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State, and Real Parties in Interest Geoff Brandt, State
11 Printer, and Edmund G. Brown Jr., Attorney General

12 SUPERIOR COURT OF CALIFORNIA

13 COUNTY OF SACRAMENTO

14
15 **MARK A. JANSSON, an official proponent of**
Proposition 8,

16 Petitioner,

17 v.

18 **DEBRA BOWEN, in her official capacity as**
19 **Secretary of State,**

20 Respondent.

21 **GEOFF BRANDT, in his official capacity as State**
22 **Printer;**

23 **EDMUND G. BROWN JR., in his official capacity as**
Attorney General

24 **EQUALITY FOR ALL, SAMUEL THORON,**
25 **JULIA MILLER THORON, ELLYNE BELL,**
26 **RACHAEL SALCIDO, and DELAINE EASTIN, as**
authors of challenged ballot materials,

27 Real Parties in Interest.

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Case no. 34-2008-00017351-CU-
WM-GDS

**REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF
OPPOSITION TO PETITION
FOR WRIT OF MANDATE**

Date: August 7, 2008
Time: 1:30 p.m.
Dept: 29
Judge: Timothy Frawley
Action Filed: July 29, 2008

1 Pursuant to Evidence Code section 452 and California Rules of Court, rule
2 3.1113(l), Respondent Debra Bowen, Secretary of State, and Real Parties in Interest Edmund G.
3 Brown Jr., Attorney General, and Geoff Brandt, State Printer, respectfully request that the Court
4 take judicial notice of the materials attached hereto as Exhibits 1 through 12, inclusive. The
5 attached materials constitute official acts or records of the executive and judicial branches of
6 California government and/or case history and are proper subjects of judicial notice.

7 As explained in the opposition, the documents subject to this request are relevant
8 because they directly rebut Petitioner's mistaken claim that the word "eliminates" has not been
9 used previously in a ballot title and summary and that the use of the word "eliminates" somehow
10 demonstrates "unprecedented and discriminatory treatment." (Petitioner's Memorandum of
11 Points and Authorities at 7:13-14.) In contrast to Petitioner's assertion, the word "eliminates"
12 has been used in ballot materials since the 1960's, and the word "elimination" has been used in
13 circulating titles and summaries repeatedly. In fact, the Attorney General has used the word
14 "elimination" on multiple occasions when describing proposed initiatives that would "eliminate
15 domestic partnership rights." Accordingly, Petitioner's belief that the use of the word
16 "eliminates" by the Attorney General demonstrates that his measure has "been singled out" is
17 completely without merit.

18 Wherefore, Respondent Bowen and Real Parties in Interest Brown and Brandt
19 pray for an order granting this request, and that the Court take judicial notice of the materials
20 attached hereto as Exhibits 1 through 12, inclusive.

21 **POINTS AND AUTHORITIES IN SUPPORT OF**
22 **REQUEST FOR JUDICIAL NOTICE**

23 Evidence Code section 452, subdivisions (c) and (d), provides for permissive
24 judicial notice of "[o]fficial acts of the legislative, executive, and judicial departments of the
25 United States and of any state of the United States." Each of the attached Exhibits meet the
26 standards of Evidence Code section 452, subdivisions (c) and (d) because they are all official
27 records from the Attorney General's Office or records of court proceedings.

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1 (See, e.g., *People v. Hazleton* (1996) 14 Cal.4th 101, 107, fn. 2 [initiative petition and ballot
2 materials appropriate for judicial notice].)

3 **Exhibit 1** is a true and correct copy of the Title and Summary for Proposition 12
4 from the November 8, 1960 election.

5 **Exhibit 2** is a true and correct copy of the Title and Summary for Proposition 16
6 from the November 6, 1962.

7 **Exhibit 3** is a true and correct copy of the unreported opinion from the Third
8 District Court of Appeal in the case of *Bowler v. Brown* (2008) 2008WL 186635.

9 **Exhibit 4** is a true and correct copy of the Title and Summary for Initiative No.
10 06-0027, issued on June 8, 2006.

11 **Exhibit 5** is a true and correct copy of the Title and Summary for Initiative No.
12 06-0029, issued on August 2, 2006.

13 **Exhibit 6** is a true and correct copy of the Title and Summary for Proposition 5
14 from the 1956 general election year.

