Proposition 22: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8, of the California Constitution. This initiative measure adds a section to the Family Code; therefore, new provisions proposed to be added are printed in italic type to indicate that they are new.

PROPOSED LAW

SECTION 1. This act may be cited as the “California Defense of Marriage Act.”

SECTION 2. Section 308.5 is added to the Family Code, to read: 308.5. Only marriage between a man and a woman is valid or recognized in California.

Proposition 23: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II of the California Constitution. This initiative measure amends and adds sections to the Elections Code; therefore, existing provisions proposed to be deleted are printed in strikeout type and new provisions proposed to be added are printed in italic type to indicate that they are new.

PROPOSED LAW

“NONE OF THE ABOVE” ELECTION REFORM ACT

SECTION 1. This act shall be known and may be cited as the “None of the Above” Election Reform Act.

SEC. 2. FINDINGS AND DECLARATIONS

(a) Many eligible citizens of all political parties do not participate in elections because they are angered by negative campaigns, frustrated with the narrow choice of candidates, and convinced that those elected will represent them in touch with their needs.

(b) Voters in the State of Nevada have, for more than 20 years, benefited from having the choice to vote for “none of these candidates” and have their choice counted and reported as part of official election results.

(c) Establishing the option of voting for “None of the Above” will encourage voter participation in elections by giving citizens who have tended not to vote in the past a means of participating responsibly while voicing a protest against negative campaigns, limited choice of candidates, and poor performance of officeholders.

(d) Establishing a nonbinding “None of the Above” option will not alter the principle that the election is won by the candidate who receives the most votes.

(e) Votes, candidates, and officeholders will benefit from official publication of information concerning how many voters choose “None of the Above” rather than any of the candidates on the ballot for a particular public office. Specifically, when more voters cast their ballots for “None of the Above” than for any of the candidates, they will send a powerful message about the need for reform. Votes for “None of the Above” will tell politicians that their methods of recruiting candidates, campaigning, and communicating with the public need improvement.

SEC. 3. PURPOSE AND INTENT

The people of the State of California hereby declare their purpose and intent in enacting this act to be as follows:

(a) To increase voter participation in elections.

(b) To give voters a means to responsibly protest, and visibly express their dissatisfaction with, the choices offered on the ballot.

(c) To send politicians a message about voter anger over negative campaigns, the lack of meaningful choices among candidates, and the inaccessibility of their elected representatives.

SEC. 4. Chapter 5 (commencing with Section 400) is added to Division 0.5 of the Elections Code, as follows:

CHAPTER 5. OPTION OF VOTING FOR NONE OF THE ABOVE

400. Notwithstanding any other provision of law, in all primary, general, special, and recall elections for President, Vice President, Member of the United States Senate, Member of the House of Representatives, Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, Insurance Commissioner, Member of the Board of Equalization, Member of the Assembly, and State Senator, voters shall be provided with the option of voting for “None of the Above.” Only votes cast for named candidates (including valid write-in candidates) shall be counted in determining the selection of presidential electors or nomination or election to any of the other specified federal and state offices, but for each office the number of ballots on which “None of the Above” was selected shall be listed below the names of the candidates and the number of their votes in every tally sheet, snap tally form, semiformal return, official return, statement of the result, return, statement of the vote, supplement to the statement of the vote, or other official listing of election results.

SEC. 5. Section 6480 of the Elections Code is amended to read:

6480. The format of the presidential portion of the Republican primary ballot shall be governed by Chapter 2 (commencing with Section 13100) of Division 13, with the following exceptions:

(a) Presidential candidates who have qualified for the ballot and to whom instructions to voters excluded reference to groups of candidates preferring a person whose name appears on the ballot or references to any group of candidates not expressing a preference for a particular candidate.

(b) In place of the heading: “FOR DELEGATES TO NATIONAL CONVENTION. Vote for One Group or ‘None of the Above’ Only.” shall appear the heading: “PRESIDENTIAL PREFERENCE. Vote for One or ‘None of the Above’.”

(c) Candidates for President shall be listed on the ballot in the same order provided for in Chapter 2 (commencing with Section 13100) of Division 13 for statewide candidates.

(d) The instructions to voters shall be the same as provided for in Chapter 2 (commencing with Section 13100) of Division 13 except that they shall begin with the words, “To express your preference for a candidate for nomination for President, stamp a cross (+) in the square opposite the name of the candidate or ‘None of the Above.’” Your vote in this portion of the ballot is advisory only. Delegates to the national convention will be elected in the delegate selection portion of the ballot.

SEC. 7. Section 6821 of the Elections Code is amended to read: 6821. For the presidential primary election, the format of the Peace and Freedom Party ballot shall be governed by Chapter 2 (commencing with Section 13100) of Division 13 except that they shall begin with the words, “To express your preference for a candidate for nomination for President, stamp a cross (+) in the square opposite the name of the candidate or ‘None of the Above.’” Your vote in this portion of the ballot is advisory only. Delegates to the national convention will be elected in the delegate selection portion of the ballot.

SEC. 8. Section 9035 of the Elections Code is amended to read: 9035. An initiative measure may be proposed by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the Constitution and is certified to have been signed by registered voters equal in number to five percent in the case of a statute, and 8 percent in the case of an amendment to the Constitution, of the voters for all candidates and for “None of the Above” for Governor
at the last gubernatorial election preceding the issuance of the title and summary for the initiative measure by the Attorney General.

SEC. 9. Section 13322 of the Elections Code is amended to read: Section 13322. In addition to the material contained in Section 13320, the following shall appear on ballots at recall elections, except at a landowner voting district recall election:

(a) The names of the candidates nominated to succeed the officer sought to be recalled shall appear under each recall question.

(b) Following each list of candidates, the ballot shall provide a blank line with a warning that the right of the voter to write in a name not printed on the ballot.

(c) In addition to the material contained in subdivisions (a) and (b), the following instructions shall appear on ballots at recall elections for the offices specified in Section 400: the phrase “None of the Above” or you may decline to vote for any of the candidates for President and Vice President of the United States.

(c) If a group of candidates for electors has been nominated under Chapter 3 (commencing with Section 8400) of Division 8, and has under Chapter 1 (commencing at Section 8300) of Division 8 designated the number of the Electors of President and Vice President of the United States for whom those candidates have pledged themselves to vote, the instructions to voters shall also contain the following, before the instructions required by paragraph (2) of subdivision (b):

“None of the Above” if you do not choose to vote for a candidate for President and Vice President not supported by any particular party stamp a cross (+) in the square opposite the names of the presidential and vice presidential candidates of that party.

name of a party and its presidential and vice presidential candidates, is a vote for all of the electors of that party, but for no other candidates.

(2) If you do not choose to vote for any electors, you may stamp a cross (+) in the voting square to the right of the phrase “None of the Above” or you may decline to vote for any candidates for President and Vice President of the United States.

(d) If a group of candidates for electors has been nominated by a party and qualified to participate in the election, the instructions to voters shall also contain the following, before the instructions required by paragraph (2) of subdivision (b):

“To vote for any other candidate of your selection, stamp a cross (+) in the square opposite the name of that candidate.”

To vote for any group of candidates, you may stamp a cross (+) in the voting square to the right of the phrase “None of the Above” or you may decline to vote for any candidates for President and Vice President of the United States.

To vote for all of the electors of a party, stamp a cross (+) in the square opposite the names of the presidential and vice presidential candidates of that party. A cross (+) stamped in the square opposite the
Text of Proposed Laws—Continued

SEC. 14. Section 13211 of the Elections Code is amended to read:
13211. The names of the candidates and, with regard to all elections for the offices specified in Section 400, the phrase “None of the Above,” shall be printed on the ballot, without indentation, in roman capital, boldface, dark blue text larger than eight point light text or rules at least three-eighths of an inch apart but no more than one-half inch apart. However, in the case of candidates for President and Vice President, the lines or rules may be as much as five-eighths of an inch apart.

