the California Opportunity and Prosperity Act, a proposed initiate statute. Enclosed herein are the text of the proposed initiative statute, the statements required by Elections Code Sections 9001(b) and 9608, the name and residence address for the proponents, and a check payable to the State of California in the amount of \$200.

The public contact for the proponents is:

Angela Sanbrano  
c/o Carecen  
2845 W. 7<sup>th</sup> Street  
Los Angeles, CA 90005  
(323) 371-7305

Very truly yours,

  
Hon. Felipe Fuentes

John Cruz



A PROFESSIONAL CORPORATION  
INCLUDING PROFESSIONAL CORPORATIONS

1 MacArthur Place  
Suite 200  
Santa Ana, California 92707  
Phone: 714.852.6800  
Fax: 714.852.6899  
www.AlvaradoSmith.com

Los Angeles  
213.229.2400

San Francisco  
415.624.8665

John G. Cruz  
(714) 852-6800  
jcruz@alvaradosmith.com

December 1, 2011

VIA FEDEX

Honorable Kamala Harris  
Attorney General of California  
Attn: Initiative Coordinator  
Department of Justice  
1300 I Street, 17<sup>th</sup> Floor  
Sacramento, CA 95814

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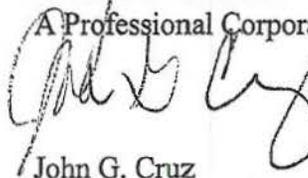
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2845 W. 7<sup>th</sup> Street  
Los Angeles, CA 90005  
(323) 371-7305

Very truly yours,

ALVARADO SMITH  
A Professional Corporation



John G. Cruz

Enclosure

3026903.1 -- 147ADM.JGC

*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 Opportunity and Prosperity Act.

SEC. 2. Part 3 (commencing with Section 90) is added to Division 1 of the Civil Code, to read:

PART 3. PILOT PROGRAM RELATING TO PAYMENT OF STATE INCOME TAXES BY CERTAIN PERSONS NOT ELIGIBLE FOR SOCIAL SECURITY NUMBERS

90. As used in this part:

(a) "Qualified person" means a natural person who:

(1) is not eligible to receive a social security number;

(2) filed a state tax return with a valid individual taxpayer identification number for the most recent taxable year that a return was required to be made under Part 10 (commencing with Section 17001) of the Revenue and Taxation Code;

(3) is not employed by a public entity including, without limitation, the federal government, the State of California or any administrative subunit of the state, or any political subdivision of the state including any city, city and county, county, district or other local governmental agency or public agency authorized by law;

(4) declares that he or she is able to speak and understand the English language or is enrolled in, or has applied to enroll in, an English-as-a-second language class;

(5) has not been convicted of a felony under the laws of the United States, the State of California or any other state;

(6) is not a member or suspected member of a terrorist organization and has not engaged and is not expected to engage in terrorist activities as those terms are defined in Section 1182(a)(3)(B) of Title 8 of the United States Code;

(7) is not a public charge, within the meaning of Section 1182(a) (4) of Title 8 of the United States Code;

(8) declares that he or she has been a resident of California continuously since at least January 1, 2008;

(9) consents to a background check and the disclosure of any information necessary to confirm eligibility for the program; and

(10) consents to the disclosure of his or her name and federal individual taxpayer identification number to the Franchise Tax Board in accordance with Section 94.

(b) The language requirement in subsection (a)(4) shall not apply to any person who:

(1) is unable because of physical or developmental disability or mental impairment to comply therewith;

(2) is over the age of 50 and has been living in the United States for at least 20 years; or

(3) is over the age of 55 and has been living in the United States for at least 15 years.

(c) "Program" means the program created by this part.

91. Notwithstanding any other law, on January 1, 2013, the voluntary program created by this part shall be established. The program shall be administered by the Department of Justice unless on or before December 31, 2012, the Governor by executive order designates another state agency to administer the program. For purposes of this part, the agency that administers the program shall be referred to as the "administering agency."

92. (a) A written application for admission to the program shall be made in the form prescribed by the administering agency. The application shall require that

the applicant provide a photograph or other electronically transmissible image of the applicant.

(b) Upon receipt of an application for admission to the program and the fee provided for in Section 93, the administering agency shall cause an investigation to be made to determine whether the applicant meets the definition of a qualified person under Section 90(a). If the administering agency determines that an applicant meets the definition of a qualified person, the administering agency shall admit such applicant into the program and shall provide such applicant with a confirmation of admission, which shall be valid for 1 year from the date of issue. The administering agency shall renew a person's admission into the program for successive periods of 1 year each upon payment of the renewal application fee provided for in Section 93 and a demonstration that such person continues to meet the definition of a qualified person under Section 90(a).

