

Date Printed: 06/16/2009

JTS Box Number: IFES_75
Tab Number: 61
Document Title: California Voters Pamphlet - Primary
Election
Document Date: 1974
Document Country: United States --
California
Document Language: English
IFES ID: CE02089



* 1 A 1 3 4 7 5 5 - 5 3 4 C - 4 9 6 7 - A A 1 5 - C 3 7 4 5 9 F 7 2 1 E E *

California Voters Pamphlet

**JUNE 4, 1974
PRIMARY ELECTION**

Compiled by Edmund G. Brown Jr.
Secretary of State

Analyses by George H. Murphy
Legislative Counsel



Office of the Secretary of State
Edmund G. Brown Jr.

State Capitol
Sacramento, California 95814

(916) 445-6371

Dear fellow Californian:

This year's California Voters Handbook has been extensively revised so that voters, for the first time, will be able to read one understandable explanation of every measure on the ballot. The changes were made possible by a new law sponsored by my office, introduced in the Legislature by Senator David A. Roberti, and actively supported by the League of Women Voters.

The following nine propositions will appear on your ballot:

Proposition 1 -- Bonds to provide funds for recreational lands. This act provides for a bond issue of \$250 million.

Proposition 2 -- Provides for a bond issue of \$250 million for water pollution control.

Proposition 3 -- Provides for a bond issue of \$350 million for farm and home aid for California veterans.

Proposition 4 -- Allows the legislature to authorize assessment or reassessment of property damaged or destroyed by misfortune or calamity.

Proposition 5 -- Extends allowable uses of vehicle fees and fuel tax revenues to include public mass transit.

Proposition 6 -- Provides that proceedings of each house and committees of the legislature will be public except as provided by statute or concurrent resolution.

Proposition 7 -- Exempts from civil service the chief administrative officer and five deputies of the California Postsecondary Education Commission.

Proposition 8 -- Authorizes Sacramento County and cities within that county to consolidate as a charter city and county.

Proposition 9 -- Requires campaign financial reporting and disclosure of assets by public officials, limits campaign expenditures and regulates lobbyists.

I urge you to study carefully the analyses and arguments in this booklet before voting on June 4.

Sincerely yours,

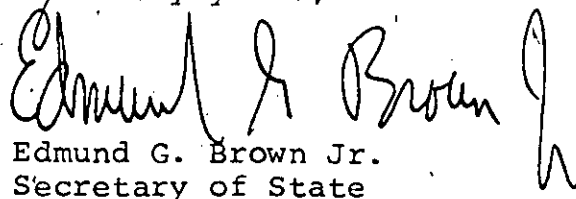

Edmund G. Brown Jr.
Secretary of State

TABLE OF CONTENTS

	Page
PROPOSITION 1—Recreational Lands Bond Act	
Ballot Title	4
Analysis	4
Text	5
Arguments	6-7
PROPOSITION 2—Clean Water Bond Act	
Ballot Title	8
Analysis	8
Text	9
Arguments	10-11
PROPOSITION 3—Veterans Bond Act	
Ballot Title	12
Analysis	12
Text	13
Arguments	14-15
PROPOSITION 4—Reassessment of Property	
Ballot Title	16
Analysis	16
Text	17
Arguments	18-19
PROPOSITION 5—Highways and Mass Transit Guideways	
Ballot Title	20
Analysis	20
Text	21
Arguments	22-23
PROPOSITION 6—Public Legislative Proceedings	
Ballot Title	24
Analysis	24
Text	25
Arguments	25
PROPOSITION 7—State Civil Service Exemptions	
Ballot Title	26
Analysis	26
Text	27
Arguments	28-29
PROPOSITION 8—Sacramento County-Cities Consolidation	
Ballot Title	30
Analysis	30
Text	31
Arguments	32-33
PROPOSITION 9—Political Reform Initiative	
Ballot Title	34
Analysis	34
Text	35
Arguments	36-37
INDEX	55

1

RECREATIONAL LANDS BOND ACT

Ballot Title

FOR THE STATE BEACH, PARK, RECREATIONAL, AND HISTORICAL FACILITIES BOND ACT OF 1974.

This act provides for a bond issue of two hundred fifty million dollars (\$250,000,000) to be used to meet the recreational requirements of the people of the State of California by acquiring and developing lands for recreational purposes.

AGAINST THE STATE BEACH, PARK, RECREATIONAL, AND HISTORICAL FACILITIES BOND ACT OF 1974.

This act provides for a bond issue of two hundred fifty million dollars (\$250,000,000) to be used to meet the recreational requirements of the people of the State of California by acquiring and developing lands for recreational purposes.

Analysis by Legislative Counsel

Effect:

This measure, the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974, would authorize the issuance and sale of state bonds in an amount not to exceed \$250,000,000, under the State General Obligation Bond Law.

Bond proceeds would be appropriated in the annual budget bill for the acquisition and development of lands for parks, beaches, recreational areas, historical purposes, and wildlife management, and to develop historical resources. The maximum sums that could be appropriated for each purpose, until 1981, are as follows:

- (a) Grants to counties, cities, or cities and counties for acquisition or development of real property for park, recreation area, beach, and historical purposes, including state administrative costs..... \$90,000,000
- (b) Development of real property for the state park system, including costs for planning and interpretation \$45,000,000
- (c) Development of historical resources for the state park system, including costs for planning and interpretation \$15,000,000
- (d) Acquisition or development of real property for wildlife management in accordance with the Wildlife Conservation Law of 1947 and a master plan drafted as an element of the State Environmental Goals and Policy Report, including costs for planning and interpretation \$10,000,000
- (e) Acquisition of real property for the state park system, and costs of planning and interpretation, of which not less than \$15,000,000 would be expended for the acquisition of privately owned lands inside the boundaries of existing state park system units and for additions to existing units \$90,000,000

Provision is made for the proportionate allocation of funds for grants to the several counties, for the administration of the bond act program, and for the allocation of bond funds not obligated for expenditure as of July 1, 1980.

Fiscal Impact:

The Legislative Analyst and the Department of Finance advise that the measure would have a fiscal impact on both state and local government.

The principal and interest on the state bonds authorized by the measure would be payable from the General Fund, and thus would be repaid principally from the tax revenues of the state. The issuance and sale of the bonds authorized by the measure could result in the assumption by the state of an obligation of \$250,000,000. In addition, the debt service (interest) charges would be a state responsibility. The magnitude of this commitment would be established by the effective interest rate at the time the obligations are marketed. However, the Legislative Analyst advises that state bonds of this type have been marketed recently with repayment scheduled over 20 years at an interest rate approximating 5 percent, and, assuming such interest rate and repayment schedule, the interest cost of these bonds would be approximately \$131 million.

The state would also incur additional operational costs as new park and recreational areas and expanded developments are made available for public use. In some instances, such new areas and expanded developments could be subject to use charges or admission fees. This revenue potential is largely unknown in view of the present general governmental policy to make such state areas partially self-sufficient.

Since \$90,000,000 of the bond proceeds would be appropriated for grants to counties, cities, or cities and counties for acquisition or development of real property for park, recreation area, beach, and historical purposes, the measure would also have a net fiscal impact upon local government for administrative, operating, or maintenance costs. This impact would be determined by such administrative problems at the local level as might arise in execution of the program and in the subsequent operational costs of the new development. The Legislative Analyst and Department of Finance advise that there is no satisfactory method of estimating this cost as the potential programs are not known at this time.

You should vote FOR the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974 if you want to authorize the issuance and sale of state bonds up to \$250,000,000 to provide funds to acquire and develop lands for state and local parks, beaches, recreation areas, historical purposes, for wildlife management, and to develop state historical resources.

You should vote AGAINST the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974 if you do not want to authorize the issuance and sale of state bonds for these purposes.

Statutes Contingent Upon Adoption of Above Measure

Section 2.8 of the Budget Act of 1973 (Chapter 129, Statutes of 1973) appropriates a total of \$26,591,000 from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 (which would be created by the above measure) to the Department of Parks and Recreation for certain state park system acquisition projects.

Section 9.3 of Chapter 1064, Statutes of 1973, appropriates \$10,000,000 from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 to the Department of Parks and Recreation for certain state park system acquisition projects.

Section 1 of Chapter 1121, Statutes of 1973, appropriates \$7,600,000 from the General Fund for the acquisition of lands located between Newport Beach and Laguna Beach, for the state park system. Section 2 of the act amends the bond act to require that moneys deposited in the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 be used to reimburse the General Fund for any expenditure from such appropriation.

The text of Chapters 129, 1064, and 1121 of the Statutes of 1973 is on record in the office of the Secretary of State in Sacramento and will be contained in the 1973 published statutes.

Text of Proposed Law

This law proposed by Assembly Bill 392 (Statutes of 1972, Chapter 912), as amended by Statutes of 1973, Chapter 550; Statutes of 1973, Chapter 1064; Statutes of 1973, Chapter 1121; and Statutes of 1973, Chapter 1174, is submitted to the people in accordance with the provisions of Article XVI of the Constitution.

(This proposed law does not expressly amend any existing law; therefore, the provisions thereof are printed in **BOLDFACE TYPE** to indicate that they are **NEW**.)

PROPOSED LAW

SECTION 1. Chapter 1.67 (commencing with Section 5096.71) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 1.67. STATE BEACH, PARK, RECREATIONAL, AND HISTORICAL FACILITIES BOND ACT OF 1974

5096.71. This chapter may be cited as the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974 or as the Z'berg-Collier Park Bond Act.

5096.72. The Legislature of the State of California hereby finds and declares that:

(a) It is the responsibility of this state to provide and to encourage the provision of outdoor recreation opportunities for the citizens of California;

(b) When there is proper planning and development, open-space lands contribute not only to a healthy physical and moral environment, but also contribute to the economic betterment of the state, and, therefore, it is in the public interest for the state to acquire areas for recreation, conservation, and preservation and to aid local governments of the state in acquiring and developing such areas as will contribute to the realization of the policy declared in this chapter.

5096.73. The Legislature further finds and declares that:

(a) The present public outdoor recreation areas and facilities in the state are inadequate to accommodate the demands made on them at the present time and will become critically inadequate as time progresses.

(b) Land values are increasing at a steady rate and any delay by the state in securing additional lands for park and recreation purposes will result not only in the loss of suitable lands for recreation purposes, but also will reduce the economic ability of the state to acquire such lands.

(c) At a special election consolidated with the 1974 direct primary election, the people of the State of California will vote upon a proposition authorizing a state bond issue in the amount of two hundred fifty million dollars (\$250,000,000) to provide the moneys for the acquisition and development of lands needed for recreation purposes.

(d) It is desirable for the people of this state to have prior notice of the proposed disposition and allocation of the proceeds of this bond issue.

5096.74. Bonds in the total amount of two hundred fifty million dollars (\$250,000,000), or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed hereinafter, and to be used to reimburse the General Obligation Bond Expense Revolving

Fund pursuant to Section 16724.5 of the Government Code. Said bonds shall, when sold, be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California are hereby pledged for the punctual payment of both principal and interest on said bonds as said principal and interest become due and payable.

5096.75. There shall be collected each year and in the same manner and at the same time as other state revenue is collected such sum in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on said bonds maturing in said year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum.

5096.76. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this act, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal and interest on bonds issued and sold pursuant to the provisions of this chapter, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 5096.77, which sum is appropriated without regard to fiscal years.

5096.77. For the purposes of carrying out the provisions of this chapter the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 which fund is hereby created. Any moneys made available under this section shall be returned to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out the provisions of this chapter.

5096.78. The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the State Beach, Park, Recreational, and Historical Facilities Fund of 1974. The money in the fund may be expended only for the purposes specified in this chapter and only pursuant to appropriation by the Legislature in the manner hereinafter prescribed.

5096.79. All proposed appropriations for the program contemplated by this chapter shall be included in a section in the Budget Bill for each fiscal year for consideration by the Legislature, and shall bear the caption "State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974 Program." The section shall contain separate items for each project for which an appropriation is made.

Such appropriations shall be subject to all limitations contained in the Budget Bill and to all fiscal procedures prescribed by law with respect to the expenditure of state funds. The section shall contain proposed appropriations only for the program contemplated by this chapter, and no funds derived from the bonds authorized by this chapter may be expended pursuant to an appropriation not contained in that section of the Budget Act.

5096.80. The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3, Division 4, Title 2 of the Government Code) and all of the provisions of that law are applicable to the bonds and to this chapter, and are hereby incorporated in this chapter as though set forth in full herein.

Continued on page 38

Argument in Favor of Proposition 1

In the last twenty years California's population has doubled. But the use of parks, beaches, and other recreation facilities has multiplied ten times. At peak periods beaches and other heavily used recreation spots turn away one car full of disappointed people for every two they can take care of. Last year that was nearly one million people.

Proposition 1 makes it possible for the State and your local community to acquire lands for new park and recreation areas, to preserve land along the coast and in the Tahoe Basin, and to develop new and better recreational facilities.

Proposition 1 means parks and beaches closer to home

Of special importance in this time of energy crises Proposition 1 assures you that more parks, beaches and other recreation areas will be close to your own doorstep. You and your family will travel only a short distance to enjoy inexpensive, healthful and relaxing outdoor recreation. And note this: Proposition 1 provides recreation money to be spent at the local level without adding a single penny to your property tax burden.

What else does Proposition 1 do? It will help preserve elements of California's history. It will preserve California's wildlife and fish resources. It will give you additional access to wildlands, and to the State's splendid water resources.

Vote yes on Proposition 1 because costs are orbiting! Desirable park lands are expensive today, but they may be impossible to afford if we wait.

Delay could even mean that some lands will be lost to the public forever. For example, of thirty-eight areas selected for their outstanding environment in the State's recent Coastline Preservation Study, thirty are now endangered by development.

Your yes vote on Proposition 1 makes all this possible: \$90 million for local governments to acquire and develop local parks, recreation areas, beaches, or historic units. The money will be allocated by population, but no county will get less than \$200,000.

\$90 million for the State Park System to acquire new parks, beaches, recreation areas and historic places, including \$15 million to fill out existing units.

\$60 million for development of public facilities within the State Park System, including \$15 million for development and interpretation of its historic resources.

\$10 million for fish and wildlife projects of the State Wildlife Conservation Board.

Proposition 1 is non-partisan; it is solidly supported by citizens of all parties. And with good reason. Proposition 1 helps preserve the quality of our environment. It helps insure that our own generation and those to come will enjoy enough public parks, beaches, and recreation areas. It preserves lands that have figured strongly in California's history, for the enjoyment and education of our children's children.

There are many statewide organizations and groups supporting this measure representing conservation, education, business, labor, park planning and administration, local government, and historical groups.

Vote YES on Proposition 1. Tomorrow will be more expensive—and may be too late.

Assemblyman EDWIN L. Z'BERG
Chairman, Assembly Natural Resources and Conservation Committee

L. W. LANE, JR., *Californians for Parks, Beaches & Wildlife and Publishing Executive*

State Senator RANDOLPH COLLIER
Chairman, Senate Finance Committee

No rebuttal to the argument in favor of Proposition 1 was submitted

Study the Issues and Candidates Carefully

Argument Against Proposition 1

Vote **NO** on Proposition 1, the Bond that will be a direct Lien on the place YOU RENT or OWN. (TAX INCREASE)

Few are against parks or recreation but the HOME IS THE BASIC ENVIRONMENT for livelihood and cannot be mortgaged with TAXES any more! Foreclosures are at an all-time high because of taxes.

FACTS: (Committees and appointees may likely take much of this Bond)

1. Many parks are **not** being used to capacity now.
2. **Much** land in many counties is owned but not used for parks now.
3. Many older people are afraid to visit parks because of muggings, etc.

4. Only about 30% of the land of California is owned by private sources making taxes on property too high.

5. YOUNG people will pay for TAXES in Rent or future property taxes.

There is certainly a shortage of FOOD, GAS, etc., but no shortages of TAXES and INFLATION. This should tell you in a STRONG VOICE TO VOTE **NO** on Proposition 1.

BARBARA P. HUTCHINSON, *Association of Concerned Taxpayers, Inc., San Diego*

JUANITA COLE, *Association of Concerned Taxpayers, Inc., San Diego*

HENRY CANCINO, *Association of Concerned Taxpayers, Inc., San Diego*

Rebuttal to Argument Against Proposition 1

The argument against Proposition 1 was prepared on the basis of mistaken notions. This park bond proposition has nothing at all to do with taxes or rents on homes or apartments.

The language of this very necessary park bond law was worked out carefully between Governor Reagan's administration and leading Legislators of both parties with the help of such groups as the Sierra Club, the State Chamber of Commerce, the State PTA, the League of Women Voters, organized labor, the League of Cities, minority groups and many more.

All of these people and organizations agree that we just

can't go on turning folks away from our overcrowded parks (we turned over 1,000,000 away last year).

We need this bond issue to provide Californians, young and old, more room to stretch their legs and breathe good air—in new city and county parks, as well as State parks.

Let's not be misled by people who have mistaken notions. Vote YES on Proposition 1.

Assemblyman EDWIN L. Z'BERG
Chairman, Assembly Natural Resources and Conservation Committee

State Senator RANDOLPH COLLIER
Chairman, Senate Finance Committee

Apply for Your Absentee Ballot Early

2

CLEAN WATER BOND ACT

Ballot Title

FOR THE CLEAN WATER BOND LAW OF 1974.

This act provides for a bond issue of two hundred fifty million dollars (\$250,000,000) to provide funds for water pollution control.

AGAINST THE CLEAN WATER BOND LAW OF 1974.

This act provides for a bond issue of two hundred fifty million dollars (\$250,000,000) to provide funds for water pollution control.

Analysis by Legislative Counsel

Effect:

This act, the Clean Water Bond Law of 1974, would authorize the issuance and sale of state bonds in the total amount of \$250,000,000 under the State General Obligation Bond Law.

Bond proceeds would be used (1) for state grants to local agencies of at least 12½ percent of the cost of local sewage, liquid waste, and water treatment and reclamation facilities financed pursuant to the Federal Water Pollution Control Act, and for state grants for water reclamation projects; (2) for planning, research, and development; and (3) for loans to public agencies for facilities for the collection, treatment, or export of waste when necessary to prevent water pollution or for facilities to reclaim waste waters and to convey reclaimed water.

Provision is made for the administration of the bond act program by the State Water Resources Control Board.

Fiscal Impact:

The Legislative Analyst and the Department of Finance advise that the measure would have a fiscal impact on both state and local government.

The principal and interest on the state bonds authorized by the measure would be general obligations of the state payable from the General Fund, and thus would be repaid principally from the tax revenues of the state. General fund costs will be increased by \$250,000,000 for the principal on these bonds, plus about \$131,000,000 in interest charges

over the expected 20-year repayment schedule. Local capital costs for facilities receiving state financial assistance will be reduced by an amount nearly equivalent to the increase in state costs.

With respect to projects financed pursuant to the Federal Water Pollution Control Act, under current federal law, grants are made to local agencies to pay 75 percent of the required facilities. The local agencies are responsible for the balance. Funds from this state's Clean Water Bond Law of 1970 have been used to assist local agencies in meeting their share of the cost by state grants amounting to one-half of the local agencies' share, or 12½ percent of the construction cost. The last of the 1970 bond funds will be committed in 1975. This act would provide funds that could be used to continue state participation in the program.

You should vote FOR the Clean Water Bond Law of 1974 if you want to authorize the issuance and sale of general obligation bonds of the state in the total amount of \$250,000,000 to provide aid to public agencies for sewage, liquid waste, and water treatment and reclamation facilities, for water reclamation projects, and for planning, research, and development.

You should vote AGAINST the Clean Water Bond Law of 1974 if you do not want to authorize the issuance and sale of these state bonds.

Text of Proposed Law

This law proposed by Assembly Bill 161 (Statutes of 1973, Chapter 994), is submitted to the people in accordance with the provisions of Article XVI of the Constitution.

(This proposed law does not expressly amend any existing law; therefore, the provisions thereof are printed in **BOLDFACE TYPE** to indicate that they are **NEW**.)

PROPOSED LAW

SECTION 1. Chapter 14 (commencing with Section 13985) is added to Division 7 of the Water Code, to read:

CHAPTER 14. CLEAN WATER BOND LAW OF 1974

Article 1. Short Title, Legislative Declarations, and General Definitions

13985. This chapter may be cited as the Clean Water Bond Law of 1974.

13986. The Legislature hereby finds and declares that clean water, which fosters the health of the people, the beauty of their environment, the expansion of industry and agriculture, the enhancement of fish and wildlife, the improvement of recreational facilities and the provision of pure drinking water at a reasonable cost, is an essential public need. Although the State of California is endowed with abundant lakes and ponds, streams and rivers, and hundreds of miles of shoreline, as well as large quantities of underground water, these vast water resources are threatened by pollution, which, if not checked, will impede the state's economic, community and social growth. The chief cause of pollution is the discharge of inadequately treated waste into the waters of the state. Many public agencies have not met the demands for adequate waste treatment or the control of water pollution because of inadequate financial resources and other responsibilities. Increasing population accompanied by accelerating urbanization, growing demands for water of high quality, rising costs of construction and technological changes mean that unless the state acts now the needs may soar beyond the means available for public finance. Meeting these needs is a proper purpose of the federal, state and local governments. Local agencies, by reason of their closeness to the problem, should continue to have primary responsibility for construction, operation and maintenance of the facilities necessary to cleanse our waters. Since water pollution knows no political boundaries and since the cost of eliminating the existing backlog of needed facilities and of providing additional facilities for future needs will be beyond the ability of local agencies to pay, the state, to meet its responsibility to protect and promote the health, safety and welfare of the inhabitants of the state, should assist in the financing. The federal government is contributing to the cost of control of water pollution, and just provision should be made to cooperate with the United States of America. It is the intent of this chapter to provide necessary funds to insure the full participation by the state under the provisions of Title 11 of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and acts amendatory thereof or supplementary thereto.

13987. The State General Obligation Bond Law is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this chapter, and the provisions of that law are included in this chapter as though set out in full in this chapter except that notwithstanding anything in the State General Obligation Bond Law, the bonds authorized hereunder shall bear such rates of interest, or maximum rates, as may from time to time be fixed by the State Treasurer, with the approval of the committee, and the maximum maturity of the bonds shall not exceed 50 years from the date of the bonds, or from the date of each respective series. The maturity of each respective series shall be calculated from the date of such series.

13988. As used in this chapter, and for the purposes of this chapter as used in the State General Obligation Bond Law, the following words shall have the following meanings:

(a) "Committee" means the Clean Water Finance Committee, created by Section 13989.

(b) "Board" means the State Water Resources Control Board.

(c) "Fund" means the State Clean Water Fund.

(d) "Municipality" shall have the same meaning as in the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and acts amendatory thereof or supplementary thereto and shall also include the state or any agency or department thereof.

(e) "Treatment works" shall have the same meaning as in the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and acts amendatory thereof or supplementary thereto.

(f) "Construction" shall have the same meaning as in the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and acts amendatory thereof or supplementary thereto.

(g) "Eligible project" means a project for the construction of treatment works which is all of the following:

(1) Eligible for federal assistance, whether or not federal funds are then available therefor;

(2) Necessary to prevent water pollution;

(3) Certified by the board as entitled to priority over other treatment works, and which complies with applicable water quality standards, policies and plans.

(h) "Federal assistance" means funds available to a municipality either directly or through allocation by the state, from the federal government as grants for construction of treatment works, pursuant to Title II of the Federal Water Pollution Control Act, and acts amendatory thereof.

13989. The Clean Water Finance Committee is hereby created. The committee shall consist of the Governor or his designated representative, the State Controller, the State Treasurer, the Director of Finance, and the chairman of the board. The executive officer of the board shall serve as a member of the committee in the absence of the chairman. Said committee shall be the "committee" as that term is used in the State General Obligation Bond Law.

13990. The committee is hereby authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of two hundred fifty million dollars (\$250,000,000), in the manner provided in this chapter. Such debt or debts, liability or liabilities, shall be created for the purpose of providing the fund to be used for the object and work specified in Section 13991.

13991. (a) The moneys in the fund shall be used for the purposes set forth in this section.

(b) The board is authorized to enter into contracts with municipalities having authority to construct, operate and maintain treatment works, for grants to such municipalities to aid in the construction of eligible projects, and for reclamation of water.

Grants may be made pursuant to this section to reimburse municipalities for construction for which contracts were let subsequent to July 1, 1970, and before, the first sale of bonds authorized to be issued by this chapter.

Any contract pursuant to this section may include such provisions as may be agreed upon by the parties thereto, and any such contract concerning an eligible project shall include, in substance, the following provisions:

(1) An estimate of the reasonable cost of the eligible project;

(2) An agreement by the board to pay to the municipality, during the progress of construction or following completion of construction as may be agreed upon by the parties, an amount which equals at least 12 1/2 percent of the eligible project cost determined pursuant to federal and state laws, and regulations;

(3) An agreement by the municipality, (i) to proceed expeditiously with, and complete, the eligible project, (ii) to commence operation of the treatment works on completion thereof, and to properly operate and maintain such works in accordance with applicable provisions of law, (iii) to apply for and make reasonable efforts to secure federal assistance for the eligible project, (iv) to secure the approval of the board before applying for federal assistance in order to maximize the amounts of such assistance received or to be received for all eligible projects in the state, and (v) to provide for payment of the municipality's share of the cost of the eligible project.

(c) The board may make direct grants to any municipality or by contract or otherwise undertake, plans, surveys, research, development and studies necessary, convenient or desirable to the effectuation of the purposes and powers of the board pursuant to this division and to prepare recommendations with regard thereto, including the preparation of comprehensive statewide or areawide studies and reports on the collection, treatment and disposal of waste under a comprehensive cooperative plan.

The aggregate amount of moneys which may be advanced or granted to or committed to municipalities for the purpose of planning, research and development, whether by the board or under the direction of the board or in the form of direct grants to municipalities for such purpose, shall not exceed in the aggregate such amount as may be fixed from time to time by the committee.

(d) The board may from time to time with the approval of the committee transfer moneys in the fund to the State Water Quality Control Fund to be available for loans to public agencies pursuant to Chapter 6 (commencing with Section 13400) of this division.

(e) Not more than one-half of one percent of the moneys deposited in the fund may be expended by the board for costs incurred in administering the provisions of this chapter.

(f) As much of the moneys in the fund as is necessary shall be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code.

(g) The board may adopt rules and regulations governing the making and enforcing of contracts pursuant to this section.

13992. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereon.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the state, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue, to do and perform each and every act which shall be necessary to collect said additional sum.

All money deposited in the fund which has been derived from premium and accrued interest on bonds sold shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

13993. All money deposited in the fund pursuant to any provision of law requiring repayments to the state for assistance financed by the proceeds of the bonds authorized by this chapter shall be available for transfer to the General Fund. When transferred to the General Fund such money shall be applied as

Continued on page 39

Argument in Favor of Proposition 2

Cleaning up California's polluted bays, rivers and other waterways really began in 1970 with voter approval of a \$250 million bond issue to construct public wastewater treatment facilities. That money has been used effectively throughout California to reduce water pollution, but it will run out later this year.

This second \$250 million bond issue is needed to help finish the fight against water pollution. This state money, plus an equal local government share, will bring to California federal grants of \$1.5 billion.

The massive facilities needed to reduce sewerage pollution of California waterways are expensive. Without this state bond issue and substantial federal help, a crushing tax burden could fall upon local government—and that means on local property taxpayers!

Economically, recreationally and visually, our state's waterways are vital to the lives of all Californians. A vote for this bond issue is certain to better the quality of life for all of us. Business, labor and conservationist leaders agree that a "yes" vote for this bond issue will mean many jobs and an improved environment.

A partial listing of those supporting this proposition follows: Governor Ronald Reagan, the California State Legislature, County Supervisors Association of California, League of California Cities, California Chamber of Commerce, California Labor Federation AFL-CIO, California Manufacturers Association, California Council for Environmental and Economic Balance, California State Employees Association, California League of Conservation Voters, Sierra Club, Planning and Conservation League, League of Women Voters of California, Republican State Central Committee, Democratic State Central Committee, State Building and Construction Trades Council of California, California Municipal Utilities Association, Association of California Water Agencies, California Association of Sanitation Agencies, California Wildlife Federation, California Teamsters Legislative Council.

LEO T. McCARTHY
Assemblyman, 19th District
KEN MacDONALD
Assemblyman, 37th District
KENNETH MADDY
Assemblyman, 32nd District

No rebuttal to the argument in favor of Proposition 2 was submitted

Study the Issues and Candidates Carefully

Argument Against Proposition 2

Vote **NO** on Proposition 2, which likely raises your RENT and PROPERTY TAXES. RENTERS pay in INCREASED RENTS when property taxes go up!

Water reclamation is a good idea, but why should property owners and renters pay for it? TAXES are so HIGH now, many people are losing their homes or renting in meager means. This is not in the PEOPLE'S INTEREST!!!

Vote **NO** on Proposition 2, until a better way can be found for you!

BARBARA P. HUTCHINSON, *Association of Concerned Taxpayers, Inc., San Diego*

JUANITA COLE, *Association of Concerned Taxpayers, Inc., San Diego*

HENRY CANCINO, *Association of Concerned Taxpayers, Inc., San Diego*

Rebuttal to Argument Against Proposition 2

The Clean Water Bond Act, Proposition 2, will **not** raise property taxes—to the contrary, it will protect homeowners (and renters) from large property tax increases. We need to upgrade sewage treatment to protect our streams, lakes and beaches, and it is required by federal and state law that we do so.

The issue then is how best to pay for these new facilities. Proposition 2 will add a 12½ percent state contribution to the 75 percent federal grants given to local sanitation agencies. If the bonds fail, local costs will double to 25 percent—and this means increased sewer fees or property taxes. The actual cost of this bond issue is less than one dollar per year, per person.

