



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

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January 30, 2012

County Clerk/Registrar of Voters (CC/ROV) Memorandum #12047

TO: All County Clerks/Registrars of Voters and Proponents

FROM:


Joanna Southard
Assistant Chief

RE: Initiative: 1563, Related to Immigration

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.
REQUIRES STATE LAW ENFORCEMENT OFFICERS TO
ENFORCE FEDERAL IMMIGRATION LAW. DENIES DRIVER'S
LICENSES TO UNDOCUMENTED IMMIGRANTS. INITIATIVE STATUTE.**

The proponents of the above-named measure are:

Ted Hilton
Tirso Del Junco
Bill Siler
P.O. Box 9985
San Diego, CA 92189

#1563

**UNDOCUMENTED IMMIGRANTS.
REQUIRES STATE LAW ENFORCEMENT OFFICERS TO
ENFORCE FEDERAL IMMIGRATION LAW. DENIES DRIVER'S
LICENSES TO UNDOCUMENTED IMMIGRANTS. INITIATIVE STATUTE.**

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 504,760
California Constitution, Article II, Section 8(b)
2. Official Summary Date: Monday, 01/30/12
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elections Code § 336) Monday, 01/30/12
 - 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))..... Thursday, 06/28/12
 - 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))..... Wednesday, 07/11/12

(If the Proponent files the petition with the county on a date prior to
06/28/12, 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..... Friday, 07/20/12*
 - 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 varies based on the date of county receipt.

INITIATIVE #1563
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 07/20/12, 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, 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

- 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 30, 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:

- 11-0094, "Protection From Transnational Gangs Act of 2012"

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: Ted Hilton

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

JAN 30 2012

VIA
E-mail

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. REQUIRES STATE LAW ENFORCEMENT OFFICERS TO ENFORCE FEDERAL IMMIGRATION LAW. DENIES DRIVER'S LICENSES TO UNDOCUMENTED IMMIGRANTS. INITIATIVE STATUTE.

Requires state and local law enforcement to comply with direction from federal immigration authorities for holding and transferring undocumented immigrants arrested by law enforcement officials.

Requires commitment for law enforcement agencies to perform federal immigration functions.

Denies driver's licenses to undocumented immigrants. Prohibits law enforcement from justifying arrests solely because an individual over fifteen was driving without a license.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state

and local government: **Increased state and local law enforcement costs, potentially reaching**

several millions of dollars annually, for detaining persons suspected of being unlawfully

present in the U.S. and for complying with an agreement required by this measure between

the state and the federal government. Potential unknown savings to state and local

governments to the extent that the deportation of unlawfully present criminals prevents

them from reentering the criminal justice system. (11-0094.)

11 - 0094

December 5, 2011

Amdt. # NS

California Attorney General Kamala Harris
Attn: Dawn McFarland, Initiative Coordinator
1300 I Street, 17th Floor, Post Office Box 944255
Sacramento, California 94244-2550

This is the written request for preparation of title and summary of the chief purposes and points of the proposed initiative measure, known as the Protection from Transnational Gangs Act of 2012. The text of the initiative is attached.

Proponent: Tirso Del Junco

I, Tirso Del Junco, declare under penalty of perjury that I am a citizen of the United States, 18 years of age or older, and a resident of Los Angeles County, California.
Public contact address: _____

(Signature of Proponent)

I, Tirso Del Junco, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

(Signature of Proponent)

Dated this ____ day of _____ 2011

This is the written request for preparation of title and summary of the chief purposes and points of the proposed initiative measure, known as the Protection from Transnational Gangs Act of 2012. This text of the initiative is attached.

Proponent: Ted Hilton

I, Ted Hilton, declare under penalty of perjury that I am a citizen of the United States, 18 years of age or older, and a resident of San Diego County, California.
Public contact address: POB 9985 San Diego CA 92189

Ted Hilton

(Signature of Proponent)

RECEIVED

DEC 30 2011

INITIATIVE COORDINATOR,
ATTORNEY GENERAL'S OFFICE

Page 2

I, Ted Hilton, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Ted Hilton (Signature of Proponent)

Dated this 6th day of December 2011

This is the written request for preparation of title and summary of the chief purposes and points of the proposed initiative measure, known as the Protection from Transnational Gangs Act of 2012. This text of the initiative is attached.

Proponent: Bill Siler

I, Bill Siler, declare under penalty of perjury that I am a citizen of the United States, 18 years of age or older, and a resident of Contra Costa County.

Public contact address: 1771 LAGUNA ST #15, CONCORD 94520

[Signature] (Signature of Proponent)

I, Bill Siler, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

_____ (Signature of Proponent)

Dated this ____ day of _____ 2011

December 5, 2011

California Attorney General Kamala Harris
Attn: Dawn McFarland, Initiative Coordinator
1300 I Street, 17th Floor, Post Office Box 944255
Sacramento, California 94244-2550

This is the written request for preparation of title and summary of the chief purposes and points of the proposed initiative measure, known as the Protection from Transnational Gangs Act of 2012. The text of the initiative is attached.

Proponent: Tirso Del Junco

I, Tirso Del Junco, declare under penalty of perjury that I am a citizen of the United States, 18 years of age or older, and a resident of Los Angeles County, California.