93. The administering agency shall charge each applicant for the program a fee in an amount that allows such agency to recover all reasonable costs incurred by it in administering the program, including startup costs and costs associated with confirming eligibility for the program.

94. On or before December 31, 2013, and on or before December 31 of each successive year that the program continues in existence, the administering agency shall provide the Franchise Tax Board with the name and federal individual taxpayer identification number of each qualified person who was admitted into the program during that calendar year. The Franchise Tax Board shall use such information solely to prepare the report required by Section 19534 of the Revenue and Taxation Code and shall not disclose such information for any purpose unless expressly provided for in this part.

95. (a) Any information disclosed by an applicant for, or qualified person in, the program shall be used solely to administer the program and shall not be used for any other purpose unless expressly provided for in this part.

(b) No record containing any identifying information of an applicant for, or qualified person in, the program shall be disclosed for any purpose, except as provided for in this part, to the extent that such information is necessary to enforce a liability that arises out of the Revenue and Taxation Code or the Family Code, or as otherwise required by state or federal law. If identifying information of an applicant for, or qualified person in, the program is disclosed for a purpose authorized by this subsection, the recipient shall use the information solely for such purpose and shall not disseminate the information any further.

(c) All identifying information of an applicant for, or qualified person in, the program shall be confidential and exempt from disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

96. Unless expressly authorized or required by federal law, this part shall not grant a qualified person any right or privilege in any other state and shall not be used for any purpose in any other state.

97. The administering agency and the Franchise Tax Board may adopt regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code as necessary to implement this part.

98. This part shall remain in effect only until January 1, 2018, and as of that date is repealed.

SEC. 3. Section 19534 is added to the Revenue and Taxation Code to read:  
19534. On or before December 31, 2014, and on or before December 31 of

each successive year, the Franchise Tax Board shall submit a report to the legislature that details the tax receipts collected during the immediately preceding taxable year from qualified persons who participated in the program created by Part 3 (commencing with Section 90) of Division 1 of the Civil Code. The report submitted by the Franchise Tax Board pursuant to this section shall not contain any information that identifies any specific qualified person who participated in the program. The obligation of the Franchise Tax Board to submit the report required by this section shall cease 1 year after the program created by Part 3 (commencing with Section 90) of Division 1 of the Civil Code terminates and as of that date, this section is repealed.

SEC 4. (a) On January 1, 2018, the program created by Part 3 (commencing with Section 90) of Division 1 of the Civil Code shall terminate and membership in such program shall not be effective for the purposes described in that part or have any other effect in law.

(b) On January 1, 2018, or as soon as practicable thereafter, all records relating to the program created by Part 3 (commencing with Section 90) of Division 1 of the Civil Code that contain any identifying information of applicants for, or qualified persons who participated in, the program shall be destroyed including, without limitation, any applications for the program and records provided to the Franchise Tax Board pursuant to Section 95 of the Civil Code. This section shall not obligate the Franchise Tax Board to destroy any tax returns or other records that are necessary to conduct an audit or appeal pursuant to the Revenue and Taxation Code or to process any taxpayer claim for refund. The date specified herein for the destruction of records may be extended by the legislature in accordance with Section 7.

SEC. 5. On or before January 1, 2013, the Governor is authorized and

directed to submit, as a ministerial act on behalf of the state, a request to the President of the United States asking that the President direct the Department of Homeland Security, United States Immigration and Customs Enforcement (ICE) and other relevant federal agencies not to expend resources during the term of the program established by Part 3 (commencing with Section 90) of Division 1 of the Civil Code on (1) the apprehension, detention or removal of a qualified person in the program or such qualified person's spouse or eligible dependent, unless such qualified person, spouse or eligible dependent meets one of the priority enforcement criteria set forth in the then-existing ICE policy on civil immigration enforcement, or (2) the prosecution pursuant to Section 1324a of Title 8 of the United States Code of a person for employing such qualified person. On such date, the Governor is further authorized and directed, as a ministerial act on behalf of the state, to request that the President provide any available waivers, exemptions or authorizations necessary to provide a safe harbor for individuals and businesses from federal civil and criminal liability arising out of a qualified person's participation in the program or the employment of such qualified person during the term of the program.

SEC. 6. Section 95 of the Civil Code, as added by this measure, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the people of California make the following finding to demonstrate the interest protected by this limitation and the need to protect that interest:

In order to protect the confidentiality and safety of any person who participates in the program created by this act, it is necessary for any identifying information that relates to such person be exempt from disclosure.

SEC. 7. The provisions of this measure may be amended to further its purposes by statute, passed in each house of the Legislature by rollcall vote entered in the journal, the majority of the membership concurring.

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