While some of the money will be spent to reclaim wastewater, as noted by the opponents, the purpose of these bonds is to clean up our waters. We have a good record in California—already 30 percent of our population is served by treatment plants that meet minimum state and federal standards. With the construction of facilities financed by these bonds, this percentage will exceed 90 percent. Let's finish the job by voting YES on Proposition 2:

LEO T. McCARTHY
Assemblyman, 19th District

KEN MacDONALD,
Assemblyman, 37th District

KENNETH MADDY,
Assemblyman, 32nd District

Apply for Your Absentee Ballot Early

3

VETERANS BOND ACT

Ballot Title

FOR THE VETERANS BOND ACT OF 1974.

This act provides for a bond issue of three hundred fifty million dollars (\$350,000,000) to provide farm and home aid for California veterans.

AGAINST THE VETERANS BOND ACT OF 1974.

This act provides for a bond issue of three hundred fifty million dollars (\$350,000,000) to provide farm and home aid for California veterans.

Analysis by Legislative Counsel

Effect:

This act, the Veterans Bond Act of 1974, would authorize the issuance and sale of state bonds in an amount not to exceed \$350,000,000. Money from the sale of these bonds would be used for farm and home purchase aid under the Veterans' Farm and Home Purchase Act of 1943 (Sections 984-987.30, inclusive, Military and Veterans Code).

This act provides that the bonds, when sold, are to be general obligations of the state, for which the full faith and credit of the state is pledged. It appropriates from the General Fund in the State Treasury the amount necessary to make the principal and interest payments on the bonds as they become due. However, the bond payments would be made from funds received from veterans as principal and interest on money advanced for the purchase or construction of their farms and homes.

Funds received from veterans would be deposited in a special fund, the Veterans' Farm and Home Building Fund of 1943. On the due date for bond payments, the amount necessary would be transferred from the special fund to the General Fund. If the amount in the special fund was insufficient, the balance would be transferred to the General Fund with interest, as soon as it became available.

The amounts of the bonds to be issued from time to time would be determined by the Veterans' Finance Committee of 1943, which consists of the Governor, State Controller,

State Treasurer, Director of Finance, and Director of Veterans Affairs.

Fiscal Impact:

The Legislative Analyst and the Department of Finance advise that adoption of this measure should result in no cost or saving to the state and local governments because the bonds as well as interest and administrative costs should be supported by payments of participating veterans.

Prior experience with similar bond issues has developed a clear history of self-liquidation and payment of principal and interest by veterans without cost to the general taxpayer. Nevertheless, these are general obligation bonds to which the full faith and credit of the state is pledged, and any failure to receive sufficient funds through payments by veteran purchasers of property would obligate the general taxpayer for the difference.

You should vote FOR the Veterans Bond Act of 1974 if you want to authorize the issuance and sale of state bonds up to \$350,000,000 to provide funds for farm and home purchase aid under the Veterans' Farm and Home Purchase Act of 1943.

You should vote AGAINST the Veterans Bond Act of 1974 if you do not want to authorize the issuance and sale of state bonds for this purpose.

Text of Proposed Law

This law proposed by Assembly Bill 2647 (Statutes of 1974, Chapter 7), is submitted to the people in accordance with the provisions of Article XVI of the Constitution.

(This proposed law does not expressly amend any existing law; therefore, the provisions thereof are printed in **BOLDFACE TYPE** to indicate that they are **NEW**.)

PROPOSED LAW

SECTION 1. Article 5/ (commencing with Section 997.001) is added to Chapter 6 of Division 4 of the Military and Veterans Code, to read:

Article 5/. Veterans Bond Act of 1974

997.001. This article may be cited as the Veterans Bond Act of 1974.

997.002. The State General Obligation Bond Law, except as otherwise provided herein, is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this article, and the provisions of that law are included in this article as though set out in full in this article. All references in this article to "herein" shall be deemed to refer both to this article and such law.

997.003. As used in this article and for the purposes of this article as used in the State General Obligation Bond Law, Chapter 4 (commencing with Section 16720), Part 3, Division 4, Title 2 of the Government Code, the following words shall have the following meanings:

(a) "Bond" means veterans bond, a state general obligation bond issued pursuant to this article adopting the provisions of the State General Obligation Bond Law.

(b) "Committee" means the Veterans' Finance Committee of 1943, created by Section 991.

(c) "Board" means the Department of Veterans Affairs.

(d) "Fund" means the Veterans Farm and Home Building Fund of 1943 created by Section 988.

(e) "Bond Act" means this article authorizing the issuance of State General Obligation Bonds and adopting Chapter 4 (commencing with Section 16720), Part 3, Division 4, Title 2 of the Government Code by reference.

997.004. For the purpose of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and of all acts amendatory thereof and supplemental thereto, the Veterans' Finance Committee of 1943, created by Section 991, shall be and hereby is authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of three hundred fifty million dollars (\$350,000,000), in the manner provided herein, but not otherwise, nor in excess thereof.

997.005. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the state, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collections of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

On the several dates on which funds are remitted pursuant to Section 16676 of the Government Code for the payment of the then maturing principal and interest on the bonds in each fiscal year, there shall be returned into the General

Fund in the State Treasury, all of the money in the Veterans' Farm and Home Building Fund of 1943, not in excess of the principal of and interest on the said bonds then due and payable, except as hereinafter provided for the prior redemption of said bonds, and, in the event such money so returned on said remittance dates is less than said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the General Fund in the State Treasury out of said Veterans' Farm and Home Building Fund of 1943 as soon thereafter as it shall become available, together with interest thereon from such dates of maturity until so returned at the same rate as borne by said bonds, compounded semiannually.

997.006. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this article, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this article, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 997.007, which sum is appropriated without regard to fiscal years.

997.007. For the purposes of carrying out the provisions of this article the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out this article. Any amounts withdrawn shall be deposited in the Veterans Farm and Home Building Fund of 1943. Any moneys made available under this article to the board shall be returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this article, together with interest at the rate of interest fixed in the bonds so sold.

997.008. Upon request of the Department of Veterans Affairs, supported by a statement of the plans and projects of said department with respect thereto, and approved by the Governor, the Veterans' Finance Committee of 1943 shall determine whether or not it is necessary or desirable to issue any bonds authorized under this article in order to carry such plans and projects into execution, and, if so, the amount of bonds then to be issued and sold. Successive issues of bonds may be authorized and sold to carry out said plans and projects progressively, and it shall not be necessary that all the bonds herein authorized to be issued shall be sold at any one time.

997.009. So long as any bonds authorized under this article may be outstanding, the Director of Veterans Affairs shall cause to be made at the close of each fiscal year, a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, such survey to be made by an independent public accountant of recognized standing. The results of such surveys and projections shall be set forth in written reports and said independent public accountant shall forward copies of said reports to the Director of Veterans Affairs, the members of the California Veterans Board, and to the members of the Veterans' Finance Committee of 1943. The Division of Farm and Home Purchases shall reimburse said independent public accountant for his services out of any funds which said division may have available on deposit with the Treasurer of the State of California.

997.010. The committee may authorize the State Treasurer to sell all or any part of the bonds herein authorized at such time or times as may be fixed by the State Treasurer.

997.011. Whenever bonds are sold, out of the first money realized from their sale, there shall be redeposited in the General Obligation Bond Expense Revolving Fund established by Section 16724.5 of the Government Code such sums as have been expended for the purposes specified in Section 16724.5 of the Government Code, which may be used for the same purpose and repaid in the same manner whenever additional sales are made.

Argument in Favor of Proposition 3

This Bond Act will continue the Cal-Vet Program which has enabled more than 285,000 California veterans to become home and farm owners.

The entire program, from its inception in 1921 and through 14 previous bond issues, has been entirely self-supporting at no cost to the taxpayers. Not one cent of tax money will ever be necessary; even administrative costs and expenses are paid out of interest revenue from the veteran loan holders. Independent audits, excellent management and adequate financial reserves in combination have maintained total self-sufficiency, even in periods of economic decline.

The interest rate to the veteran has been maintained well below the statutory 5% ceiling. It supports the principle of lending a hand, rather than a handout, to our veterans via low-cost home loans.

Many states are attempting to duplicate this Cal-Vet plan, which has proved, with its self-liquidating features, to be the most intelligent approach to a veterans benefit.

This program, having well served the needs of the veterans of World War I, World War II and the Korean War, now is essential to provide the same benefits to our Vietnam veterans. The Vietnam veterans in California number in excess of 800,000. Almost 10,000 loans were made to them during 1973, and applications for loans continue to pour in. Unfortunately, Cal-Vet loan funds are depleted. The thousands of Vietnam veterans who applied after January 1,

1974, can receive loans only if this Bond Act is approved by the electorate.

Cal-Vet offers significant collateral, economic and social benefits to the people of California. Expanded home building and home ownership is financed by private investors who purchase the bonds. The home supply and building materials industries achieve an increased pace of activity, as do the real estate and insurance markets. Thousands of jobs are created and maintained, and millions of dollars of new purchasing power are developed, stimulating the entire economy. The veteran and his family, as home owners, are happier and more secure citizens.

This program does not increase the bonded indebtedness of the State because more than \$85,000,000 of Cal-Vet bonds are paid off each year by the veterans of previous conflicts.

A vote for Proposition 3 is a vote to continue the vital Cal-Vet loan program and to insure that our servicemen from Vietnam are given the same fair treatment as all other veterans, all at no cost to the taxpayer.

We sincerely urge your "yes" vote on Proposition 3.

ERNEST N. MOBLEY
31st Assembly District
EUGENE A. CHAPPIE
3rd Assembly District
JOHN STULL
38th Senate District

No rebuttal to the argument in favor of Proposition 3 was submitted

Study the Issues and Candidates Carefully

Argument Against Proposition 3

Many TAXPAYERS wonder where the money goes when vet loans of Cal-Vet are so hard to get. No one denies a veteran a loan if the money goes to them! If committees and bureaucracy are causing this denial to vets, then another system must be taken.

Vote **NO** on Proposition 3, \$350,000,000.00

BARBARA P. HUTCHINSON, *Association of Concerned Taxpayers, Inc., San Diego*

JUANITA COLE, *Association of Concerned Taxpayers, Inc., San Diego*

HENRY CANCINO, *Association of Concerned Taxpayers, Inc., San Diego*

Rebuttal to Argument Against Proposition 3

A recent Appellate Court decision reaffirms that all Veterans Bond money authorized by the electorate shall be applied only to the granting of loans of veterans or to the repayment of bond debt. The Veterans Farm and Home Fund, created by Veterans Bonds issued, is immune from even statutory diversion to any other purpose.

When the demand for Cal-Vet loans exceeds money

available from the sale of Cal-Vet bonds, voter approval of the issuance of general obligation bonds is needed. The program is completely self-supporting and involves no cost to the taxpayers.

I ask your approval of Proposition 3.

ERNEST N. MOBLEY
31st Assembly District

Apply for Your Absentee Ballot Early

4

REASSESSMENT OF PROPERTY

Ballot Title

PROPERTY TAX REASSESSMENT IN EVENT OF DAMAGE OR DESTRUCTION. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Amends Article XIII, Section 2.8, of State Constitution to grant power to Legislature to authorize assessment or reassessment of property damaged or destroyed after lien date by a misfortune or calamity without requiring that (1) such misfortune or calamity be major or (2) that the property be located in an area subsequently declared by the Governor to be in a state of disaster. Financial Impact: No additional state costs and minor effect, if any, on local revenues.

Analysis by Legislative Counsel

Effect:

California's Constitution now requires that taxable property generally be assessed at its market value for purposes of property taxation. That value is determined as of March 1 of each year. However, the Constitution contains an exception for some property which is damaged or destroyed after March 1.

That constitutional exception now allows the Legislature to authorize local governments to provide for the reassessment of property for property tax purposes where: (1) after the lien date (March 1) the property is damaged or destroyed by a "major" misfortune or calamity, and (2) the property is located in an area which is subsequently proclaimed by the Governor to be in a state of disaster.

This measure would amend the Constitution to allow the Legislature to authorize local governments to reassess property for tax purposes where it has been damaged or destroyed as a result of misfortune or calamity, whether or not the misfortune or calamity is "major" and whether or not the property is located in an area subsequently proclaimed by the Governor to be in a state of disaster.

Fiscal Impact:

The Legislative Analyst and the Department of Finance advise that adoption of this measure and its implementation would have no effect on state revenues. Although a reduction in assessed value of property generally will increase state expenditures required to maintain a given level of minimum total school support, the calamity would have to be major to effect such a change.

Implementation of the measure would not result in an increase in local costs. However, the measure will affect local revenue if a local governing body exercises its power to reassess property damaged or destroyed by a misfortune or calamity. If the reassessment occurs before property tax rates have been established, the reassessment might result in

increased tax rates. If the reassessment occurs after property tax rates have been established, local government might use local reserves, or cut the level of planned expenditures. In either case the effect would be minor.

You should vote "YES" on this measure if you want to authorize the Legislature to provide for the reassessment of property for tax purposes when the property is damaged or destroyed by misfortune or calamity after the lien date (March 1) of any tax year without the present requirement that the misfortune or calamity be major and that the property be located in an area subsequently declared by the Governor to be in a state of disaster.

You should vote "NO" on this measure if you want to reject this change.

Statute Contingent Upon Adoption of Above Measure

If this measure is approved by the voters, Chapter 901 of the Statutes of 1973 will add Section 43013 to the Government Code and add Section 155.13 to the Revenue and Taxation Code.

The text of Chapter 901 is on record in the office of the Secretary of State in Sacramento and will be contained in the 1973 published statutes. A digest of that chapter is as follows:

Authorizes counties and chartered cities to provide for reassessment of property damaged or destroyed by misfortune or calamity according to currently prescribed procedures, eliminating the present requirements that (1) the misfortune or calamity be major, (2) the property be located in an area proclaimed by the Governor to be in a state of disaster, and (3) the property be damaged or destroyed by the major misfortune or calamity causing the Governor's proclamation.

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 30 (Statutes of 1973, Resolution Chapter 158), expressly amends an existing section of the Constitution; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKEOUT TYPE**.

PROPOSED AMENDMENT TO ARTICLE XIII

SEC. 2.8. The Legislature shall have the power to authorize local taxing agencies to provide for the assessment or reassessment of taxable property where after the lien date for a given tax year taxable property is damaged or destroyed by a ~~major~~ misfortune or calamity ~~and the damaged or destroyed property is located in an area or region which was~~ subsequently proclaimed by the Governor to be in a state of disaster.

**Remember to Vote on Election Day
Tuesday, June 4, 1974
Polls are open from 7A.M. to 8P.M.**

Argument in Favor of Proposition 4

This proposed amendment is a much needed constitutional reform designed to grant relief to individual property owners whose property has been damaged or destroyed during the year without his fault.

Currently, the Constitution only permits such relief if property is damaged or destroyed by a major misfortune or calamity located in an area or region proclaimed by the Governor to be in a state of disaster. This proposal will amend the Constitution to permit the Legislature to authorize local taxing agencies to provide for the assessment or reassessment of any taxable property which is damaged or destroyed after the lien date. Enabling legislation, Assembly Bill 625, was passed by the Legislature in 1973 and signed by the Governor (Chapter 901). The legislation will not become effective unless and until this constitutional amendment is adopted by the people.

In simple language, today if a person's home is destroyed, for example by fire, in an individual disaster, he must

continue to pay the full amount of taxes on that property for that year. Currently, if a person owns a boat which is damaged or sinks even one day after the lien date, he is liable to pay the full amount of taxes on that property for that year.

This measure, if adopted by the people, will permit tax relief to be granted in any instance where any taxable property is damaged or destroyed during the year. The effect on State and local revenues will be negligible. The key question which every voter should ask is "Why should an individual be required to pay the full amount of taxes on property which is damaged or destroyed?" We believe he should not: We, therefore, urge your "yes" vote on this proposition.

LAWRENCE KAPILOFF
Assemblyman, 78th District
LEO T. McCARTHY
Assemblyman, 19th District

Rebuttal to Argument in Favor of Proposition 4

Proposition 4, coupled with enabling legislation AB 625, grants property tax relief to individuals whose homes or property have been damaged or destroyed without fault of their own. However, these provisions will create more problems than they will solve.

Proposition 4 will inevitably cause administration problems for local jurisdictions. As a result of individual claims of damage or destruction, local municipalities will suffer a loss of revenue. Despite the fact that a homeowner may suffer severe personal problems, he will still, in most cases, continue to utilize services he paid for through his taxes. Sewers, schools, fire and police protection must continue and must be paid for, despite private loss to the individual.

Administrative problems will also be the result of a "yes" vote. Laws concerning disaster relief are already on the books. Neither Proposition 4 nor AB 625 provide for the

repeal of these conflicting laws. Final interpretation of the laws are left to the local authorities, giving rise to variations in application. Problems in defining a "calamity" or "disaster" exist. Just how will local governments decide what comprises a disaster, and how can uniform procedures be set up if definitions are vague or unclear?

Finally, no provisions for the reassessment after repairs to the property have been made are included in either bill. No provisions for the extra administrative time necessary to process claims and reassess property after the lien date have been included.

For all of these reasons, we urge a "no" vote on Proposition 4.

ERNEST N. MOBLEY
Assemblyman, 31st District

Argument Against Proposition 4

Proposition 4 would result in a major loss of revenue to local governments. Individuals whose properties were damaged or destroyed by "misfortunes" or "calamities" could file for reassessment of their property for tax purposes. Local property tax revenue would decline as people whose homes had been destroyed applied for tax relief. No formal declaration of a "disaster area" by the Governor would be required. Even though property losses may be fully or partially covered by insurance, individuals could ask for relief from taxes during the tax period in which the property was damaged.

No provisions are made for property that is constructed or reconstructed after the lien date. Should, for example, the

property be reassessed as of its value at the time of its completion? Questions such as these are not answered.

Finally, Proposition 4 would activate a law that is in addition to the codes of the parallel "disaster area" provision. It is confusing and illogical to have two "disaster" provisions. The already existent codes set up a "trigger mechanism" for gubernatorial proclamation of "disaster areas." These codes would have little or no value if it is no longer necessary to have an official proclamation for reassessment purposes. Yet no section of Proposition 4 provides for the deletion of these codes.

ERNEST N. MOBLEY
Assemblyman, District 31st District

Rebuttal to Argument Against Proposition 4

Proposition 4 will not result in any major loss of revenue to local governments. Although the loss cannot be ascertained at this time, it is obvious that individual disasters, such as a fire, occur rather infrequently in any community.

More importantly, why should an individual continue to pay the full amount of property taxes on property which is substantially damaged or destroyed during the tax year? We all know that insurance does not fully compensate for such losses.

Existing law gives disaster relief only if the disaster is widespread. However, to the person suffering the disaster the results are the same whether he is in the same position as many others or suffers the damage alone. It is time to change the law to allow him the same relief.

LAWRENCE KAPILOFF
Assemblyman, 78th District
LEO T. McCARTHY
Assemblyman, 19th District

Ballot Title

HIGHWAYS AND MASS TRANSIT GUIDEWAYS. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Extends present use of revenues from motor vehicle fuel taxes and license fees for highway construction to permit use for research, planning, and construction of mass transit guideways and mitigation of environmental effects of each. Unless approved by majority vote of area affected, funds may only be used for research and planning. Continues existing statutory formula for allocation of revenues to cities, counties, and areas of state until altered by Legislature. Permits up to 25% of area revenues available to be used to pay for voter-approved bond issues. Deletes obsolete provisions. Financial Impact: This measure involves no significant cost or revenue considerations.

Analysis by Legislative Counsel

Effect:

Article XXVI of the Constitution now generally restricts the use of revenues derived from state-imposed highway users taxes and fees, such as the gas tax, diesel fuel tax, and vehicle registration and weight fees, to the construction and maintenance of public highways. Revenues derived from taxes or fees imposed upon vehicles or their operation, such as the vehicle registration and weight fees, may also be used for the administration and enforcement of laws on public highways.

This measure would broaden the uses for which such revenues may be expended, including:

(1) *Public Mass Transit Purposes*

Generally, the measure would authorize the use of these revenues for research, planning, construction, improvement, and specified maintenance of public mass transit guideways, and related fixed facilities, and for lessening the environmental effects of such transit facilities.

The expenditure of such revenues for public mass transit purposes in any county, or specified area thereof, except for research and planning, would be prohibited, however, unless such use is approved by a majority of voters in the county or area voting on the proposition.

The Legislature would be authorized, with respect to revenues so approved by voters for use for public mass transit purposes, to permit their use also for payment of principal and interest on voter-approved bonds issued for such transit purposes.

The Legislature would be required to continue the existing statutory public highways formulas for allocation of such revenues until another basis, as determined from standards and goals specified in this measure, exists to change such formulas. Until then, any use of such revenues for public mass transit purposes in any city, county, or area would be included within the existing statutory public highways allocations to, or expenditures in, such city, county, or area.

(2) *Street and Highway Bonds*

The Legislature would also be authorized to permit up to 25 percent of such revenues available to the state or any city or county for public highway purposes to be pledged or used for payment of principal and interest on voter-approved bonds issued for such purposes.

Fiscal Impact:

The Department of Finance and the Legislative Analyst advise that the adoption of this constitutional amendment will have no effect on state or local revenues or costs.

You should vote "YES" on this measure if you want to allow state-imposed highway users tax revenues to be used for purposes related to public mass transit, as well as for purposes related to public highways.

You should vote "NO" on this measure if you want to retain present constitutional restrictions which limit use of such revenues for public highway purposes, including administration and enforcement of laws thereon.

Statute Contingent Upon Adoption of Above Measure

Chapter 859 of the Statutes of 1973, which was enacted to become operative if and when the above amendment of the Constitution is approved, authorizes the state, and any city or county, to use for public mass transit guideways the following percentages of motor vehicle fuel tax revenues, and motor vehicle registration and license fees available for highway and guideways, available to it:

<i>Fiscal Year</i>	<i>Percentage</i>
1974-75	5
1975-76	10
1976-77	15
1977-78	20
1978-79 and each fiscal year thereafter	25

Chapter 859 authorizes the Director of Transportation, if found to be necessary to maximize federal financial participation in such projects, to increase the above percentages to the following percentages:

<i>Fiscal Year</i>	<i>Percentage</i>
1974-75	15
1975-76	20
1976-77	25
1977-78 and each fiscal year thereafter	The percentage necessary to maximize federal financial participation

The text of Chapter 859 of the Statutes of 1973 is on record in the office of the Secretary of State in Sacramento and will be contained in the 1973 published statutes.

Text of Proposed Law

This amendment proposed by Senate Constitutional Amendment 15 (Statutes of 1973, Resolution Chapter 145), expressly repeals an existing article of the Constitution and adds a new article thereto; therefore, EXISTING PROVISIONS proposed to be REPEALED are printed in STRIKEOUT TYPE; and NEW PROVISIONS proposed to be ADDED are printed in BOLDFACE TYPE.

PROPOSED AMENDMENTS TO ARTICLE XXVI

First—That Article XXVI be repealed.

ARTICLE XXVI

MOTOR VEHICLE TAXATION AND REVENUES

SECTION 1. (a) From and after the effective date of this article, all moneys collected from any tax now or hereafter imposed by the State upon the manufacture, sale, distribution, or use of motor vehicle fuel; for use in motor vehicles upon the public streets and highways over and above the costs of collection; and any refunds authorized by law shall be used exclusively and directly for highway purposes; as follows:

(1) The construction, improvement, repair and maintenance of public streets and highways, whether in incorporated or unincorporated territory; for the payment for property, including but not restricted to rights of way, taken or damaged for such purposes and for administrative costs necessarily incurred in connection with the foregoing.

(2) As now or hereafter may be provided by law, the net revenue from not more than twenty per cent of one cent per gallon tax on such motor vehicle fuel may be expended under any act of the Legislature for the payment, redemption, discharge, purchase, adjustment, contributing to or refunding of special assessments or bonds or coupons issued for street or highway purposes as set forth in this section and which special assessment districts were initiated by an ordinance or resolution of intention adopted prior to January 1, 1933.

SEC. 2. (a) From and after the effective date of this article, all moneys collected from motor vehicle and other vehicle registration license fees and from any other tax or license fee now or hereafter imposed by the State upon vehicles, motor vehicles or the operation thereof, except as may otherwise be provided in Section 4 of this article, shall be used for the following purposes:

1. For costs of collection and for the administration and enforcement of all laws now in effect or hereafter enacted, regulating or concerning the use, operation or registration of vehicles used upon the public streets and highways of this State and for the exercise of those powers and for the performance of those duties now imposed upon the California Highway Patrol.

2. For street and highway purposes as specified in paragraph (1) of subdivision (a) of Section 1 of this article.

(b) The moneys referred to in subdivision (a) of this section allocated to the counties and any city and county may also be used as now or hereafter provided by the Legislature for the following additional purposes, provided such use will not in any manner cause the loss of Federal highway funds to this State:

(1) For the payment of any portion of the principal or interest of, or for the purchase or redemption at a discount of, or for transfer to the interest and sinking fund for the discharge and payment of bonds voted at an election prior to January 1, 1933, and issued by a city, city and county, or county, the proceeds of which have been used for the purposes specified in paragraph (1) of subdivision (a) of Section 1 of this article.

(2) For the payment, redemption, discharge, purchase, adjustment, contributing to or refunding of special assessments or bonds or coupons issued to represent such special assessments, which assessments were imposed wherein the ordinance or resolution of intention was adopted prior to January 1, 1933, for the acquisition of rights of way or easements for or for the construction or improvements of public streets, highways or parks.

SEC. 3. The provisions of this article are self-executing but the Legislature shall have full power to appropriate such moneys and to provide the manner of their expenditure by the State, counties, cities and counties, or cities for the purposes specified and to enact legislation not in conflict with this article. This article shall not prevent any part of the moneys referred to in Sections 1 or 2 hereof from being temporarily loaned to the State general fund upon condition that the amount so loaned shall be repaid therefrom to the funds from which so borrowed to be used for the purposes specified in Sections 1 or 2 hereof.

SEC. 4. This article shall not affect or apply to any license fees or taxes imposed by Chapter 330, Statutes of 1933, as amended; nor to any tax which is now or may hereafter be imposed by the "Retail Sales Tax Act of 1933," as amended; or the "Use Tax Act of 1935," as

amended; nor shall it affect or repeal any provision of the "Unemployment Relief Bond Act of 1933," Chapter 207, Statutes of 1933, as approved by Section 9 of Article XVI of this Constitution; nor shall it affect or invalidate Chapter 362, Statutes of 1935, as amended; imposing a motor vehicle license fee based upon value. The Legislature may continue in effect the tax imposed by Chapter 362, Statutes of 1935 as amended; provided that the continuation of, or any amendment to, said Chapter 362, shall provide that the revenue from said tax, excluding the costs of collection and subventions to counties, cities and counties; and cities, shall first be applied to the payment of principal and interest on all State highway bonds outstanding on the effective date of this article. In the event the tax imposed by said Chapter 362, Statutes of 1935 as amended, is repealed, the Legislature may make provision for such payment of said State highway bonds by means of any fees or taxes of the types mentioned in this article; whether now or hereafter imposed; provided such payment will not in any manner cause the loss of Federal highway funds to this State.

Nothing in this article shall be construed as repealing, superseding or modifying that provision of Section 15 of Article XIII of this Constitution, reading as follows:

"Out of the revenue from State taxes for which provision is made in this article; together with all other State revenues; there shall first be set apart the moneys to be applied by the State to the support of the public school system and the State university."

In the event, however, moneys are transferred to the general fund of the State from the funds referred to in this article for the support of the public schools and the State university, pursuant to Section 15 of Article XIII of this Constitution; the moneys so transferred shall be returned to the funds from which they were transferred from the first moneys available in the general fund in excess of those required under Section 15 of Article XIII of this Constitution for the support of the public schools and the State university.

Second—That Article XXVI be added, to read:

ARTICLE XXVI

MOTOR VEHICLE REVENUES

SECTION 1. Revenues from taxes imposed by the state on motor vehicle fuels for use in motor vehicles upon public streets and highways, over and above the costs of collection and any refunds authorized by law, shall be used for the following purposes:

(a) The research, planning, construction, improvement, maintenance, and operation of public streets and highways (and their related public facilities for nonmotorized traffic), including the mitigation of their environmental effects, the payment for property taken or damaged for such purposes, and the administrative costs necessarily incurred in the foregoing purposes.

(b) The research, planning, construction, and improvement of exclusive public mass transit guideways (and their related fixed facilities), including the mitigation of their environmental effects, the payment for property taken or damaged for such purposes, the administrative costs necessarily incurred in the foregoing purposes, and the maintenance of the structures and the immediate right-of-way for the public mass transit guideways, but excluding the maintenance and operating costs for mass transit power systems and mass transit passenger facilities, vehicles, equipment, and services.

SEC. 2. Revenues from fees and taxes imposed by the state upon vehicles or their use or operation, over and above the costs of collection and any refunds authorized by law, shall be used for the following purposes:

(a) The state administration and enforcement of laws regulating the use, operation, or registration of vehicles used upon the public streets and highways of this state, including the enforcement of traffic and vehicle laws by state agencies and the mitigation of the environmental effects of motor vehicle operation due to air and sound emissions.

(b) The purposes specified in Section 1 of this article.