SEC. 15. Section 14441 of the Elections Code is amended to read:
14441. (a) The elections official shall prepare and forward to each selected precinct forms containing a list of the offices and measures designated in the candidate schedule prescribed by the Secretary of State prior to each election, for returns to the Secretary of State in the manner and according to the schedule prescribed by the Secretary of State prior to each election, for the following:
1. Member of the Assembly.
2. Member of the State Senate.
3. Member of the State Board of Equalization.
4. (3) All candidates voted for J ustice of the Court of Appeals.
5. (4) All persons and “None of the Above” voted for at the presidential primary or for electors of President and Vice President of the United States. The results at the presidential primary for candidates for President to whom delegates of a political party are pledged shall be reported according to the number of votes each candidate and “None of the Above” received from voters affiliated with the presidential primary for candidates for President to whom delegates of a political party are pledged shall be reported according to the number of votes each candidate and “None of the Above” received from voters affiliated with the presidential primary, and from voters who have declined to affiliate with a qualified political party. The results at the presidential primary for candidates for President to whom delegates of a political party are pledged shall be reported according to the number of votes each candidate and “None of the Above” received from voters affiliated with the presidential primary, and from voters who have declined to affiliate with a qualified political party. The results shall be reported in the following manner:
1. All candidates for statewide office and, with regard to statewide offices specified in Section 400, “None of the Above,” voted statewide office.
2. All candidates and “None of the Above” voted for at the presidential primary for delegates to national conventions shall be canvassed and shall be sent within 20 days after the election. The results at the presidential primary for candidates for President to whose delegates of a political party are pledged “None of the Above” shall be reported according to the number of votes each candidate and “None of the Above” received from all voters and separately according to the number of votes each candidate and “None of the Above” received from voters affiliated with the presidential primary qualified to participate in the presidential primary election, and from voters who have declined to affiliate with a qualified political party.
3. The vote given for persons and “None of the Above” for electors of President and Vice President of the United States. The results for all persons voted for at the presidential primary for delegates to national conventions shall be canvassed and shall be sent within 20 days after the election. The results at the presidential primary for candidates for President to whom delegates of a political party are pledged “None of the Above” shall be reported according to the number of votes each candidate and “None of the Above” received from all voters and separately according to the number of votes each candidate and “None of the Above” received from voters affiliated with the presidential primary qualified to participate in the presidential primary election, and from voters who have declined to affiliate with a qualified political party.
(b) The precinct board members keeping the tally sheets shall record opposite each name or measure, with pen or indelible pencil, the number of votes by tallies as the name of each candidate, “None of the Above,” or measure voted upon is read aloud from the respective ballot. In each general election, the precinct board members keeping the tally shall draw two heavy lines in ink or indelible pencil from the last tally mark to the end of the line in which the tallies terminate and initial that line. The total number of votes counted for each candidate, for “None of the Above,” and for and against each measure shall be recorded on the tally sheets in words and figures.

SEC. 20. Section 15374 of the Elections Code is amended to read:
15374. (a) The statement of the result shall show all of the following:
1. The total number of ballots cast.
2. The number of votes cast at each precinct for each candidate, for “None of the Above,” and for and against each measure.
3. The total number of ballots cast for the offices specified in Section 400, the designation “None of the Above,” and for and against each measure.
4. The number of votes cast for each person for the offices specified in Section 400, the phrase “None of the Above,” and for and against each measure.
5. The number of votes cast for each person for the offices specified in Section 400, the designation “None of the Above.”
6. The phrase “None of the Above” for presidential electors shall be endorsed.
7. The total number of votes cast for each candidate, for “None of the Above,” and for and against each measure.

SEC. 21. Section 15375 of the Elections Code is amended to read:
15375. The elections official shall forthwith send to the Secretary of State for the presidential primary or for electors of President and Vice President of the United States. The results at the presidential primary for candidates for President to whom delegates of a political party are pledged “None of the Above” shall be reported according to the number of votes each candidate and “None of the Above” received from all voters and separately according to the number of votes each candidate and “None of the Above” received from voters affiliated with the presidential primary qualified to participate in the presidential primary election, and from voters who have declined to affiliate with a qualified political party.

SEC. 22. Section 15501 of the Elections Code is amended to read:
15501. (a) Except as to presidential electors, the Secretary of State shall compile the results for all of the following:
1. All candidates voted for statewide office and, with regard to statewide offices specified in Section 400, “None of the Above.”
2. All candidates and “None of the Above” voted for at the presidential primary for delegates to national conventions shall be canvassed and shall be sent within 20 days after the election. The results at the presidential primary for candidates for President to whom delegates of a political party are pledged “None of the Above” shall be reported according to the number of votes each candidate and “None of the Above” received from all voters and separately according to the number of votes each candidate and “None of the Above” received from voters affiliated with the presidential primary qualified to participate in the presidential primary election, and from voters who have declined to affiliate with a qualified political party.
3. The vote given for persons and “None of the Above” for electors of President and Vice President of the United States. The results for all persons voted for at the presidential primary for delegates to national conventions shall be canvassed and shall be sent within 20 days after the election. The results at the presidential primary for candidates for President to whom delegates of a political party are pledged “None of the Above” shall be reported according to the number of votes each candidate and “None of the Above” received from all voters and separately according to the number of votes each candidate and “None of the Above” received from voters affiliated with the presidential primary qualified to participate in the presidential primary election, and from voters who have declined to affiliate with a qualified political party.
4. The vote given for persons and “None of the Above” for electors of President and Vice President of the United States. The results for all persons voted for at the presidential primary for delegates to national conventions shall be canvassed and shall be sent within 20 days after the election. The results at the presidential primary for candidates for President to whom delegates of a political party are pledged “None of the Above” shall be reported according to the number of votes each candidate and “None of the Above” received from all voters and separately according to the number of votes each candidate and “None of the Above” received from voters affiliated with the presidential primary qualified to participate in the presidential primary election, and from voters who have declined to affiliate with a qualified political party.

SEC. 23. Section 15502 of the Elections Code is amended to read:
15502. Within 120 days of the filing of the statement of the vote, the Secretary of State, upon the basis of the information provided, shall
This initiative measure is submitted to the people 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 Elections Code and the Government Code; therefore, existing provisions proposed to be deleted are printed in strikethrough type and new provisions proposed to be added are printed in italic type to indicate that they are new.

PROPOSED LAW

SECTION 1. Title
This measure shall be known as the California Voters Bill of Rights Act.

SECTION 2. Findings and Declarations
The people of California find and declare as follows:
(a) The people of California should be governed by a political system that is fair to all persons, open to public scrutiny, and dedicated to the principle that government derives its powers from the consent of the governed.
(b) The existing political system has failed to provide fairness in representation and is disproportionately dominated by individuals and groups whose extraordinary financial or political advantages enable a disregard of the consent of the governed.
(c) The recent history in California of financing campaigns and providing disproportionate advantages to protect incumbent officeholders have undermined public confidence in government.
(d) This unfair current political system is recognized by many residents of California, leading to worrisome levels of voter apathy and disenchantment with politics.
(e) Our democracy cannot continue to flourish if elections are often unfair, and voters perceive them to be unfair.

SECTION 3. Purposes of This Act
The people enact this law to accomplish the following related purposes:
(a) To ensure that all individuals and interest groups in our society have a fair and equitable opportunity to participate in the elective and governmental processes.
(b) To minimize the potentially corrupting influence and appearance of corruption caused by excessive contributions and expenditures in campaigns.
(c) To lessen the potentially corrupting pressures on candidates and officeholders and the appearance of corruption by establishing sensible time periods for soliciting and accepting campaign contributions.
(d) To provide voters with ample and fair election information from which to make informed campaign decisions.
(e) To encourage fair representation of the governed.
(f) To nurture voter trust in the outcome of elections and confidence in the fairness of state government and the commitment of officeholders.

