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

January 12, 2012

County Clerk/Registrar of Voters (CC/ROV) Memorandum #12020

TO: All County Clerks/Registrars of Voters and Proponent

FROM: Katherine Montgomery
Initiative Program Manager

RE: Initiative: 1549, Related to Pollution

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:

VOTING REQUIREMENT. POLLUTER FEES.
INITIATIVE CONSTITUTIONAL AMENDMENT.

The proponent of the above-named measure is:

Joseph Caves

#1549

VOTING REQUIREMENT. POLLUTER FEES. INITIATIVE CONSTITUTIONAL AMENDMENT.

CIRCULATING AND FILING SCHEDULE

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1. Minimum number of signatures required: 807,615
   California Constitution, Article II, Section 8(b)

2. Official Summary Date: ..... Thursday, 01/12/12

3. Petitions Sections:

   a. First day Proponent can circulate Sections for signatures (Elections Code § 336) ..... Thursday, 01/12/12

   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 Codes §§ 9014, 9030(a)).. ....Monday, 06/11/12*

   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, 06/21/12

      (If the Proponent files the petition with the county on a date prior to 06/11/12, 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, 06/30/12**

   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))..... Monday, 08/13/12

* Date adjusted for official deadline, which falls on a weekend (Elec. Code § 15).
** Date varies based on the date of county receipt.

INITIATIVE #1549
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 06/30/12, 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)) ..... Thursday, 08/23/12*

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)). ..... Tuesday, 10/09/12

(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 08/23/12, 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)... Saturday, 10/13/12*

*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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January 12, 2012

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

JAN 12 2012 VIA EMAIL

Debra Bowen, Secretary of State
By _____
Deputy Secretary of State

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:

- 11-0079, "Polluter Accountability 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: Joseph Caves, Conservation Strategy Group

January 12, 2012
Initiative 11-0079

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

VOTING REQUIREMENT. POLLUTER FEES. INITIATIVE CONSTITUTIONAL AMENDMENT. Permits the Legislature to pass by majority vote, rather than two-thirds, laws imposing fees, penalties and charges on activities that pollute the air or water, damage public natural resources or harm public health. Requires the State spend the funds raised under the laws only on mitigation of actual or anticipated impacts, including enforcement costs and costs to reduce or prevent future impacts from the pollution or activity. Requires the amount of any fee, penalty or charge be reasonably related to the costs of mitigation. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Potential increase in state revenues, likely ranging in the tens of millions of dollars to the low hundreds of millions of dollars annually, depending on future actions of the Legislature. The revenues would be used to increase state spending on mitigation activities.** (11-0079.)

11-0079

RECEIVED
NOV 18 2011
INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Office of Attorney General
ATTN: Dawn McFarland, Initiative Coordinator
1300 I Street
Sacramento, CA 95814

November 18, 2011

Dear Ms. McFarland,

I am submitting a second version of the "Polluter Accountability Act" for a proposed statewide ballot measure. I hereby request the Attorney General prepare a circulating title and summary of the chief purpose and point of the initiative measure, pursuant to Elections Code Section 9001 (a).

Enclosed please find a draft of the initiative, a $200 check payable to the State of California, my signed statements and home address.

Thank you.

Sincerely,

Joseph Caves

POLLUTER ACCOUNTABILITY ACT (Version 2)

Section One: Findings

(a) The costs of pollution and damage to natural resources and public health should be paid for by those that cause the pollution rather than taxpayers.

(b) Current law unfairly raises costs to taxpayers by protecting polluting companies from paying for the damages their activities cause to public health and the environment.

(c) This initiative is designed to establish the "polluter pay" policy and set reasonable rules for imposing fees and penalties on activities that harm public health and the environment.

Section 3.5 of Article XIIIA is added to State Constitution to read:

Section 3.5(a) It is the policy of the state that polluters should pay for the costs of cleaning up and mitigating their pollution, including impacts to public health and damage to the environment, rather than imposing the costs on taxpayers.

(b) The Legislature may authorize by statute, approved by a majority of all members elected to each of the two houses of the Legislature, fees, penalties or charges on activities that pollute the air or the waters of the state, damage other natural resources held in trust for the public, or that harm public health. Any such statute shall include provisions that require the funds raised be used solely to mitigate the actual or anticipated adverse impacts of the activities subject to the fees, penalties or charges including reasonable enforcement costs and costs to reduce or prevent future impacts from the pollution or activity subject to the fees, penalties or charges. The amount of any fee, penalty or charge shall bear a reasonable relationship to the cost of mitigating the adverse effects of the pollution or activity subject to the fee, penalty or charge.

(c) The provisions of Section 3 shall not apply to fees, penalties or charges imposed pursuant to this section.