SEC. 3. The Legislature shall provide for the allocation of the revenues to be used for the purposes specified in Section 1 of this article in a manner which ensures the continuance of existing statutory allocation formulas for cities, counties, and areas of the state, until it determines that another basis for an equitable, geographical, and jurisdictional distribution exists; provided that, until such determination is made, any use of such revenues for purposes specified in subdivision (b) of Section 1 of this article by or in a city, county, or area of the state shall be included within the existing statutory allocations to, or for expenditure in, that city, county, or area. Any future statutory revisions shall provide for the allocation of these revenues, together with other similar revenues, in a manner which gives equal consideration to the transportation needs of all areas of the state and all segments of the population consistent with the orderly achievement of the adopted local, regional, and statewide goals for ground transportation in local general plans, regional transportation plans, and the California Transportation Plan.

SEC. 4. Revenues allocated pursuant to Section 3 may not be expended for the purposes specified in subdivision (b) of Section 1, except for research and planning, until such use is approved by a majority of the votes cast on the proposition authorizing such use of such revenues in an election held throughout the county or counties, or a specified area of a county or counties, within which the revenues are to be expended. The Legislature may authorize the revenues approved for allocation or expenditure under this section to be

Continued on page 39

Argument in Favor of Proposition 5

Proposition 5 is your chance to do something positive about air pollution and the energy crisis, and improve public transportation in California at the same time. Please vote YES.

Since 1938, California has been restricted to using your gas tax money only for highway projects. While this limitation made good sense in the 1940's and 1950's when the State had a great need for a basic highway system, our requirements in the years ahead are different. We need more flexibility in order to solve our critical transportation problems.

Proposition 5 will give Californians, at the local level, an opportunity to say how they want their gas tax dollars used. Decisions to build additional roads or highways, or to construct alternate transportation systems, should be made locally and not imposed upon any area by the state.

Residents of urban areas may want to have modern transit systems to help reduce smog and congestion, preserve our limited fuel resources and reduce the number of highway deaths and injuries. Citizens living in rural areas, on the other hand, may prefer to have more and better roads.

This proposition provides a choice. Presently, no matter how unique or desperate an area's transportation problems, gas tax money can only meet part of the need, and sometimes it's the least important part. How do people benefit from a new highway if there's too little gas for traveling and the air is so polluted you want to stay home?

Proposition 5 is common sense. While Californians take pride in having the finest highways in the world, we must concede that in many areas we're nearly paralyzed because of congestion. Unless we want to put much more of our State under an asphalt blanket, accompanied by increased taxes and a deteriorating environment, we have to begin moving in a new direction. Proposition 5 points us in that direction.

Before highway funds may be used for mass transit projects, voters in the area involved must first approve such use. Approval may take various forms, ranging from a blanket approval for any future projects to approval for a specific project.

Such voter approval would also trigger new federal matching funds, returning to California more of the money we send Washington as federal taxes, thereby benefiting the construction industry. It is expected that the federal government will provide funds at the rate of four dollars for each state dollar.

Of course, local residents are free to continue using their share of gasoline taxes to build highways if that is their desire.

If you believe your gas tax money should solve the particular transportation problems of your community, you will vote YES on Proposition 5.

It's a nonpartisan proposal supported by business, labor, environmentalists, and good government groups. It will untie the hands of government, enabling it to do a better job responding to changing transportation needs in the final quarter of this century.

A vote for Proposition 5 is a vote for local control and more freedom of choice. Vote YES.

JAMES R. MILLS
State Senator
President pro Tempore—California State Senate

ALFRED E. ALQUIST
State Senator
(D—Santa Clara County)

BOB MORETTI
Assemblyman
Speaker—California State Assembly

Rebuttal to Argument in Favor of Proposition 5

Proposition 5 is unfair to California's motorists. If rapid transit will not be paid for by those who use it or benefit from it, there is certainly no justification for requiring those who cannot or do not use it to pay for it on the basis of how far they must drive.

If transit systems are constructed, they will be used in very few big cities for very few trips—less than 5%. The remaining trips will be made on roads, as they are now. Smog and congestion will not be noticeably reduced by transit. Rapid transit will cost billions of dollars, and takes many years to build. Our air quality and energy problems must be solved before then. Immediate alternatives such as carpools and buses require good roads.

Gas tax revenues are already inadequate to finance needed road maintenance and improvements to provide us with our valued mobility. Fuel shortages will further reduce

gas tax collections. Diverting these limited revenues to transit can only result in higher gasoline taxes, and a rapid deterioration of our roads.

This measure encourages big cities with political muscle in the Legislature to drain needed road funds from outlying areas into congested areas to fund transit construction. Your area could be one of those shortchanged.

VOTE NO ON PROPOSITION 5 and reject the unfair taxation which will result. A vote against this measure assures motorists that the special taxes they pay for roads will be used only for that purpose.

CLARK L. BRADLEY
Senator, 14th District
RANDOLPH COLLIER
Senator, 1st District

Argument Against Proposition 5

Article XXVI is the reason that California has the fine, safe, fast and economical road travel that we enjoy today. This Amendment authorizes diversion of road funds to other purposes. To permit the Legislature to use motorists' tax funds for other than motorists' needs would be wrong—both in terms of delaying necessary improvements to our roads, and, in adding an element of gross unfairness to our tax structure.

For years some members of the Legislature have attempted to divert motorist taxes for welfare, unemployment benefits, public transit, and other uses. Californians rejected a similar proposal in 1970, and should do so again. Motorists' taxes such as the gasoline tax and vehicle fees are paid by motorists **in addition to** all other general taxes. Currently these special taxes are levied and used to provide services and facilities for motorists and the public, such as roads, vehicle title and drivers' licensing, and vehicle-related smog research and control programs. These taxes become unfair when the use of your automobile becomes the sole basis for taxing for services which the motorist will not, or cannot use. I do not believe that how many miles one must drive to work is a fair measure of how much he should pay in taxes for a transit system.

Gas tax revenues are inadequate to meet our present road needs. If our gas tax money is used for construction of transit systems, it can only result in higher gasoline taxes or rapid deterioration of our roads. People will continue to demand improved roads; transit is **not** a substitute. Transit systems require enormous sums of money not only to build, but to

operate. The 140-mile system proposed for Los Angeles is estimated to cost 6.6 billion dollars, and will carry **less than 3 percent** of the total person-trips in the Los Angeles area. Even with that system, more than half of all public transit passengers will ride on buses, which require good roads.

Proponents contend this measure is necessary to finance air pollution control programs. This is not true. Almost \$20 million has already been appropriated from motorists' taxes to support the Air Resources Board and to finance smog research. These funds are available for this purpose as long as the use has some relationship to the operation of the automobile. The Legislature can make more money available for necessary smog programs without changing the Constitution.

The state and federal governments have recently committed hundreds of millions of dollars to build transit systems and purchase new transit equipment. California's motorists are now contributing \$180 million annually from the new sales tax on gasoline which the Legislature made available to local governments for public transportation. These taxes can be used to match available federal grants.

Motorists cannot carry an even heavier tax burden for subsidizing transit. We need our present motorist taxes for improving roads which are vital to the well-being of all Californians. I urge a NO vote on Proposition 5.

CLARK L. BRADLEY
Senator, 14th District
RANDOLPH COLLIER
Senator, 1st District

Rebuttal to Argument Against Proposition 5

The opposition says that "to permit the Legislature to use motorists' tax funds for other than motorists' needs would be wrong . . . adding an element of unfairness to our tax structure."

This statement is misleading.

Proposition 5 **does not** permit the Legislature to use motorists' taxes to build public mass transit systems. Such construction may only take place if the voters in the area where the system would be built give their prior approval in a local election. In other words, each county or area would determine the best transportation use for its motorists' taxes.

Thus, Proposition 5 makes our tax structure fairer by letting local voters decide how to spend their own taxes.

It should be remembered that an overwhelming majority of voters in every part of California hold driver's licenses and pay gasoline taxes. These people would gain control of the use of their own money. No one else could impose anything upon them under this amendment.

We should not dictate to the people in any part of California what kind of local transportation they shall have and how their tax money will be spent. Local people should make local decisions. Proposition 5 will make this possible.

Because it is responsive to the transportation needs of the people, Proposition 5 is supported by such diverse organizations as the League of Women Voters, Los Angeles Chamber of Commerce, Sierra Club and the State Transportation Board, as well as various labor unions.

VOTE YES ON PROPOSITION 5.

JAMES R. MILLS
State Senator
President pro Tempore—California State Senate
ALFRED E. ALQUIST
State Senator
(D—Santa Clara County)
BOB MORETTI
Assemblyman
Speaker—California State Assembly

Ballot Title

PUBLIC LEGISLATIVE PROCEEDINGS. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Specifies that the proceedings of each house of the Legislature and the committees thereof shall be public except as provided by statute or concurrent resolution, where such resolution is adopted by a two-thirds vote of the members of each house. In the event of a conflict between such a statute and a concurrent resolution, the last adopted shall prevail. Financial Impact: This measure involves no significant cost or revenue considerations.

Analysis by Legislative Counsel**Effect:**

The California Constitution now requires that the proceedings of each of the two houses of the Legislature be public, except on any occasion that, in the opinion of the house, requires secrecy. There is presently no such constitutional requirement as to legislative committees, but committee meetings are required by statute to be public, with specified exceptions.

This measure would amend the Constitution to specifically require that proceedings of committees of the Legislature, as well as proceedings of each of the two houses, be public. The measure would also specifically require that this requirement be made by a statute or by a concurrent resolution which resolution would have to be approved by two-thirds of the members of each house.

Fiscal Impact:

The Department of Finance and the Legislative Analyst advise that this measure would not result in any increase or decrease in revenue or cost to state or local government.

You should vote "YES" on this measure if you want to require that the proceedings of the legislative committees, as well as the two houses of the Legislature themselves, be public, except in cases where a specific statute, or a resolution of both houses, makes an exception.

You should vote "NO" on this measure if you want to reject this change.

**Remember to Vote on Election Day
Tuesday, June 4, 1974
Polls are open from 7A.M. to 8P.M.**

Text of Proposed Law

This amendment proposed by Senate Constitutional Amendment 6 (Statutes of 1973, Resolution Chapter 154), expressly amends an existing section of the Constitution; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKEOUT TYPE** and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BOLDFACE TYPE**.

PROPOSED AMENDMENT TO ARTICLE IV, SECTION 7

(c) The proceedings of each house and the committees thereof shall be public except on occasions that in the opinion of the house require secrecy as provided by statute or by concurrent resolution, which such resolution is adopted by a two-thirds vote of the members of each house, provided, that if there is a conflict between such a statute and concurrent resolution, the last adopted shall prevail.

Argument in Favor of Proposition 6

A "YES" VOTE ON PROPOSITION 6 FAVORS PUBLIC DISCUSSION OF LEGISLATION.

The Constitution now provides that the Legislature meet in public, but a huge loophole exists. The loophole is that either house may hold non-public meetings whenever, in the legislators' opinion, closed meetings are desirable.

BY VOTING "YES" YOU WILL SUBSTITUTE EXPLICIT LEGAL PROCEDURES FOR MERE "OPINION." YOUR "YES" VOTE WILL ENSURE THAT LEGISLATIVE COMMITTEES MEET IN PUBLIC.

With approval of Proposition 6, non-public meetings may no longer be held based on the "opinion" of either house, but only on those occasions when specifically authorized by statute or concurrent resolution.

This safeguard means that in the case of a statute authorizing a reason for a non-public meeting, not only must both the Senate and Assembly approve such a bill, but the Governor must sign it. For a non-public meeting to be authorized by concurrent resolution both houses must approve it, and the approval must be by a $\frac{2}{3}$ vote of each house.

These safeguards will not totally prevent non-public meetings when privacy is truly essential. In fact a new law has been enacted which details certain subjects which may still be discussed in non-public meetings should this amendment be approved. YOUR "YES" VOTE WILL ENSURE, HOWEVER, THAT NO REASONS FOR CLOSED MEETINGS WILL BE PERMITTED EXCEPT THOSE WHICH PASS A VERY THOROUGH AND EXACTING PROCEDURE FOR DETERMINING MERIT.

The need for an informed citizenry is obvious, and it should be equally apparent that in order to be truly informed, the public must be aware of the deliberations involved in the decision-making process as well as the actual decisions. Such awareness is best achieved by observing how the public business is conducted and not by relying on government spokesmen for an explanation of what occurred behind closed doors.

Proposition 6 is another step toward improving the public's ability to be informed of the actions of public servants. In 1953 Assemblyman Ralph M. Brown successfully fought for a law which greatly improved the public's right to know how the business of local government is conducted.

In 1968 Assemblyman William T. Bagley secured passage of a similar law affecting boards and commissions of state government.

NOW BY YOUR "YES" VOTE YOU CAN MAKE CERTAIN THAT THE STATE LEGISLATURE WILL ALSO MEET IN PUBLIC, NOT BY WHIM, BUT ACCORDING TO THE RULE OF LAW.

A "Yes" vote is supported by the California Newspaper Publishers Association, Common Cause, the California Broadcasters Association, and the California Freedom of Information Committee.

WE URGE YOU TO VOTE "YES" ON PROPOSITION 6.

DONALD L. GRUNSKY
Senator, 17th District
GEORGE DEUKMEJIAN
Senator, 37th District

No argument against Proposition 6 was submitted

Ballot Title

STATE CIVIL SERVICE EXEMPTIONS. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Amends Article XXIV, Section 4, of the State Constitution to exempt additional positions from civil service consisting of: chief administrative officer of the California Postsecondary Education Commission and five deputies. Financial Impact: This measure involves little or no fiscal effect.

Analysis by Legislative Counsel**Effect:**

California's Constitution provides that in the state civil service, permanent appointment and promotion shall be made under a general system based on merit ascertained by competitive examination. It further provides that the State Civil Service System includes every officer and employee of the state except as otherwise provided in the Constitution; it then exempts certain specified officers and employees from civil service. The officers and employees presently exempt from civil service include, generally, those elected by the people or appointed directly by the Governor, those employed by the Legislature, the courts, the University of California and the California State University and Colleges and the teaching staff of public schools and certain designated deputies and employees.

This measure would amend the Constitution to also exempt from the state's civil service the Chief Administrative

Officer of the California Postsecondary Education Commission and five deputies of that office.

Fiscal Impact:

The Department of Finance and the Legislative Analyst advise that adoption of this measure would have little or no fiscal effect.

You should vote "YES" on this measure if you want to exempt the Chief Administrative Officer of the California Postsecondary Education Commission and five deputies from civil service.

You should vote "NO" on this measure if you do not want the Chief Administrative Officer of the California Postsecondary Education Commission and five deputies to be exempt from civil service.

Apply for Your Absentee Ballot Early

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 76 (Statutes of 1974, Resolution Chapter 6) expressly amends an existing section of the Constitution by adding a subdivision thereto; therefore, the provisions proposed to be **ADDED** are printed in **BOLDFACE TYPE** to indicate that they are **NEW**.

PROPOSED AMENDMENT TO ARTICLE XXIV, SECTION 4

SEC. 4. The following are exempt from civil service:

- (a) Officers and employees appointed or employed by the Legislature, either house, or legislative committees.
- (b) Officers and employees appointed or employed by councils, commissions or public corporations in the judicial branch or by a court of record or officer thereof.
- (c) Officers elected by the people and a deputy and an employee selected by each elected officer.
- (d) Members of boards and commissions.
- (e) A deputy or employee selected by each board or commission either appointed by the Governor or authorized by statute.

(f) State officers directly appointed by the Governor with or without the consent or confirmation of the Senate and the employees of the Governor's office, and the employees of the Lieutenant Governor's office directly appointed or employed by the Lieutenant Governor.

(g) A deputy or employee selected by each officer, except members of boards and commissions, exempted under Section 4(f).

(h) Officers and employees of the University of California and the California State Colleges.

(i) The teaching staff of schools under the jurisdiction of the Department of Education or the Superintendent of Public Instruction.

(j) Member, inmate, and patient help in state homes, charitable or correctional institutions, and state facilities for mentally ill or retarded persons.

(k) Members of the militia while engaged in military service.

(l) Officers and employees of district agricultural associations employed less than 6 months in a calendar year.

(m) In addition to positions exempted by other provisions of this section, the Attorney General may appoint or employ six deputies or employees, the Public Utilities Commission may appoint or employ one deputy or employee, and the Legislative Counsel may appoint or employ two deputies or employees.

(n) The chief administrative officer of the California Postsecondary Education Commission and five deputies.

**Remember to Vote on Election Day
Tuesday, June 4, 1974
Polls are open from 7A.M. to 8P.M.**

Argument in Favor of Proposition 7

Proposition 7 will enable California's new Postsecondary Education Commission to improve statewide planning and coordination of our vast system of education beyond the high school level.

Nearly 1½ million students attend our two hundred private and publicly supported colleges and universities alone. Additionally, there are hundreds of vocational, trade, and business schools. There has been little effective planning and coordination between them.

In order to better meet California's educational needs, and to save more taxpayer dollars, the Governor and Legislature in 1973 created the Postsecondary Education Commission. It is responsible for preparing a comprehensive five-year plan for California postsecondary education which will integrate the programs and plans of our various public and private institutions. The Commission will also advise the Governor, the Legislature, and the educational institutions themselves, in an effort to provide better and more economic educational decisions.

Our Constitution wisely guarantees civil service status for most state employees. It automatically grants one top exempt position to each state agency and provides more where justified and approved by the voters. Proposition 7 grants six exemptions to the new Postsecondary Education Commission. This will give the Commission needed flexibility for attracting the most highly qualified persons to fulfill its sensitive role.

The entire staffs of the University of California and the California State University and Colleges are exempt from

civil service regulations. The Commission—which has planning and coordinating responsibilities relating to these two large public systems—needs similar freedom.

Proposition 7 has strong support from the higher education community. The University of California administration has said "this exemption would provide the Commission with the flexibility necessary to recruit outstanding people to carry out the Commission's work."

This proposal was first recommended by a joint legislative committee after its two-year study of California higher education. It has strong bipartisan support. It passed the Assembly by a vote of 62-1, the Senate by a vote of 27-9.

Proposition 7 is endorsed by Assembly Speaker Bob Moretti, Assembly Republican leader Bob Beverly, and by Assemblymen Willie Brown and Ray Gonzales. It is supported by Republican Senator Howard Way and Democratic Senator Albert Rodda.

No group, including the California State Employees Association, opposes Proposition 7.

Help yourself and all Californians to better planned and more economic postsecondary education. Vote "yes" on Proposition 7.

JOHN VASCONCELLOS
Assemblyman, 24th District
FRANK LANTERMAN
Assemblyman, 47th District
ROBERT STEVENS
Senator, 25th District

No rebuttal to the argument in favor of Proposition 7 was submitted

Argument Against Proposition 7

EACH ELECTION YEAR WE ARE ASKED TO VOTE FOR MANY PROPOSITIONS. THERE IS NO COMPELLING NEED FOR THIS PROPOSITION.

EXEMPTING EMPLOYEES OF THE STATE OF CALIFORNIA FROM CIVIL SERVICE STATUS USUALLY HAS THE EFFECT OF TURNING SUCH EMPLOYEES INTO "POLITICAL APPOINTEES" AND TO PAY THEM MORE THAN THEY WOULD OTHERWISE BE ENTITLED TO RECEIVE.

There are some unique circumstances which justify an exempt status, however, we do not feel that staff employees

of the California Postsecondary Education Commission should be categorized as a unique circumstance. These individuals are employed by the people of the State to conduct the State's business and therefore ought to be subject to all the rules and regulations which apply to state employees. The civil service was established to keep politics out of State government and we see no valid reason to make an exception in this case.

GEORGE DEUKMEJIAN

Senator, 37th District

JOHN V. BRIGGS

Assemblyman, 35th District

Rebuttal to Argument Against Proposition 7

The need for Proposition 7 has been recognized and affirmed by 89 of the 99 legislators who voted on this proposal.

The Postsecondary Education Commission replaces the Coordinating Council for Higher Education. The Governor and Legislature abolished the Council because it was unable to do its job of providing for the orderly growth of California higher education. A major weakness was its lack of necessary staffing flexibility.

We reaffirm the principle of civil service. The California State Employees' Association, which represents the State's thousands of civil service employees, does not oppose this measure.

We, too, want to "keep politics out of State government." Proposition 7 is not a political issue; it has nothing to do with "political appointees." Nor is the intent of Proposition 7 to pay excess salaries. Paying adequate salaries will attract competent persons who will improve the planning and

coordination of postsecondary education and save taxpayer dollars.

The Postsecondary Education Commission was created after an intensive two-year study by a legislative committee. These civil service exemptions were an integral part of the recommendations which prompted the Legislature and Governor to create this new state agency.

We, the proponents of Proposition 7, are Republicans and Democrats, liberals and conservatives. We are vitally committed to and concerned with improving California postsecondary education:

Let's give this commission the flexibility it needs. Vote "yes" on Proposition 7.

JOHN VASCONCELLOS

Assemblyman, 24th District

FRANK LANTERMAN

Assemblyman, 47th District

ROBERT STEVENS

Senator, 25th District

Ballot Title

SACRAMENTO COUNTY-CITIES CONSOLIDATION. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Enables County of Sacramento and all or any of the cities within that County to be consolidated as a charter city and county as provided by statute, with approval of majority of county's electors voting on consolidation question and upon such other vote as Legislature may prescribe in such statute. Charter City and County of Sacramento shall be a charter city and a charter county; its charter city powers supersede conflicting charter county powers. Financial Impact: This measure involves no significant cost or revenue considerations.

Analysis by Legislative Counsel

Effect:

The State Constitution now requires that in consolidating a city and county government, all cities in the county must be included.

This measure would apply to Sacramento County only. It would authorize legislation which could enable the county government of the County of Sacramento to be consolidated with the city governments of all or any of the incorporated cities located within the county in the manner provided by statute. Thus, if provided by statute, the consolidated city and county government could include Sacramento County and any one or more of the cities of Sacramento, Folsom, Galt, and Isleton, without the others.

To be effective, the consolidation proposal would have to be approved by a majority of the electors of the county voting upon the question of consolidation and upon such other vote prescribed by the Legislature. As indicated below, implementing legislation requires that the consolidation proposal must receive a majority vote within the City of Sacramento. Thus, as provided by the Legislature, the consolidated city and county government must include the City of Sacramento, but will include any of the other incorporated cities only if a majority of the voters of the city so desire.

Fiscal Impact:

The Department of Finance and the Legislative Analyst advise that adoption of this measure would impose no direct fiscal effect on either state or local government.

You should vote "YES" on this measure if you wish to allow the electors of the County of Sacramento to consolidate that county with all or any of the cities within the

county, pursuant to statute.

You should vote "NO" on this measure if you want to continue the existing constitutional provisions which require a statute providing for city and county consolidation to provide that all the cities within a county must consolidate with the county for a valid consolidation to occur.

Statute Contingent Upon Adoption of Above Measure

If this measure is approved by the voters, Article 3 (commencing with Section 51920) of Chapter 5 of Part 2 of Division 1 of Title 5 of the Government Code will become effective. Article 3 is contained in Chapter 972 of the Statutes of 1973. The text of Chapter 972 of the Statutes of 1973 is on record in the office of the Secretary of State in Sacramento and will be contained in the 1973 published statutes. Chapter 972 is the statute which, upon passage of this constitutional amendment, provides a procedure which will enable the County of Sacramento to consolidate with the City of Sacramento and any or all of the other cities within the county.

This procedure provides for the submission of a proposed charter for the government of the City and County of Sacramento to the electors of the county. Also the voters of each of the cities in the county other than the City of Sacramento will vote on the separate question of whether to retain their local governmental structure.

The charter will be adopted if approved by a majority vote of the electors within the county and by a majority vote of the electors within the City of Sacramento. Charter provisions relating to cities would not be applicable to other cities which elect to retain their existing local governmental structure.

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 91 (Statutes of 1973, Resolution Chapter 159), expressly amends an existing article of the Constitution by adding a new section thereto; therefore, the provisions thereof are printed in **BOLDFACE TYPE** to indicate that they are **NEW**.

PROPOSED AMENDMENT TO ARTICLE XX

SEC. 1.) Notwithstanding the provisions of Section 6 of Article XI, the County of Sacramento and all or any of the cities within the County of Sacramento may be consolidated as a charter city and county as provided by statute, with the approval of a majority of the electors of the county voting on the question of such consolidation and upon such other vote as the Legislature may prescribe in such statute. The charter City and County of Sacramento shall be a charter city and a charter county. Its charter city powers supersede conflicting charter county powers.

**Remember to Vote on Election Day
Tuesday, June 4, 1974
Polls are open from 7A.M. to 8P.M.**

Argument in Favor of Proposition 8

Sacramento County has had a 40-member Charter Commission studying local government reorganization for over two years. This representative body of citizens is in the process of producing a charter of government for Sacramento County and its cities which will be voted on by the people of the county in November, 1974.

Sacramento County has within its boundaries four cities, the City of Sacramento, and three outlying smaller cities: Folsom, Galt, and Isleton. These three cities have requested that they be allowed the option of voting themselves in or out of the proposed governmental charter. In order to accomplish this, the Constitution of the State of California must be changed.

Proposition No. 8 is a proposal to change the California Constitution to allow the people of three small cities in Sacramento County to decide whether or not they desire to be a part of the new government.

This is purely a local issue—it deals **ONLY** with Sacramento County, and provides for an option vote for the

three small general law cities in the County. If these cities decide not to participate in the new government, they will remain as they are now and will retain the same relationship they currently have with the County government. If they decide to participate, they will become a part of the proposed government.

Sacramento County is in the process of reevaluating and perhaps changing its local governmental system. The largest city in the County already has a separate vote. This amendment makes it possible to have an equitable method of election for all the cities in the County. It allows **LOCAL** voters to decide **LOCAL** issues.

WE URGE A YES VOTE ON PROPOSITION NO. 8.

E. HENRY KLOSS
Chairman, Sacramento County Board of Supervisors
RICHARD MARRIOTT
Mayor, City of Sacramento
EDWIN Z'BERG
Member, California State Assembly

Rebuttal to Argument in Favor of Proposition 8

The proponents of Proposition No. 8 make it all too clear that the real reason for their sponsoring Assembly Constitutional Amendment 91 was to provide a special procedure just for the County of Sacramento and the City of Sacramento because the voters in the other three smaller cities are opposed to losing their independence under a proposed City and County consolidation. The present law protects these three smaller cities.

Proposition No. 8 should be denied passage because it sets up special legislation for just one county. As set forth in the main argument against Proposition No. 8 there will be created many problems for these three small cities which now can contract for services with the County of Sacramento but will not be able to do this if Proposition No. 8 passes, since the County of Sacramento will not exist as

it does now. The Constitution presently provides for a City and County consolidation but requires **all** of the cities in a County to be consolidated. The City and County of San Francisco is an example. The requirement that **all** of the cities agree guarantees there will be no remaining problems of what to do with floating cities.

If Proposition No. 8 passes, the three small cities could later be forced to vote against their will to annex because of their inability to survive alone. These cities are protected now. Under Proposition No. 8, the people in these cities lose their protection.

Vote No on Proposition No. 8.

CLARK L. BRADLEY
Senator, 14th District

Argument Against Proposition 8

Proposition 8 relates to Assembly Constitutional Amendment 91, proposing to add Section 1 to Article XX of the State Constitution as it pertains to Local Government in California.

The California Constitution now provides for the consolidation of cities and counties to form in a county a city and county system of government, an example of which is the City and County of San Francisco. The important feature of the present constitutional requirement is that **all** of the cities in a county be consolidated so as to form **one** city and county government countywide. This is done by a majority vote of approval by the voters in a county and in the cities of that county.

Proposition 8 proposes to make a technical but very serious change in the present constitutional requirement, in that, if adopted, part of the cities in a county could refrain from being consolidated with the other cities and the county, to thus form a "hybrid" concept of a city and county form of government.

The voters in the County of Sacramento and in the several cities in the County of Sacramento, have tried, on several occasions, to form a City and County of Sacramento under the present constitutional requirement, i.e., consolidating all of the cities in Sacramento County with the County of Sacramento. The voters in three cities in Sacramento County have rejected this consolidation. Proposition 8 now proposes an amendment to the Constitution to permit a "City and County of Sacramento," **leaving out these three cities.**

As a long-time member of the Committee on Local Government and Chairman in the Assembly for some eight

years, it is my firm belief that there will be many complex and extremely unsatisfactory problems arising if Proposition 8 is adopted to allow anything less than a complete consolidation of **all** of the cities with a county government in setting up a consolidated form of city and county government. The very purpose and intent of consolidation is to bring about a complete consolidation and not a partial consolidation as would be the case in Sacramento County if Proposition 8 carries.

Proposition 8 is so broad in its concept that you could have the county seat city of a county consolidated with the county government but leave a dozen other cities in the county "floating." Cities receive major services from county government and under Proposition 8 there is a serious question in my mind as to how these unconsolidated cities would continue to receive county government assistance and services. Would the incorporated areas of these "outside cities" be a part of the tax base of the consolidated county government?

I am in favor of the concept of the consolidation of the cities and county government on a countywide basis, but I urge the voters to reject Proposition 8 which is proposed purely as an expediency because one county in the state and the City of Sacramento have been unable to get voter support for a complete city and county consolidation.

Vote "NO" on Proposition 8.

CLARK L. BRADLEY
Senator, 14th District

Rebuttal to Argument Against Proposition 8

The argument against this amendment is based on THREE ERRONEOUS ASSUMPTIONS:

First: That the amendment applies to all counties in California. By its specific terms, this amendment applies **ONLY TO SACRAMENTO COUNTY.**

Second: That the amendment will permit a "hybrid" and unworkable form of City-County government.