15 **Exhibit 7** is a true and correct copy of the Title and Summary for Proposition 9
16 from the 1958 general election year.

17 **Exhibit 8** is a true and correct copy of the Title and Summary for Proposition 6
18 from the 1972 primary election year.

19 **Exhibit 9** is a true and correct copy of the Title and Summary for Proposition 191
20 from the 1994 general election year.

21 **Exhibit 10** is a true and correct copy of the Argument in Favor of Proposition 8
22 from the 2008 General Election Voter Information Guide that was made available for public
23 inspection by the Secretary of State on July 22, 2008.

24 **Exhibit 11** is a true and correct copy of the Ballot Argument Against Proposition
25 8 from the 2008 General Election Voter Information Guide that was made available for public
26 inspection by the Secretary of State on July 22, 2008.

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Exhibit 12 is a true and correct copy of the Rebuttal to the Argument Against Proposition 8 from the 2008 General Election Voter Information Guide that was made available for public inspection by the Secretary of State on July 22, 2008.

Dated: August 4, 2008

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of the State of California
CHRISTOPHER E. KRUEGER
Senior Assistant Attorney General
JONATHAN K. RENNER
Supervising Deputy Attorney General
MARK R. BECKINGTON
Deputy Attorney General

~~JENNIFER K. ROCKWELL~~
~~Deputy Attorney General~~
~~Attorneys for Respondent~~

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DECLARATION OF JENNIFER K. ROCKWELL
IN SUPPORT OF REQUEST FOR JUDICIAL NOTICE

1. I am an attorney at law admitted to practice before all courts of the State of California. I am a Deputy Attorney General in the California Attorney General's Office. I am one of the attorneys representing the Respondent and Real Parties in Interest in this action.

2. I make this declaration in support of the Request for Judicial Notice submitted by Respondent Bowen and Real Parties in Interest Brown and Brandt. I have personal knowledge of the matter contained in this declaration, and if called to testify, I could and would testify competently to the matters contained herein.

3. Exhibits 1, 2, 6, 7, 8 and 9 are true, correct copies of the ballot titles and summaries as they appeared on the ballot. An employee of the Attorney General's Office pulled these exhibits from the official files maintained by this office.

4. Exhibits 4 and 5 are true, correct copies of the Titles and Summaries issued for Initiative Nos. 06-0027, and 06-0029.

5. Exhibit 3 is a true, correct copy of the unreported opinion from the Third District Court of Appeal in the case of *Bowler v. Brown* (2008) 2008WL 186635. I retrieved and printed this opinion from the Westlaw website.

6. Exhibits 10, 11 and 12 are true, correct copies of the Proposition 8 ballot arguments. An employee of the Attorney General's Office obtained these exhibits from the official files maintained by the Secretary of State's Office.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on August 4, 2008; in Sacramento, California.

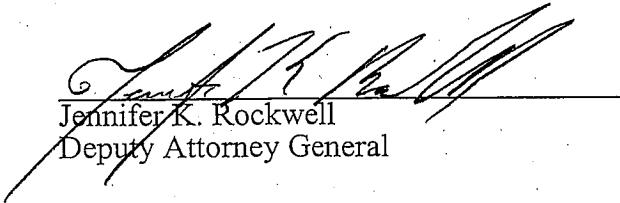

Jennifer K. Rockwell
Deputy Attorney General

EXHIBIT 1

LIBRARY, ATTY. GEN., SAC.

Proposed

AMENDMENTS TO CONSTITUTION

PROPOSITIONS AND PROPOSED LAWS

Together With Arguments

To Be Submitted to the Electors
of the State of California at the

GENERAL ELECTION
TUESDAY, NOV. 8, 1960

Compiled by RALPH N. KLEPS, Legislative Counsel
Distributed by FRANK M. JORDAN, Secretary of State

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CONSTITUTION: ELIMINATES OBSOLETE AND SUPERSEDED PROVISIONS.

Senate Constitutional Amendment No. 22. Repeals and amends several provisions of the constitution to eliminate obsolete and superseded provisions without substantive change. Provides any amendment to constitution which is proposed by Legislature solely to eliminate obsolete and superseded provisions shall not affect prior validations and ratifications. Any other measure submitted to the people at the same election which affects the same sections contained in the legislative proposal shall control to the extent of any conflict.