SECTION 4. Section 3513.5 is added to the Elections Code, to read:
3513.5. The proponent shall place at the top of each petition, in clearly visible font at least twice the size of any font on the petition, the following statement if the circulator is being paid to gather signatures: "THIS PETITION IS BEING CIRCULATED BY A PAID CIRCULATOR."

SECTION 5. Section 18521 of the Elections Code is amended to read:
18521. A person shall not directly or through any other person receive, agree, or contract for, before, during or after an election, any money, gift, loan, or other valuable consideration offering office, place, or employment for himself or any other person because he or any other person:
(a) Voted, agreed to vote, refrained from voting, or agreed to refrain from voting for any particular person or measure.
(b) Remained away from the polls.
(c) Refrained or agreed to refrain from voting.
(d) Voted or agreed to vote.
(e) Induced any other person to:
   (1) Remain away from the polls.
   (2) Refrain from voting.
   (3) Vote or refrain from voting for any particular person or measure.
   (4) Vote or agree to vote.

Any person violating this section is punishable by imprisonment in the state prison for 16 months or two or three years.

SECTION 6. Section 20300 of the Elections Code is repealed.
20300. Upon leaving any elective office, or at the end of the postelection reporting period following the defeat of a candidate for elective office, whichever occurs last, surplus campaign funds raised prior to January 1, 1989, under the control of the former candidate or officeholder or his or her controlled committee shall be used or held only for the following purposes:
(a) (1) The repayment of personal or committee loans or other obligations if there is a reasonable relationship to a political, legislative, or governmental activity.
(b) For purposes of this subdivision, the payment for, or the reimbursement to the state of, the costs of installing and monitoring an electronic security system in a campaign office, or both, of a candidate or elected officer who has received threats to his or her physical safety shall be deemed to have a reasonable relationship to a political, legislative, or governmental activity provided that the threats arise from his or her activities, duties, or status as a candidate or elected officer and that the threats have been reported to and verified by an appropriate law enforcement agency. Verification shall be determined solely by the law enforcement agency to which the threat was reported.
The candidate or elected officer shall report any expenditure of campaign funds made pursuant to this section to the commission. The report to the commission shall include the date that the candidate or elected officer informed the law enforcement agency of the threat, the name and phone number of the law enforcement agency, and a brief description of the threat. No more than five thousand dollars ($5,000) in surplus campaign funds may be used, cumulatively, by a candidate or elected officer pursuant to this subdivision. Payments made pursuant to this subdivision shall be made during the two years immediately following the date upon which the campaign funds became surplus
section 84207. (a) Each state candidate or committee which is required to file an original campaign statement with the Secretary of State, that has contributed an aggregate total of ten thousand dollars ($10,000) or more in a calendar year, shall report each contribution of one thousand dollars ($1,000) or more to the Secretary of State. The recipient of the contribution shall report the recipient's full name, street address, city, and ZIP Code, the committee identification number assigned by the Secretary of State, the date and amount of the contribution, and the office sought if the recipient is a candidate, or the ballot measure number or letter or, if none has yet been assigned, a brief description of the subject matter of the measure, and the name of the contributor that made the contribution.

(b) Such contributions of one thousand dollars ($1,000) or more shall be reported by electronic means pursuant to Chapter 4.6 (commencing with Section 84600) within 24 hours of receipt of the contribution.

(2) If the report is related to a candidate, the full name of the candidate and the office and district for which the candidate seeks election. If the report is related to a ballot measure, the number or letter of the measure, or, if none has yet been assigned, a brief description of the subject matter of the measure.

(3) The total amount of expenditures during the period covered.

(4) The amount of expenditures for each person to whom an expenditure was made during the period covered by the report, including the recipient's full name and street address, the number assigned to the recipient committee, if any, and a brief description of the consideration for which the expenditure was made.

(d) A candidate or committee subject to reporting pursuant to subdivisions (a) and (b) shall not be subject to the reporting requirements of Section 84203.

(3) Within 30 days of the campaign statement required to be filed pursuant to Section 84200, the Secretary of State shall determine who has contributed an aggregate total of ten thousand dollars ($10,000) or more in a calendar year to all state candidates and to committees that are required to file original campaign statements with the Secretary of State. The Secretary of State shall send a form listing the compiled contributions of each such contributor and request that the contributor verify the compilation as to that contributor. The contributor, under penalty of perjury, shall reply within 30 days, verifying, denying, or amending the compilation provided by the Secretary of State. A contributor that fails to respond in a timely manner shall be liable to the Secretary of State for the costs of the investigation.

(3) A contribution of less than one thousand dollars ($1,000) that is exempt from reporting would not be subject to the reporting requirements of this section.
placing an advertisement in which a disclosure pursuant to Section 84503 is required, beginning one year prior to and ending seven days prior to the time the advertisement is sent to the vendor.

84502. (a) In addition to the information required in the ballot pamphlet in Section 88001, and in the sample ballot in Section 13307 of the Elections Code, the top five contributors, if any, of twenty-five thousand dollars ($25,000) or more to committees primarily formed to support or oppose a state ballot measure shall be listed in the ballot pamphlet in a manner determined by the commission, together with the aggregate amount of contributions made by those contributors. For the purposes of this section, committee or donor controlled committees and their aggregate contributions shall be determined as of the date at which the text of the ballot pamphlet is subject to public review.

(b) Following the list of the top five contributors shall be the statement: "This list reflects only the top five financial contributors as of [insert the date of public review for the ballot pamphlet]."

84503. (a) Any advertisement for or against any state or local ballot measure shall include a disclosure statement identifying any person, other than an individual, whose cumulative contributions to the committee placing the advertisement are fifty thousand dollars ($50,000) or more, or any individual whose cumulative contributions are two hundred fifty thousand dollars ($250,000) or more.

(b) If there are more than two donors whose disclosure is required under subdivision (a), the committee shall be required to disclose only the highest and second highest in that order. In the event that more than two donors meet this disclosure threshold at identical contribution levels, the highest and second highest shall be selected according to the chronological order of the contributors.

(c) If candidates or their controlled committees, as a group or individually, meet the contribution thresholds for a person, they shall be identified by the controlling candidates name but are not treated as an individual under subdivision (a).

84504. In addition to the requirements of Sections 84503 and 84505, the committee placing the advertisement or persons acting in concert with that committee shall be prohibited from creating or using a non-candidate controlled committee or a non-sponsored committee to avoid, or that results in the avoidance of, the disclosure of any business entity, controlled committee, or sponsored committee as a major funding source.

84505. If the expenditure for a mailing advertisement that expressly advocates the election or defeat of any state candidate is an independent expenditure, the committee shall disclose in the advertisement the names of the two persons, other than individuals, making the largest contributions in excess of twenty-five thousand dollars ($25,000) to the committee making the independent expenditure. If an acronym is used to specify any committee names in this section, the names of any sponsoring organization of the committee shall be prominently displayed on televised or printed advertisements or spoken in radio broadcast or phone message advertisements. For the purposes of determining the two contributors to be disclosed, the contributions of each person to the committee making the independent expenditure during the one-year period prior to the election date shall be considered.

84506. (a) Any disclosure statement required by this article shall be printed clearly and legibly in no less than 10-point roman font and in a conspicuous manner as defined by the commission for televised or printed advertisements, or shall be spoken so as to be clearly audible and understood by the intended public for radio or phone message advertisements.

(b) Phone calls that are advertisements shall disclose, during the course of the call, the name of the committee making the independent expenditure (or paid for the call and the name of the donor if any, other than an individual, that has made the greatest contribution in dollar value greater than ten thousand dollars ($10,000) to the independent expenditure committee.

84507. Notwithstanding the requirements of Sections 84503 and 84505, the committee shall not be required to disclose, in addition to the committee name, its major funding source, or any individuals who meet the disclosure thresholds at identical contribution levels, the committee is required to disclose only the highest and second highest in that order. In the event that more than two donors meet this disclosure threshold at identical contribution levels, the highest and second highest shall be selected according to the chronological order of the contributors.

