



DEBRA BOWEN | SECRETARY OF STATE
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FAX AND OVERNIGHT MAIL

DATE: February 19, 2008

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS/VENDORS
(08065)

FROM: *Jane Howell*
Jane Howell, Elections Analyst
Ballot Pamphlet & Initiatives

SUBJECT: JUNE 3, 2008, STATEWIDE DIRECT PRIMARY ELECTION
BALLOT LABELS AND TITLES AND SUMMARIES FOR
PROPOSITIONS 98 AND 99

SUBJECT TO CHANGE

Enclosed are the English ballot labels and titles and summaries for Propositions 98 and 99 for the June 3, 2008, Statewide Direct Primary.

These ballot labels and titles and summaries are currently on public display and are **subject to court-ordered changes through March 10, 2008**. We will advise you of any court-ordered changes by March 11, 2008. The translations for the ballot labels and titles and summaries will be forwarded separately.

If you would like to have electronic copies emailed to you or if you have any questions, you may contact me by email at jane.howell@sos.ca.gov or by phone at (916) 653-2744.

Encl.

PROPOSITION 98
Eminent Domain. Limits on Government
Authority. Initiative Constitutional
Amendment.
Proponents: Howard Jarvis Taxpayers
Association

February 3, 2008

BALLOT LABEL

**EMINENT DOMAIN. LIMITS ON GOVERNMENT AUTHORITY.
INITIATIVE CONSTITUTIONAL AMENDMENT.**

Bars state and local governments from taking or damaging private property for private uses. Prohibits rent control and similar measures. Eliminates deference to government in property rights cases. Changes condemnation rules.

Fiscal Impact: Increased costs to many governments due to the measure's restrictions. The net statewide fiscal effect, however, probably would not be significant.

**SUBJECT TO COURT
ORDERED CHANGES**

PROPOSITION 98
Eminent Domain. Limits on Government
Authority. Initiative Constitutional
Amendment.
Proponents: Howard Jarvis Taxpayers
Association

February 3, 2008

BALLOT TITLE AND SUMMARY

EMINENT DOMAIN. LIMITS ON GOVERNMENT AUTHORITY. INITIATIVE CONSTITUTIONAL AMENDMENT.

- Bars state and local governments from taking or damaging private property for private uses.
- Prohibits rent control and similar measures.
- Prohibits deference to government in takings cases.
- Defines “just compensation.”
- Requires an award of attorneys fees and costs if a property owner obtains a judgment for more than the amount offered by the government.
- Requires government to offer to original owner of condemned property the right to repurchase property at condemned price when property is put to substantially different use than was publicly stated.

Summary of Legislative Analyst’s Estimate of Net State and Local Government Fiscal Impact:

- Increased costs to many governments due to the measure’s restrictions. The net statewide fiscal effect, however, probably would not be significant.

**SUBJECT TO COURT
ORDERED CHANGES**

PROPOSITION 99

February 3, 2008

Eminent Domain. Limits on Government Acquisition of
Owner-occupied Residence. Initiative Constitutional
Amendment.

Proponents: Christopher K. McKenzie,
Susan Smartt, Kenneth Willis

BALLOT LABEL

**EMINENT DOMAIN. LIMITS ON GOVERNMENT ACQUISITION OF OWNER-
OCCUPIED RESIDENCE. INITIATIVE CONSTITUTIONAL AMENDMENT.**

Bars use of eminent domain to acquire an owner-occupied residence for conveyance to a private person or business entity. Creates exceptions for public works, public health and safety, and crime prevention.

Fiscal Impact: No significant fiscal impact on state or local governments.

**SUBJECT TO COURT
ORDERED CHANGES**

PROPOSITION 99

February 3, 2008

Eminent Domain. Limits on Government Acquisition of
Owner-occupied Residence. Initiative Constitutional
Amendment.

Proponents: Christopher K. McKenzie,
Susan Smartt, Kenneth Willis

BALLOT TITLE AND SUMMARY

**EMINENT DOMAIN. LIMITS ON GOVERNMENT ACQUISITION OF OWNER-
OCCUPIED RESIDENCE. INITIATIVE CONSTITUTIONAL AMENDMENT.**

- Bars state and local governments from using eminent domain to acquire an owner-occupied residence, as defined, for conveyance to a private person or business entity.
- Creates exceptions for public work or improvement, public health and safety protection, and crime prevention.

**Summary of Legislative Analyst's
Estimate of Net State and Local Government Fiscal Impact:**

- No significant fiscal impact on state or local governments.

**SUBJECT TO COURT
ORDERED CHANGES**