YES

NO

12

(For Full Text of Measure, See Page 12, Part II)

Analysis by the Legislative Counsel

This constitutional amendment would eliminate obsolete or superseded constitutional provisions affecting state officers and agencies. It would repeal constitutional language relating to the original (1879) terms of office for Members of the Legislature, Superintendent of Public Instruction, members of the Board of Equalization and other state officers together with provisions needed to put the 1879 Constitution into effect. It would also repeal obsolete language relating to salaries of members of the Legislature and other state officers and would eliminate references to the nonexistent office of Surveyor General and the nonexistent State Board of Prison Directors.

The constitutional amendment amends and repeals Section 22 of Article IV to incorporate provisions of another section of the same number added in 1952, and repeals the latter section.

It would add a new provision to specify that constitutional amendments whose purpose is to eliminate obsolete or superseded constitutional language shall not interfere with other proposals affecting the same sections on the same election ballot and shall not affect previous validations by constitutional provisions which are to be repealed.

This measure conflicts with Proposition 2, which would amend Section 3 of Article IV to establish four-year terms of office for Members of the Assembly. If both measures are adopted by the voters, however, Proposition 2 will prevail in that respect because of the express provision in this measure on that point. (See paragraph numbered "Sixteenth" in this measure.)

Argument in Favor of Senate Constitutional Amendment No. 22

Senate Constitutional Amendment No. 22 deletes and consolidates various sections of the California Constitution which have either become obsolete or have been superseded by the adoption of other provisions by the people. At the time of the drafting of the Constitution in 1879 it was necessary to insert a number of temporary provisions. These included provisions relating to the first election, the terms of office of the first legislators and other officers, and the time of taking effect of the Constitution, all of which are now useless and may now be deleted. A provision relating to the 1886 election of members of the State Board of

Equalization is also no longer necessary and is taken out.

The office of Surveyor General and the Board of Prison Directors have been abolished by the people at previous elections and references to them are deleted. In addition to dropping these provisions which no longer have any effect, Senate Constitutional Amendment No. 22 eliminates unnecessary duplication of language, combines present provisions relating to the same subject matter, and makes other minor technical changes to conform to recently adopted amendments.

To make absolutely certain that no substantial rights are curtailed by this "clean-up" amendment or other such amendments in the future, a new section would be added to the Constitution, Section 3 of Article XXIII. It provides that constitutional amendments whose purpose is to eliminate obsolete or superseded language shall not interfere with other proposals on the same election ballot, and that repeals made by such measures shall not affect previous validations by constitutional provision.

California's Constitution has often been criticized for its excessive length. Adoption of Senate Constitutional Amendment No. 22 would be a step in the right direction toward shortening and clarifying our Constitution. Neither the rights of the people nor the operation of the state government would in any way be changed. The amendment would merely eliminate unnecessary and undesirable "deadwood" from the Constitution.

These passages in the constitution are no longer useful or effective and for people untrained in the law, are confusing and misleading. These corrections have been prepared for the Legislature by very capable counsel and no opposition was expressed in legislative consideration.

We urge your "yes" vote on this constitutional amendment.

NELSON S. DILWORTH
Senator from Riverside County
Thirty-seventh Senatorial District

STEPHEN P. TEALE
Senator from Calaveras, Tuolumne
& Mariposa Counties
Twenty-sixth Senatorial District

DON MULFORD
Assemblyman, 18th Assembly
District
Berkeley-Albany

CONSTITUTION: ELIMINATES OBSOLETE AND SUPERSEDED PROVISIONS.

12

Senate Constitutional Amendment No. 22. Repeals and amends several provisions of the constitution to eliminate obsolete and superseded provisions without substantive change. Provides any amendment to constitution which is proposed by Legislature solely to eliminate obsolete and superseded provisions shall not affect prior validations and ratifications. Any other measure submitted to the people at the same election which affects the same sections contained in the legislative proposal shall control to the extent of any conflict.

YES

NO

(This proposed amendment expressly amends existing sections of the Constitution, repeals existing sections thereof, and adds a new section thereto; therefore EXISTING PROVISIONS proposed to be DELETED or REPEALED are printed in STRIKEOUT TYPE; and NEW PROVISIONS proposed to be INSERTED or ADDED are printed in BLACK-FACED TYPE.)