(b) Any newspaper, magazine, or other public print media advertisement which is 20 square inches or less.

84508. When a committee files an amended campaign statement pursuant to Section 81004.5, the committee shall change its advertisements to reflect the changed disclosure information.

84509. Any individual who appears in an advertisement paid for by a candidate committee or a campaign committee controlled by the candidate or the candidate’s organization, controlled by the individual, from said campaign committee or from any donor of five thousand dollars ($5,000) or more to said campaign committee shall disclose that payment or promised payment to the public.

84510. Any candidate for officer, measure or candidate, and who is paid or promised payment of five thousand dollars ($5,000) or more for that individual, or an organization controlled by the individual, from said campaign committee or from any donor of five thousand dollars ($5,000) or more to said campaign committee shall disclose that payment or promised payment in a manner prescribed by the commission. The campaign advertisement shall include the statement: "[spokesperson’s name] is being paid by this campaign or its donors in highly visible roman font shown continuously if the advertisement is placed in printed or televised
Text of Proposed Laws—Continued

84510. (a) In addition to the remedies provided for in Section 84501 (commencing with Section 91000), any person who violates this article is liable in a civil or administrative action brought by the commission, or any person pursuant to the procedures set forth in Section 91007, for a fine of not less than five thousand dollars ($5,000) for each violation, plus any other person in a violation.

(b) The remedies provided in subdivision (a) shall also apply to any person who purposely causes any other person to violate any provision of this article, who hires or procures any other person to violate this article, or who aids and abets any other person in a violation.

(c) If a judgment is entered against the defendant or defendants in an action brought under this chapter, the plaintiff shall receive 50 percent of the amount recovered. The remaining 50 percent shall be deposited in the General Fund of the State.

SEC. 16. Section 85100 of the Government Code is repealed. Section 85101. This chapter shall be known as the California Political Reform Act of 1996.

SECTION 17. Section 85102 of the Government Code is repealed. Section 85103. The people enact this law to accomplish the following:

(d) To lessen the potentially corrupting influence and appearance of corruption caused by excessive contributions and expenditures in campaigns by providing for reasonable contribution and spending limits for candidates.

(e) To provide impartial and noncoercive incentives that encourage candidates and officeholders to spend a lesser proportion of their time on fundraising and a greater proportion of their time communicating issues of importance to voters and constituents.

(f) To provide for reasonable contribution and spending limits for candidates.

(g) To meet the citizens right to know the sources of campaign contributions.

(h) To enact tough penalties that will deter persons from violating this law.

85301. (a) Except as provided in subdivision (a) of Section 85402 and Section 85706, no person, other than small contributor committees and political party committees, shall make to any candidate or the candidate’s controlled committee any contribution more than 90 days preceding any primary or special primary election in which the candidate is attempting to be on the ballot or is a write-in candidate, or more than six months preceding any regular election or special election in which the candidate is attempting to be on the ballot or is a write-in candidate, or more than 30 days preceding any primary or special primary election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(b) Except as provided in subdivision (b) of Section 85402 and Section 85706, no person, other than small contributor committees and political party committees, shall make to a committee that contributes to any candidate’s controlled committee any contribution more than 60 days preceding any primary or special primary election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(c) No candidate or the controlled committee of such a candidate, and no such candidate or the candidate’s controlled committee shall accept from any person a contribution or contributions totaling more than one hundred dollars ($100) for each election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(d) No person shall make to any candidate that contributes to any candidate’s controlled committee a contribution or contributions totaling more than five hundred dollars ($500) for each election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(e) No person shall make to any candidate that contributes to any candidate’s controlled committee a contribution or contributions totaling more than twenty-five thousand dollars ($25,000) per calendar year to be used for the purpose of promoting the support or defeat of any specific candidate, transfers to candidates or their controlled committees, or any expenditure on advertising through electronic media, except that a candidate may distribute a portion of any surplus, residual, or unexpended campaign funds to a political party committee. This subdivision shall not apply to candidate-controlled committees, political party committees, and independent expenditures of the same political party, and no such party committees shall accept from any person, a contribution or contributions from each such person a contribution or contributions totaling more than five hundred dollars ($500) per calendar year. This subdivision shall not apply to candidate-controlled committees, political party committees, and independent expenditures of the same political party, and no such party committees shall accept from any person, a contribution or contributions from each such person a contribution or contributions totaling more than twenty-five thousand dollars ($25,000) per calendar year.

(f) The provisions of this section shall not apply to a candidate’s contribution of his or her personal funds to his or her own campaign committee, but shall apply to contributions from a spouse.

SECTION 22. Section 85301 is added to the Government Code, to read:

85301. No person shall give in the aggregate to political party committees of the same political party, and no such party committees combined shall accept from any person a contribution or contributions totaling more than twenty-five thousand dollars ($25,000) per calendar year to be used for the purpose of promoting the support or defeat of any specific candidate, transfers to candidates or their controlled committees, or any expenditure on advertising through electronic media, except that a candidate may distribute a portion of any surplus, residual, or unexpended campaign funds to a political party committee. This section shall not apply to a committee established by a political party committee for the exclusive purpose of supporting or opposing a ballot measure provided that the committee established is not controlled by a candidate or an elected official.

SECTION 23. Section 85302 of the Government Code is repealed.

85302. No political party committee shall make to any candidate or the controlled committee of such a candidate, and no such candidate or the candidate’s controlled committee shall accept from a small contributor committee, a contribution or contributions totaling more than two thousand five hundred dollars ($2,500) for each election in which the candidate is attempting to be on the ballot or is a write-in candidate.

SECTION 24. Section 85302 is added to the Government Code, to read:

85302. No more than 25 percent of the voluntary spending limits specified in this act at the time of adoption by the voters, subject to cost-of-living adjustments as specified in Section 83124, shall be accepted in cumulative contributions for any election from all political party committees by any candidate or the candidate’s controlled committee.

SECTION 25. Section 85303 of the Government Code is repealed.

85303. (a) No candidate or the candidate’s controlled committee for statewide office shall accept contributions prior to 12 months preceding any primary or special primary election or, in the event there is no primary or special primary election, any regular election or special election, by which the candidate is attempting to be on the ballot or is a write-in candidate.

(b) No candidate or the candidate’s controlled committee for state office, other than statewide office, shall accept contributions prior to six months preceding any primary or special primary election or, in the event there is no primary or special primary election, any regular election or special election, by which the candidate is attempting to be on the ballot or is a write-in candidate.

(c) Notwithstanding subdivisions (a) and (b), contributions or other contributions, or special primary election, or, in the event there is no primary or special primary election, any regular election or special election, by which the candidate is attempting to be on the ballot or is a write-in candidate.

(d) No candidate or the candidate’s controlled committee for state office shall accept contributions more than 90 days after the date of withdrawal, defeat, or election to office. Contributions accepted immediately following such an election or withdrawal and up to 90 days after the date of withdrawal, defeat, or election to office, by the candidate or controlled committee. This section shall not apply to retiring debts incurred with respect to any election held prior to the effective date of this act, provided such funds are collected pursuant to the contribution limits of this act.

(e) Contributions pursuant to subdivisions (c) and (d) shall be subject to the contribution limits of this act.

SECTION 26. Section 85303 is added to the Government Code, to read:

85303. (a) No candidate or the candidate’s controlled committee for state office shall accept contributions prior to 12 months preceding any primary or special primary election or, in the event there is no primary or special primary election, any regular election or special election, by which the candidate is attempting to be on the ballot or is a write-in candidate.

(b) No candidate or the candidate’s controlled committee for state office, other than statewide office, shall accept contributions prior to six months preceding any primary or special primary election or, in the event there is no primary or special primary election, any regular election or special election, by which the candidate is attempting to be on the ballot or is a write-in candidate.