To the contrary, the plan of reorganization envisioned in Sacramento County will not be adversely affected by the continued existence of the three small cities. They are located outside the urban area and represent less than 2% of the population of the county. These cities, in any event, will continue to receive their county services from the proposed new government. Most important, a Yes vote on this amendment will enable the voters of Sacramento County to work out a **LOCAL SOLUTION FOR LOCAL PROBLEMS.**

Third: That the voters of Sacramento County and its cities (Sacramento, Folsom, Galt and Isleton) have rejected consolidation proposals in the past. The fact is that the voters **HAVE NEVER VOTED AT ANY TIME ON THE ISSUE OF CONSOLIDATION OR REORGANIZATION.**

Proposition 8 is important because it gives the voters of Sacramento County the opportunity to consider and then accept or reject a plan of local government reorganization. Moreover, it specifically permits the residents of the three small cities, Folsom, Galt and Isleton, to decide whether these cities should be included in the plan of reorganization.

We urge a YES vote on Proposition 8.

E. HENRY KLOSS
Chairman, Sacramento County Board of Supervisors
RICHARD MARRIOTT
Mayor, City of Sacramento
JACK KIPP
Mayor, City of Folsom

Ballot Title

FINANCIAL DISCLOSURES AND LIMITATIONS AFFECTING POLITICAL CAMPAIGNS, PUBLIC OFFICIALS AND LOBBYISTS—OTHER MATTERS. INITIATIVE. Requires reports of receipts and expenditures in campaigns for state and local offices and ballot measures. Limits expenditures for statewide candidates and measures. Prohibits public officials from participating in governmental decisions affecting their "financial interests." Requires disclosure of certain assets and income by certain public officials. Requires "Lobbyists" to register and file reports showing receipts and expenditures in lobbying activities. Creates fair political practices commission. Revises ballot pamphlet requirements. Provides criminal and civil sanctions for violations. Enacts and repeals statutes on other miscellaneous and above matters. Financial Impact: Adoption of this measure will increase state and local costs up to \$500,000 for the 1974-75 fiscal year and from \$1,360,000 to \$3,210,000 for each subsequent fiscal year.

Analysis by Legislative Counsel

Effect:

This initiative relates to regulation of campaign funds, lobbyists, conflicts of interest, and preparation of ballot pamphlets.

Some of the more significant features of the measure are as follows:

Political Commission. A new five-member Fair Political Practices Commission would be appointed by the Governor, Attorney General, Secretary of State, and Controller, to administer the act and investigate possible violations with the power to hold hearings, subpoena witnesses and documents, issue orders, and impose fines. \$500,000 would be appropriated to the commission for fiscal year 1974-75, and \$1,000,000 each year thereafter, adjusted for cost-of-living changes.

Campaign Reports. This initiative would enact provisions substantially the same as existing law for the filing and auditing of campaign statements by persons receiving contributions or making expenditures with respect to candidates and ballot measures. In addition, contributions and expenditures of smaller amounts would be required to be reported; the filing deadlines would be changed; the statements would be audited by the Franchise Tax Board, rather than the State Board of Equalization; and the penalties for violations would be increased.

Campaign Regulation. This initiative would enact provisions relating to campaign regulations generally similar to existing law. In addition, expenditures in cash would be limited and lower amounts would be imposed as the lawful limits for anonymous contributions and contributions in cash.

Expenditure Limitations for Statewide Candidates and Ballot Measures. This initiative would limit campaign expenditures for or against statewide candidates and statewide ballot measures. It would limit expenditures in connection with the circulation or qualification of a petition to qualify a proposed ballot measure. The present law contains no such provisions.

Lobbyist Reports. This initiative would require lobbyists to register with the Secretary of State, rather than the Joint

Rules Committee of the Legislature. It would require filing of periodic reports, similar to those required under existing law, showing in detail all money received, and total expenditures, and, in addition, it would require the designation of the beneficiaries of the expenditures and provide for the auditing of reports. Further, this initiative would require reports from any person who employs a lobbyist.

Lobbyist Regulation. This initiative would limit gifts by lobbyists to \$10 per month to a state candidate, an elected state officer, a legislative official, or a state agency official, and prohibit contributions by lobbyists to a state candidate, a committee supporting a state candidate, or an elected state officer. This initiative would impose civil as well as criminal penalties for violation of various standards of ethical conduct.

Conflicts of Interest. This initiative, like existing law, would prohibit any public official from participating in governmental decisions in which he has a financial interest unless his participation is required by law. While, under existing law, such an interest must be specifically disclosed, no such disclosure is required under the initiative. Under the initiative, government employees and consultants, as well as public officials, would be covered and each public agency would be required to adopt a conflict of interest code for its officers and employees.

Financial Disclosure Statements. The law now requires designated state and local officers and candidates to file financial disclosure statements.

This initiative would enact substantially similar provisions, except that judges would not be covered. State and local agencies would be required to designate officers and employees who would file financial disclosure statements.

Ballot Pamphlet. This initiative would enact provisions substantially similar to existing law governing preparation of the state ballot pamphlet, except that the analysis of ballot measures would be prepared by the Legislative Analyst, rather than the Legislative Counsel. In addition, the initiative would provide for public examination of material to be included in the pamphlet and voters would be permitted to

test the accuracy of ballot pamphlet information in a court action.

Incumbency. The law now provides that the incumbent shall come first on the ballot in the list of candidates for an office. Regulation of legislative newsletters is subject to the rules of the Legislature, which now preclude mailing within a specified time before the election.

This initiative would prohibit placing a candidate first in listing candidates for an office on the ballot solely because of his incumbency. It would prohibit the mailing of legislative newsletters or other mass mailings at public expense by or on behalf of any elected state officer after he has filed as a candidate for any office.

Operative Dates. Under the Constitution, this initiative, if approved, would take effect on June 5, 1974, except as otherwise provided therein. The initiative states that provisions relating to regulation of campaign funds, lobbyists, and conflicts of interest will take effect on January 7, 1975.

The initiative is silent as to the effective date of laws to be repealed and, technically, those laws would be repealed on June 5, 1974. However, the initiative purports to repeal laws regulating campaign funds, lobbyists and conflicts of interest which were in effect when the initiative was prepared. Since the initiative was originally prepared, the Legislature has enacted new laws regulating campaign funds and conflicts of interest. The laws regulating lobbyists have not been changed.

If the initiative is approved, it is probable that the courts will assume that the proponents did not intend a gap in the law and will decide that the new law regulating campaign funds and conflicts of interest will remain in effect during the period between June 5, 1974, and January 7, 1975. However, it is doubtful that there would be any law regulating lobbyists between June 5, 1974, and January 7, 1975, in absence of further legislative action.

Fiscal Impact:

Based on information provided by the Legislative Analyst and the Department of Finance, it is estimated that the added state and local costs to implement the provisions of this initiative would be up to \$500,000 for the 1974-75 fiscal year and from \$1,360,000 to \$3,210,000 for each of the subsequent fiscal years. Of this amount, local costs would approximate \$100,000 in the 1975-76 fiscal year and each fiscal year thereafter.

You should vote "YES" on this measure (a vote FOR INITIATIVE) if you want to enact by this initiative measure the provisions described generally above.

You should vote "NO" on this measure (a vote AGAINST INITIATIVE) if you do not want to enact this initiative measure.

Text of Proposed Law

This Initiative Measure proposes to repeal and add sections of the Government Code and 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 **BOLDFACE TYPE**.

PROPOSED LAW

SECTION 1: Title 9 is added to the Government Code as follows:

TITLE 9. POLITICAL REFORM

CHAPTER 1. GENERAL

81000. This title shall be known and may be cited as the "Political Reform Act of 1974."

81001. The people find and declare as follows:

(a) State and local government should serve the needs and respond to the wishes of all citizens equally, without regard to their wealth;

(b) Public officials, whether elected or appointed, should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them;

(c) Costs of conducting election campaigns have increased greatly in recent years, and candidates have been forced to finance their campaigns by seeking large contributions from lobbyists and organizations who thereby gain disproportionate influence over governmental decisions;

(d) The influence of large campaign contributors is increased because existing laws for disclosure of campaign receipts and expenditures have proved to be inadequate;

(e) Lobbyists often make their contributions to incumbents who cannot be effectively challenged because of election laws and abusive practices which give the incumbent an unfair advantage;

(f) The wealthy individuals and organizations which make large campaign contributions frequently extend their influence by employing lobbyists and spending large amounts to influence legislative and administrative actions;

(g) The influence of large campaign contributors in ballot measure elections is increased because the ballot pamphlet mailed to the voters by the state is difficult to read and almost impossible for a layman to understand; and

(h) Previous laws regulating political practices have suffered from inadequate enforcement by state and local authorities.

81002. The people enact this title to accomplish the following purposes:

(a) Receipts and expenditures in election campaigns should be fully and truthfully disclosed in order that the voters may be fully informed and improper practices may be inhibited;

(b) The amounts that may be expended in statewide elections should be limited in order that the importance of money in such elections may be reduced;

(c) The activities of lobbyists should be regulated and their finances disclosed in order that improper influences will not be directed at public officials;

(d) Assets and income of public officials which may be materially affected by their official actions should be disclosed and in appropriate circumstances the officials should be disqualified from acting in order that conflicts of interest may be avoided;

(e) The state ballot pamphlet should be converted into a useful document so that voters will not be entirely dependent on paid advertising for information regarding state measure;

(f) Laws and practices unfairly favoring incumbents should be abolished in order that elections may be conducted more fairly; and

(g) Adequate enforcement mechanisms should be provided to public officials and private citizens in order that this title will be vigorously enforced.

81003. This title should be liberally construed to accomplish its purposes.

81004. All reports and statements filed under this title shall be signed under penalty of perjury and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his knowledge it is true and complete. A report or statement filed by a committee shall be signed and verified by the treasurer, and a report or statement filed by any other organization shall be signed and verified by a responsible officer of the organization or by an attorney or a certified public accountant. Every person who signs and verifies any report or statement required to be filed under this title which contains material matter which he knows to be false is guilty of perjury.

81005. Reports and statements required by this title shall be filed as follows:

(a) Reports and statements required by Chapter 6 and reports and statements of statewide elected officers, candidates for statewide elective office, committees supporting such candidates, state central committees of political parties, and committees supporting or opposing statewide measures—one original and one copy with the Secretary of State and, except for reports and statements required by Chapter 6, two copies with the clerk of Los Angeles County and two copies with the clerk of the City and County of San Francisco;

(b) Reports and statements of candidates for and persons holding the office of superior court judge, member of the State Legislature, and member of the

Continued on page 40

Argument in Favor of Proposition 9

VOTE FOR HONESTY AND INTEGRITY IN CALIFORNIA GOVERNMENT!

VOTE "YES" ON PROPOSITION 9, THE POLITICAL REFORM ACT OF 1974

It is time the people of California put an end to corruption in politics. It is time politicians are made directly responsible to the people—not to purchased demands of special interests. It is time to open wide the doors of the state capitol, of county boards, and of city halls so that we may all look inside. It is time for political reforms which can only be accomplished by Proposition 9.

THE PROBLEM:

Big money unduly influences politics: big money from wealthy individuals and wealthy organizations. In politics, these powerful interests—whatever their party—usually have one goal: special favors from government. In California, corporations receive large tax breaks from the state. Companies contracting with local government often contribute to the campaigns of local officials. From city councils to the state legislature, oil companies, land developers, and other powerful interests sit down with our elected officials to write new laws. And the cost of state and local government continues to climb.

Who pays for this? You, the taxpayer, of course. On energy issues, tax policy, transportation programs, and every major issue, the voice of the citizen/taxpayer is seldom heard above the demands of the big moneyed interests.

THE REASON FOR THE PROBLEM:

Why do powerful interests continue to dominate?

Because the business of politics is usually conducted in secret. Because in Sacramento lobbyists can provide secret favors to help pass new laws. Because candidates for office must seek increasing amounts of special interest money to meet skyrocketing campaign costs. Because public officials can increase their personal incomes by making government decisions which affect their own financial holdings. In California politics, money speaks.

THE SOLUTION:

Your "YES" vote on Proposition 9!

YOUR "YES" VOTE WILL:

1. **Limit spending** for statewide campaigns.
2. **Require full disclosure** of anyone contributing \$50 or more to a campaign.
3. **Stop sizable anonymous and cash contributions** to campaigns.
4. **Prohibit lobbyists** from giving campaign contributions and expensive gifts to politicians.
5. **End conflicts of interest** by stopping all state and local officials from voting on matters in which they have a personal financial stake.
6. **Enforce the law** by establishing a tough, nonpolitical commission to investigate, subpoena, levy fines, and seek criminal penalties for violators.

YOUR "YES" VOTE WILL ENACT A LAW:

1. Written by constitutional and political experts.
2. Circulated in 53 counties by nearly 10,000 voters who collected over 500,000 signatures of California residents to place this on the ballot.
3. Which can only be amended by two-thirds vote of the Legislature.

We three signers urge you to speak out for good government. Vote "YES" on Proposition 9.

JOYCE A. KOU PAL
*Los Angeles County Energy Commission
Director, People's Lobby, Inc.*

RICHARD B. SPOHN

*Attorney
Coordinator, Ralph Nader's California Citizen Action Group*

MICHAEL H. WALSH

*Attorney
Chairman, California Common Cause*

Rebuttal to Argument in Favor of Proposition 9

The argument favoring Proposition 9 is a good example of gross exaggerations. We do not have "The Problems" in California the proponents set out. If we had such problems, you would have read of scandal after scandal in the newspapers. The truth is, there have not been such scandals in California. Maybe Proposition 9 is needed on the East Coast, but not in the West. This is not to say every single person elected to public office is perfect, but out of three to four thousand from School Boards, City Councils, Boards of Supervisors, and the 120 Legislators, the number is literally one out of several hundreds and we have the laws to prosecute these few.

Powerful interests do not dominate California elected officials. It is absolutely misleading for the proponents of Proposition 9 to so assert.

This measure is an over-kill. Its effect will be to discourage honest men and women from running for public office. If the good people won't run, we will not have decent candidates to choose from. Then the quality of government and politics in California will really go down.

If a man or woman elected to public office is going to be dishonest, neither this Proposition nor a dozen others will make such a person honest. Politics in America is a whole lot better today than it was 50 or 75 years ago. Faith and trust by the public is still needed as it has always been needed.

Vote NO on Proposition 9.

Senator CLARK L. BRADLEY
14th Senatorial District

Argument Against Proposition 9

The Political Reform Initiative is a statute amending the Government Code and can be amended by a two-thirds vote of the Legislature.

It is an over-kill attempt to legislate honesty into political campaigns. This cannot be done; it is not needed. The proponents lead the public to believe there is a great deal of dishonesty in public office and in political campaigns; that is not true.

The Initiative will not stop anyone from being dishonest if he is determined to lie, cheat, or break the law.

The Initiative provides a Fair Political Practices Commission which could attack every honest incumbent or candidate, even during the campaign, destroying his character and defeating him at the polls, simply on the basis of one person's false charges.

Campaign disclosures are required by law today: To avoid the proposed change of reporting 40 days, and again 12 days, prior to an election, the dishonest candidate will simply collect most funds 11 days before an election. Cash contributions over \$50 are made illegal; most contributions are now of small denomination from many people. Limitations on expenditures are proposed, but the measure literally condones excessive spending. Incumbents must spend 10% less than opponents; as to propositions, one side cannot spend \$500,000 above the opposition. How does one know what the opposition is spending? Lobbyists are a prime target although California has the best lobby control laws anywhere; of 550 registered lobbyists in Sacramento, possibly five or six have to be watched. This measure will

not make a dishonest lobbyist, candidate, or officeholder honest.

Our revised Conflict of Interest laws meet the test of both the California and United States Supreme Courts. Again, a determined dishonest person can avoid any law.

Ballot Pamphlet Reform (sent with Sample Ballots) proposes to make the analyses of measures written in "concise terms, avoiding technical language." That is true now; only a few measures are so technical in their "simplest form" that the changes proposed are not clear. This measure could tie up all explanations in the pamphlet because it provides any voter would be given the right to "challenge the accuracy in court."

Read this measure. It is supposed to be presented to you in "clear, understandable and easily readable" language. The measure actually makes such drastic changes in the law as to literally discourage honest, educated men and women from running for public office or holding office if elected. We need to encourage people to run for public office—not discourage them.

The strength of our country for over 200 years has been the citizen officeholder—on Boards of Education, City Councils, Boards of Supervisors, in the State Legislature, or in Congress. 98% are honest men and women. Our faith in them has been proven. This measure removes faith and public trust as a standard for electing our public officials.

Vote NO on this initiative.

Senator CLARK L. BRADLEY
14th Senatorial District

Rebuttal to Argument Against Proposition 9

From reading Senator Bradley's argument, it would appear that he believes that **all** laws are meaningless. Those not wanting to obey a law, he argues, will simply ignore it. Such a view logically extended would compel the repeal of laws prohibiting arson, robbery and murder, simply because the laws are not 100% effective in stopping **all** such activity. What a cynical view of the legislative process!

Senator Bradley similarly misses the mark by asserting that Proposition 9 is "not needed"—not needed, he argues, because politicians and public officials are **already** as honest as Senator Bradley apparently feels they need be.

In the light of current events, this assertion is hardly persuasive. The impact of Watergate and related events has obviously contributed to the serious decline of citizen confidence in the governmental process.

That confidence must be restored.

Public business must be conducted openly and honestly—in public for all to see—with a fair and equal opportunity for all.

That's what Proposition 9 is all about.

Rather than discouraging people from running for office, Proposition 9 will **encourage** more and better men and women to participate in the system.

Rather than leading to unfounded charges or selective enforcement, Proposition 9 will at last bring full, fair and independent enforcement of the law.

Rather than destroying confidence in our government, Proposition 9 will establish standards which give citizens a basis for the faith and trust which must lie at the heart of our political process.

Vote YES on Proposition 9.

JOYCE A. KOUHAL
Los Angeles County Energy Commission
Director, People's Lobby, Inc.

RICHARD B. SPOHN
Attorney

Coordinator, Ralph Nader's California Citizen Action Group

MICHAEL H. WALSH
Attorney
Chairman, California Common Cause

TEXT OF PROPOSITION 1—continued from page 5

5096.81. The State Park and Recreation Finance Committee is hereby created. The committee consists of the Governor, the State Controller, the Director of Finance, the State Treasurer, and the Secretary of the Resources Agency. For the purposes of this chapter the State Park and Recreation Finance Committee shall be "the committee" as that term is used in the State General Obligation Bond Law. The Secretary of the Resources Agency is hereby designated as the board for the purposes of this chapter and for the purposes of the State General Obligation Bond Law.

5096.83. All money deposited in the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 which is derived from premium and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

5096.84. As used in this chapter and for the purposes of this chapter as used in the State General Obligation Bond Law, the following words shall have the following meanings:

(a) "State grant" or "state grant moneys" means moneys received by the state from the sale of bonds authorized by this chapter which are available for grants to counties for acquisition and development of real property for park and recreation purposes.

5096.85. Except as otherwise provided herein, all money deposited in the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 shall be available for appropriation as set forth in Section 5096.79 for the purposes set forth below in amounts not to exceed the following except as may be provided hereafter:

- (a) For grants to counties, cities, or cities and counties for the acquisition, development, or acquisition and development, of real property for park, recreation area, beach, and historical purposes including state administrative costs \$90,000,000
- (b) For development of real property for the state park system, including costs for planning and interpretation \$45,000,000
- (c) For development of historical resources for the state park system, including costs for planning and interpretation \$15,000,000
- (d) For the acquisition, development, or acquisition and development, of real property for wildlife management in accordance with the provisions of the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300), Division 2, Fish and Game Code) and in accordance with a master plan drafted as an element of the State Environmental Goals and Policy Report, including costs for planning and interpretation \$10,000,000
- (e) For the acquisition of real property for the state park system, and the costs of planning and interpretation, of which not less than fifteen million dollars (\$15,000,000) shall be expended for acquisition of privately owned lands inside the boundaries of existing units and for additions to existing units \$90,000,000

It is the intent of the Legislature that funds expended pursuant to subdivisions (a) and (e) of this section may be used for the acquisition of open-space lands, development rights, and scenic easements in connection with the state park system or, in the case of counties, cities, or cities and counties, in connection with park and beach purposes. For the purpose of acquiring such open-space lands or scenic easements the state and counties, cities, or cities and counties may exercise the power of eminent domain.

5096.86. The ninety million dollars (\$90,000,000) authorized by Section 5096.85 for grants shall be allocated to the counties, such allocation to be based upon the estimated population of the counties on July 1, 1980, as projected by the Department of Finance.

Each county's apportionment will be in the same ratio as the county's population is to the state's total population; provided, however, that each county shall be entitled to receive an allocation of not less than two hundred thousand dollars (\$200,000); and provided, further, that any grant made to a city, district, or regional public agency shall be subtracted from the total otherwise allocable under the provisions of this chapter to the county or counties in which the city, district, or regional public agency is located. Advance grants may be made for development projects. However, 10 percent of the grant funds shall be withheld until the project is audited by the state.

Each county shall consult with all cities and districts within the county which are authorized to provide park and recreation services and shall develop and submit to the state a priority plan for expenditure of the county's allocation, including expenditures for city and district projects, by June 30, 1975. The priority plan for expenditure of the total county allocation shall be approved by at least 50 percent of the cities and districts representing 50 percent of the population of the cities and districts within the county, and by the county board of supervisors. Failure to submit an approved priority plan by June 30, 1975, shall result in a 10-percent annual reduction in the total county allocation until the priority plan is submitted. Any funds not allocated to a county shall remain in the bond fund and shall be expended under the same conditions as set forth in Section 5096.87 in 1980. By June 30, 1977, if agreement on the priority plan for expenditure has not been submitted to the state, the board of supervisors shall petition the Secretary of the Resources Agency to distribute to high-priority projects the remaining 80 percent of the county's total allocation.

Applications for individual projects appearing on the priority plan for expenditure may be submitted directly to the state by the individual jurisdictions. In the event that any particular jurisdiction's project is withdrawn from funding because of circumstances beyond its control, the application for any substitute project by such jurisdiction not originally appearing on the approved priority plan for expenditure shall be approved by the county board of supervisors.

5096.87. On July 1, 1980, the Secretary of the Resources Agency shall cause to be totaled the unencumbered balances remaining in the State Beach, Park, Recreational, and Historical Facilities Fund of 1974. A program shall be submitted in the budget for the 1981-1982 fiscal year to appropriate this balance. Unencumbered funds under subdivision (a) of Section 5096.85 shall be reappropriated for grants to local jurisdictions only. The remainder of the program shall consist of projects deemed to be of highest priority from among the purposes expressed in subdivisions (b) to (e), inclusive, of Section 5096.85 and shall not be subject to the maximum amounts allocated to those purposes in Section 5096.85.

5096.88. Projects involving state funds only, pursuant to subdivisions (b), (c), and (e) of Section 5096.85, shall originate by legislative resolution, resolutions, or resolutions of the State Park and Recreation Commission directing studies of the projects included therein or upon initiative of the Secretary of the Resources Agency directing a study of the projects included therein.

The costs of these project studies shall be borne by the State Beach, Park, Recreational, and Historical Facilities Fund of 1974.

Allocations for the purposes of subdivision (d) of Section 5096.85 that are authorized by the Legislature and approved by the Governor shall be made from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 and shall be expended in accordance with the provisions of the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300), Division 2, Fish and Game Code) and in accordance with a master plan drafted as an element of the State Environmental Goals and Policy Report prepared pursuant to Section 65041 of the Government Code. Local and state projects pursuant to subdivisions (a), (b), (c), and (e) of Section 5096.85 shall be in accord with the California Outdoor Recreation Resources Plan.

5096.89. An application for a state grant pursuant to subdivision (a) of Section 5096.85 shall be submitted to the Secretary of the Resources Agency. The application for the state grant shall be accompanied by an adopted plan showing park and recreation lands and facilities, existing and proposed, sufficient to enable the state to determine the needs of the general public for recreation lands and facilities in the applicant's jurisdiction and the quality and quantity thereof. The project for which funds are being requested shall appear on the applicant's plan. The applicant shall state that the project is compatible with the land use plans of those jurisdictions immediately surrounding the project. Where the project land or facilities are located outside the political boundaries of the applicant, such project lands or facilities shall appear on the adopted plan of the jurisdiction in which the project is located. Prior to the approval of any project, the applying jurisdiction's park stewardship history will be reviewed for protecting existing park and recreation and open-space resources and operating and maintaining areas to acceptable standards. The Secretary of the Resources Agency, in cooperation with the Office of Planning and Research, shall review the material submitted by the county or counties for completeness and conformity with the State Environmental Goals and Policy Report. All applications shall contain an environmental impact statement in compliance with the Environmental Quality Act of 1970 (commencing with Section 21000 of the Public Resources Code).

Upon completion of the review by the Secretary of the Resources Agency, approved projects shall be forwarded to the Governor for inclusion in the Budget Bill.

5096.90. Projects proposed pursuant to subdivisions (b), (c), (d), and (e) of Section 5096.85 shall be submitted to the office of the Secretary of the Resources Agency for review. The Director of Parks and Recreation shall provide the Secretary of the Resources Agency with a statement concerning each project originated pursuant to subdivisions (b), (c), and (e) of Section 5096.85, which statement shall include the priority of the project in regard to the following needs:

- (a) Deficiencies in preserving history.
- (b) Deficiencies in preserving scenery and landscapes.
- (c) Deficiencies in providing recreation.

5096.91. The Secretary of the Resources Agency, after completing his review, shall forward those projects recommended by the appropriate board or commission together with his comments thereon to the Governor for inclusion in the Budget Bill.

In submitting the list of projects recommended for inclusion in the annual budget, the secretary shall organize the projects on a priority basis within each of the purposes as set forth in subdivisions (b), (c), (d), and (e) of Section 5096.85. This priority ranking shall take into account and be based upon the needs specified in Section 5096.90.

In addition, the statement setting forth the priorities shall include the relationship of each separate project on the priority list to a proposed time schedule for the acquisition and development expenditures associated with the accomplishment of the projects contained in such list. All projects proposed in the Governor's Budget of each fiscal year shall be contained in the Budget Bill as provided in Section 5096.79.

5096.92. Projects authorized for the purposes set forth in subdivisions (b), (c), and (e) of Section 5096.85 shall be subject to augmentation as provided in Section 16352 of the Government Code. The unexpended balance in any appropriation heretofore or hereafter made payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 which the Director of Finance, with the approval of the State Public Works Board, determines not to be required for expenditure pursuant to the appropriation may be transferred on order of the Director of Finance to and in augmentation of the appropriation made in Section 16352 of the Government Code.

5096.93. The Director of Parks and Recreation may make agreements with respect to any land acquired pursuant to subdivision (e) of Section 5096.85 of this chapter for continued tenancy of the seller of the property for a period of time and under such conditions as mutually agreed upon by the state and the seller so long as the seller promises to pay such taxes on his interest in property as shall become due, owing or unpaid on the interest created by such agreement and so long as the seller conducts his operations on the land according to specifications issued by the Director of Parks and Recreation to protect the property for the public use for which it was acquired. A copy of such agreement shall be filed with the county clerk in the county in which the property lies. Such arrangement shall be compatible with the operation of the area by the state, as determined by the Director of Parks and Recreation.

5096.94. Notwithstanding any other provisions of law, for the purposes of this chapter acquisition may include gifts, purchases, leases, easements, eminent domain, the transfer of property for other property of like value, purchases of development rights, and other interests unless the Legislature shall hereafter otherwise provide. Acquisition for the state park system by purchase or by eminent domain shall be under the Property Acquisition Law (commencing with Section 15850 of the Government Code), notwithstanding any other provisions of law.

5096.95. All grants, gifts, devises or bequests to the state, conditional or unconditional, for park, conservation, recreation or other purposes for which land may be acquired and developed pursuant to this chapter, may be accepted and received on behalf of the state by the appropriate department head with the approval of the Director of Finance. Such grants shall be available, when appropriated by the Legislature, for expenditure for the purposes provided for in Section 5096.85 of this chapter.

5096.96. There shall be an agreement or contract between the Department of Parks and Recreation and the applicant in the case of a state grant project which shall contain therein the provisions that the property so acquired shall

be used by the grantee only for the purpose for which the state grant funds were requested and that no other use of the area shall be permitted except by specific act of the Legislature.

5096.97. Lands acquired by the state shall consist predominantly of open or natural lands, including lands under water capable of being utilized for multiple recreation purposes, and lands necessary for historic preservation. No funds derived from the bonds authorized by this section shall be expended for the construction of any reservoir designated as a part of the "State Water Facilities," as defined in subdivision (d) of Section 12934 of the Water Code, but such funds may be expended for the acquisition and development of beaches, parks, recreational facilities and historical monuments at or in the vicinity of any such reservoir.

5096.98. (a) The appropriation made by Item 379(c) of the Budget Act of 1973 for the acquisition of Century Ranch for the state park system is hereby validated and confirmed; provided, that before any funds are expended for such acquisition, the Century Ranch project shall be recommended by the State Park and Recreation Commission and reviewed by the Secretary of the Resources Agency.

(b) Moneys deposited in the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 shall be used to reimburse the General Fund for any expenditure of moneys for the acquisition of Century Ranch for the state park system made pursuant to the enactment of Senate Bill No. 1194 of the 1973-74 Regular Session of the Legislature; provided, that the Century Ranch project shall have been recommended by the State Park and Recreation Commission and reviewed by the Secretary of the Resources Agency prior to such General Fund expenditure.

5096.99. Moneys deposited in the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 shall be used to reimburse the General Fund for any expenditure of moneys for the acquisition of lands located between Newport Beach and Laguna Beach for the state park system made pursuant to the enactment of Senate Bill No. 1089 of the 1973-74 Regular Session of the Legislature; provided, that such project shall have been recommended by the State Park and Recreation Commission and reviewed by the Secretary of the Resources Agency prior to such General Fund expenditure.