PROPOSED AMENDMENTS TO ARTICLES IV, V, IX, X, XIII, XX, and XXII

First, that Section 3 of Article IV be amended to read:

SEC. 3. Members of the Assembly shall be elected in the year eighteen hundred and seventy-nine, at the time and in the manner now provided by law. The second election of members of the Assembly after the adoption of this Constitution shall be on the first Tuesday after the first Monday in November, eighteen hundred and eighty. Thereafter, members of the Assembly shall be chosen biennially, and their term of office shall be two years, and each. Each election shall be on the first Tuesday after the first Monday in November, unless otherwise ordered by the Legislature.

Second, that Section 5 of Article IV be amended to read:

SEC. 5. The Senate shall consist of 40 members, and the Assembly of 80 members, to be elected by districts, numbered as hereinafter provided. The seats of the twenty Senators elected in the year eighteen hundred and eighty-two from the odd numbered districts shall be vacated at the expiration of the second year, so that one-half One-half of the Senators shall be elected every two years; provided, that all the Senators elected at the first election under this Constitution shall hold office for the term of three years, those from the odd-numbered districts being elected when the number of the year is divisible by four.

Third, that Section 18 of Article IV be amended to read:

SEC. 18. The Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Surveyor General, Chief Justice and Associate Justices of the Supreme Court, judges of the district court of appeal, and judges of the superior courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment according to law. All other civil officers shall be tried for misdemeanor

in office in such manner as the Legislature may provide.

Fourth, That Section 22 of Article IV, as proposed by Resolutions Chapter 184 of the Statutes of 1951, is amended to read:

SEC. 22. No money shall be drawn from the Treasury but in consequence of appropriation made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State Treasury for the purpose or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a state institution, nor shall any grant or donation of property ever be made thereto by the state, provided, except that notwithstanding anything contained in this or any other section of the Constitution; the:

(1) Whenever federal funds are made available for the construction of hospital facilities by public agencies and nonprofit corporations organized to construct and maintain such facilities, nothing in this Constitution shall prevent the Legislature from making state money available for that purpose, or from authorizing the use of such money for the construction of hospital facilities by nonprofit corporations organized to construct and maintain such facilities.

(2) The Legislature shall have the power to grant aid to the institutions conducted for the support and maintenance of minor orphans, orphanages, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; provided further, that the.

(3) The Legislature shall have the power to grant aid to needy blind persons not inmates of any institution supported in whole or in part by the State or by any of its political subdivisions, and no person concerned with the administration of aid to needy blind persons shall dictate how any applicant or recipient shall expend such aid granted him, and all money paid to a recipient of such aid shall be intended to help him meet his individual needs and is not for the benefit of any other person, and such aid when granted shall not be construed as income to any person other than the blind recipient of such aid, and the State Department of Social Welfare shall take all necessary action to enforce the provisions relating to aid to needy blind persons as heretofore stated; provided further, that the.

(4) The Legislature shall have power to grant aid to needy physically handicapped persons not inmates of any institution under the supervision of the Department of Mental Hygiene and supported in whole or in part by the State or by any institution supported in whole or part by any political subdivision of the State; provided further, that the

(5) The State shall have at any time the right to inquire into the management of such institutions; provided further, that whenever

(6) Whenever any county, or city and county, or city, or town, shall provide for the support of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, or aged persons in indigent circumstances, or needy blind persons not inmates of any institution supported in whole or in part by the State or by any of its political subdivisions, or needy physically handicapped persons not inmates of any institution under the supervision of the Department of Mental Hygiene and supported in whole or in part by the State or by any institution supported in whole or part by any political subdivision of the State; such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church, or other control.

An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

Fifth, that Section 22 of Article IV, as proposed by Resolutions Chapter 220 of the Statutes of 1951, is hereby repealed.

Sec. 22. No money shall be drawn from the Treasury but in consequence of appropriation made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State Treasury for the purpose or benefit of any corporation, association, or any other institution not under the exclusive management and control of the State as a state institution; nor shall any grant or donation of property ever be made thereto by the State; provided, that whenever federal funds are made available for the construction of hospital facilities by public agencies and nonprofit corporations organized to construct and maintain such facilities, nothing in this Constitution shall prevent the Legislature from making state money available for that purpose, or from authorizing the use of such money for the construction of hospital facilities by nonprofit corporations organized to construct and maintain such facilities; provided, further, that notwithstanding anything contained in this or any other section of the Constitution, the Legislature shall have the power to grant aid to the institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, or aged persons in indigent circumstances—such aid