(c) Notwithstanding subdivisions (a) and (b), contributions or other contributions, or special primary election, or, in the event there is no primary or special primary election, any regular election or special election, by which the candidate is attempting to be on the ballot or is a write-in candidate.

(d) No candidate or the candidate’s controlled committee for state office shall accept contributions more than 90 days after the date of withdrawal, defeat, or election to office. Contributions accepted immediately following such an election or withdrawal and up to 90 days after the date of withdrawal, defeat, or election to office, by the candidate or controlled committee. This section shall not apply to retiring debts incurred with respect to any election held prior to the effective date of this act, provided such funds are collected pursuant to the contribution limits of this act.

(e) Contributions pursuant to subdivisions (c) and (d) shall be subject to the contribution limits of this act.

SECTION 27. Section 85304 of the Government Code is repealed.

85304. No more than 25 percent of the recommended expenditure limits specified in this act at the time of adoption by the voters, subject to cost-of-living adjustments as specified in Section 83124, shall be accepted in cumulative contributions for any election from all political party committees by any candidate or the candidate’s controlled committee.

SECTION 28. Section 85304 is added to the Government Code, to read:

85304. No candidate, committee controlled by a candidate or official holder, or ballot measure committee shall make any contribution to any other candidate running for office or his or her controlled committee or other ballot measure committee. This section shall not apply to a candidate or proponent or opponent from making a contribution from his or her own personal funds to his or her own candidacy or to the candidacy of any other candidate for elective office or ballot measure in question.

SECTION 29. Section 85305 of the Government Code is repealed.

85305. (a) (1) In districts of fewer than 1,000,000 residents, no candidate or the candidate’s controlled committee shall accept contributions more than 12 months before any primary or special primary election or, in the event there is no primary or special primary election, any regular election or special election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(b) In districts of 1,000,000 residents or more and for statewide elective office, no candidate or the candidate’s controlled committee shall accept contributions more than 90 days after the date of withdrawal, defeat, or election to office. Contributions accepted immediately following such an election or withdrawal and up to 90 days after the date of withdrawal, defeat, or election to office, by the candidate or controlled committee. This section shall not apply to retiring debts incurred with respect to any election held prior to the effective date of this act, provided such funds are collected pursuant to the contribution limits specified in Article 3 (commencing with Section 85301) of this chapter, and such debts are being retired, and such funds raised shall not count against the contribution limitations applicable for any election following the effective date of this act.

(c) Notwithstanding subdivision (c), funds may be collected at any time to pay for attorney’s fees for litigation or administrative action that arises directly out of a candidate’s alleged violation of state or local campaign, disclosure, or election laws or for a fine or assessment imposed by any governmental agency for violations of this act or this title, or for a recount or contest of the validity of an election.
Text of Proposed Laws—Continued

election, or for any expense directly associated with an external audit or
unresolved tax liability of the campaign by the candidate or the
candidate's controlled committees; provided such funds are collected
pursuant to the contribution limitations of this act.
(a) A loan shall be considered a contribution from the maker
and the guarantor of the loan and shall be subject to all contribution
limitations.
(b) No candidate shall personally make outstanding loans to his
or her campaign or campaign committee that total at any one point in
time more than two hundred thousand dollars ($200,000) in the case of any candidate,
except for candidates for Governor, or one hundred thousand dollars ($100,000) in the case of candidates for
Governor. Nothing in this act shall prohibit a candidate from making unlimited contributions to his
or her campaign.
SECTION 34. Section 85307 is added to the Government Code, to read:
85307. (a) Contributions by a husband and wife shall not be
aggregated.
(b) Contributions by children under 18 shall be treated as
contributions attributed equally to each parent or guardian.
SECTION 35. Section 85308 is added to the Government Code, to read:
85308. No person shall contribute in the aggregate more than fifty
thousand dollars ($50,000) to all state candidates and the state
candidates' controlled committees per election. Contributions from
political parties shall be exempt from this provision.
SECTION 36. Section 85309 is added to the Government Code, to read:
85309. All payments made by a person established, financed,
maintained, or controlled by any business entity, labor organization,
association, political party, or any other person or group of such persons
shall be considered to be made by a single person.
SECTION 37. Section 85310 is added to the Government Code, to read:
85310. A for-profit corporation or joint stock company shall not
make direct contributions from general treasury funds to candidates or
to committees primarily formed to support or oppose a candidate or
candidates.
SECTION 38. Section 85311 is added to the Government Code, to read:
85311. Notwithstanding Section 85309, the costs of internal
communications to members, employees, or shareholders of an
organization, or expenses of signature-gathering purposes by an initiative
proponent committee or to the opposition or supporting candidates for elective office or a ballot measure or measures shall not be
considered a contribution or independent expenditure under this act,
provided such payments are not for the costs of campaign materials or
activities used in connection with broadcasting, newspaper, billboard, or
similar type of general public communication. This section does not
apply to communications by political parties, whose contributions to
candidates are governed by Section 85302.
SECTION 39. Section 85312 is added to the Government Code, to read:
85312. Any committee that accepts a contribution that is not from
the candidate, listed on the ballot or other candidate, shall be
liable to pay to the state the entire amount of the
launched contribution. The liability imposed by this section shall extend to any committee controlled by a candidate or elected official,
whether the committee was organized before or after the launched
campaign contribution was accepted, if the controlling candidate or elected official
controlled the committee that received the launched contribution. The
statute of limitations shall not apply to this provision, and repayments
to the state shall be made as long as the committee has any funds
sufficient to pay the state.
SECTION 40. Section 85313 is added to the Government Code, to read:
85313. The cost of any advertisement in support of or in opposition
to a ballot measure that is paid for by a committee controlled by a
candidate appearing on the same ballot as the ballot measure, and who
is prominently featured in the advertisement, shall be deemed an
in-kind contribution from the committee and the contribution shall be
subject to the limitations of Section 85300. The commission shall draft
appropriate regulations to implement the purposes of this section.
SECTION 41. Article 4 (commencing with Section 85400) is added to
Chapter 5 of Title 9 of the Government Code, to read:
Article 4. Campaign Spending Limits
and Public Support
85400. (a) Each candidate for state office shall file a statement of
acceptance or rejection of the voluntary spending limits prescribed in
Section 85401 upon filing the statement of intention pursuant to Section
85200. A candidate who wishes to retain the option of contributing
personal funds to his or her own campaign in excess of one-half of the
voluntary spending limits must file a statement so indicating at this
time.
(b) Each state ballot initiative committee shall file a statement of
acceptance or rejection of the voluntary spending limits prescribed in
Section 85401 within 30 days of applying for title and summary for
either a state ballot initiative or a ballot measure or making expenditures of one thousand dollars ($1,000) or more for
against a ballot initiative or other persons.
(c) Any candidate or committee that neglects to file the statement
indicating acceptance of the voluntary spending limits by the
appropriate date shall be assumed to have rejected the voluntary
spending limits.
(d) Any violation of the pledge to abide by the voluntary spending
limits shall be subject to a fine of five thousand dollars ($5,000) or three
times the amount of expenditures in excess of the spending limits,
whichever is greater.
85401. (a) No candidate for state office, and no proponent or
opponent of a state ballot initiative, who voluntarily accepts spending
limits and any controlled committee of such a candidate or proponent or
opponent, shall make campaign expenditures above the following
amounts:
(1) For an Assembly candidate, three hundred thousand dollars
($300,000) in the primary or special primary election and four hundred
thousand dollars ($400,000) in the general, special, or special runoff
election.
(2) For a Senate candidate or a candidate for the State Board of
Equalization, five hundred thousand dollars ($500,000) in the primary
or special primary election and eight hundred thousand dollars
($800,000) in the general, special, or special runoff election.
(3) For a statewide candidate, other than Governor, one million five
hundred thousand dollars ($1,500,000) in the primary election and two
hundred thousand dollars ($2,000,000) in the general, special, or special runoff
election. Expenditures for postage for a statewide candidate, other than
postage for slate mailers, shall be exempt from the spending limits.
(4) For Governor, six million dollars ($6,000,000) in the primary
election and ten million dollars ($10,000,000) in the general, special, or special runoff
election. Expenditures for postage for a gubernatorial candidate, other than
postage for slate mailers, shall be exempt from the spending limits.
(5) For a state ballot initiative, six million dollars ($6,000,000) per
election. Expenditures for postage for a state ballot initiative or
candidates for elective office or a ballot measure or measures shall not be
considered a contribution or independent expenditure under this act,
provided such payments are not for the costs of campaign materials or
activities used in connection with broadcasting, newspaper, billboard, or
similar type of general public communication. This section does not
apply to communications by political parties, whose contributions to
candidates are governed by Section 85302.
(c) Any candidate or committee who declines to accept the voluntary spending limits upon the filing deadline shall not be eligible to receive the benefits accompanying such an agreement specified in this act.