5096.100. The appropriation from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 made by Section 9.3 of Assembly Bill No. 1944 of the 1973-74 Regular Session shall not be subject to the provisions of Section 5096.79 relating to inclusion of proposed appropriations in a section in the Budget Bill and Budget Act.

TEXT OF PROPOSITION 2 — continued from page 9

a reimbursement to the General Fund on account of principal and interest on the bonds which has been paid from the General Fund.

13994. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this chapter such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this chapter, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 13995, which sum is appropriated without regard to fiscal years.

13995. For the purpose of carrying out the provisions of this chapter, the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which the committee has by resolution authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the fund and shall be disbursed by the board in accordance with this chapter. Any moneys made available under this section to the board shall

be returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this chapter.

13996. Upon request of the board, supported by a statement of the proposed arrangements to be made pursuant to Section 13991 for the purposes therein stated, the committee shall determine whether or not it is necessary or desirable to issue any bonds authorized under this chapter in order to make such arrangements, and, if so, the amount of bonds then to be issued and sold. Successive issues of bonds may be authorized and sold to make such arrangements progressively, and it shall not be necessary that all of the bonds herein authorized to be issued shall be sold at any one time.

13997. The committee may authorize the State Treasurer to sell all or any part of the bonds herein authorized at such time or times as may be fixed by the State Treasurer.

13998. All proceeds from the sale of bonds, except those derived from premiums and accrued interest, shall be available for the purpose provided in Section 13991 but shall not be available for transfer to the General Fund to pay principal and interest on bonds. The money in the fund may be expended only as herein provided.

TEXT OF PROPOSITION 5 — continued from page 21

pledged or used for the payment of principal and interest on voter-approved bonds issued for the purposes specified in subdivision (b) of Section 1.

SEC. 5. The Legislature may authorize up to 25 percent of the revenues available for expenditure by any city or county, or by the state, for the purposes specified in subdivision (a) of Section 1 of this article to be pledged or used for the payment of principal and interest on voter-approved bonds issued for such purposes.

SEC. 6. This article shall not prevent the designated tax revenues from being temporarily loaned to the State General Fund upon condition that amounts loaned be repaid to the funds from which they were borrowed.

SEC. 7. This article shall not affect or apply to fees or taxes imposed pursuant to the Sales and Use Tax Law or the Vehicle License Fee Law, and all amendments and additions now or hereafter made to such statutes.

Board of Equalization, and of committees supporting such candidates—one original and one copy with the Secretary of State, and two copies with the clerk of each county which in whole or in part is included in the district;

(c) Reports and statements of candidates for and persons holding any elective office not mentioned above which is voted upon in more than one county, of committees supporting such candidates and committees supporting or opposing measures to be voted upon in more than one county but not statewide—one original and one copy with the clerk of the county having the largest population, and two copies with the clerk of each additional county wholly or partially included in the district;

(d) Reports and statements of candidates for and persons holding any elective office not mentioned above which is voted upon wholly within one city, of committees supporting such candidates and committees supporting or opposing measures to be voted upon wholly within one city—one original and one copy with the city clerk.

(e) Reports and statements of candidates for and persons holding any elective office not mentioned above, of committees supporting such candidates and committees supporting or opposing measures to be voted upon in not more than one county—one original and one copy with the county clerk.

(f) Reports and statements of the county central committees of political parties—one original and one copy with the Secretary of State, and two copies with the county clerk.

(g) All reports and statements required by Chapter 7—one original with the agency, which shall make and retain a copy and forward the original to the code reviewing body.

81006. No fee or charge shall be collected by any officer for the filing of any report or statement or for the forms upon which reports or statements are to be prepared, except that lobbyists may be charged not more than twenty-five dollars (\$25) per year for registration.

81007. When a report or statement or copies thereof required to be filed with any officer under this title have been sent by first-class registered mail, addressed to the officer, it shall for purposes of any deadline be deemed to have been received by him on the date of the deposit in the mail. It shall be presumed until the contrary is established that the date shown by the post office cancellation mark on the envelope containing the report or statement is the date it was deposited in the mail.

81008. Every report and statement filed pursuant to this title is a public record open for public inspection and reproduction during regular business hours, commencing as soon as practicable, but in any event not later than the second business day following the day on which it was received. No conditions whatsoever shall be imposed upon persons desiring to inspect or reproduce reports and statements filed under this title, nor shall any information or identification be required from such persons. Copies shall be provided at a charge not to exceed ten cents (\$0.10) per page. Campaign statements shall be open for public inspection and reproduction from 9:00 a.m. to 5:00 p.m. on the Saturday and Sunday preceding a statewide election.

81009. Original reports and statements filed pursuant to this title shall be preserved by the filing officer. One copy shall be preserved by each additional officer with whom copies are filed for four years, and may thereafter be destroyed.

81010. With respect to reports and statements filed with him pursuant to this title, the filing officer shall:

- (a) Supply the necessary forms and manuals prescribed by the Commission;
- (b) Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of this title;
- (c) Notify promptly all persons and known committees who have failed to file a report or statement in the form and at the time required by this title;
- (d) Report apparent violations of this title to the appropriate agencies; and
- (e) Compile and maintain a current list of all reports and statements filed with this office.

81011. Whenever in this title the amount of goods, services, facilities or anything of value other than money is required to be reported, the amount shall be the estimated fair market value at the time received or expended, and a description of the goods, services, or facilities shall be appended to the report or statement.

81012. This title may be amended or repealed by the procedures set forth in this section. If any portion of subsection (a) is declared invalid, then subsection (b) shall be the exclusive means of amending or repealing this title.

(a) This title may be amended to further its purposes by statute, passed in each house by roll call vote entered in the journal, two-thirds of the membership concurring and signed by the Governor, if at least forty days prior to passage in each house the bill in its final form has been delivered to the Commission for distribution to the news media and to every person who has requested the Commission to send copies of such bills to him.

(b) This title may be amended or repealed by a statute that becomes effective only when approved by the electors.

81013. Nothing in this title prevents the Legislature or any other state or local agency from imposing additional requirements on any person if the requirements do not prevent the person from complying with this title. If any act of the Legislature conflicts with the provisions of this title, this title shall prevail.

81014. Whenever any reference is made in this title to a federal or state statute and that statute has been or is subsequently repealed or amended, the Commission may promulgate regulations to carry out the intent of this title as nearly as possible.

81015. If any provision of this title, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this title to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this end the provisions of this title are severable.

81016. Chapter 8 of this title shall go into effect immediately. The Director of Finance shall make sufficient funds available to the Secretary of State out of the emergency fund or any other fund of the state for the immediate implementation of Chapter 8. The remainder of this title shall go into effect on January 7, 1975. Wherever reference is made in this title to the effective date of this title, the date referred to is January 7, 1975.

CHAPTER 2. DEFINITIONS

82000. Unless the contrary is stated or clearly appears from the context, the definitions set forth in this chapter shall govern the interpretation of this title.

82001. "Adjusting an amount for cost of living changes" means multiplying the amount by a multiplier determined at the beginning of each year by the Director of Finance to reflect changes in the price level, based on the change during the previous calendar year in the Consumer Price Index published by the United States Bureau of Labor Statistics and on such other readily available sources of information as the Director of Finance may deem appropriate.

82002. "Administrative action" means the proposal, drafting, development, consideration, amendment, enactment or defeat by any state agency of any rule, regulation or other action in any rate-making proceeding or any quasi-legislative proceeding, which shall include any proceeding governed by Chapter 4.5 of Division 3 of Title 2 of the Government Code (beginning with Section 11371).

82003. "Agency" means any state agency or local government agency.

82004. "Agency official" means any member, officer, employee or consultant of any state agency who as part of his official responsibilities participates in any administrative action in other than a purely clerical, secretarial or ministerial capacity.

82005. "Business entity" means any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

82006. "Campaign statement" means an itemized report which is prepared on a form prescribed by the Commission and which provides the information required by Chapter 4 of this title.

82007. "Candidate" means an individual who is listed on the ballot or who has qualified to have write-in votes on his behalf counted by election officials, for nomination for or election to any elective office, or who receives a contribution or makes an expenditure or gives his consent for any other person to receive a contribution or make an expenditure with a view to bringing about his nomination or election to any elective office, whether or not the specific elective office for which he will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he has announced his candidacy or filed a declaration of candidacy at such time. "Candidate" also includes any officeholder who is the subject of a recall election. "Candidate" does not include any person within the meaning of Section 301(b) of the Federal Election Campaign Act of 1971.

82008. "City" means a general law or a chartered city.

82009. "Civil service employee" means any state employee who is covered by the state civil service system or any employee of a local government agency who is covered by a similar personnel system.

82009.5. "Clerk" refers to the city or county clerk unless the city council or board of supervisors has designated any other agency to perform the specified function.

82010. "Closing date" means the date through which any report or statement filed under this title is required to be complete.

82011. "Code reviewing body" means:

(a) The Commission, with respect to the Conflict of Interest Code of a state agency, a county board of supervisors, a city council or any local government agency with jurisdiction in more than one county;

(b) The board of supervisors, with respect to the Conflict of Interest Code of any county agency other than the board of supervisors, and of any local government agency, other than a city agency, with jurisdiction wholly within the county;

(c) The city council, with respect to the Conflict of Interest Code of any city agency other than the city council; and

(d) The Attorney General, with respect to the Conflict of Interest Code of the Commission.

82012. "Commission" means the Fair Political Practices Commission.

82013. "Committee" means any person or combination of persons who directly or indirectly receives contributions or makes expenditures or contributions for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of one or more candidates, or the passage or defeat of any measure, including any committee or subcommittee of a political party, whether national, state or local, if:

(a) Contributions received total five hundred dollars (\$500) or more in a calendar year;

(b) Expenditures and contributions made, other than contributions described in subsection (c), total five hundred dollars (\$500) or more in a calendar year; or

(c) Contributions of cash, checks and other cash equivalents paid directly to candidates and committees total five thousand dollars (\$5,000) or more in a calendar year. Persons or combinations of persons who are covered by this subsection but not by subsections (a) or (b) are deemed to be committees only for purposes of Chapter 4 of this title.

82014. "Conflict of Interest Code" means a set of rules and regulations adopted by an agency pursuant to Chapter 7 of this title.

82015. "Contribution" means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received unless it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure made at the behest of a candidate, committee or elected officer is a contribution to the candidate, committee or elected officer unless full and adequate consideration is received for making the expenditure.

The term "contribution" includes the purchase of tickets for events such as dinners, luncheons, rallies and similar fund raising events; the candidate's own money or property used on behalf of his candidacy; the granting of discounts or rebates not extended to the public generally or the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; the payment of compensation by any person for the personal services or expenses of any other person if such services, are rendered or expenses incurred on behalf of a candidate or committee without payment of full and adequate consideration.

The term "contribution" further includes any transfer of anything of value received by a committee from another committee.

The term "contribution" does not include amounts received pursuant to an enforceable promise to the extent such amounts have been previously reported as a contribution. However, the fact that such amounts have been received shall be indicated in the appropriate campaign statement.

Notwithstanding the foregoing definition of "contribution," the term does not include volunteer personal services or payments made by any individual for his own travel expenses if such payments are made voluntarily without any understanding or agreement that they shall be, directly or indirectly, repaid to him.

82016. "Controlled committee" means a committee which is controlled directly or indirectly by a candidate or which acts jointly with a candidate or controlled committee in connection with the making of expenditures. A candidate controls a committee if he, his agent or any other committee he controls has a significant influence on the actions or decisions of the committee.

82017. "County" includes a city and county.

82018. "Cumulative amount" in a campaign statement means the amount contributed or expended since the closing date of the most recent post-election statement which has been filed by the filer. If the filer has not previously filed a campaign statement pursuant to any of these sections, the cumulative amount is the amount contributed or expended since the effective date of this title.

82019. "Designated employee" means any officer, employee, member or consultant of any agency whose position with the agency

(a) Is exempt from the state civil service system by virtue of subdivisions (a), (c), (d), (e), (f), (g), or (m) of Section 4 of Article XXIV of the Constitution, unless the position is elective or solely secretarial, clerical or manual;

(b) Is elective, other than an elective state office; or

(c) Is designated in a Conflict of Interest Code because the position entails the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest.

"Designated employee" does not include an elected state officer or any unsalaried member of any board or commission which serves a solely advisory function.

82020. "Elected officer" means any person who holds an elective office or has been elected to an elective office but has not yet taken office. A person who is appointed to fill a vacant elective office is an elected officer.

82021. "Elected state officer" means any person who holds an elective state office or has been elected to an elective state office but has not yet taken office. A person who is appointed to fill a vacant elective state office is an elected state officer.

82022. "Election" means any primary, general, special or recall election held in this state. The primary and general or special elections are separate elections for purposes of this title.

82023. "Elective office" means any state, regional, county, municipal, district or judicial office which is filled at an election. "Elective office" also includes membership on a county central committee of a qualified political party.

82024. "Elective state office" means the office of Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, member of the Legislature and member of the State Board of Equalization.

82025. "Expenditure" means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier.

82026. "Filer" means the person filing or required to file any statement or report under this title.

82027. "Filing officer" means the office or officer with whom any statement or report is required to be filed under this title. If copies of a statement or report are required to be filed with more than one office or officer, the one first named is the filing officer, and the copy filed with him shall be signed in the original and shall be deemed the original copy.

82028. "Gift" means any payment to the extent that consideration of equal or greater value is not received. Any person, other than a defendant in a criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value. The term "gift" does not include informational material

such as books, reports, pamphlets, calendars or periodicals. No payment for travel or reimbursement for any expenses shall be deemed "informational material."

82029. "Immediate family" means the spouse and dependent children. Whenever disclosure of investments or interests in real property is required by this title, investments and interests in real property of members of the immediate family shall also be disclosed.

82030. (a) "Income" means, except as provided in subsection (b), income of any nature from any source, including but not limited to any salary, wage, advance, payment, dividend, interest, rent, capital gain, return of capital, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness, discount in the price of anything of value unless the discount is available to members of the public without regard to official status, rebate, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in income of a spouse. Income of an individual also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a ten percent interest or greater.

(b) "Income" does not include:

(1) Campaign contributions required to be reported under Chapter 4 of this title;

(2) Salary and reimbursement for expenses or per diem received from a state or local government agency and reimbursement for travel expenses and per diem received from a bona fide educational, academic or charitable organization;

(3) Gifts of informational material, such as books, pamphlets, reports, calendars or periodicals;

(4) Gifts which are not used and which, within thirty days after receipt, are returned to the donor or delivered to a charitable organization without being claimed as a charitable contribution for tax purposes;

(5) Gifts from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, aunt, uncle, or first cousin or the spouse of any such person; provided that a gift from any such person shall be considered income if the donor is acting as an agent or intermediary for any person not covered by this paragraph;

(6) Any devise or inheritance;

(7) Interest, dividends or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance policy, payments received under any insurance policy, or any bond or other debt instrument issued by any government or government agency;

(8) Dividends, interest or any other return on a security which is registered with the Securities and Exchange Commission of the United States Government.

82031. "Independent committee" means a committee which is not controlled either directly or indirectly by a candidate or controlled committee, and which does not act jointly with a candidate or controlled committee in connection with the making of expenditures. A committee may be controlled with respect to one or more candidates and independent with respect to other candidates.

82032. "Influencing legislative or administrative action" means promoting, supporting, influencing, modifying, opposing or delaying any legislative or administrative action by any means, including but not limited to the provision or use of information, statistics, studies or analyses.

82033. "Interest in real property" includes any leasehold, beneficial or ownership interest or an option to acquire such an interest in real property located in the jurisdiction if the fair market value of the interest is greater than one thousand dollars (\$1,000). Interests in real property of an individual includes a pro rata share of interests in real property of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a ten percent interest or greater.

82034. "Investment" means any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership or other ownership interest, if the business entity or any parent, subsidiary or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required under this title. No asset shall be deemed an investment unless its fair market value exceeds one thousand dollars (\$1,000). The term "investment" does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, or any bond or other debt instrument issued by any government or government agency. Investments of an individual includes a pro rata share of investments of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a ten percent interest or greater. The term "parent, subsidiary or otherwise related business entity" shall be specifically defined by regulations of the Commission.

82035. "Jurisdiction" means the state with respect to a state agency and, with respect to a local government agency, the region, county, city, district or other geographical area in which it has jurisdiction. Real property shall be deemed to be "within the jurisdiction" with respect to a local government agency if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency.

82036. "Late contribution" means any contribution of one thousand dollars (\$1,000) or more received after the closing date of the last campaign statement

required to be filed prior to an election.

82037. "Legislative action" means the drafting, introduction, consideration, modification, enactment or defeat of any bill, resolution, amendment, report, nomination or other matter by the Legislature or by either house or any committee, subcommittee, joint or select committee thereof, or by a member or employee of the Legislature acting in his official capacity. "Legislative action" also means the action of the Governor in approving or vetoing any bill.

82038. "Legislative official" means any employee or consultant of the Legislature whose duties are not solely secretarial, clerical or manual.

82039. "Lobbyist" means any person who is employed or contracts for economic consideration, other than reimbursement for reasonable travel expenses, to communicate directly or through his agents with any elective state official, agency official or legislative official for the purpose of influencing legislation or administrative action, if a substantial or regular portion of the activities for which he receives consideration is for the purpose of influencing legislation or administrative action. No person is a lobbyist by reason of activities described in Section 86300.

82040. "Lobbyist's account" means any fund, account or trust controlled by a lobbyist in connection with his activities as a lobbyist.

82041. "Local government agency" means a county, city or district of any kind including school district, or any other local or regional political subdivision, or any department, division, bureau, office, board, commission or other agency of these, but does not include any court or any agency in the judicial branch of government.

82041.5. "Mass mailing" means two hundred or more identical or nearly identical pieces of mail, but does not include a form letter or other mail which is sent in response to a request, letter or other inquiry.

82042. "Mayor" of a city includes mayor of a city and county.

82043. "Measure" means any constitutional amendment or other proposition which is submitted to a popular vote at an election by action of a legislative body, or which is submitted or is intended to be submitted to a popular vote at an election by initiative, referendum or recall procedure whether or not it qualifies for the ballot.

82044. "Payment" means a payment, distribution, transfer, loan, advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible.

82045. "Payment to influence legislative or administrative action" means any of the following types of payment:

(a) Direct or indirect payment to a lobbyist whether for salary, fee, compensation for expenses, or any other purpose, by a person employing or contracting for the services of the lobbyist separately or jointly with other persons;

(b) Payment in support or assistance of a lobbyist or his activities, including but not limited to the direct payment of expenses incurred at the request or suggestion of the lobbyist;

(c) Payment which directly or indirectly benefits any elective state official, legislative official or agency official or a member of the immediate family of any such official;

(d) Payment, including compensation, payment or reimbursement for the services, time or expenses of an employee, for or in connection with direct communication with any elective state official, legislative official or agency official;

(e) Payment for or in connection with soliciting or urging other persons to enter into direct communication with any elective state official, legislative official or agency official.

82046. "Period covered" by a statement or report required to be filed by this title means, unless a different period is specified, the period beginning with the day after the closing date of the most recent statement or report which has been filed, and ending with the closing date of the statement or report in question. If the person filing the statement or report has not previously filed a statement or report of the same type, the period covered begins on the effective date of this title. Nothing in this chapter shall be interpreted to exempt any person from disclosing transactions which occurred prior to the effective date of this title according to the laws then in effect.

82047. "Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, and any other organization or group of persons acting in concert.

82048. "Public official" means every member, officer, employee or consultant of a state or local government agency.

82049. "State agency" means every state office, department, division, bureau, board and commission, and the Legislature, but does not include the courts or any agency in the judicial branch of government.

82050. "State candidate" means a candidate who seeks nomination or election to any elective state office.

82051. "State measure" means any measure which is submitted or is intended to be submitted to the voters of the state.

82052. "Statewide candidate" means a candidate who seeks election to any statewide elective office.

82052.5. "Statewide election" means an election for statewide elective office.

82053. "Statewide elective office" means the office of Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer and Superintendent of Public Instruction.

82054. "Statewide petition" means a petition to qualify a proposed state measure.

82055. "Voting age population" means the population of the state aged eighteen years or over as determined by the United States Secretary of

Commerce pursuant to Section 104 (a) (5) of the Federal Election Campaign Act of 1971. If for any reason no such determination is made, the Commission shall from time to time determine the voting age population from the best readily available sources of information.

CHAPTER 3. FAIR POLITICAL PRACTICES COMMISSION

83100. There is hereby established in state government the Fair Political Practices Commission. The Commission shall have five members, including the chairman. No more than three members of the Commission shall be members of the same political party.

83101. The chairman and one additional member of the Commission shall be appointed by the Governor. The Governor's appointees shall not be members of the same political party.

83102. (a) The Attorney General, the Secretary of State and the Controller shall each appoint one member of the Commission.

(b) If the Attorney General, the Secretary of State and the Controller are all members of the same political party, the chairman of the state central committee of any other political party with a registration of more than five hundred thousand may submit to the Controller a list of not less than five persons who are qualified and willing to be members of the Commission. The list shall be submitted not less than ten days after the effective date of this chapter for the Controller's initial appointment, and not later than January 2 immediately prior to any subsequent appointment by the Controller. If the Controller receives one or more lists pursuant to this section, his appointment shall be made from one of such lists.

83103. Members and the chairman of the Commission shall serve four-year terms beginning on February 1 and ending on January 31 or as soon thereafter as their successors are qualified, except that the initial appointees under Section 83102 shall serve six-year terms. No member or chairman who has been appointed at the beginning of a term is eligible for reappointment. All initial appointments shall be made by February 1, 1975.

83104. Vacancies on the Commission shall be filled, within thirty days, by appointment of the same official who appointed the prior holder of the position. The provisions of Section 83102 (b) are not applicable to the filling of vacancies. Appointments to fill vacancies shall be for the unexpired term of the member or chairman whom the appointee succeeds. A vacancy or vacancies shall not impair the right of the remaining members to exercise all of the powers of the board. Three members shall constitute a quorum.

83105. Each member of the Commission shall be an elector. No member of the Commission, during his tenure, shall hold or seek election to any other public office, serve as an officer of any political party or partisan organization, participate in or contribute to an election campaign, or employ or be employed as a lobbyist. Members of the Commission may be removed by the Governor, with concurrence of the Senate, for substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of office or violation of this section, after written notice and opportunity for a reply.

83106. The chairman of the Commission shall be compensated at the same rate as the president of the Public Utilities Commission. Each remaining member shall be compensated at the rate of one hundred dollars (\$100) for each day on which he engages in official duties. The members and chairman of the Commission shall be reimbursed for expenses incurred in performance of their official duties.

83107. The Commission shall appoint an executive director who shall act in accordance with Commission policies and regulations and with applicable law. The Commission shall appoint and discharge officers, counsel and employees, consistent with applicable civil service laws, and shall fix the compensation of employees and prescribe their duties.

83108. The Commission may delegate authority to the chairman or the executive director to act in the name of the Commission between meetings of the Commission.

83109. For purposes of Section 18801 of the Government Code, no non-clerical position under the Commission shall be included in the same class in the civil service classification plan with any position of any other department or agency.

83110. The principal office of the Commission shall be in Sacramento but it may establish offices, meet, and exercise its powers at any other place in the state. Meetings of the Commission shall be public except that the Commission may provide otherwise for discussions of personnel and litigation.

83111. The Commission has primary responsibility for the impartial, effective administration and implementation of this title.

83112. The Commission may adopt, amend and rescind rules and regulations to carry out the purposes and provisions of this title, and to govern procedures of the Commission. These rules and regulations shall be adopted in accordance with the Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1, Chapter 4.5, Sections 11371 et seq.) and shall be consistent with this title and other applicable law.

83113. The Commission shall, in addition to its other duties:

(a) Prescribe forms for reports, statements, notices and other documents required by this title;

(b) Prepare and publish manuals and instructions setting forth methods of bookkeeping and preservation of records to facilitate compliance with and enforcement of this title, and explaining the duties of persons and committees under this title; and

(c) Provide assistance to agencies and public officials in administering the provisions of this title.

83114. Any person may request the Commission to issue an opinion with respect to his duties under this title. The Commission shall, within fourteen days, either issue the opinion or advise the person who made the request whether an opinion will be issued. No person who acts in good faith on an opinion issued to him by the Commission shall be subject to criminal or civil penalties for so acting, provided that the material facts are as stated in the opinion request. The Commission's opinions shall be public records and may from time to time be published.

83115. Upon the sworn complaint of any person or on its own initiative, the Commission shall investigate possible violations of this title relating to any state, county, state official, state election, lobbyist or state legislative or administrative action. Within fourteen days after receipt of a complaint under this section, the Commission shall notify in writing the person who made the complaint of the action, if any, the Commission has taken or plans to take on the complaint, together with the reasons for such action or non-action. If no decision has been made within fourteen days, the person who made the complaint shall be notified of the reasons for the delay and shall subsequently receive notification as provided above.

83116. When the Commission determines there is probable cause for believing this title has been violated, it may hold a hearing to determine if such a violation has occurred. Notice shall be given and the hearing conducted in accordance with the Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1, Chapter 5, Sections 11500 et seq.). The Commission shall have all the powers granted by that chapter.

When the Commission determines on the basis of the hearing that a violation has occurred, it shall issue an order which may require the violator to:

- (a) Cease and desist violation of this title;
- (b) File any reports, statements or other documents or information required by this title;
- (c) Pay a monetary penalty of up to two thousand dollars (\$2,000) to the General Fund of the state.

When the Commission determines that no violation has occurred, it shall publish a declaration so stating.

83117. The Commission may:

- (a) Accept grants, contributions and appropriations;
- (b) Contract for any services which cannot satisfactorily be performed by its employees;
- (c) Employ legal counsel. Upon request of the Commission, the Attorney General shall provide legal advice and representation without charge to the Commission.

83118. The Commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items material to the performance of the Commission's duties or exercise of its powers.

83119. The Commission may refuse to excuse any person from testifying, or from producing books, records, correspondence, documents or other evidence in obedience to the subpoena of the Commission notwithstanding an objection that the testimony or evidence required of him may tend to incriminate him. No individual shall be prosecuted in any manner or subjected to any penalty or forfeiture whatever for or on account of any transaction, act, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. No immunity shall be granted to any witness under this section unless the Commission has notified the Attorney General of its intention to grant immunity to the witness at least thirty days in advance, or unless the Attorney General waives this requirement.

83120. An interested person may seek judicial review of any action of the Commission.

83121. If judicial review is sought of any action of the Commission relating to a pending election, the matter shall be advanced on the docket of the court and put ahead of other actions. The court may, consistent with due process of law, shorten deadlines and take other steps necessary to permit a timely decision.

83122. There is hereby appropriated from the General Fund of the state to the Fair Political Practices Commission the sum of five hundred thousand dollars (\$500,000) during the fiscal year of 1974-1975, and the sum of one million dollars (\$1,000,000), adjusted for cost of living changes, during each fiscal year thereafter, for expenditure to support the operations of the Commission pursuant to this title. The expenditure of funds under this appropriation shall be subject to the normal administrative review given to other state appropriations. The Legislature shall appropriate such additional amounts to the Commission and other agencies as may be necessary to carry out the provisions of this title.

The definition of "expenditure" in Section 82025 is not applicable to this section.

CHAPTER 4. CAMPAIGN DISCLOSURE

Article 1. Organization of Committees

84100. (a) Every committee shall have a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a committee at a time when there is a vacancy in the office of treasurer.

(b) No expenditure shall be made by or on behalf of a committee without the authorization of the treasurer or that of his designated agents.

(c) All contributions received by a person acting as an agent of a candidate shall be reported promptly by such person to the candidate or any of his

designated agents. All contributions received by a person acting as an agent of a committee shall be reported promptly by the recipient to the committee's treasurer or any of his designated agents. "Promptly" as used in this section means not later than five days before the closing date of any campaign statement required to be filed by the treasurer, and immediately if the contribution was received less than five days before the closing date. All contributions shall be segregated from and may not be commingled with any personal funds of the recipient or any other person.

(d) It shall be the duty of each candidate, treasurer and elected officer to keep such detailed accounts, records, bills and receipts as shall be required by regulations adopted by the Commission to expedite the performance of all obligations imposed by this chapter.

84101. Every committee which is a committee by virtue of Section 82013 (a) shall file with the Secretary of State a statement of organization within ten days after it is formed as a committee. Each such committee in existence at the date of enactment of this chapter shall file a statement with the Secretary of State within thirty days after the effective date of this chapter. The Secretary of State shall assign a number to each committee which files a statement of organization and shall notify the committee of the number. The Secretary of State shall send a copy of statements filed pursuant to this section to the clerk of each county which he deems appropriate.

84102. The statement of organization required by Section 84101 shall include:

- (a) The name, street address and telephone number, if any, of the committee;
 - (b) The name, street address and telephone number of each person, if any, with which the committee is affiliated or connected;
 - (c) The full name, street address and telephone number, if any, of the treasurer and other principal officers;
 - (d) The full name and office sought by each candidate and the title and ballot number, if any, of each measure, which the committee supports or opposes;
 - (e) A statement whether the committee is independent or controlled, and if it is controlled, the name of each candidate or committee by which it is controlled or with which it acts jointly;
 - (f) The disposition of surplus funds which will be made in the event of dissolution;
 - (g) Such other information as shall be required by the rules or regulations of the Commission consistent with the purposes and provisions of this chapter.
84103. Whenever there is a change in any of the information contained in a statement of organization, an amendment shall be filed within ten days to reflect the change.