to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; provided, further, that the Legislature shall have the power to grant aid to needy blind persons not inmates of any institution supported in whole or in part by the State or by any of its political subdivisions; provided, further, that the Legislature shall have power to grant aid to needy physically handicapped persons not inmates of any institution under the supervision of the Department of Mental Hygiene and supported in whole or in part by the State or by any institution supported in whole or part by any political subdivision of the State; provided, further, that the State shall have at any time the right to inquire into the management of such institutions; provided, further, that whenever any county, or city and county, or city, or town, shall provide for the support of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, or aged persons in indigent circumstances, or needy blind persons not inmates of any institution supported in whole or in part by the State or by any of its political subdivisions, or needy physically handicapped persons not inmates of any institution under the supervision of the Department of Mental Hygiene and supported in whole or in part by the State or by any institution supported in whole or part by any political subdivision of the State; such county, city and county, city, or town shall be entitled to receive the same pro-rata appropriations as may be granted to such institutions under church, or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

Sixth, that Section 23 of Article IV be amended to read:

Sec. 23. The Members of the Legislature shall receive for their services the sum of one hundred dollars each for each month of the term for which they are elected, to be paid monthly in the even numbered years and to be paid during the regular legislative session in the odd numbered years at such times as may be provided by law and mileage to be fixed by law; all and paid out of the State Treasury, such mileage not to exceed five cents (\$0.05) per mile.

Seventh, that Section 4.5 of Article V be amended to read:

Sec. 4.5 4. The Legislature may regulate by law the manner of making returns of elections for Governor and Lieutenant Governor.

The legislation enacted at the Fifty-third Session of the Legislature regulating the manner of making returns of elections for Governor and Lieutenant Governor is hereby ratified and validated, and it shall have the same force and effect as if it had been passed after the adoption of this provision of the Constitution.

Eighth, that Section 17 of Article V be amended to read:

Sec. 17. A Secretary of State, a Controller, a Treasurer, and an Attorney General; and a Sur-

Surveyor General shall be elected at the same time and places, and in the same manner as the Governor and Lieutenant Governor, and their terms of office shall be the same as that of the Governor.

Ninth, that Section 19 of Article V be repealed.

SEC. 19. The Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected; which compensation is hereby fixed for the following officers, as follows: Governor, ten thousand dollars per annum; Lieutenant Governor, four thousand dollars; the Secretary of State, Controller, Treasurer, and Surveyor General, five thousand dollars each per annum; and the Attorney General, six thousand dollars per annum; such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; provided, however, that the Legislature may, by law, diminish the compensation of any or all of such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No salary shall be authorized by law for clerical service in any office provided for in this article, exceeding eighteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of Surveyor General; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

Tenth, that Section 22 of Article V be amended to read:

SEC. 22. Notwithstanding anything contained elsewhere in this Constitution, the compensation for the services of the Governor, the Lieutenant Governor, the State Controller, Secretary of State, Superintendent of Public Instruction and State Treasurer may be fixed at any time by the Legislature at an amount not less than ten thousand dollars (\$10,000) per annum, for the Governor, and not less than five thousand dollars (\$5,000) per annum for each of the other state officers named herein. Except by an act passed at the Fifth seventh Regular Session of the Legislature, the compensation of no state officer named herein shall be increased nor diminished during his term of office. Such compensation shall be in full for all services respectively rendered by them in any official capacity or employment whatsoever during their respective terms of office, and none of the officers named in this section, or the Attorney General, shall receive for his own use any fees or perquisites for the performance of any official duty.

Eleventh, that Section 2 of Article IX be amended to read:

SEC. 2. A Superintendent of Public Instruction shall, at each gubernatorial election after the adoption of this constitution, be elected by the qualified electors of the State at each gubernatorial election. He shall receive a salary equal to that of the Secretary of State, and shall enter upon the duties of his

office on the first Monday after the first day of January next succeeding his election.

Twelfth, that Sections 1, 2, 3, 4, 5 and 6 of Article X be repealed.

SECTION 1. There shall be a State Board of Prison Directors, to consist of five persons, to be appointed by the Governor, with the advice and consent of the Senate, who shall hold office for ten years, except that the first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one person so appointed shall expire at the end of each two years during the first ten years; and vacancies occurring shall be filled in like manner. The appointee to a vacancy, occurring before the expiration of a term, shall hold only for the unexpired term of his predecessor. The Governor shall have the power to remove either of the directors for misconduct, incompetency or neglect of duty, after an opportunity to be heard upon written charges.