85402. For purposes of the spending limits for candidates, campaign expenditures made up to the primary, special primary, or special election shall be considered expenditures for that election, and campaign expenditures made after the date of such election shall be considered expenditures for the general or runoff election. However, in the event that payments are made but the goods or services are not used during the period purchased, the payments shall be considered campaign expenditures for the time period in which the goods or services are used. Payments for goods and services used in an election shall be considered campaign expenditures for that election.

85403. (a) If a candidate declines to accept voluntary spending limits and receives contributions, has cash on hand, or makes qualified expenditures equal to 75 percent or more of the voluntary spending limit for that office or campaign, whichever is greater. In the event that the voluntary spending limit shall be two and one-half times the limit specified in this act for any candidate running for the same elective office.

(b) If a candidate declines to accept voluntary spending limits, has retained the option of contributing to his or her own campaign over one-half the voluntary spending limit, and has subsequently contributed to his or her own campaign 25 percent or more of the voluntary spending limit, the voluntary spending limit shall be two and one-half times the limit specified in this act for any candidate running for the same elective office.

(c) If the committee or committees either in support or in opposition to a state ballot measure have in aggregate raised or spent over 100 percent of the voluntary spending limit, the voluntary spending limit shall be two and one-half times the limit specified in this act.

(d) If an independent expenditure committee or committees in the aggregate spend in support or opposition to a state candidate or ballot measure the amount that is two and one-half times the voluntary spending limit, the voluntary spending limit shall be two and one-half times the limit specified in this act for any candidate running for the same elective office or any committee campaigning for or against the same ballot measure.

(e) The commission shall require, by regulation, candidates, committees supporting or opposing ballot measures, and independent expenditure committees subject to this section to provide sufficient notice to the commission of all candidates or committees that are approaching and exceeding the thresholds set forth in this section.

85404. (a) The Secretary of State and local elections officers shall prominently designate in the ballot pamphlet, the sample ballot, and the voter information packet those candidates and proponents and opponents of state initiative measures who have voluntarily agreed to the spending limits of this act. The commission shall prescribe by regulation the method or methods of that designation.

(b) In addition to the disclosure requirements for campaign advertisements specified in Section 84503, candidates and ballot initiative committees shall disclose in each electronic media advertising or direct mail advertising in which the goods or services are used. Payments for goods and services used in an election shall be considered campaign expenditures for that election.

SECTION 42. Section 89519 of the Government Code is repealed.

89519. Any campaign funds in excess of expenses incurred for the campaign, or for expenses specified in subdivision (d) of Section 85303, received by or on behalf of an individual who seeks nomination for election, or election to office, shall be deemed to be surplus campaign funds and shall be distributed within 90 days after withdrawal, defeat, or election to office either to any political party, or to the General Fund of the State, or shall be returned to contributors on a pro rata basis.

SECTION 44. Article 5 (commencing with Section 85500) is added to Chapter 5 of Title 9 of the Government Code, to read:

Article 5. Campaign Advertising Media Credit Program

85500. Candidates for statewide office, the committee or committees so designated by official proponents, and opponents of state initiative measures and their controlled committees who have agreed to the voluntary spending limits prescribed in this act, and who have met the requirements prescribed in this act, (a) (commencing with Section 85600) shall be eligible to receive public media credits to be used to purchase broadcast time for campaign advertisements.

85501. (a) Campaign advertising media credits awarded to qualified candidates and proponents or opponents of state initiative measures shall be in the following amounts:

(1) For office of Governor or state initiative measure, up to a limit of one million dollars ($1,000,000) per election.

(2) For other statewide elective offices, up to a limit of three hundred thousand dollars ($300,000) per election.

(b) A candidate or committee who is eligible to receive campaign advertising media credits shall receive media credits on the basis of the following formulas:

(1) For any dollar amount of a contribution or contributions amounting to the first one hundred dollars ($100) or less from a contributor received after a declaration of accepting spending limits is filed, a matching ratio of ten dollars ($10) in media credits for each dollar received.

(2) For any dollar amount of a contribution or contributions amounting in excess of one hundred dollars ($100) up to the first one thousand dollars ($1,000) or less from a contributor received after a declaration of accepting spending limits is filed, a matching ratio of two dollars ($2) in media credits for each dollar received.

(c) The total payments from the campaign advertising media credits by the designated candidate, proponent or opponent and their controlled committees, when added to the total campaign expenditures by such candidate or proponent or opponent and their controlled committees, shall not exceed the amount that may be expended by those persons pursuant to this act.

(d) Only the commission or committee so designated by the official proponents of an initiative campaign shall be eligible for media credits.

(e) Matching fund media credits on a first-come, first-served basis, up to the aggregate limit of one million dollars ($1,000,000) in media credits for all such opposition committees. Only campaign committees that limit their expenditures to supporting or opposing a single ballot measure shall be eligible for media credits.

85502. Campaign advertising media credits shall be used exclusively to finance the purchase of advertising time on television, radio, or other telecommunications media as determined by the commission for campaign purposes on behalf of the candidate or proponent for the promotion or defeat of the initiative measure represented by the proponent or opponent and their controlled committees.

85503. (a) The campaign advertising media credit program shall be funded by the General Fund of the State.

(b) The commission shall promulgate regulations for the administration of issuing media credit programs specified by the Controller to eligible persons. These regulations shall include the promulgation and distribution of forms on which such expenditures are to be reported, the verification required, and the procedures for repayment by the candidate or proponent or opponent and their controlled committees in those cases where a subsequent audit discloses that the expenditures either had not been incurred or did not fulfill the requirements of this act.

SECTION 45. Article 6 (commencing with Section 85600) is added to Chapter 5 of Title 9 of the Government Code, to read:

Article 6. Major Candidates and Qualified Official Proposers and Opponents of State Initiative Measures

85600. Primary and special primary election candidates eligible to participate in the campaign advertising media credit program specified in Section 85500, or the voter information packet program specified in
Section 88100, shall be certified by the Secretary of State according to the following criteria:

(a) A candidate is declared a "major candidate" eligible for public funding assistance pursuant to this act upon submitting qualification petitions to the county registrars with valid signatures of registered voters in the state action as follows:

1. For office of Governor, 10 percent of the number of valid signatures required to qualify an initiative constitutional amendment for the state ballot.

2. For other statewide office, 3 percent of the number of valid signatures required to qualify an initiative constitutional amendment for the state ballot.

3. For the offices of State Senate and State Board of Equalization, 2,500 valid signatures.

(b) For the office of State Assembly, 1,000 valid signatures.

(c) Qualification petitions shall clearly state at the top of each petition in 18-point boldface font: "We the undersigned are seriously considering voting for this candidate in the next election."

(d) Verification of qualification petition signatures shall be conducted by county election officials in accordance with signature-verification procedures established for state initiative measures to be paid for from the General Fund of the State.