Article 2. Filing of Campaign Statements

84200. Each candidate and each committee supporting or opposing a candidate or candidates shall file campaign statements not later than forty days prior to the election, not later than twelve days prior to the election, and not later than sixty-five days after the election.

84201. Notwithstanding the provisions of Section 84200, when a special, general or runoff election is held less than sixty days following the primary election, campaign statements shall be filed not later than thirty-three days prior to the primary, not later than seven days prior to the primary, not later than seven days prior to the special, general or runoff election, and not later than sixty-five days after the special, general or runoff election.

84202. (a) Not later than sixty-five days after a measure has been qualified for the ballot, the proponent shall file a campaign statement, the closing date of which shall be the fifty-eighth day following the qualification of the measure.

(b) If any proposed measure does not qualify for the ballot, the proponent shall file a campaign statement within sixty-five days after the final deadline for circulating the petition, the closing date of which shall be the fifty-eighth day following the deadline.

84203. Each committee supporting or opposing a measure shall file a campaign statement not later than thirty-five days prior to the election, not later than seven days prior to the election and not later than seventy days after the election.

84204. If a committee is required to file campaign statements with respect to both candidates and measures on the ballot at the same election, the committee may file its campaign statements according to the schedule of any section in this article which is applicable.

84205. The closing date for each campaign statement filed under Sections 84200, 84201 and 84203 is three days prior to the filing deadline, except that when the filing deadline is sixty-five or seventy days after an election, the closing date is seven days prior to the filing deadline. Any campaign statement required by Section 84202, and any campaign statement required to be filed after an election by Sections 84200, 84201 and 84203 may be filed prior to the closing date if all liabilities of the filer have been paid and no additional contributions or expenditures are anticipated.

84206. Every candidate and committee that receives contributions or makes expenditures during the periods specified in this section, and every elected officer except as provided below, shall file campaign statements as provided in this section, unless the candidate, committee or elected officer is required to file campaign statements in connection with any election or elections held within the periods specified in subsections (a) and (b):

(a) For the period January 1 through June 30, campaign statements shall be filed not later than July 31.

(b) For the period July 1 through December 31, campaign statements shall be filed not later than January 31.

If a campaign statement was filed in connection with an election held during the six-month period immediately prior to a period specified in this section, the period covered by the campaign statement filed pursuant to this section shall begin from the day after the closing date of the previous campaign statement. This section is not applicable to elected officers whose salaries are less than one hundred dollars (\$100) a month or to judges, unless such an elected officer or judge is a candidate or committee who receives contributions or makes expenditures during the specified periods.

84207. Notwithstanding the provisions of Section 84200, a candidate for reelection for judicial office whose name does not appear on the ballot by reason of Section 25304 of the Elections Code shall file his campaign statement within seventeen days following the date of the general election and shall not be required to file any additional campaign statements. His campaign statement shall include contributions and expenditures in connection with his candidacy at both the primary and general elections. If such a candidate's name does not appear on the ballot at the primary election but does appear on the ballot at the general election, he shall file the campaign statements required by Section 84200 before and after the general election, and such campaign statements shall include contributions and expenditures in connection with his candidacy at both the primary and general elections. This section is not applicable to a committee supporting one or more candidates for judicial office, and each such committee shall observe the requirements of Section 84200.

84208. Every person who is required by Section 309 (a) of the Federal Election Campaign Act of 1971 (2 U.S.C.A. Section 439 (a)) to file a copy of any statement or report with the Secretary of State of California shall, at the time such filing is required, file two copies of each such statement or report with the Secretary of State, one of which shall have an original signature, and two copies with:

(a) The clerk of Los Angeles County and the clerk of the City and County of San Francisco in the case of reports relating to a campaign for nomination or election of a candidate to the office of President or Vice-President of the United States, or United States Senator;

(b) The clerk of each county in which the congressional district is located in the case of reports relating to the campaign for nomination or election of a candidate to the office of Representative in Congress.

84209. A candidate shall verify his campaign statement and the campaign statement of each committee subject to his control. His verification shall be in accordance with the provisions of Section 81004 except that it shall state that to the best of his knowledge the treasurer of each controlled committee used all reasonable diligence in the preparation of the committee's statement. This section does not relieve the treasurer of any committee from the obligation to verify each campaign statement filed by the committee pursuant to Section 81004.

84210. Each campaign statement required by this article shall contain the following information:

(a) Under the heading "receipts," the total amount of contributions received, and under the heading "expenditures," the total amount of expenditures made during the period covered by the campaign statement and the cumulative amount of such totals (provided that if any loans have been repaid during the period covered by the campaign statement, the amount of such repayment shall be subtracted from the total amount of contributions received and expenditures made, and provided further that forgiveness of a loan or payment of a loan by a third party shall not be included in such totals).

(b) The total amount of contributions received during the period covered by the campaign statement from persons who have given fifty dollars (\$50) or more.

(c) The total amount of contributions received during the period covered by the campaign statement from persons who have given less than fifty dollars (\$50).

(d) The total amount of expenditures made during the period covered by the campaign statement to persons who have received fifty dollars (\$50) or more.

(e) The total amount of expenditures disbursed during the period covered by the campaign statement to persons who have received less than fifty dollars (\$50).

(f) The balance of cash and cash equivalents on hand at the beginning and the end of the period covered by the campaign statement.

(g) The full name of each person from whom a contribution or contributions totaling fifty dollars (\$50) or more has been received, together with his street address, occupation, and the name of his employer, if any, or the principal place of business if he is self-employed, the amount he contributed, the date on which each contribution was received during the period covered by the campaign statement, and the cumulative amount he contributed. In the case of committees which are listed as contributors, the campaign statement shall also contain the number assigned to the committee by the Secretary of State or if no such number has been assigned, the full name and street address of the treasurer of the committee. Loans received shall be set forth in a separate schedule and the foregoing information shall be stated in regard to the lender and any person who is liable directly, indirectly or contingently on the loan, together with the date and amount of the loan and, if the loan has been repaid, the date of repayment and by whom paid.

(h) The full name and street address of each person to whom an expenditure or expenditures totaling fifty dollars (\$50) or more has been made, together with the amount of each separate expenditure to each person during the period covered by the campaign statement; a brief description of the consideration for which the expenditure was made; the full name and street address of the person providing the consideration for which any expenditure was made if different from the payee; and in the case of committees which are listed, the number

assigned to each such committee by the Secretary of State or if no such number has been assigned, the full name and street address of the treasurer of the committee.

(i) In a campaign statement filed by a committee supporting or opposing more than one candidate or measure, the amount of expenditures for or against each candidate or measure during the period covered by the campaign statement and the cumulative amount of expenditures for or against each such candidate or measure.

(j) The full name, residential and business addresses and telephone numbers of the filer or, in the case of a campaign statement filed by a committee, the name and telephone number of the committee and the committee's street address and telephone number.

(k) In a campaign statement filed by a candidate, the full name and street address of any committee, of which he has knowledge, which has received contributions or made expenditures on behalf of his candidacy, along with the full name, street address and telephone number of the treasurer of such committee.

84211. In order to determine for purposes of subdivisions (b), (c), (d), (e), (g) and (h) of Section 84210 whether fifty dollars (\$50) has been contributed by or expended to any person, only those contributions and expenditures which are includable within the cumulative amount shall be considered.

84212. Whenever any provision of this chapter requires the filing of a campaign statement by a candidate, the candidate may in lieu thereof file a statement signed under penalty of perjury that to the best of his knowledge not more than two hundred dollars (\$200) has been received or expended on behalf of or in support of his candidacy.

84213. Two or more committees which act jointly in support of or in opposition to any candidate or measure may file consolidated campaign statements under this chapter.

84214. Each late contribution shall be reported by filing with the filing officer within forty-eight hours of its receipt the full name, street address, occupation, and the name of employer, if any, or the principal place of business if self-employed, of the contributor. Filing of a report of late contributions may be by any written means of communication, including but not limited to telegram or letter, and need not contain an original signature. Late contributions shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section.

Article 3. Prohibitions

84300. No contribution or expenditure of fifty dollars (\$50) or more shall be made in cash. Any contribution of fifty dollars (\$50) or more other than an in-kind contribution shall be made by a written instrument containing the name of the donor and the name of the payee.

84301. No contribution shall be made, directly or indirectly, by any person in a name other than the name by which such person is identified for legal purposes.

84302. No person shall make a contribution on behalf of another, or while acting as the intermediary or agent of another, without disclosing to the recipient of the contribution both his own full name and street address, occupation, and the name of his employer, if any, or his principal place of business if he is self-employed, and the full name and street address, occupation, and the name of employer, if any, or principal place of business if self-employed, of the other person. The recipient of the contribution shall include in his campaign statement the full name and street address, occupation, and the name of the employer, if any, or the principal place of business if self-employed, of both the intermediary and the contributor.

84303. No expenditure shall be made, other than overhead or normal operating expenses, by an agent or independent contractor, including but not limited to an advertising agency, on behalf of or for the benefit of any candidate or committee unless it is reported by the candidate or committee as if the expenditure were made directly by the candidate or committee, unless the agent or independent contractor files a campaign statement reporting the expenditure. The agent or independent contractor shall make known to the candidate or committee all information required to be reported by this section.

84304. No person shall make an anonymous contribution or contributions to a candidate, committee or any other person totaling fifty dollars (\$50) or more in a calendar year. An anonymous contribution of fifty dollars (\$50) or more shall not be kept by the intended recipient but instead shall be promptly paid to the Secretary of State for deposit in the General Fund of the state.

84305. No person shall make an expenditure for the purpose of sending a mass mailing unless the postage is paid by postage meter or the mail is sent by first class or third class bulk rate mail. The bulk rate number or meter number shall be stated in a campaign statement, and a copy of every mass mailing in support of or in opposition to a state candidate or state measure shall be sent to the Commission. Such copies sent to the Commission shall be public records.

CHAPTER 5. LIMITATIONS ON EXPENDITURES

Article 1. Statewide Candidates

85100. Aggregate expenditures by a statewide candidate, his agents and controlled committees during the five months prior to an election shall not exceed the following amounts, adjusted in all years after 1974 for cost of living changes:

(a) For a primary election for Governor, seven cents (\$.07) multiplied by the voting age population.

(b) For an election for Governor other than a primary election, nine cents (\$0.09) multiplied by the voting age population.

(c) For a primary or general election for any statewide elective office other than Governor, three cents (\$0.03) multiplied by the voting age population.

85101. The amounts set forth in Section 85100 shall be reduced by ten percent for an incumbent who is seeking reelection to the same statewide elective office.

85102. The state central committee of a political party, and committees and subcommittees which it controls, shall not make expenditures during the five months prior to a statewide election aggregating more than one cent (\$0.01) multiplied by the voting age population and adjusted for cost of living changes. For purposes of this section, a county central committee is not a committee or subcommittee controlled by a state central committee.

85103. Except as provided in Sections 85102 or 85104, no independent committee shall make expenditures aggregating more than ten thousand dollars (\$10,000) during the five months preceding a statewide election in support of or in opposition to the candidate seeking a nomination or election to a single statewide elective office. Two or more independent committees which act jointly in making expenditures shall be considered a single independent committee for purposes of this chapter.

85104. Not less than sixty days prior to an election an independent committee may file with the Commission a statement of intent to make expenditures exceeding ten thousand dollars (\$10,000) in support of a statewide candidate. The Commission shall immediately notify all candidates for the nomination or office in question of the statement of intent and shall require the candidate being supported to file a verified statement of whether or not the committee is independent of him. The Commission shall approve the statement of intent not more than thirty-nine days prior to the election if it finds that the filer is a bona fide independent committee, that it is in good faith in supporting the candidate, and that it has the intention and ability to incur the expenditures. If the statement of intent is approved, the Commission shall notify each candidate for the nomination or office in question other than the candidate supported by the independent committee that the limits contained in Section 85100 may be increased by the amount in the statement of intent filed by the independent committee, except to the extent that statements of intent to make expenditures in support of such other candidates are also approved. The Commission shall not approve statements of intent for support of a candidate aggregating more than one cent (\$0.01) multiplied by the voting age population and adjusted for cost of living changes. If statements of intent exceeding this amount are submitted, the Commission shall apportion the expenditures among the independent committees which have filed statements of intent on the basis of a strictly arithmetic formula which shall be prescribed by regulation.

85105. Expenditures incurred by an independent committee for communication directed to its own members or employees shall not be included within the limitations contained in Sections 85103 and 85104.

85106. If an expenditure is incurred in support of more than one candidate, the entire amount is charged to each candidate for purposes of Section 85100 and a proportionate amount is charged to each candidate for purposes of Sections 85103 and 85104.

85107. The provisions of Section 82025 to the contrary notwithstanding, for purposes of this chapter an expenditure is made during the five-month period before the election if either payment is made or the consideration is received during that period. However, if the consideration is received before the primary election and payment is made after the primary election, the expenditure shall be charged only to the primary election and not to the general election.

85108. Payments made for the purpose of registering voters or for bringing voters to the polling place are not expenditures within the meaning of this chapter. This section does not affect the duty to disclose such payments under Chapter 4 of this title.

Article 2. Circulation of Statewide Petitions

85200. No person shall incur any expenditure in furtherance of a circulation or qualification of a statewide petition without the express or implied authorization of the proponent. For purposes of this article, "expenditure" does not include:

(a) Unreimbursed expenses incurred by a circulator incidental to his circulation of the petition;

(b) Expenditures for advertising or speech regarding the measure unless the advertising or speech is directly incidental to circulation of the petition.

85201. Not more than twenty-five cents (\$0.25) multiplied by the number of signatures required for qualification, adjusted for cost of living changes, shall be spent in furtherance of the circulation or qualification of a statewide petition.

85202. In addition to other remedies and penalties, a court shall order the Secretary of State not to submit to the voters any measure which it is shown by clear and convincing evidence would not have qualified but for a violation of this article. The proponent of the measure shall be a party or real party in interest to any action brought under this section. Actions under this section may be initiated by the Commission or any voter. No judgment shall be issued under this section later than the day prior to the election. If a judgment against the proponent under this section is reversed after the election or after it is too late to submit the measure to the voters on the scheduled day of the election, the proposed measure will be deemed to have qualified on the day of the reversal of the judgment.

85203. Any provision of law to the contrary notwithstanding, the election precinct of a person signing a statewide petition shall not be required to appear

on the petition when it is filed with the county clerk, nor any additional information regarding a signer other than the information required to be written by the signer.

Article 3. Statewide Measures

85300. "Expenditures" as used in this article means expenditures to influence the action of the voters for or against the adoption of any state measure which has qualified to be placed on the ballot.

85301. No committee shall make expenditures with respect to any state measure in excess of ten thousand dollars (\$10,000) without complying with the requirements of this article. For purposes of this article, two or more committees which act jointly in making expenditures shall be deemed a single committee.

85302. Any committee which intends to make expenditures in excess of ten thousand dollars (\$10,000) with respect to any state measure shall, not later than twenty-eight days prior to the election, file a statement of intent with the Commission, which shall identify the measure and state whether the committee intends to support or oppose the measure and the amount the committee intends to spend. The Commission shall approve the statement of intent, subject to the limitations set forth in this article, if it finds that the committee is in good faith in supporting or opposing the measure and that it has the intention and ability to incur the expenditures. Not less than twenty-one days prior to the election the Commission shall notify each committee whose statement of intent has been approved of the limitation on expenditures that is applicable to the committee.

85303. Aggregate expenditures in support of or in opposition to a state measure shall not exceed the lower of the amounts set forth in subsection (a) or (b) of this section.

(a) Eight cents (\$0.08) multiplied by the voting age population, adjusted for cost of living changes.

(b) Five hundred thousand dollars (\$500,000) plus the aggregate amount set forth in the approved statements of intent filed by committees on the opposite side of the issue.

85304. If the aggregate amounts set forth in the approved statements of intent filed in support of or in opposition to a state measure exceed the limitations contained in Section 85303, the Commission shall apportion the permissible expenditures among the committees which have filed statements of intent on the basis of a strictly arithmetic formula which shall be prescribed by regulation.

85305. Expenditures incurred by a committee for communication directed to its own members or employees shall not be included within the limitations imposed by this article.

CHAPTER 6. LOBBYISTS

Article 1. Registration and Reporting

86100. Any person employed or retained as a lobbyist shall register with the Secretary of State before doing anything to influence legislative or administrative action.

86101. Each lobbyist shall register by filing with the Secretary of State a recent 3-inch by 4-inch black-and-white photograph of himself, a written authorization to act as a lobbyist from each person by whom he is employed or with whom he contracts, and a statement containing:

(a) His full name, business address, and telephone number;

(b) The name and business address of each person by whom he is employed or with whom he contracts for lobbying purposes, and the term of his employment or contract if known;

(c) A listing of each state agency whose administrative actions he will attempt to influence as a substantial or regular portion of his activities as a lobbyist; and

(d) Any other information required by the Commission consistent with the purposes and provisions of this chapter.

86102. Each registered lobbyist shall renew his registration by filing a new photograph, authorization and registration statement within twenty days after the opening of each regular session of the Legislature.

86103. If any change occurs in any of the information contained in a registration statement, an appropriate amendment shall be filed within twenty days after the change. Each registered lobbyist shall file a notice of termination within thirty days after he ceases the activity which required his registration. He shall remain subject to Sections 86202 and 86203 for six months after filing his notice of termination.

86104. All information listed on any registration statement and on any amendment, renewal or notice of termination shall be printed in the journals of the Senate and Assembly within thirty days after filing. Within one hundred twenty days after the commencement of each regular session of the Legislature, the Secretary of State shall publish a directory of registered lobbyists. He shall publish, from time to time, such supplements to the directory as may be necessary.

86105. Every lobbyist who incurs expenses or expects to incur expenses in connection with his activities as a lobbyist shall establish one or more accounts, each of which shall be designated by a name. All payments received by a lobbyist for the purpose of paying expenses incurred by him in connection with his activities as a lobbyist shall be deposited without delay into his account. A lobbyist may deposit other funds, including his own personal funds, into his account.

86106. (a) Except as provided in subsection (b) of this section, no person shall pay any expense incurred by a lobbyist in connection with his activities as a lobbyist unless such payment is made directly from the lobbyist's account. Any lobbyist who makes a gift to an elected state official, a legislative official or an agency official is deemed to be acting in connection with his activities as a lobbyist.

(b) The Commission shall promulgate regulations permitting the use of cash which has been withdrawn from a lobbyist's account to defray petty cash items.

86107. Every lobbyist shall file periodic reports containing:

(a) The monetary value of all payments, including but not limited to salary, fees, and reimbursement of expenses, received in consideration for or directly or indirectly in support of or in connection with influencing legislative or administrative action, and the full name and address of each person from whom amounts or things of value have been received and the total monetary value received from each person;

(b) With respect to each account controlled by the lobbyist at any time during the period covered by the report:

(1) The name of the account;

(2) The amount deposited in the account during the period;

(3) The full name and address of each person who is the source of any amounts deposited into the account, together with the amount attributable to each source;

(4) The date and amount of each disbursement from the account during the period, together with the full name and address of the payee, a specific description of the consideration, if any, for which the disbursement was made and the full name and address or official position of the beneficiary if the beneficiary is other than the payee or the lobbyist. In the case of disbursements for gifts of food and beverages the full name of the person and the official position, if any, who received the food and beverages, and the amount paid for each person shall be stated. In the case of any disbursement which covers more than one item, all information shall be shown that would be required if a separate disbursement had been made for each item. The Commission may by regulation provide for the reporting of overhead expenditures without detailed itemization; and

(5) The cash balance of the account at the beginning and end of the period covered by the report;

(c) With respect to any expenses in furtherance of his activities as a lobbyist which, pursuant to Section 86106(b), are not made directly from an account, such information as regulations of the Commission shall require;

(d) The name and official position of each elective state official, legislative official and agency official, the name of each state candidate, and the name of each member of the immediate family of any such official or candidate with whom the lobbyist has engaged in an exchange of money, goods, services or anything of value and the nature and date of each such exchange and the monetary values exchanged;

(e) The name and address of any business entity in which the lobbyist knows or has reason to know that an elective state official, legislative official, agency official or state candidate is a proprietor, partner, director, officer or manager, or has more than a fifty percent ownership interest, with whom the lobbyist has engaged in an exchange of money, goods, services or anything of value and the nature and date of each exchange and the monetary value exchanged, if the total value of such exchanges is five hundred dollars (\$500) or more in a calendar year;

(f) A specific description of legislative or administrative action which the lobbyist has influenced or attempted to influence, and the agencies involved, if any;

(g) Any other information required by the Commission consistent with the purposes and provisions of this chapter.

86108. Subject to the exceptions in Section 86300, the following persons shall file the statements required by Section 86109:

(a) Any person who employs or contracts for the services of one or more lobbyists, whether independently or jointly with other persons; and

(b) Any person who directly or indirectly makes payments to influence legislative or administrative action of two hundred fifty dollars (\$250) or more in value in any month, unless all of the payments are of the type described in Section 82045(c).

86109. Every person described in Section 86108 shall file periodic reports containing:

(a) The name, business address and telephone number of the person making the report;

(b) Information sufficient to identify the nature and interests of the filer, including:

(1) If the filer is an individual, the name and address of his employer, if any, or his principal place of business if he is self-employed, and a description of the business activity in which he or his employer is engaged;

(2) If the filer is a business entity, a description of the business activity in which it is engaged;

(3) If the filer is an industry, trade or professional association, a description of the industry, trade or profession which it represents including a specific description of any portion or faction of the industry, trade or profession which the association exclusively or primarily represents and, if the association has no more than fifty members, the names of the members; and

(4) If the filer is not an individual, business entity or industry, trade or professional association, a statement of the person's nature and purposes, including a description of any industry, trade, profession or other group with a common economic interest which the person principally represents or from which its membership or financial support is principally derived.

The information required by this subsection (b) need be stated only in the first report filed during a calendar year, except to reflect changes in the information previously reported.

(c) The total amount of payments to influence legislative and administrative action during the period, and the name and address of each person to whom such payments in an aggregate value of twenty-five dollars (\$25) or more have been made during the period by the filer, together with the date, amount, and a description of the consideration received for each such expenditure, and the name of the beneficiary of each expenditure if other than the filer or the payee.

(d) The name and official position of each elective state official, legislative official and agency official, the name of each state candidate, and the name of each member of the immediate family of any such official or candidate with whom the filer has engaged in an exchange of money, goods, services or anything of value and the nature and date of each such exchange and the monetary values exchanged, if the fair market value of either side of the exchange exceeded one thousand dollars (\$1,000);

(e) The name and address of any business entity in which the person making the report knows or has reason to know that an elective state official, legislative official, agency official or state candidate is a proprietor, partner, director, officer, manager, or has more than a fifty percent ownership interest, with whom the person making the report has engaged in an exchange or exchanges of money, goods, services or anything of value and the nature and date of each such exchange and the monetary value exchanged, if the total value of such exchanges is one thousand dollars (\$1,000) or more in a calendar year;

(f) The date and amount of each contribution made by the filer and the name of the recipient of each contribution;

(g) A specific description of legislative or administrative action which the person making the report has attempted to influence;

(h) The name of each lobbyist employed or retained by the person making the report, together with the total amount paid to each lobbyist and the portion of that amount which was paid for specific purposes, including salary, fees, general expenses and any special expenses;

(i) Any other information required by the Commission consistent with the purposes and provisions of this chapter.

86110. Reports required by Sections 86107 and 86109 shall be filed during the month following each month during any part of which the Legislature was in session and during the month following each calendar quarter. The period covered shall be from the beginning of the calendar year through the last day of the month prior to the month during which the report is filed, except that the period covered shall not include any months covered in previous reports filed by the same person. When total amounts are required to be reported, totals shall be stated both for the period covered by the statement and for the entire calendar year to date.

86111. All information contained in reports filed pursuant to this article shall be printed in a supplement to the Senate and Assembly journals within ninety days after they are filed.

Article 2. Prohibitions

86200. "Contribution" as used in this article means a contribution made to a state candidate, a committee supporting a state candidate, or an elected state officer.

86201. "Gift" as used in this article means a gift made directly or indirectly to a state candidate, an elected state officer, a legislative official or an agency official.

86202. It shall be unlawful for a lobbyist to make a contribution, or to act as an agent or intermediary in the making of any contribution, or to arrange for the making of any contribution by himself or by any other person.

86203. It shall be unlawful for a lobbyist to make gifts to one person aggregating more than ten dollars (\$10) in a calendar month, or to act as an agent or intermediary in the making of any gift, or to arrange for the making of any gift by any other person.

86204. It shall be unlawful for any person knowingly to receive any contribution or gift which is made unlawful by Section 86202 or 86203.

86205. No lobbyist shall:

(a) Do anything with the purpose of placing any elected state officer, legislative official, agency official, or state candidate under personal obligation to him or to his employer;

(b) Deceive or attempt to deceive any elected state officer, legislative official, agency official, or state candidate with regard to any material fact pertinent to any pending or proposed legislative or administrative action;

(c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its passage or defeat;

(d) Attempt to create a fictitious appearance of public favor or disfavor of any proposed legislative or administrative action or to cause any communication to be sent to any elected state officer, legislative official, agency official, or state candidate in the name of any fictitious person or in the name of any real person, except with the consent of such real person;

(e) Represent falsely either directly or indirectly, that he can control the official action of any elected state officer, legislative official, or agency official;

(f) Accept or agree to accept any payment in any way contingent upon the defeat, enactment or outcome of any proposed legislative or administrative action.

Article 3. Exemptions

86300. The provisions of this chapter are not applicable to:

(a) Any elected public official acting in his official capacity, or any employee of the State of California acting within the scope of his employment;

(b) Any newspaper or other periodical of general circulation, book publisher, radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical, radio or television station) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisement, which directly or indirectly urge legislative or administrative action if such newspaper, periodical, book publisher, radio or television station or individual, engages in no further or other activities in connection with urging legislative or administrative action other than to appear before a committee of the Legislature or before a state agency in support of or in opposition to such action; or

(c) A person when representing a bona fide church or religious society solely for the purpose of protecting the public right to practice the doctrines of such church.

CHAPTER 7. CONFLICTS OF INTEREST

Article 1. General Prohibition

87100. No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.

87101. Section 87100 does not prevent any public official from making or participating in the making of a governmental decision to the extent his participation is legally required for the action or decision to be made. The fact that an official's vote is needed to break a tie does not make his participation legally required for purposes of this section.

87102. The requirements of Section 87100 are in addition to the requirements of Articles 2 and 3 of this chapter and any Conflict of Interest Code adopted thereunder. No provision of Chapter 11 of this title is applicable to this article except the provisions of Section 91003. The remedies provided in that section may be sought against any public official other than an elected state officer, and those remedies are the exclusive remedies for a violation or threatened violation of Section 87100.

87103. An official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on:

(a) Any business entity in which the public official has a direct or indirect investment worth more than one thousand dollars (\$1,000);

(b) Any real property in which the public official has a direct or indirect interest worth more than one thousand dollars (\$1,000);

(c) Any source of income, other than loans by a commercial lending institution in the regular course of business, aggregating two hundred fifty dollars (\$250) or more in value received by or promised to the public official within twelve months prior to the time when the decision is made; or

(d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, by any business entity controlled by the public official or by a trust in which he has a substantial interest. A business entity is controlled by a public official if the public official, his agents, spouse and dependent children hold more than fifty percent of the ownership interest in the entity. A public official has a substantial interest in a trust when the official, his spouse and dependent children have a present or future interest worth more than one thousand dollars (\$1,000).

Article 2. Disclosure

87200. This article is applicable to elected state officers, members of the board of supervisors and chief administrative officers of counties, mayors, city managers, chief administrative officers and members of city councils of cities, and to candidates for any of these offices at any election.

87201. Every candidate for an office specified in Section 87200 shall file with his declaration of candidacy a statement disclosing his investments and his interests in real property.

87202. Every person who is elected to an office specified in Section 87200 shall, within thirty days after assuming such office, file a statement disclosing his investments and his interests in real property. Every person who is appointed to an office specified in Section 87200 shall file such a statement not less than ten days prior to assuming office. Persons who hold an office mentioned in Section 87200 on the effective date of this article shall file such a statement within thirty days after the effective date of this article.

87203. Every person who holds an office specified in Section 87200 shall, within thirty days after each anniversary of assuming office, file a statement disclosing his investments, his interests in real property and his income during the period since the previous statement filed under this section or Section 87202. The statement shall include any investments and interests in real property held at any time during the period covered by the statement, whether or not they are still held at the time of filing.

87204. Every person who leaves an office specified in Section 87200 shall, within thirty days after leaving the office, file a statement disclosing his investments, his interests in real property, and his income during the period since the previous statement filed under Sections 87202 or 87203. The statement shall include any investments and interests in real property held at any time during the period covered by the statement, whether or not they are still held at the time of filing.

87205. (a) For purposes of determining the anniversary of assuming an office, the date on which the term of office began is deemed the date of assuming office, whether or not the person holding the office actually assumed the office on that date.

(b) A person who completes a term of an office specified in Section 87200 and on the same day begins a term of the same office or another such office of the same jurisdiction is not deemed to assume office or leave office. The day on which the new term begins shall be deemed an anniversary of assuming the office.

87206. When an investment or an interest in real property is required to be disclosed under this article, the statement shall contain:

(a) A statement of the nature of the investment or interest;

(b) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(c) The address or other precise location of the real property;

(d) A statement whether the fair market value of the investment or interest in real property exceeds ten thousand dollars (\$10,000), and whether it exceeds one hundred thousand dollars (\$100,000). This information need not be provided with respect to an interest in real property which is used principally as the residence of the filer;

(e) In the case of an investment which constitutes fifty percent or more of the ownership interest in a business entity, disclosure of the investments and interests in real property of the business entity;

(f) In the case of a statement filed under Sections 87203 or 87204, if the investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

87207. (a) When income is required to be reported under this article, the statement shall contain, except as provided in subsections (b) and (c):

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or twenty-five dollars (\$25) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source was greater than one thousand dollars (\$1,000), and whether it was greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the amount and the date on which the gift was received.