SEC. 2. The Board of Directors shall have the charge and superintendence of the State Prisons, and shall possess such powers, and perform such duties, in respect to other penal and reformatory institutions of the State, as the Legislature may prescribe.

SEC. 3. The Board shall appoint the Warden and Clerk, and determine the other necessary officers of the Prisons. The Board shall have power to remove the Wardens and Clerks for misconduct, incompetency, or neglect of duty. All other officers and employees of the Prisons shall be appointed by the Warden thereof, and be removed at his pleasure.

SEC. 4. The members of the Board shall receive no compensation other than reasonable traveling and other expenses incurred while engaged in the performance of official duties; to be audited as the Legislature may direct.

SEC. 5. The Legislature shall pass such laws as may be necessary to further define and regulate the powers and duties of the Board, Wardens, and Clerks, and to carry into effect the provisions of this article.

SEC. 6. After the first day of January, eighteen hundred and eighty-two, the labor of convicts shall not be let out by contract to any person, copartnership, company, or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the State.

Thirteenth, that Section 7 of Article X be renumbered and amended to read:

SEC. 1. Notwithstanding anything contained elsewhere in this Constitution, the Legislature may provide for the establishment, government, charge and superintendence of all institutions for all persons convicted of felonies. For this purpose, the Legislature may delegate the government, charge and superintendence of such institutions to any public governmental agency or agencies, officers, or board or boards, whether now existing or hereafter created by it. Any of such agencies, officers, or boards shall have such powers, perform such duties and exercise such functions in respect to other reformatory or penal matters, as the Legislature may prescribe.

The Legislature may also provide for punishment, treatment, supervision, custody and care of

females in a manner and under circumstances different from men similarly convicted.

All existing statutes and constitutional provisions, purporting to create such institutions or such agencies or officers or boards, to so delegate such government, charge and superintendence, to so prescribe such powers, duties, or functions, or to so provide for such punishment, treatment or supervision are hereby ratified, validated and declared to be legally effective until the Legislature provides otherwise.

The labor of convicts shall not be let out by contract to any person, copartnership, company or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the State.

Fourteenth, that Section 9 of Article XIII be amended to read:

Sec. 9. A State Board of Equalization, consisting of one member from each Congressional District in this State, as the same existed in 1879, four members, shall be elected by the qualified electors of their respective districts, at the general election to be held in the year 1886, and at each gubernatorial election thereafter, whose term of office shall be for four years; whose duty it shall be to equalize the valuation of the taxable property in the several counties of the State for the purposes of taxation. The Controller of State shall be ex officio a member of the board. The boards of supervisors of the several counties of the State shall constitute boards of equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of taxation; provided, such state and county boards of equalization are hereby authorized and empowered, under such rules of notice as the county boards may prescribe, as to the county assessments, and under such rules of notice as the state board may prescribe as to the action of the state board, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value of money of the property contained in said roll; provided, that no board of equalization shall raise any mortgage, deed of trust, contract, or other obligation by which a debt is secured, money, or solvent credits, above its face value. The present State Board of Equalization shall continue in office until their successors, as herein provided for, shall be elected and shall qualify. The Legislature shall have power to redistrict the State into four districts as nearly equal in population as practical, and to provide for the elections of members of said Board of Equalization.

Fifteenth, that Section 20 of Article XX be amended to read:

Sec. 20. Elections of the officers provided for by this Constitution; except at the election in the year 1879, shall be held on the even-numbered years next before the expiration of their respective

terms. The terms of such officers shall commence on the first Monday after the first day of January next following their election.

Sixteenth, that Sections 3, 10, 11 and 12 of Article XXII be repealed, and that a new Section 3 be added to said article to read:

Sec. 3. All Courts now existing, save Justices' and Police Courts, are hereby abolished, and all records, books, papers, and proceedings from such Courts, as are abolished by this Constitution, shall be transferred on the first day of January, eighteen hundred and eighty, to the Courts provided for in this Constitution; and the Courts to which the same are thus transferred shall have the same power and jurisdiction over them as if they had been in the first instance commenced, filed, or lodged therein.