Public contact address:

671 Terminal St Blvd #200

Tirso Del Junco (Signature of Proponent)

I, Tirso Del Junco, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Tirso Del Junco (Signature of Proponent)

Dated this 26 day of Dec, 2011

This is the written request for preparation of title and summary of the chief purposes and points of the proposed initiative measure, known as the Protection from Transnational Gangs Act of 2012. This text of the initiative is attached.

Proponent: Ted Hilton

I, Ted Hilton, declare under penalty of perjury that I am a citizen of the United States, 18 years of age or older, and a resident of San Diego County, California.

Public contact address:

Ted Hilton (Signature of Proponent)

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS
FOLLOWS:**

SEC. 1. This measure shall be known, and may be cited as the Protection from Transnational Gangs Act of 2012.

SEC. 2. Chapter 3.5 (commencing with Section 653.65) is added to Title 15 of Part 1 of the Penal Code, to read:

**CHAPTER 3.5 COOPERATIVE ENFORCEMENT OF FEDERAL
IMMIGRATION LAW**

653.65. (a) Upon notification that an arrested person is unlawfully present in the United States, the arresting agency shall immediately verify with the United States Department of Homeland Security whether an immigration detainer is to be issued for that person.

(b) Any state or local law enforcement agency having custody of an alien for whom a request for a detainer has been received from federal immigration authorities may not release the alien, unless otherwise directed by a court of competent jurisdiction, but shall transfer the alien into federal custody.

SEC. 3. Section 11057 is added to the Penal Code, to read:

11057. (a) The Department of Justice is authorized and directed to negotiate the terms of a Memorandum of Agreement pursuant to Section 287 (g) of the federal Immigration and Nationality Act of 1965, as amended, between the State of California and the United States Department of Justice or United States Department of Homeland Security, providing for designated law enforcement officers to perform certain functions of federal immigration officers within the State of California.

(b) The Memorandum of Agreement negotiated pursuant to subdivision (a) shall be signed on behalf of the state by the Attorney General.

(c) (1) No later than 90 days from the date that the Memorandum of Agreement is signed by all parties, the Department of Justice shall determine the 20 counties in the state with the highest impact of crimes committed by unauthorized alien transnational gangs.

(2) The sheriff from each of the 20 counties identified by the Department of Justice pursuant to paragraph (1) shall designate at least one peace officer to be trained pursuant to the Memorandum of Agreement.

(3) Any state or local law enforcement agency may designate one or more peace officers to be trained pursuant to the Memorandum of Agreement.

(d) Training under the Memorandum of Agreement shall be provided to the designated peace officers pursuant to subdivision (c) subject to the availability of funds appropriated for this purpose.

(e) The Attorney General shall make requests for funds to advance training of additional officers, pursuant to Section 287 (g) of the federal Immigration and Nationality Act of 1965, as amended, to be stationed at each booking, jail and correctional facility, and to investigate transnational gangs and other unauthorized aliens.

SEC. 4. Section 11059 is added to the Penal Code, to read:

11059. (a) Notwithstanding any other provision of law, no official or agency of this state or political subdivision herein may prohibit or in any way restrict any peace officer from inquiring into the citizenship or immigration status of a person and from verifying that status, or exchanging information with any law enforcement agency for any lawful purpose authorized by Sections 1373 and 1644 of Title 8 of the United States Code.

SEC. 5. Section 12801.5 of the Vehicle Code is amended to read:

12801.5. (a) Notwithstanding any provision of law, the department shall require every applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.

(b) (1) The department shall not issue an original driver's license or identification card to a person who does not submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.

(2) The department shall not accept a driver's license or identification card from any other state as proof of lawful status if the other state does not verify lawful presence in the United States.

(3) For any application that does not have a verified social security number, the department shall verify the applicant's documents with the issuing federal agency that establishes the applicant's authorized presence in the United States.

(c) The department shall adopt regulations to carry out the purposes of this section, including procedures for, but not limited to, (1) verifying that the applicant's presence in the United States is authorized under federal law, (2) issuance of a temporary license pending verification of the applicant's status, and (3) appeal hearings from a denial of a license, temporary license, or identification card.

(d) On January 10 of each year, the department shall submit a supplemental budget report to the Governor and the Legislature detailing the costs of verifying the citizenship or legal residency of applicants for driver's licenses and identification cards, in order for the state to request reimbursement from the federal government.

(e) Notwithstanding Section 40300 or any other provision of law, a peace officer may not detain or arrest a person solely on the belief that the person is an unlicensed driver, unless the officer has reasonable cause to believe the person driving is under the age of 16 years.

(f) The inability to obtain a driver's license pursuant to this section does not abrogate or diminish in any respect the legal requirement of every driver in this state to obey the motor vehicle laws of this state, including laws with respect to licensing, motor vehicle registration, and financial responsibility.

SEC. 6. Section 12801.9 is added to the Vehicle Code to read:

12801.9. If an applicant has been temporarily admitted to the United States on a nonimmigrant visa, the department shall not issue a driver's license or identification card to the applicant for a period that extends beyond the expiration date of the applicant's authorized presence in the United States.

SEC. 7. (a) The provisions of this act are severable. If any provision of this act or its application is held invalid, the invalid provision shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(b) The terms of this act regarding immigration shall have the meanings applied under federal immigration law.

(c) The provisions of this act shall be implemented in a manner consistent with federal laws regulating immigration and protecting the civil rights of all persons.