(b) When income of a business entity, including income of a sole proprietorship, is required to be reported under this article, the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) In the case of a business entity which provides legal or brokerage services, the name of every person who paid fees to the business entity if the filer's pro rata share of fees from such person was equal to or greater than one thousand dollars (\$1,000);

(3) In the case of a business entity not covered by paragraph (2), the name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.

Article 3. Conflict of Interest Codes

87300. Every agency shall adopt and promulgate a Conflict of Interest Code pursuant to the provisions of this article. A Conflict of Interest Code shall have the force of law and any violation of a Conflict of Interest Code by a designated employee shall be deemed a violation of this chapter.

87301. It is the policy of this act that Conflict of Interest Codes shall be formulated at the most decentralized level possible, but without precluding intra-departmental review. Any question of the level of a department which should be deemed an "agency" for purposes of Section 87300 shall be resolved by the code reviewing body.

87302. Each Conflict of Interest Code shall contain the following provisions:

(a) Specific enumeration of the positions within the agency which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest;

(b) Requirements that each designated employee file annual statements disclosing reportable investments, interests in real property and income. The Conflict of Interest Code shall set forth for each position or category of positions enumerated under subsection (a) of this section the specific types of investments, interests in real property and income which are reportable and the manner of reporting each item. An investment, interest in real property or income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of his position. The manner of reporting reportable items shall be substantially equivalent to the requirements of Article 2 of this chapter. The first statement filed under this section by a designated employee shall disclose any reportable investments and interests in real property. Statements shall be filed by each designated employee within thirty days after the effective date of the Conflict of Interest Code. Thereafter, new civil service designated employees shall file statements within thirty days after assuming office. All other new designated employees shall file statements not less than ten days before assuming office.

or, if subject to confirmation, ten days before being confirmed, unless an earlier assumption of office is required by emergency circumstances. The provisions of the Conflict of Interest Code adopted under this subsection shall not be applicable to any designated employee who is covered by Article 2 of this chapter.

(c) Specific provisions setting forth any circumstances under which designated employees or categories of designated employees must disqualify themselves from making or participating in the making of any decision. Disqualification shall be required by the Conflict of Interest Code when the designated employee has a financial interest as defined in Section 87103, which it is reasonably foreseeable may be affected materially by the decision. No designated employee shall be required to disqualify himself with respect to any matter which could not legally be acted upon or decided without his participation.

87303. No Conflict of Interest Code shall be effective until it has been approved by the code reviewing body. Each agency shall submit a proposed Conflict of Interest Code to the code reviewing body by the deadline established for the agency by the code reviewing body. The deadline for any agency in existence on April 1, 1975, shall not be earlier than April 1, 1976. The deadline for any agency not in existence on April 1, 1975, shall be six months after it comes into existence. Within ninety days after receiving the proposed code or receiving any proposed amendments or revisions, the code reviewing body shall:

- (a) Approve the proposed code as submitted;
- (b) Revise the proposed code and approve it as revised; or
- (c) Return the proposed code to the agency for revision and resubmission within sixty days. The code reviewing body shall either approve the revised code or revise it and approve it. When a proposed Conflict of Interest Code or amendment is approved by the code reviewing body, it shall be deemed adopted and shall be promulgated by the agency.

87304. If any agency fails to submit a proposed Conflict of Interest Code or amendments within the time limits prescribed pursuant to Sections 87303 or 87306, the code reviewing body may issue any appropriate order directed to the agency or take any other appropriate action, including the adoption of a Conflict of Interest Code for the agency.

87305. If after six months following the deadline for submission of the proposed Conflict of Interest Code to the code reviewing body no Conflict of Interest Code has been adopted and promulgated, the superior court may, in an action filed by the agency, the code reviewing body, any officer, employee, member or consultant of the agency, or any resident of the jurisdiction, prepare a Conflict of Interest Code and order its adoption by the agency or grant any other appropriate relief. The agency and the code reviewing body shall be parties to any action filed pursuant to this section.

87306. Every agency shall amend its Conflict of Interest Code, subject to the provisions of Section 87303, when change is necessitated by changed circumstances, including the creation of new positions which must be designated pursuant to Section 87302 (a) and relevant changes in the duties assigned to existing positions. Proposals for amendments or revisions shall be submitted to the code reviewing body within ninety days after the changed circumstances necessitating the amendments have become apparent. If after nine months following the occurrence of such changes the Conflict of Interest Code has not been amended or revised, the superior court may issue any appropriate order in an action brought under the procedures set forth in Section 87305.

87307. An agency may at any time amend its Conflict of Interest Code, subject to the provisions of Section 87303, either upon its own initiative or in response to a petition submitted by an officer, employee, member or consultant of the agency, or a resident of the jurisdiction. If the agency fails to act upon such a petition within ninety days, the petition shall be deemed denied. Within thirty days after the denial of a petition, the petitioner may appeal to the code reviewing body. The code reviewing body shall either dismiss the appeal or issue an appropriate order to the agency within ninety days.

87308. Judicial review of any action of a code reviewing body under this chapter may be sought by the agency, by an officer, employee, member or consultant of the agency, or by a resident of the jurisdiction.

87309. No Conflict of Interest Code or amendment shall be approved by the code reviewing body or upheld by a court if it:

- (a) Fails to provide reasonable assurance that all foreseeable potential conflict of interest situations will be disclosed or prevented;
- (b) Fails to provide to each affected person a clear and specific statement of his duties under the Code; or
- (c) Fails to adequately differentiate between designated employees with different powers and responsibilities.

87310. If the duties of a designated employee are so broad or undefinable that the requirements of Section 87309 cannot be complied with, the Conflict of Interest Code shall require the designated employee to comply with the requirements of Article 2 of this chapter.

87311. The review of proposed Conflict of Interest Codes by the Commission and by the Attorney General and the preparation of proposed Conflict of Interest Codes by state agencies shall be subject to the Administrative Procedure Act. The review and preparation of Conflict of Interest Codes by local government agencies shall be carried out under procedures which guarantee to officers, employees, members, and consultants of the agency and to residents of the jurisdiction adequate notice and a fair opportunity to present their views.

87312. The Commission shall, upon request, provide technical assistance to agencies in the preparation of Conflict of Interest Codes. Such assistance may

include the preparation of model provisions for various types of agencies. Nothing in this section shall relieve each agency of the responsibility for adopting a Conflict of Interest Code appropriate to its individual circumstances.

CHAPTER 8. BALLOT PAMPHLET

88000. There shall be a state ballot pamphlet which shall be prepared by the Secretary of State.

88001. The ballot pamphlet shall contain -

- (a) A complete copy of each state measure;
- (b) A copy of the specific constitutional or statutory provision, if any, which would be repealed or revised by each state measure.
- (c) A copy of the arguments and rebuttals for and against each state measure.
- (d) A copy of the analysis of each state measure.
- (e) Tables of contents, indexes, art work, graphics and other materials which the Secretary of State determines will make the ballot pamphlet easier to understand or more useful for the average voter.

88002. The ballot pamphlet shall contain as to each state measure to be voted upon, the following in the order set forth in this section:

- (a) Upon the top portion of the first page and not exceeding one-third of the page shall appear:
 - (i) The identification of the measure by number and title.
 - (ii) The official summary prepared by the Attorney General.
 - (iii) The total number of votes cast for and against the measure in both the State Senate and Assembly if the measure was passed by the Legislature.
- (b) Upon the lower portion of the first left page and upon the top half of the right page, if necessary, shall appear the analysis prepared by the legislative analyst.

(c) If arguments for and against the measure have been submitted, then the text of the measure shall appear on the right page facing the analysis. If the text does not fit on this page, it shall be continued in the back of the pamphlet. Arguments for and against the measure shall be placed on the next left and right pages respectively. The rebuttals shall be placed immediately below the arguments.

(d) If no argument against the measure has been submitted, the argument for the measure shall appear on the right page facing the analysis. The text of the measure shall be printed in the back of the pamphlet.

(e) The text of the measure shall contain the provisions of the proposed measure and the existing provisions of law repealed or revised by the measure. The provisions of the proposed measure differing from the existing provisions of law affected shall be distinguished in print, so as to facilitate comparison.

(f) The following statement shall be printed at the bottom of each page where arguments appear: "Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency."

88003. The legislative analyst shall prepare an impartial analysis of the measure describing the measure and including a fiscal analysis of the measure showing the amount of any increase or decrease in revenue or cost to state or local government. The analysis shall be written in clear and concise terms which will easily be understood by the average voter, and shall avoid the use of technical terms wherever possible. The analysis may contain background information, including the effect of the measure on existing law and the effect of enacted legislation which will become effective if the measure is adopted, and shall generally set forth in an impartial manner the information which the average voter needs to understand the measure adequately. The legislative analyst may contract with professional writers, educational specialists or other persons for assistance in writing an analysis that fulfills the requirements of this section, including the requirement that the analysis be written so that it will be easily understood by the average voter. The legislative analyst may also request the assistance of any state department, agency, or official in preparing his analysis. The title of the measure which appears on the ballot shall be amended to contain a summary of the legislative analyst's estimate of the net state and local government financial impact.

88004. Measures shall be printed in the ballot pamphlet, so far as possible, in the same order, manner and form in which they are designated upon the ballot.

88005. The ballot pamphlet shall be printed according to the following specifications:

- (a) The pages of the pamphlet shall be not smaller than 8 1/2 x 11 inches in size;
- (b) It shall be printed in clear readable type, no less than 10-point, except that the text of any measure may be set forth in 8-point type;
- (c) It shall be printed on a quality and weight of paper which in the judgment of the Secretary of State best serves the voters;
- (d) The pamphlet shall contain a certificate of correctness by the Secretary of State.

88005.5. The Legislative Counsel shall prepare and proofread the texts of all measures and the provisions which are repealed or revised.

88006. Not less than twenty days before he submits the copy for the ballot pamphlet to the state printer, the Secretary of State shall make such copy available for public examination. Any voter may seek a writ of mandate requiring any such copy to be amended or deleted from the ballot pamphlet. A peremptory writ of mandate shall issue only upon clear and convincing proof that the copy in question is false, misleading or inconsistent with the requirements of this chapter or the Elections Code, and that issuance of the writ will not substantially interfere with the printing and distribution of the ballot pamphlet as required by law. Venue for a proceeding under this section shall be exclusively in Sacramento County. The Secretary of State shall be named as

the respondent and the state printer and the person or official who authored the copy in question shall be named as real parties in interest. If the proceeding is initiated by the Secretary of State, the state printer shall be named as the respondent.

88007. Notwithstanding the provisions of Section 81012, the Legislature may without restriction amend this chapter to add to the ballot pamphlet information regarding candidates or any other information.

CHAPTER 9. INCUMBENCY

89000. Any provision of law to the contrary notwithstanding, the order of names of candidates on the ballot in every election shall be determined without regard to whether the candidate is an incumbent.

89001. No legislative newsletter or other mass mailing shall be sent at public expense by or on behalf of any elected state officer after the elected state officer has filed a declaration of candidacy for any office.

CHAPTER 10. AUDITING

90000. Except as provided in Section 90006, the Franchise Tax Board shall make audits and field investigations with respect to reports and statements filed with the Secretary of State under Chapters 4 and 6 of this title.

90001. Audits and investigations shall be made pursuant to Section 90000 with respect to the reports and statements of:

(a) Each lobbyist required to register or file with the Secretary of State;
(b) Each candidate who has received more than fifteen percent of the total vote cast for the office for which he was running in either a general or special election;

(c) Each candidate running in a primary, general, or special election for whom the Franchise Tax Board determines more than twenty-five thousand dollars (\$25,000) of expenditures have been made, whether by the candidate or by a committee or committees supporting his candidacy;

(d) Each committee, other than a committee defined in Section 82013(c), supporting one or more such candidates, insofar as its reports and statements relate to the support of such candidates;

(e) Each committee, other than a committee defined in Section 82013(c), which is required to register or file reports or statements with the Secretary of State, and which the Franchise Tax Board determines has spent more than ten thousand dollars (\$10,000) during any calendar year.

90002. (a) Audits and investigations of all lobbyists shall be performed annually and shall cover all reports and statements filed since the previous audit and investigation.

(b) No audit or investigation of any candidate or committee in connection with a report or statement required by Chapter 4 of this title, other than a report or statement required by Section 84206, shall begin until after the last date for filing the first report or statement following the general or special election for the office for which the candidate ran, or following the election at which the measure was adopted or defeated. When the campaign statements of a candidate or a committee supporting a candidate are audited and investigated, the audit and investigation shall cover all campaign statements filed in connection with the primary and general or special elections and any previous campaign statement filed pursuant to Section 84206 since the last campaign statement filed in connection with an election.

(c) The Franchise Tax Board shall determine from its audit and investigation if there is probable cause to believe that any candidate, committee or proponent of a state measure has exceeded the limitations provisions of Chapter 5. Any such finding shall be reported to the Commission and the Attorney General.

90003. In addition to the audits and investigations required by Section 90001, the Franchise Tax Board and the Commission may make investigations and audits with respect to any reports or statements required by Chapters 4 or 6 of this title.

90004. The Franchise Tax Board shall periodically prepare reports which shall be sent to the Commission and the Attorney General. The reports of the Franchise Tax Board shall be public documents and shall contain in detail the Franchise Tax Board's findings with respect to the accuracy and completeness of each report and statement reviewed and its findings with respect to any report or statement that should have been but was not filed.

90005. No member, employee or agent of the Franchise Tax Board shall divulge or make known in any manner any particulars of any record, documents, or information which he receives by virtue of this chapter, except in furtherance of the work of the Franchise Tax Board or in connection with any court proceeding or any lawful investigation of any agency.

90006. Audits and field investigations of candidates for Controller and member of the Board of Equalization and of committees supporting such candidates shall be made by the Commission instead of the Franchise Tax Board.

CHAPTER 11. ENFORCEMENT

91000. (a) Any person who knowingly or willfully violates any provision of this title is guilty of a misdemeanor.

(b) In addition to other penalties provided by law, a fine of up to the greater of ten thousand dollars (\$10,000) or three times the amount the person failed to report properly or unlawfully contributed, expended, gave or received may be imposed upon conviction for each violation.

(c) Prosecution for violation of this title must be commenced within two years after the date on which the violation occurred.

91001. (a) The Attorney General is responsible for enforcing the criminal provisions of this title with respect to state agencies, lobbyists and state elections. The city and district attorneys of any city or county in which a violation occurs have concurrent powers and responsibilities with the Attorney General.

(b) The civil prosecutor is primarily responsible for enforcement of the civil penalties and remedies of this title. The civil prosecutor is the Commission with respect to the state or any state agency, the city attorney with respect to a city or city agency, and the district attorney with respect to any other agency. The civil prosecutor may bring any civil action under this title which could be brought by a voter or resident of the jurisdiction.

91002. No person convicted of a misdemeanor under this title shall be a candidate for any elective office or act as a lobbyist for a period of four years following the date of the conviction unless the court at the time of sentencing specifically determines that this provision shall not be applicable. A plea of nolo contendere shall be deemed a conviction for purposes of this section. Any person violating this section is guilty of a felony.

91003. (a) Any person residing in the jurisdiction may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this title. The court may in its discretion require the plaintiff to file a complaint with the Commission prior to seeking injunctive relief. The court may award to a plaintiff or defendant who prevails his costs of litigation, including reasonable attorney's fees.

(b) Upon a preliminary showing in an action brought by a person residing in the jurisdiction that a violation of Article 1 of Chapter 7 of this title or of a disqualification provision of a Conflict of Interest Code has occurred, the court may restrain the execution of any official action in relation to which such a violation occurred, pending final adjudication. If it is ultimately determined that a violation has occurred and that the official action might not otherwise have been taken or approved, the court may set the official action aside as void. The official actions covered by this subsection include but are not limited to orders, permits, resolutions and contracts, but do not include the enactment of any state legislation. In considering the granting of preliminary or permanent relief under this subsection, the court shall accord due weight to any injury that may be suffered by innocent persons relying on the official action.

91003.5. Any person who violates a provision of Article 2 or 3 of Chapter 7 is subject to discipline by his agency, including dismissal, consistent with any applicable civil service or other personnel laws, regulations and procedures.

91004. Any person who intentionally or negligently violates any of the reporting requirements of this act shall be liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount not more than the amount or value not properly reported.

91005. (a) Any person who makes or receives a contribution, gift or expenditure in violation of Section 84300, 84304, 86202, 86203 or 86204, or makes an expenditure in violation of Chapter 5 is liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount up to five hundred dollars (\$500) or three times the amount of the unlawful contribution, gift or expenditure, whichever is greater.

(b) Any designated employee who realizes an economic benefit as a result of a violation of a disqualification provision of a Conflict of Interest Code is liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount up to three times the value of the benefit.

91006. If two or more persons are responsible for any violation, they shall be jointly and severally liable.

91007. Any person, before filing a civil action pursuant to Sections 91004 and 91005, must first file with the civil prosecutor a written request for the civil prosecutor to commence the action. The request shall include a statement of the grounds for believing a cause of action exists. The civil prosecutor shall respond within forty days after receipt of the request, indicating whether he intends to file a civil action. If the civil prosecutor indicates in the affirmative, and files suit within forty days thereafter, no other action may be brought unless the action brought by the civil prosecutor is dismissed without prejudice as provided for in Section 91008.

91008. Not more than one judgment on the merits with respect to any violation may be obtained under Sections 91004 and 91005. Actions brought for the same violation or violations shall have precedence for purposes of trial in order of the time filed. Such actions shall be dismissed once judgment has been entered or a settlement approved by the court in a previously filed action. The court may dismiss a pending action without prejudice to any other action for failure of the plaintiff to proceed diligently and in good faith. The action may be so dismissed on motion of the civil prosecutor or any plaintiff in an action based on the same violation.

91009. In determining the amount of liability under Sections 91004 or 91005, the court may take into account the seriousness of the violation and the degree of culpability of the defendant. If a judgment is entered against the defendant or defendants in an action brought under Section 91004 or 91005, the plaintiff shall receive fifty percent of the amount recovered. The remaining fifty percent shall be deposited in the General Fund of the state. In an action brought by the civil prosecutor, the entire amount recovered shall be paid to the general fund or treasury of the jurisdiction.

91010. No request to the civil prosecutor pursuant to Section 91007 shall be made or filed in connection with a report or statement required by Chapter 4 of this title until the time when an audit and investigation could be begun under Section 90002(b).

91011. No action shall be filed under Sections 91004 or 91005 more than two years after the first day on which a request to the civil prosecutor could be filed.

91012. The court may award to a plaintiff or defendant other than an

agency, who prevails in any action authorized by this title his costs of litigation, including reasonable attorney's fees. On motion of any party, a court shall require a private plaintiff to post a bond in a reasonable amount at any stage of the litigation to guarantee payment of costs.

91013. If any person files a statement or report, or a copy of a statement or report, after any deadline imposed by this act, he shall, in addition to any other penalties or remedies established by this act, be liable to the filing officer or other officer with whom the copy is required to be filed for the amount of ten dollars (\$10) per day after the deadline until the statement or report is filed. The officer shall deposit any funds received under this section into the general fund of the jurisdiction of which he is an officer. No liability under this section shall exceed the cumulative amount stated in the late statement or report, or one hundred dollars (\$100), whichever is greater.

91014. Nothing in this chapter shall exempt any person from applicable provisions of any other laws of this state.

SECTION 2: Chapter 1 (commencing with Section 11500) of Division 8 of the Elections Code is repealed.

CHAPTER 1: EXPENDITURES FOR CANDIDATES

Article 1: Definitions

11500. Unless the context otherwise clearly requires, the definitions set forth in this article shall govern the construction of this chapter.

11501. "Candidate" means any person who seeks nomination or election to a federal, state, county, judicial, or district office, or to a municipal office in a general law or chartered city, at any election or primary conducted within this state. "Candidate" also includes persons seeking election to a county central committee at the direct primary election.

11502. "Committee" means a committee or group of persons organized for the purpose or charged with the duty of conducting the election campaign of any political party or of any candidate or group of candidates.

11503. "Campaign statement" means an itemized statement prepared in duplicate by a candidate and by the treasurer of a committee showing under each of the subdivisions of Section 11504:

(a) In detail all moneys paid, loaned, contributed, or otherwise furnished, directly or indirectly, to the candidate or treasurer or for use of the candidate or treasurer in aid of the candidate's nomination or election:

(b) All money contributed, loaned, or expended, directly or indirectly, by the candidate or treasurer or through any other person, in aid of the candidate's nomination or election:

(c) The names of all persons who paid, loaned, contributed, or otherwise furnished such money in aid of the candidate's nomination or election:

(d) The names of all persons to whom such money was contributed, loaned or paid:

(e) The specific nature of each item:

(f) The service performed and by whom any services were performed:

(g) The purpose for which the money was expended, contributed or loaned:

11504. Lawful expenses are expenses for the following purposes only:

(a) For the preparing, printing, circulating, and verifying of nomination papers and for the candidate's official filing fee:

(b) For the personal traveling expenses of the candidate and of campaign personnel:

(c) For rent, furnishing and maintaining headquarters and halls and rooms for public meetings, including light, heat, and telephone:

(d) For payment of the following personnel:

1. Campaign managers.
2. Advertising agencies and publicity agents.
3. Stenographers and clerks.
4. Precinct workers.
5. Speakers.
6. Entertainers.

(e) For the preparing, printing, and posting of billboards, signs and posters:

(f) For the preparing, printing, and distribution of literature by direct mail, including postage, throwaways, and handbills:

(g) For newspaper advertising:

(h) For radio and television advertising and speech time:

(i) For office supplies, precinct lists, postage other than that provided for in subdivision (f), expressage, and telegraphing relative to candidacy:

(j) For making canvasses of voters and public opinion surveys:

(k) For conveying voters to and from the polls:

(l) For supervising the registration of voters:

(m) For watching the polling and counting of votes cast:

(n) For photographs, mats, cuts, art work, and displays:

(o) For petty cash items relative to candidacy:

Article 2: Committees

11530. Each committee shall appoint a treasurer who shall receive, disburse, and keep a true account of all money contributed and disbursed for campaign purposes, and who shall, in the same

manner and on the same type of forms as required of candidates, file a campaign statement. The county clerk, upon request, shall furnish the treasurer with the necessary forms for submitting the campaign statement required of him by this section.

11531. A candidate may act as the campaign treasurer of his committee but may not act as treasurer for another candidate. When acting as a campaign treasurer, the candidate may sign the campaign statement of the committee.

Article 3: Campaign Statements

11560. Except as provided in Section 11561, each candidate and the treasurer of each committee shall make and file a campaign statement following the election or primary, as the case may be:

A campaign statement filed with respect to a primary election shall be verified. The verification shall state that the candidate or treasurer has used all reasonable diligence in its preparation, and that it is true and is as full and explicit as he is able to make it.

11561. A candidate or nominee for a municipal office or for election to the governing body of a district need not file a campaign statement if the lawful receipts and expenses of his campaign do not exceed two hundred dollars (\$200). However, elected candidates or candidates nominated at a primary election shall file a written declaration to that effect if their campaign receipts and expenses do not exceed two hundred dollars (\$200).

11562. If a candidate at any election other than a primary seeks to avoid the responsibility of any illegal payment made by any other person in his behalf, he shall set out that illegal payment in the campaign statement and disclaim responsibility for it.

11563. All candidates for either nomination or election and the treasurer of each committee shall file their campaign statements within 35 days after the election or primary, or not later than the day preceding the day upon which the candidate takes office, whichever first occurs:

11564. Candidates for office to be filled by the voters of the state or of any political division greater than a county, for Members of the Senate or Assembly, Representative in Congress, members of the State Board of Equalization, or judge of the superior court, and treasurers of committees for such candidates, shall file one copy of their campaign statements in the office of the Secretary of State and one copy with the clerk of the county in which the candidate resides:

Candidates for all other offices, except municipal offices, and treasurers of committees for those candidates, shall file one copy of their campaign statements in the office of the clerk of the county wherein the election is held:

Notwithstanding any provision of law to the contrary, the treasurer of the state central committee of each political party shall file a campaign statement only in the office of the Secretary of State:

11565. No officer shall issue any certificate of nomination or election to any person until his campaign statement or the written declaration required in Section 11561 has been filed. No other statement of expenses shall be required. The officer with whom campaign statements or written declarations must be filed pursuant to Sections 11564, 11568, or 11560 shall send to the candidate, not more than three days after the election, the necessary forms for submitting his campaign statement:

11566. No fee or charge shall be made or collected by any officer for the verifying, filing, or recording of any campaign statement:

11567. Campaign statements shall be held by the officer with whom they are filed during the term of office for which they are filed and for four years after the expiration of the term. Thereafter they may be destroyed by that officer:

11568. Candidates for municipal offices and treasurers of committees for those candidates shall file their campaign statements, or written declarations as required in Section 11561, in the office of the clerk of the city in which the election is held:

Article 4: Lawful Expenses

11590. Neither a candidate nor committee nor any body of superior authority to which the committee is subject, whether before, during or after an election or primary, may directly or indirectly pay, expend or contribute any money or other valuable thing, or promise so to do, except for lawful expenses:

11591. No payment of money shall be made by a committee or candidate for the rent of any premises to be used as a committee room or headquarters, for holding a meeting, for the purpose of promoting the election or nomination of a candidate, or on account of or in respect to the conduct or management of an election, where alcoholic beverages are sold for consumption on the premises or are supplied to members of any club, society or association:

Nothing in this section applies to any part of the premises which is ordinarily lot for the purposes of offices or for holding public meetings, if that part has a separate entrance and no direct communication with any part of the premises on which any alcoholic beverages are sold or supplied:

11592. Every bill, placard, poster, pamphlet or other printed matter having reference to an election or to any candidate shall bear upon its face the name and address of the printer and publisher:

No payment therefor shall be made or allowed unless the name and address is so printed:

Article 5. Prepayment and Payment of Claims

11690. Every claim payable by a committee on account of or in respect to any expense incurred in the conduct and management of an election held within this State or on behalf of the candidates of the political party, organized assemblies, or body which the committee represents shall be presented to the committee within 15 days after the election. If not so presented, the claim shall not be paid, and no action shall be commenced or maintained on it.

11691. All expenses incurred by and properly presented to a committee shall be paid within 65 days after the election and not otherwise.

11692. Every claim for expenses incurred by or on behalf of a candidate for the conduct or management of an election held within this State shall be presented to the candidate within 10 days after the day of election. If not so presented the claim shall not be paid, and no action shall be commenced or maintained on it.

11693. All expenses incurred by and properly presented to a candidate shall be paid within 65 days after the day of election and not otherwise.

11694. Any person who makes a payment in contravention of this article is guilty of a misdemeanor.

11695. The superior court of the county in which a campaign statement is filed or is required to be filed may, on the completion of proper proceedings by either the committee or candidate or a creditor of either, allow:

(a) A campaign statement to be filed after the time limits specified in this chapter.

(b) An incorrect campaign statement to be corrected.

(c) Any claim to be presented and paid after the time limits prescribed by this article.

11696. If the application is made by a creditor, the court may, under like conditions and upon a like showing, order the claim to be paid. A creditor is entitled to his costs.

11697. The claims of one or more creditors may be united in the same application, but the amount and specific nature of each claim shall be fully stated.

11698. A person may obtain from the superior court the relief specified in Section 11695 if he shows by competent evidence that the failure to comply with this article was occasioned not by any want of good faith on the part of the applicant but by:

(a) The absence, illness or death of the candidate;

(b) The absence, illness or death of the treasurer of the campaign committee;

(c) The misconduct of any person other than the applicant;

(d) Inadvertence or excusable neglect;

(e) Any other reasonable cause.

11699. Proper proceedings, as used in this article, consist of:

(a) The filing of an application in the office of the clerk of the superior court showing facts sufficient to entitle the applicant to relief.

(b) Such notice of the application as the court may require.

(c) Satisfactory proof by competent evidence of the allegations of the application.

11699. An order of the superior court relieves the applicant from any liability or consequences under this chapter in respect of the matters executed by the order.

11691. After an order by a superior court allowing a claim to be paid, and after payment, the committee or candidate shall file in the same office as the original campaign statement of the committee or candidate was filed:

(a) An amended campaign statement in the same form and containing the same information, as supplemented, as the original campaign statement;

(b) A certificate of its allowance;

SECTION 3. Chapter 2 (commencing with Section 11800) of Division 8 of the Elections Code is repealed.

CHAPTER 2. EXPENDITURE MADE FOR OR AGAINST MEASURES

Article 1. Definitions

11800. Unless the context otherwise clearly requires, the definitions set forth in this article shall govern the construction of this chapter.

Notwithstanding Section 19, the word "measure," as used in this chapter, is defined as any constitutional amendment or other proposition submitted to a popular vote at any election, including any initiative, referendum or recall petition, whether or not it qualifies for the ballot.

11801. "Association" means any person, committee, firm, association, public or private corporation, or other group of persons, whether incorporated or not, that for the payment of expenses in a campaign to influence the action of the voters for or against the creation or adoption of any measure voted upon at a statewide, county, district, or municipal election does either or both of the following:

(a) Collects, raises, or receives money or promises of money aggregating from all sources more than one thousand dollars (\$1,000);

(b) Expends more than one thousand dollars (\$1,000) of its own money or funds.

