Office of the Attorney General Initiative Coordinator 1300 I Street Sacramento, CA 95814



INITIATIVE COORDINATOR ATTORNEY GENERAL'S OFFICE

Dear Initiative Coordinator:

Pursuant to Elections Code Section 9002 and 9004, we hereby request that your office prepare a title and summary of the chief purpose and points of the attached measure. The text of the amended measure is enclosed, along with a check in the amount of \$200.

Attached is a signed statement certifying that we will not willfully allow initiative signatures to be used for purposes other than qualification of the measure as required by Election Code Section 9608. Also attached is the addresses at which we are registered to vote.

Please direct all correspondence and inquiries regarding this measure to:

Bucher & Palmer LLP 18002 Irvine Blvd., Ste 108 Tustin, CA 92780 Phone: (714)573-2201

Fax: (714)619-6878

Sincerely,

Mark W. Bucher

Proponent

Dawn M. Wildman Proponent

Allan R. Mansoor Proponent

Lawrence D. Sand Proponent

Mark J. Meckler Proponent

Enclosures

STATE OF CALIFORNIA INITIATIVE CONSTITUTIONAL AMENDMENT

SECTION ONE: FINDINGS AND DECLARATIONS.

The people of the State of California find and declare that:

- (a) Public agencies commonly take deductions from the wages, earnings or compensation of public employees and transmit them to public labor organizations, which use them for political activities.
- (b) In taking such payroll deductions from public employees for use in political activities, public agencies are unfairly and improperly brought into the political process by assisting certain organizations that receive such payroll deductions while not providing the same benefit to organizations that do not receive such funds.
- (c) Taking payroll deductions from public employees for such purposes is also unfair to public employees who do not agree with the political activities of the organizations receiving such funds, who prefer to engage in political activities directly or who do not want their wages used for political purposes at all.
- (d) The principal recipients of payroll deductions from public employees used for political activities are labor organizations that represent public employees.
- (e) The State of California has a strong interest in avoiding the reality or appearance of government favoritism or entanglement with partisan politics.
- (f) Public employees, like all citizens, have a strong interest in choosing which political causes to support with their own earnings, and the State of California has a strong interest in affording its employees the opportunity to choose which political activities or candidates to support.

SECTION TWO:

Section 12 of Article VII of the California Constitution is added to read:

- SEC. 12. (a) It shall be unlawful to deduct from the wages, earnings or compensation of a public employee any amount to be used for political activities.
- (b) No public labor organization or other membership organization that receives funds deducted from the wages, earnings or compensation of public employees may use any portion of those funds for political activities.
- (c) Nothing in this Section shall prohibit a public employee from making donations for political activities, provided those donations are not deducted from the public employee's wages, earnings, or compensation or are otherwise prohibited by law.
- (d) Nothing in this Section shall prohibit any public labor organization or other membership organization from contributing to or conducting political activities, as long as the funds for the contributions or political activities do not originate from deductions taken from the wages, earnings or compensation of public employees.

(e) Nothing in this Section shall prohibit deductions for retirement, health, life or disability insurance, or any optional benefit intended to directly benefit an individual public employee or the public employee's immediate family, nor shall it prohibit the public employee's voluntary deduction of payments to charitable organizations organized under Title 26 United States Code section 501(c)(3).

(f) DEFINITIONS. As used in this Section:

- (1) "Public agency" means the State of California and every governmental subdivision of the state, every district, every public and quasi-public corporation, every public service corporation, every town, city, county, city and county and municipal corporation, whether incorporated or not and whether chartered or not, police and sheriff departments, fire departments, fire authorities and fire services of counties or cities, every school district and county board of education.
- (2) "Public employee" means any person employed by any public agency.
- (3) "Political activities" means making contributions to, or independent expenditures in support of or opposition to, any candidate, political party or political committee including contributions or expenditures in support of or opposition to the qualification or passage of any ballot measure.
- (4) "Public labor organization" means any organization that has public employees as members and exists for the purpose, in whole or in part, of collective bargaining or of dealing with employees of a public agency concerning grievances, terms or conditions of employment, or of other mutual aid or protection.
- (5) "Membership organization" means any corporation, partnership or unincorporated association that has public employees as members and to which public employees are required to pay dues or fees.
- (g) ENFORCEMENT: The Legislature shall enact such laws as may be necessary to enforce the provisions of this Section. In addition to any other remedy allowed by law, the Fair Political Practices Commission, or its successor, shall enforce this Section and to that end it is authorized to adopt regulations consistent with this Section's goals and objectives.
- (h) EFFECTIVE DATE: This Section shall become effective six months after its passage.
- (i) LIBERAL CONSTRUCTION: The provisions of this Section shall be liberally construed to effectuate its purposes.
- (j) SEVERABILITY. If any provision of this Section, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Section are severable.
- (k) EXISTING AGREEMENTS: This Section shall not be interpreted to amend or invalidate any collective bargaining agreement or other agreement between any public labor organization or membership organization and a public agency existing on the day of its passage. However, no future agreements or extension of an existing agreement between any public labor organization or membership organization and a public agency shall be valid or enforceable to the extent it conflicts with or attempts to supersede this Section.

SECTION THREE: CONFLICTING MEASURES.

In the event that this measure and another initiative measure or measures relating to the same subject shall appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void.