Sec. 3. Any amendment to this Constitution which is proposed by the Legislature solely for the purpose of eliminating obsolete or superseded provisions therefrom shall be subject to the following limitations:

(1) Any other measure submitted to the people at the same election which affects a section of the Constitution included in the Legislature's proposal shall, to the extent of any conflict between the two, prevail over such proposal; and

(2) If the Legislature's proposal repeals or eliminates constitutional language which originally validated, ratified, confirmed or gave effect to other governmental action, such proposal shall not be construed so as to alter or invalidate the action previously validated, ratified, confirmed or given effect.

Sec. 10. In order that future elections in this State shall conform to the requirements of this Constitution, the terms of all officers elected at the first election under the same shall be, respectively, one year shorter than the terms as fixed by law or by this Constitution; and the successors of all such officers shall be elected at the last election before the expiration of the terms as in this section provided. The first officers chosen after the adoption of this Constitution shall be elected at the time and in the manner now provided by law. Judicial officers and the Superintendent of Public Instruction shall be elected at the time and in the manner that State officers are elected.

Sec. 11. All laws relative to the present judicial system of the State shall be applicable to the judicial system created by this Constitution until changed by legislation.

Sec. 12. This Constitution shall take effect and be in force on and after the fourth day of July, eighteen hundred and seventy-nine, at twelve o'clock meridian, so far as the same relates to the election of all officers; the commencement of their terms of office and the meeting of the Legislature. In all other respects, and for all other purposes, this Constitution shall take effect on the first day of January, eighteen hundred and eighty, at twelve o'clock meridian.

EXHIBIT 2

Proposed

AMENDMENTS TO CONSTITUTION

PROPOSITIONS AND PROPOSED LAWS

Together With Arguments

To Be Submitted to the Electors
of the State of California at the

GENERAL ELECTION
TUESDAY, NOV. 6, 1962

Compiled by A. C. MORRISON, Legislative Counsel
Distributed by FRANK M. JORDAN, Secretary of State

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the tax appeals boards as might be required to facilitate their work and insure uniformity in the disposition of equalization petitions filed with them.

Argument in Favor of Proposition No. 15

This constitutional amendment provides permissive authority for the board of supervisors of any county having a population in excess of 400,000 (the ten largest counties), with the prior approval of the Legislature, to create tax appeals boards to assume the function of equalizing the annual values placed on the taxable real and personal property within the county by the county assessor. The Constitution now requires the board of supervisors in each county to perform this function.

This amendment will not affect in any way any county having a population which is less than 400,000, and tax appeals boards may only be created in the other counties when the need for their creation is established, first to the satisfaction of the Legislature and then to the Board of Supervisors of the county. For example, the Legislature at the 1961 session granted authority to the Board of Supervisors of the Counties of Los Angeles and Contra Costa to create tax appeals boards in those counties subject to the approval by the people of this constitutional amendment.

The 1959-60 Assembly Interim Committee on Revenue and Taxation held public hearings and made careful studies within the County of Los Angeles and elsewhere of county assessment and equalization problems and concluded that a more adequate method of handling the large number of taxpayer petitions for assessment equalization which are filed each year, particularly within the County of Los Angeles, was required. This Constitutional amendment resulted from those studies and recommendations.

With more than six million people in the County of Los Angeles, the number of petitions for equalization filed each year has increased to the point that it is almost physically impossible for the Board of Supervisors to afford adequate time to hear each petitioning taxpayer within the time limits required by the Constitution and by law.

For example, in 1960 2,120 petitions for equalization were heard by the Los Angeles Board of Supervisors. Because of existing constitutional and statutory deadlines the Board was required to hear these petitions within a period of 24 working days, and it was possible to allow an average of only six minutes per taxpayer for presenting his case to the Board. Obviously, such a schedule presents an impossible situation for both the taxpayer and the Board of Supervisors.

This same condition could occur in any one of our larger counties.

Assembly Constitutional Amendment No. 7 provides for the local adoption of an improved procedure for the hearing and determination of equalization petitions. It preserves the constitutional right of the taxpayer to a full and fair hearing. This modernization of California's property tax system is long overdue.

Protect the rights of the property taxpayers in the larger counties of California and vote "Yes" on this constitutional amendment.