11802. "Expense" means the cost of:

(a) Securing signatures to initiative, referendum or recall petitions;

(b) Circulating initiative, referendum or recall petitions;

(c) Holding and conducting public meetings;

(d) Printing and circulating prior to an election:

(1) Specimen ballots;

(2) Handbills;

(3) Cards;

(4) Other papers;

(5) Advertisings;

(6) Postage;

(7) Expenses;

(8) Telephoning;

(9) All salaries and expenses of:

(1) Campaign managers;

(2) Lecturers;

(3) Solicitors;

(4) Agents;

(5) All persons employed in transacting business at headquarters or branch offices;

(6) Maintaining headquarters and branch offices;

(7) Renting of rooms for the transaction of the business of an association.

11803. "Treasurer" means the treasurer, manager, secretary, agent, board of trustee, board of directors or other person who is charged with, or assumes, as the sole member of the association, the work, duty, or responsibility of collecting, managing or expending the funds of an association.

Article 2. Filing of Statements

11820. Not later than 25 days after a measure has been qualified for the ballot by the Secretary of State, the proponents shall, under penalty of perjury, file a statement of receipts and expenses as defined in this chapter.

11820. Not more than 45 days nor less than 10 days prior to an election, every association shall file a statement of receipts and expenses.

11821. Every statement of receipts and expenses required to be filed under this article shall be itemized, detailed, and verified. Statements relating to measures voted on at statewide elections shall be filed, in triplicate, in the office of the Secretary of State; statements relating to measures voted on at county elections shall be filed in the office of the county clerk of the county where the election is held; and statements relating to measures voted on at municipal elections shall be filed in the office of the city clerk of the city where the election is held.

As used in this section "county clerk" does not mean registrar of voters.

Blank forms for the preparation of statements relating to measures to be voted on at statewide, county, and municipal elections shall be furnished by the Secretary of State, the county clerk, and the city clerk, respectively.

11822. Every statement of receipts and expenses required to be filed under this article shall show:

(a) The name and address of the association and its treasurer.

(b) The name and address of each person, firm or corporation that has contributed, promised, loaned or advanced to the association

the statement or for its use directly or indirectly any money or the equivalent of money aggregating in value the sum of twenty-five dollars (\$25) or more and the amount or sum contributed, promised, loaned or advanced by each.

(c) The total sum contributed, promised, loaned or advanced directly or indirectly in amounts of less than twenty-five dollars (\$25) to the filing association or for its use.

(d) The total sum contributed, promised, loaned or advanced by the filing association from its own funds or money, or contributed, promised, loaned or advanced directly or indirectly from all sources, regardless of the amount of single or individual contributions or for the use of the filing association.

(e) The name and address of each person, firm or corporation to whom or to which the association has contributed, disbursed, distributed, loaned, advanced, or promised any sum of money or the equivalent of money in the amount of ten dollars (\$10) or more and in the amount so contributed, disbursed, distributed, loaned, advanced or promised in each instance.

(f) The total sum contributed, disbursed, distributed, loaned, advanced or promised by the association to any person, firm or corporation in amounts of less than ten dollars (\$10), each.

(g) The total sum contributed, disbursed, distributed, loaned, advanced or promised by the association to any and all persons for any and all expenses whatsoever.

11823. Not more than 10 nor less than seven days prior to an election, every association or the treasurer of every association shall file a statement of receipts and expenses.

(4v) Showing, as of the date of filing, all information not included in the previous statement.

(4b) Containing and including a recapitulation showing the totals of the various receipts and expenses.

1162v. Within 30 days next succeeding the date of the election, each association or the treasurer of each association shall file a statement of receipts and expenses.

(4v) Showing, as of the date of filing, all information not included in either previous statement.

(4b) Containing and including a recapitulation showing the totals of the various receipts and expenses.

1163v. If any petition does not qualify for the ballot, the association circulating that petition shall file a statement of receipts and expenses within 25 days after the final deadline for circulating the petition.

Article 2. Disposition of Statements by Secretary of State

1166v. Upon the filing in triplicate of the respective statements required by this chapter to be filed with the office of the Secretary of State, the Secretary of State shall forthwith transmit one of the triplicate copies to the county clerk of Los Angeles County and one of the triplicate copies to the county clerk of the City and County of San Francisco.

As used in this section "county clerk" does not mean registrar of voters.

1166t. The Secretary of State shall furnish like copies of the statements required by this chapter to be filed with the office of the Secretary of State, to any other county clerk upon demand.

1166r. The copies of statements furnished to county clerks as provided in this article and the statements required to be filed under this chapter shall be kept on file and shall be open to public inspection.

Article 4. Civil Penalties

1169v. In addition to any other penalties prescribed, each association, whether an individual or a group of persons, incorporated or unincorporated, and each treasurer, managing or disbursing officer or agent of an association that violates any provision of this chapter is liable to a penalty of one thousand dollars (\$1,000) to be recovered in a civil action brought by any citizen of the State.

1169t. Not more than one civil penalty may be recovered for a single offense.

1169r. No statute of limitations applies to the bringing of an action under this article.

SECTION 4. Section 12053 of the Elections Code is repealed.

1169s. Every person is guilty of a misdemeanor who violates any of the provisions of Chapter 1 (commencing at Section 11609) of this division.

SECTION 5. Division 4.5 (commencing with Section 3600) of Title 1 of the Government Code is repealed.

DIVISION 4.5. GOVERNMENTS OF INTEREST

CHAPTER 1. GENERAL PROVISIONS

360v. The Legislature finds and declares as follows:

(4v) The people have a right to expect from their elected and appointed representatives at all levels of government assurances of the utmost in integrity, honesty and fairness in their dealings.

(4b) The people further have a right to be assured to the fullest extent possible that the private financial dealings of their governmental representatives, and of candidates for those offices, present no conflict of interest between the public trust and private gain; and

(4c) The representative form of government is founded upon a belief that those entrusted with the offices of government have nothing to fear from full public disclosure of their financial and business holdings, provided those officials deal honestly and fairly with the people.

To those ends, the Legislature enacts this division: The Legislature hereby intends to assist, to the extent necessary, public confidence in government at all levels, by assuring the people of the impartiality and honesty of their officials in all governmental transactions and decisions.

The provisions of this division are to be construed liberally, to the end that the public interest be fully protected.

360t. As used in this division, the term "public agency" means the state, a city, a county, a city and county, or a district; or any subdivision, department, board, commission, body or agency of the foregoing; and includes any public corporation or public authority. The term "public agency" does not include a commission or board the functions of which are purely advisory in nature.

360r. As used in this division, the term "corporation" does not include a charitable corporation which qualifies for exemption from the corporation tax under Section 69701d of the Revenue and Taxation Code.

360s. As used in this division, the term "investments" means a real property held for income or gain, and does not include a home or property used primarily for personal or recreational purposes.

360k. As used in this division, the term "ownership of shares" and the term "investments," respectively, include shares and investments owned by either spouse or by a minor child thereof, by a corporation in which the ownership of shares exceeds 25 percent, or by a trust under which either spouse, or a minor child thereof, is trustee. If the trust is revocable, is a beneficiary, or holds a reversionary interest.

360j. As used in this division, "public officer" means a Member of the Legislature, a Secretary of the Governor, the Chief Clerk and the Sergeant at Arms of the Assembly, the Secretary and the Sergeant at Arms of the Senate, an administrative aide or committee consultant of the Legislature, a constitutional officer, and any other officer of a public agency, and includes civil servants in a public agency who are classified as career executives, and the appointive or civil servant employee of the highest class or grade in each department, bureau, division, or other administrative subdivision of a public agency, as defined in regulations adopted by the public agency, but does not include other civil servants in a public agency.

360i. As used in this division, the term "business entity" includes any partnership, joint venture, sole proprietorship or any other corporate or noncorporate enterprise, other than a charitable corporation described in Section 360h.

360f. To the extent that any provision of this division imposes stricter limitations on the disclosure of ownership of shares in a corporation, or the disclosure of political contributions, than provided elsewhere with regard to particular public offices or public agencies, the provisions of this division shall prevail.

To the extent that any other provision of law imposes stricter limitations on the disclosure of ownership of shares in a corporation, or the disclosure of political contributions, with regard to particular public offices or public agencies, than provided in this division, such provision of law shall prevail.

CHAPTER 2. DISCLOSURE OF FINANCIAL INTERESTS

370v. Prior to the 15th of April of each year, every public officer shall file, as a public record, a statement describing the nature and extent of his investments, including the ownership of shares in any corporation or the ownership of a financial interest in any business entity, which is subject to regulation by any state or local public agency, if such investment is in excess of ten thousand dollars (\$10,000) in value at the time of the statement.

370t. Any person who filed a statement under Section 370v in the preceding year may comply with the requirements of Section 370v by filing a supplemental statement listing only the changes in the nature and extent of his investments, including the ownership of shares in any corporation or the ownership of a financial interest in any business entity, or stating that no changes occurred if such is the case.

370e. Each candidate as defined in Section 375d for state or local public office, within 10 days after he files his declaration of candidacy or declaration of acceptance, shall file, as a public record, a statement identical to the statement required by Section 370v.

370d. Candidates and elected officials required to file statements under this chapter shall file in the same place specified in Section 6950 of the Elections Code for the filing of nomination papers. Other state officials and employees required to file statements under this chapter shall file with the Secretary of State. Other local officials and employees required to file statements under this chapter shall file with the county clerk in the county in which they reside.

370c. Any person who violates a provision of this chapter is guilty of a misdemeanor, and any person who violates a provision of this chapter with the knowledge of the unlawfulness of such act or omission is guilty of a felony.

CHAPTER 3. POLITICAL CONTRIBUTIONS

375v. Each candidate for state or local public office, and each political committee supporting such candidate, shall file, as a public record, two cumulative statements naming each person or organization from whom a contribution or contributions have been received that total more than five hundred dollars (\$500) and that have been or may be expended on behalf of his campaign, together with the specific amounts contributed by each person or organization.

Statements for candidates for state office shall be filed with the Secretary of State, and statements for candidates for local office shall be filed with the county clerk of the county in which the candidate resides.

375t. Statements required under Section 375v shall be filed at the following times:

(4v) Between 60 and 25 days prior to the election.

(4b) Between 30 and 25 days after the election.

375d. A statement required under subdivision (4) of Section 375t may be combined with a campaign statement as defined in Section 11503 of the Elections Code.

375c. As used in this chapter:

(4v) The term "contribution" means a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution. The term "contribution" includes the services of an employee donated by an employer, in which case the contribution shall be listed in the name of the employer.

(b) The term "expenditure" means a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(c) The term "political committee" means any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates, or any duly authorized committee or subcommittee of a political party whether national, state, or local.

The term "political committee" does not include any committee formed by a business corporation or enterprise, or group of business corporations or enterprises, which regularly solicits political contributions from officers or employees and which makes such contributions available to political candidates on a bipartisan basis, provided that the amounts contributed by it to each political candidate shall be set forth by the candidate in his statements required under Section 3751.

(d) The term "candidate" means any person who seeks nomination or election to a state, county, judicial, or district office, or to a municipal office in a general law or chartered city, at any election or primary conducted within this state. "Candidate" also includes persons seeking election to a county central committee at the direct primary election.

3754. Any person who violates a provision of this chapter is guilty of a misdemeanor and any person who violates a provision of this chapter with the knowledge of the unlawfulness of such act or omission is guilty of a felony.

SECTION 6: Sections 3566, 3566.3, 3568, 3569, 3570, 3571 and 3572 of the Elections Code are repealed.

3566. Whenever any measure qualifies for a place on the ballot the Secretary of State shall transmit a copy of the measure to the Legislative Council. The Legislative Council shall prepare an impartial analysis in general terms showing what effect a Yes and No vote will have on the measure and an impartial detailed analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis in general terms shall be printed in the first part of the ballot pamphlet between the ballot title and the arguments for and against the measure immediately following the number and title of each measure and shall be set clearly apart from the arguments for and against the measure and shall conclude with the statement for further details see below. The detailed analysis shall be printed in the ballot pamphlet between the general analysis and the arguments for and against the measure. The length of the general analysis shall not exceed 100 words. The length of the detailed analysis shall not exceed 500 words except with the approval of the State Board of Control.

3566.3. Whenever any measure qualifies for a place on the ballot the Secretary of State shall transmit a copy of the measure to the Legislative Analyst. The Legislative Analyst shall prepare an impartial financial analysis of the measure, which shall include the amount of any increase or decrease in revenue and/or cost to state and/or local government. The analysis shall be made of the measure as it is proposed to be adopted, without further implementing legislation, unless such implementing legislation has been enacted and will become effective by reason of the adoption of the measure by the voters. The analysis shall fairly portray the fiscal effects of the measure for the first full year of implementation and the first year when the last provisions to be implemented are fully effective. The title of the measure which appears on the ballot shall be amended to contain a summary of the Legislative Analyst's estimate of the net state and local government financial impact. The Legislative Analyst shall consult with the Director of Finance and the Chairmen of the Committees on Revenue and Taxation of the Senate and of the Assembly, or their designees, in preparing the financial analysis. For purposes of this section, any measure which has no provisions which are self-executing shall be deemed to have no financial effect, unless implementing legislation has been enacted which will become effective by reason of the adoption of the measure by the voters. The analysis shall be printed in the ballot pamphlet alongside the Legislative Counsel's detailed analysis and shall not exceed 750 words.

3568. The ballot pamphlets shall contain:

- (a) A complete copy of all measures submitted to the voters by:
 - (1) The Legislature.
 - (2) Initiative or referendum petition.
- (b) A copy of the specific constitutional or statutory provision, if any, proposed to be affected.
- (c) A copy of the arguments provided for by law.
- (d) The following statement on the front cover of the ballot pamphlet:

"Arguments in support or opposition of the proposed laws are the opinions of the authors."

(e) A copy of the analyses provided for in this chapter.

(f) The Legislative Counsel's Digest of all statutes which become effective upon approval by the voters of a proposed constitutional amendment, and in addition, a notification to voters that the

complete text of each bill is on record in the office of the Secretary of State in Sacramento and is also contained in the published statutes.

3569. The ballot pamphlets shall be printed in two parts, separately paged and may be separately bound. The first part, which shall consist of the analyses of, and arguments for and against the measures in the same order in which they are to appear upon the ballot, shall be printed in not less than eight-point type, indicated in boldface with respect to the analyses of the measures; shall be preceded by the numbers and ballot titles provided for in this chapter, and shall in each case be preceded by a reference, printed in blackface type, to the page on which begins the text of the measure as printed in the second part of the pamphlet.

The following statement shall be printed on the front cover of the first part of the ballot pamphlet:

"Arguments in support or opposition of the proposed laws are the opinions of the authors."

The Legislative Counsel's Digests of all statutes which are to become operative upon approval of a constitutional amendment submitted by the Legislature shall also be a part of the first part of the ballot pamphlet. They shall be printed in the same manner as the analyses and arguments concerning measures on the ballot.

3570. The second part of the pamphlet shall be designated as the appendix, shall begin with page numbered one, shall be printed in eight-point type, and shall contain, in the same order and with the same numbers and ballot titles as provided in this chapter, the text, existing provisions of law affected, and all other matter connected with the proposed measures, except the arguments to be printed in the first part of the pamphlet. The provisions of law affected shall be distinguished in print, so as to facilitate comparison.

3571. All measures submitted to the voters shall be printed in the ballot pamphlets, so far as possible, in the same order, manner and form in which they are designated upon the ballot. The ballot titles shall be numbered consecutively and printed in the ballot pamphlets immediately prior to the particular measure to which each refers. There shall also be printed in the pamphlets the copy of the ballot title as it will appear on the ballots. The certification of the correctness of the pamphlet by the Secretary of State shall be printed therewith.

3572. The ballot pamphlet need not contain:

- (a) An index to the arguments;
- (b) An index to the measures;
- (c) A list of the ballot titles as they will appear on the ballot;
- (d) A recapitulation of amendments to the Constitution; new laws and amendments to existing laws;
- (e) A summary of measures submitted to electors; or
- (f) A list showing the order of measures on the ballot and the page on which they appear in the pamphlet.

SECTION 7: Chapter 8 (commencing with Section 9900) of Part 1 of Division 2 of Title 2 of the Government Code is repealed.

CHAPTER 8. REGULATION OF LEGISLATIVE REPRESENTATION

9900. When used in this chapter

(a) The term "contribution" includes a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

(b) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(c) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

(d) The term "committee" means the Joint Rules Committee.

(e) The term "legislation" means bills, resolutions, amendments, nominations, and other matters pending or proposed in either house of the Legislature, and includes any other matter which may be the subject of action by either house.

(f) The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors, or any duly authorized committee or subcommittee of a political party whether national, state, or local.

9901. (a) It shall be the duty of every person who shall in any manner solicit or receive a contribution to any organization or fund for the purposes hereinafter designated to keep a detailed and exact account of

- (1) All contributions of any amount or of any value whatsoever;
- (2) The name and address of every person making any such contribution of one hundred dollars (\$100) or more and the date thereof;
- (3) All expenditures made by or on behalf of such organization or fund; and
- (4) The name and address of every person to whom any item of

expenditure exceeding twenty-five dollars (§925) is made and the date thereof.

(b) It shall be the duty of such person to obtain and keep a receipted bill stating the particulars for every expenditure of such funds exceeding twenty-five dollars (§925) in amount, and to preserve all receipted bills and accounts required to be kept by this section for a period of at least two years from the date of the filing of the statement containing such items.

(c) Every individual who receives a contribution of one hundred dollars (\$100) or more for any of the purposes hereinafter designated shall within five days after receipt thereof render to the person or organization for which such contribution was received a detailed account thereof including the name and address of the person making such contribution and the date on which received.

(d) Every person receiving any contributions or expending any money for the purposes designated in subparagraph (b) or (c) of Section 9005 of this chapter shall file with the committee between the 1st and 10th day of each calendar month succeeding a month during any part of which the Legislature was in session and at other times during the year between the 1st and 10th day of the month next following the close of each calendar quarter, provided that the statement filed in January shall be cumulative for the next preceding calendar year, a statement containing complete as of the day next preceding the date of filing.

(e) The name and address of each person who has made a contribution of one hundred dollars (\$100) or more not mentioned in the preceding report, except that the first report filed pursuant to this chapter shall contain the name and address of each person who has made any contribution of one hundred dollars (\$100) or more to such person since the effective date of this chapter.

(f) The total sum of the contributions made to or for such person during the calendar year and not stated under paragraph (1);

(g) The total sum of all contributions made to or for such person during the calendar year;

(4) The name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of twenty-five dollars (§925) or more has been made by or on behalf of such person; and the amount, date, and purpose of such expenditure;

(5) The total sum of all expenditures made by or on behalf of such person during the calendar year and not stated under paragraph (1);

(6) The total sum of expenditures made by or on behalf of such person during the calendar year.

(b) The statements required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

9004. A statement required by this chapter to be filed with the committee

(a) Shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the committee, Sacramento, California; but in the event it is not received, a duplicate of such statement shall be properly filed upon notice by the committee of its nonreceipt.

(b) Shall be preserved by the committee for a period of two years from the date of filing, shall constitute part of the public records of the committee, and shall be open to public inspection.

9005. The provisions of Sections 9001 to 9005, inclusive, shall apply to any person, except a political committee, who by himself, or through any agent or employee or other persons in any manner whatsoever, directly or indirectly, solicits, collects, or receives money or any other thing of value to be used, principally, to aid, or the principal purpose of which person is to aid, in the accomplishment of any of the following purposes:

(a) The passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California.

(b) To influence, directly or indirectly, the passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California.

9006. (a) Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California shall, before doing anything in furtherance of such object, register with the committee and shall give to such committee a recent three-inch by four-inch black-and-white photograph of himself and, in writing and under oath, his full legal name and business address, the name and address of the person by whom he is employed, and in whose interest he appears or works, the duration of such employment, how much he is paid and is to receive, by whom he is paid or is to be paid, how much he is to be paid for expenses, and what expenses are to be included. He shall also, at the time of registering, submit to the committee a written authorization from each person by whom he is employed to act in furtherance of such object. Such person shall again register at each succeeding regular session of the Legislature and again submit at that time the

information and authorization required by this subdivision (a), unless he at that time is no longer engaged for pay or other consideration for the purposes hereinabove specified.

(b) Each such person so registering shall, between the 1st and 15th day of each calendar month, so long as his activity continues, file with the committee a detailed report under oath of all money received and such expenditure of twenty-five dollars (§925) or more during the preceding calendar month in carrying on his work, to whom paid, for what purpose, the total of all expenditures during the preceding calendar month, and the names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials, and the proposed legislation he is employed to support or oppose. The provisions of this section shall not apply to any person who merely appears before a committee of the Legislature of the State of California in support of or opposition to legislation, nor to any state official acting in his official capacity, nor to any elected public official acting in his official capacity, nor in the case of any newspaper or other regularly published periodical, radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical, radio or television station) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislation; if such newspaper, periodical, radio or television station or individual engages in no further or other activities in connection with the passage or defeat of such legislation, other than to appear before a committee of the Legislature of the State of California in support of or in opposition to such legislation, nor to a person when representing a bona fide church solely for the purpose of protecting the public right to practice the doctrines of such church.

(c) All information required to be filed under the provisions of this section with the committee and not previously published shall be compiled by the committee as soon as practicable after the close of the calendar month with respect to which such information is filed and shall be printed in the journal of the house of the chairman of the committee within the week immediately preceding final adjournment at each regular session.

(d) In addition to the requirements of subdivision (a), no person subject to that subdivision shall attempt to influence the passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California, unless he shall have received the certificate of registration provided for by subdivision 1 of Section 9009.

9006.05. Registration within 30 days immediately preceding a regular session of the Legislature shall be deemed a registration at that regular session as required by Section 9006.

9006.1. If any person registered or required to be registered under Section 9005 hereof employs or requests, recommends, or causes his employer to employ, and such employer does employ, any Member of the Legislature, or any attaché of the Legislature, or any full-time state employee, in any capacity whatsoever, he shall file a statement under oath with the same officers with whom he registered under Section 9006, setting out the nature of the employment, the name of the person to be paid thereunder, and the amount of pay or consideration to be paid thereunder. If the Legislature is in session at the time of such employment, the statement shall be filed within five days after such employment; and if the Legislature is not in session, it shall be filed within 10 days after the convening of the next session of the Legislature.

9006.2. It shall be unlawful for any person to employ for pay or any consideration, or pay or agree to pay any consideration to, a person to engage in activities for the purpose of influencing the passage or defeat of any legislation or the approval or veto of any legislation who is not registered under Section 9006 except upon condition that such person register forthwith.

9006.5. No person shall make any agreement whereby any compensation or thing of value is to be paid to any person contingent upon the passage or defeat of any legislation, or the approval or veto of any legislation by the Governor of California. No person shall agree or undertake to promote, advocate, oppose or influence legislation or to communicate with Members of the Legislature, or to advocate approval or veto by the Governor of California for a consideration to be paid upon the contingency that any legislation is passed or is defeated.

9007. All reports and statements required under this chapter shall be made under oath, before an officer authorized by law to administer oaths.

9008. (a) Any person who violates any of the provisions of the foregoing sections of this chapter, and any person who willfully files any document provided for in this chapter that contains any materially false statement or material omission, or any person who willfully omits to comply with any material requirement of the foregoing sections of this chapter, shall be guilty of a misdemeanor, and shall be punished by a fine of not more than five thousand dollars (§5000) or imprisonment for not more than 18 months, or by both such fine and imprisonment.

(b) In addition to the penalties provided for in subsection (a), any person convicted of the misdemeanor specified therein is prohibited, for a period of three years from the date of such conviction, from attempting to influence, directly or indirectly, the passage or defeat of any proposed legislation or from appearing before a committee of the Legislature in support of or opposition to proposed legislation; and any person who violates any provision of this subsection shall, upon conviction thereof, be guilty of a felony, and shall be punished by a fine of not more than ten thousand dollars (\$10,000), or imprisonment for not more than five years, or by both such fine and imprisonment.

9000. It shall be the duty and responsibility of the respective houses of the Legislature, and they are each vested with the power, through an appropriately established joint committee or individual committees thereof, as they shall determine:

1. To grant certificates of registration as legislative advocate to all persons registering under, and supplying the information in connection therewith as provided in Section 9006 who, after such investigation and submission of such proof as the committees deem proper, have been found to be of good moral character particularly as evidenced by never having been guilty of conduct proscribed by Section 9010 and specifically by subparagraphs 2, 3, 4, 6, and 8 of Section 9010 and who have filed the written authorization required.

2. To revoke or suspend the certificate of registration of any legislative advocate who has been convicted of violating any of the provisions of this chapter or who, after a hearing, has been found by either house of the Legislature or an authorized committee thereof to have violated any of the provisions of this chapter or to have willfully failed to perform the obligations of a legislative advocate as set forth in this chapter.

3. On their own motion, on the verified complaint of any Member of the Legislature, or upon the verified complaint of any other person, to investigate or cause to be investigated the activities of any legislative advocate or of any person who they have reason to believe or who it is alleged is or has been acting as a legislative advocate.

4. In making any investigation or in holding any hearing, to take and hear evidence, administer oaths, and compel by subpoena the attendance of witnesses and the production of books, papers, and documents.

5. To require any person who attends upon any legislative session for any considerable period of time and communicates with Members of the Legislature but who fails to register, or any person, who if registered, regularly fails to appear at committee meetings at which legislation affecting his employer is considered, to appear before either house of the Legislature or an authorized committee thereof and explain his purpose in attending upon the legislative session and advise them of the interests for whom he acts and the methods he employs in promoting, advocating, opposing or influencing the passage or defeat of legislation.

6. To recommend from time to time such amendments to this chapter, or such other proposals as in their opinion would be conducive to the proper conduct of legislative business without infringing upon the right of all persons to present to the Legislature their views through agents or agencies of their own choosing.

7. To report to the appropriate law enforcement officers any violation of this chapter or of Section 15 of Article IV of the California Constitution or of Sections 85 and 86 of the Penal Code or of Section 9054 or 9056 of this code or of related provisions of law.

8. In addition to any other powers conferred by this section the appropriately established committees may revoke the certificate of registration required by subdivision (d) of Section 9006 for failure to file the reports required by subdivision (b) of Section 9006, except that no certificate shall be revoked within 90 days of a failure to file such a report, for failure to file such report, if, prior to the last day for filing such reports, the appropriately established committee has been informed, in writing, of extenuating circumstances justifying such failure.

9010. A legislative advocate has the following obligation, violation of which constitutes cause for revocation or suspension of a certificate of registration, but shall not unless otherwise provided by law subject a legislative advocate to any other civil or criminal liability:

1. Not to engage in any activity as a legislative advocate unless he be registered as a legislative advocate, and not to accept compensation for acting as a legislative advocate except upon condition that he forthwith register as a legislative advocate.

2. To abstain from doing any act with the express purpose and intent of placing any Member of the Legislature under personal obligation to him or to his employer.

3. Never to deceive or attempt to deceive any Member of the Legislature of any material fact pertinent to any pending or proposed legislation.

4. Never to cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its passage or defeat.

5. To abstain from soliciting any employment as a legislative advocate except on the basis of his experience, or knowledge of the business or field of activity in which his proposed employer is engaged or is interested.

6. To abstain from any attempt to create a fictitious appearance of public favor or disfavor of any legislative proposal or to cause any communication to be sent to any Member of the Legislature, the Lieutenant Governor, or the Governor, in the name of any fictitious person or in the name of any real person, except with the consent of such real person.

7. Not to encourage the activities of or to have any business dealings relating to legislation or the Legislature with any person whose registration to act as a legislative advocate has been suspended or revoked.

8. Not to represent, either directly or indirectly, through word of mouth or otherwise, that he can control or obtain the vote or action of any Member or committee of the Legislature, or the approval or veto of any legislation by the Governor of California.

9. Not to represent an interest adverse to his employer nor to represent employers whose interests are known to him to be adverse.

10. To retain all books, papers, and documents necessary to substantiate the financial reports required to be made under this chapter for a period of two years.

9011. For the purposes of Sections 9000 and 9010, the term "legislative advocate" includes any person registered or required to be registered under Section 9006.

INDEX

MEASURES

	Page
BOND ACTS	
Clean Water (Proposition 2).....	8
Recreational Lands (Proposition 1).....	4
Veterans (Proposition 3).....	12
CONSTITUTIONAL AMENDMENTS	
Highways and Mass Transit Guideways (Proposition 5).....	20
Public Legislative Proceedings (Proposition 6).....	24
Reassessment of Property (Proposition 4).....	16
Sacramento County-Cities Consolidation (Proposition 8).....	30
State Civil Service Exemptions (Proposition 7).....	26
INITIATIVE	
Political Reform (Proposition 9).....	34

SUBJECT

	Page
Clean Water Bonds (Proposition 2).....	8
Highways and Mass Transit Guideways Bonds (Proposition 5).....	20
Political Reform Initiative (Proposition 9).....	34
Public Legislative Proceedings (Proposition 6).....	24
Reassessment of Property (Proposition 4).....	16
Recreational Lands Bonds (Proposition 1).....	4
Sacramento County-Cities Consolidation (Proposition 8).....	30
State Civil Service Exemptions (Proposition 7).....	26
Veterans Bonds (Proposition 3).....	12

CERTIFICATE OF SECRETARY OF STATE

I, Edmund G. Brown Jr., Secretary of State of the State of California, do hereby certify that the foregoing measures will be submitted to the electors of the State of California at the PRIMARY ELECTION to be held throughout the State on June 4, 1974, and that the foregoing pamphlet is correct.

Witness my hand and the Great Seal of the State,
at office in Sacramento, California, this eighth day of
March, 1974.



Edmund G. Brown Jr.
EDMUND G. BROWN JR.
Secretary of State