58610. General, special, and special runoff election candidates eligible to participate in the campaign advertising media credit program specified in Article 5 (commencing with Section 85500) or the voter information packet program specified in Section 88100 shall be certified by the Secretary of State according to the following criteria:

(a) A candidate is a "major candidate" eligible for all of the benefits of the public funding programs if the candidate received at least 12 percent of votes cast for that office in the preceding primary or special primary election.

(b) A candidate is eligible for 20 percent of the total value of the campaign advertising media credit program specified in Section 85500 or the voter information packet program specified in Section 88100 if that candidate received at least 5 percent but less than 12 percent of votes cast for that office in the preceding primary or special primary election.

(c) A candidate is eligible for the total public funding benefits of the voter information packet program specified in Section 88100.

(d) A candidate is eligible for the total public funding benefits of the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election.

(e) A candidate is eligible for the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election.

(f) A candidate is eligible for the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election.

(g) A candidate is eligible for the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election.

(h) A candidate is eligible for the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election.

(i) A candidate is eligible for the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election.

(j) A candidate is eligible for the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election.

(k) A candidate is eligible for the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election.

(l) A candidate is eligible for the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election.

(m) A candidate is eligible for the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election.

(n) A candidate is eligible for the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election.

(o) A candidate is eligible for the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election.

(p) A candidate is eligible for the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election.

(q) A candidate is eligible for the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election.

(r) A candidate is eligible for the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election.

(s) A candidate is eligible for the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election.

(t) A candidate is eligible for the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election.

(u) A candidate is eligible for the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election.

(v) A candidate is eligible for the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election.

(w) A candidate is eligible for the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election.

(x) A candidate is eligible for the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election.

(y) A candidate is eligible for the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election.

(z) A candidate is eligible for the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election.

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provision of law in order that such provisions carry out the purposes of the initiative.

SECTION 54. Status of Proponents

The proponents of this initiative shall be included among any defendants in any judicial challenge to any provision of this initiative.

SECTION 55. Effective Date

All other provisions shall become effective January 1, 2001, except as otherwise stated by this measure.

SECTION 56. Referendums

For purposes of this act, except as otherwise specified, all references to sections shall be to those in effect January 1, 1999.

SECTION 57. Amendment to Political Reform Act

(a) This act shall amend the Political Reform Act of 1974, as amended, and all of its provisions that do not conflict with this act shall apply to the provisions of this act, except as provided by subdivision (b).

(b) If Proposition 208, as approved by voters in the November 5, 1996, statewide general election, is reinstated by the courts, Sections 85301 to 85312, inclusive, of the Government Code and Section 45 of Proposition 208 shall prevail over conflicting provisions of this act. All other provisions of this act shall be appropriately codified and take effect as permitted by law.

Proposition 26: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution. This initiative measure amends the California Constitution and the Education Code; therefore, existing provisions proposed to be deleted.

SECTION 1. TITLE

This act shall be known as the Majority Rule Act for Smaller Classes, Safer Schools, and Financial Accountability.

SEC. 2. FINDINGS AND DECLARATIONS

The people of the State of California find and declare as follows:

(a) Investing in education is crucial if we are to prepare our children for the 21st century.

(b) We need to make sure our children have access to the learning tools of the 21st century like computers and the Internet, but most California classrooms do not have access to these technologies.

(c) We need to build new classrooms to facilitate class size reduction, so our children can learn basic skills like reading and mathematics in an environment that ensures that California's commitment to class size reduction does not become an empty promise.

(d) We need to repair and rebuild our dilapidated schools to ensure that our children learn in a safe and secure environment.

(e) Students in public charter schools should be entitled to reasonable access to a safe and secure learning environment.

(f) We need a Citizen's Budget and local parents the ability to build those classrooms by majority vote local elections so each community can decide what is best for its children.

(g) We need to ensure accountability so that funds are spent prudently and only as directed by citizens of the community.

SEC. 3. PURPOSE AND INTENT

In order to prepare our children for the 21st century, to implement class size reduction, to ensure that our children learn in a safe and secure environment, and to ensure that school districts are accountable for prudent and responsible spending for school facilities, the people of the State of California do hereby enact the Majority Rule Act for Smaller Classes, Safer Schools, and Financial Accountability. This measure is intended to accomplish its purposes by amending the California Constitution and the Education Code:

(a) To provide an exception to the limitation on ad valorem property taxes and the two-thirds vote requirement to allow school districts, community college districts, and county offices of education to equip our schools for the 21st century, to provide our children with smaller classes, and to ensure our children's safety by repairing, building, furnishing, and equipping school facilities;

(b) To require school district boards, community college boards, and county offices of education to equip school facilities, or the acquisition or lease of real property for school facilities, only for the purposes specified in this paragraph, and not for any other purpose, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, except for the purposes specified in this paragraph. This paragraph shall apply only if the proposition approved before or at the time of incurring such indebtedness or liability is approved by a majority of the voters of the district or county, as appropriate, voting on the proposition on or after the effective date of the measure adding this paragraph.

(c) To require that the school district board, community college board, or county office of education conduct an annual, independent financial audit to ensure that the funds have been expended only on the specific projects listed.

(d) To require a school district board, community college board, or county office of education conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects. Any bonded indebtedness incurred for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by the voters voting on the proposition.

(e) To require an annual, independent financial audit of the proceeds from the sale of the school facilities bonds until all of the proceeds have been expended for the specified projects only, and for teacher and administrator salaries and other school operating expenses, by requiring an annual, independent performance audit to ensure that the funds have been expended on specific projects only.
Part A: I, [Name], voluntarily declare that, if elected, I authorize and request the Secretary of State to place the applicable ballot designation, "[Senate more than 2 terms] [House of Representatives more than 3 terms] after the effective date of the Congressional Term Limits Declaration Act of 1998," on the ballot for the next congressional election in which I run for office.

Part B: I, [Name], declare that I will not serve in the United States Congress for more than [3 terms] after the effective date of the Congressional Term Limits Declaration Act of 1998.

Signature by candidate executes Part A Date

Signature by candidate executes Part B Date

Section 3. Voluntary Term Limits Declaration

Section 13107.5 is added to the Elections Code, to read:

13107.5. (a) Any person seeking to be elected to the United States Congress may submit to the Secretary of State, no later than 15 days prior to the certification of all congressional election ballots, an executed copy of any one of the following declarations but is not required to submit a declaration. If a candidate does not submit a declaration as described by this section, the Secretary of State may not, on that account, refuse to place his or her name on the official ballot.

Term Limits Declaration

Part A: I, [Name], voluntarily declare that, if elected, I will not serve in the United States Congress for more than [3 terms] after the effective date of the Congressional Term Limits Declaration Act of 1998.

Signature by candidate executes Part A Date

After executing Part A, a candidate may execute and submit the voluntary statement in Part B.

Part B: I, [Name], authorize and request the Secretary of State to place the applicable ballot designation, "[Senate more than 2 terms] [House of Representatives more than 3 terms]", on the ballot for the next congressional election in which I run for office.

Signature by candidate executes Part B Date

Section 4. Filing Petition

Section 31064.9 of the Government Code is amended to read:

31064.9. Any person seeking to be elected to the United States Congress may submit to the Secretary of State, no later than 15 days prior to the certification of all congressional election ballots, a petition signed by at least 10,000 registered voters in the State of California, including at least 800 in-district registered voters in the district of the office for which the person is seeking election. The petition shall include a statement of the person's position on voluntarily limiting his or her service in the United States Congress for more than [3 terms] after the effective date of the Congressional Term Limits Declaration Act of 1998. The petition shall be signed by the person and by the registered voters in the State of California who are listed as contactees on the petition.

Signature by candidate executes Part A Date

After executing Part A, a candidate may execute and submit the voluntary statement in Part B.

Part B: I, [Name], authorize and request the Secretary of State to place the applicable ballot designation, "[Senate more than 2 terms] [House of Representatives more than 3 terms]", on the ballot for the next congressional election in which I run for office.
name on every election ballot and in all state-sponsored voter education material in which my name appears as a candidate for the office to which Term Limits Declaration One refers.

Signature by candidate executes Part B Date

If the candidate chooses not to execute any or all parts of the above declaration, then he or she may execute and submit to the Secretary of State any or all parts of the following declaration:

Term Limits Declaration Two

Part A: I, have voluntarily chosen not to sign Term Limits Declaration One. If I had signed this declaration, I would have voluntarily agreed to limit my service in the United States to [3 terms] [2 terms] after the effective date of the Congressional Term Limits Declaration Act of 1998.

Signature by candidate executes Part A Date

After executing Part A, a candidate may execute and submit the voluntary statement in Part B.

Part B: I, authorize and request the Secretary of State to place the ballot designation, "Chose not to sign declaration to limit service to [3 terms] [2 terms]" next to my name on every election ballot and in all state-sponsored voter education material in which my name appears as a candidate for the office to which Term Limits Declaration Two refers.

Signature by candidate executes Part B Date

(b) In the ballot designations in this section, the Secretary of State shall incorporate the applicable language in brackets [ ] for the office the candidate seeks and shall calculate and put in place of the empty parentheses () the number of the term of office that the candidate seeks after the effective date of this section. However, service prior to January 1, 1999 may not be included in the calculation, and the terms shall be calculated without regard to whether the terms were served consecutively.

Signature by candidate executes Part B Date

The proponents of this initiative, as defined by Section 342 of the Elections Code, have standing to defend its provisions.

SECTION 5. Severability

If any part of Sections 1 to 4, inclusive, or their application to any person or circumstance is held invalid, the invalidity shall not affect other provisions, subdivisions or applications that reasonably can be given effect without the invalid provisions or application.

Proposition 28: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution. This initiative measure adds a section to the Health and Safety Code, and amends a section of the Revenue and Taxation Code; therefore, existing provisions proposed to be deleted are printed in STRIKETHROUGH type and new provisions proposed to be added are printed in italic type to indicate that they are new.

PROPOSED LAW

SECTION 1. Declaration of Findings and Purposes

(a) In November, 1998, Californians adopted Proposition 10 which, among other things, imposed more than a 135% increase in the tax on tobacco products.

(b) Funds derived from the increased tax are distributed to a new state commission and 58 county commissions creating an enormous bureaucracy made up of unelected political appointees. This new bureaucracy is unnecessary because existing law provides mechanisms for local governments to fund children’s programs, including a ‘‘Children’s Trust Fund’’ which distributes both federal and state funds to counties for child abuse and neglect prevention and intervention programs.

(c) After the election, the office of the independent Legislative Analyst pointed out that neither the state Legislature nor the newly created state commission has any oversight or control over the expenditure of the nearly $700 million annually raised by the tax. Not only is there no accountability for the expenditure of taxpayer funds, but Proposition 10 does not identify existing and successful programs to be replaced or expanded.

(d) The tax increase is extremely punitive and levied against users of tobacco products, those least able to afford the massive tax increase. Yet, none of the funds raised by the tobacco tax are specifically dedicated to tobacco related education, prevention or research.

(e) The most critical problem facing our children is our failing public education system. Yet, not one penny of the $700 million in taxes collected each year from Proposition 10 will go to public schools. In fact, Proposition 10 prohibits any of the new tax revenue to be used for schools.

(f) Therefore, the voters of the state of California hereby repeal the tax increase imposed by Proposition 10 and the creation of an enormous new bureaucracy. At the same time, the voters encourage the Legislature to identify and fund effective programs that promote early childhood development from the prenatal stage to five years of age.

SECTION 2. Repeal of Proposition 10 Tobacco Tax

Section 30131.2 of the Revenue and Taxation Code is amended to read:

Proposition 10

30131.2. (a) Except for in addition to the taxes imposed upon the distribution of cigarettes and tobacco products by Article 1 (commencing with Section 30101) and Article 2 (commencing with Section 30131) and any other taxes in this chapter, an additional surtax on the distribution of cigarettes or tobacco products shall be imposed upon every distributor of cigarettes at the rate of twenty-five mills ($.025) for each cigarette distributed.

(b) In addition to the taxes imposed upon the distribution of tobacco products by Article 1 (commencing with Section 30101) and Article 2 (commencing with Section 30131) and any other taxes in this chapter, a surtax shall be imposed upon every distributor of tobacco products, based on the wholesale cost of these products, at a tax rate, as determined annually by the State Board of Equalization, which is equivalent to the tax rate imposed on cigarettes by subdivision (a).

SECTION 3. Repeal of New Bureaucracy Created by Proposition 10

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This law proposed by Senate Bill 287 of the 1997-98 Regular Session (Chapter 409, Statutes of 1998) is submitted to the people as a referendum in accordance with the provisions of Section 9 of Article II of the California Constitution.

This proposed law adds sections to the Government Code; therefore, new provisions proposed to be added are printed in italic type to indicate that they are new.

PROPOSED LAW

SECTION 1. Section 12012.5 is added to the Government Code, to read:

12012.5. (a) The following tribal-state compacts entered in accordance with the Indian Gaming Regulatory Act of 1988 (18 U.S.C. Sec. 1166 et seq. and 25 U.S.C. Sec. 2701 et seq.) are hereby ratified:

(2) The compact between the State of California and the Big Sandy Rancheria of Mono Indians, executed on July 20, 1998.
(3) The compact between the State of California and the Cher-Ae Heights Indian Community of Trinidad Rancheria, executed on July 13, 1998.
(6) The compact between the State of California and the Pala Band of Mission Indians, approved by the Secretary of the Interior on April 25, 1998.
(10) The compact between the State of California and the Table Mountain Rancheria, executed on July 13, 1998.
(11) The compact between the State of California and the Viejas Band of Kumeyaay Indians, executed on or about August 17, 1998.

(b) Any other compact entered into between the State of California and any other federally recognized Indian tribe which is executed after August 24, 1998, is hereby ratified if (1) the compact is identical in all material respects to any of the compacts ratified pursuant to subdivision (a), and (2) the compact is not rejected by each house of the Legislature.

(c) The Legislature acknowledges the right of federally recognized tribes to exercise their sovereignty to negotiate and enter into compacts with the state that are materially different from the compacts ratified pursuant to subdivision (a). These compacts shall be ratified upon approval of each house of the Legislature.

(d) The Governor is the designated state officer responsible for negotiating and executing, on behalf of the state, tribal-state gaming compacts with federally recognized Indian tribes in the State of California pursuant to the federal Indian Gaming Regulatory Act of 1988 (18 U.S.C. Sec. 1166 et seq. and 25 U.S.C. Sec. 2701 et seq.) for the purpose of authorizing class III gaming, as defined in that act, on Indian lands. Nothing in this section shall be construed to deny the existence of the Governor’s authority to have negotiated and executed tribal-state compacts prior to the effective date of this section.

(e) The Governor is authorized to waive the state’s immunity to suit in federal court in connection with any compact negotiated with an Indian tribe or any action brought by an Indian tribe under the Indian Gaming Regulatory Act (18 U.S.C. Sec. 1166 et seq. and 25 U.S.C. Sec. 2701 et seq.).

(f) In deference to tribal sovereignty, the execution of, and compliance with the terms of, any compact specified under subdivision (a) or (b) shall not be deemed to constitute a project for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(g) Nothing in this section shall be interpreted to authorize the unilateral imposition of a statewide limit on the number of lottery devices or of any allocation system for lottery devices on any Indian tribe that has not entered into a compact that provides for such a limit or allocation system. Each tribe may negotiate separately with the state over these matters on a government-to-government basis.

SECTION 4. Severability

If any provision of this act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this act are severable.