CHARLES H. WILSON
Member of the Assembly
66th District

JEROME R. WALDIE
Assemblyman 10th District,
Contra Costa County,
California Legislature

PROPERTY TAXPAYERS COUNCIL
By FELIX J. WEIL, Secretary

16 CONSTITUTION: ELIMINATES OBSOLETE AND SUPERSEDED PROVISIONS. Assembly Constitutional Amendment No. 11. Repeals and amends several provisions of the Constitution solely to eliminate obsolete and superseded provisions.

YES	
NO	

For Full Text of Measure, See Page 17, Part II

Analysis by the Legislative Counsel

This constitutional amendment would remove from the Constitution a number of obsolete, superfluous, or superseded provisions. These include provisions which ratified various bond acts (Art. IV, Sec. 31; Art. XVI, Secs. 7, 9 and 10), a number of provisions which ratified specific statutes (Art. IV, Sec. 25a; Art. XI, Sec. 5; Art. XII, Sec. 22; Art. XIII, Sec. 19; Art. XX, Sec. 3.5), provisions which continued certain laws in effect for a limited period (Art. II, Sec. 2 $\frac{1}{2}$; Art. XXII, Sec. 1), provisions delaying the operative effect of two constitutional amendments (Art. IX, Sec. 6; Art. XIII, Sec. 15), a provision which authorized a special assessment by the City of Glendale (Art. IV, Sec. 31), a provision which limited legislative

help (Art. IV, Sec. 37), a provision which provided for the membership of the State Personnel Board when it was first created (Art. XXIV, Sec. 2), a provision which specifies the name of the crime of improperly influencing members of the Legislature (Art. IV, Sec. 35), a provision validating acts and proceedings occurring before 1944 regarding taxation of federal property (Art. XIII, Sec. 1), a provision governing the taxation of insurance companies prior to 1952 (Art. XIII, Sec. 14 $\frac{1}{2}$), a provision creating a Relief Commission and Commissioner, both of which have since been abolished, and references to these agencies (Art. XVI, Secs. 10 and 11), a provision releasing encumbrances given prior to 1940 by recipients of old age security (Art. XVI, Secs.

12 and 13), provisions for the operation of the civil Constitution (Art. section which a the Welfare and amendments have XXVII, Sec. 4).

The amendment Article VI dealing various obsolete o to revise various r sequent constitution Secs. 3, 4a, 15, 21,

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COUNTY TAX APPEALS BOARDS. Assembly Constitutional Amendment No. 15.

7. Permits counties in excess of 400,000 population when authorized by Legislature to create tax appeals boards by ordinance. Provides that such boards shall constitute boards of equalization and shall equalize valuation of taxable property in county. County supervisors shall fix compensation of members and adopt rules of procedure. Legislature shall fix number of boards; number, qualifications, manner of selection, and terms of members; and procedure for discontinuance of such boards.

YES

NO

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new section thereto; therefore, the provisions thereof are printed in **BLACK-FACED TYPE** to indicate that they are **NEW**.)

PROPOSED AMENDMENT TO ARTICLE XIII

Sec. 9.5. (a) On or before the last day of January in any year, the board of supervisors of any county having a population in excess of 400,000 as ascertained by the last United States decennial census may by ordinance create tax appeals boards for the county.

When created and in existence tax appeals boards shall constitute boards of equalization for their respective counties. Each board shall have the power to equalize the valuation of the taxable property in the county for the purpose of taxation in the manner provided for in Section 9 of this article. All general laws pertaining to county boards of equalization shall be applicable to county tax appeals boards. The board of supervisors shall fix the compensation payable to members of tax appeals boards, provide such clerical and other assistance as is necessary therefor and adopt such rules of notice and procedure for such boards as may be required to facilitate their work and to insure uniformity in the processing and decision of equalization petitions.

(b) The Legislature shall provide by law for:

(1) The number of tax appeals boards which may be created within any county and the number of members to serve on each such board.

(2) The qualifications of and manner of selection and appointment of persons to serve on such boards.

(3) The terms for which members shall serve, for their removal and for the procedure for the discontinuance of such boards in any county.

(c) This section shall not become applicable in any county until the Legislature has by legislation authorized the creation of a tax appeals board for that county.

CONSTITUTION: ELIMINATES OBSOLETE AND SUPERSEDED PROVISIONS. Assembly Constitutional Amendment No. 16. Repeals and amends several provisions of the Constitution solely to eliminate obsolete and superseded provisions.

YES

NO

(This proposed amendment expressly amends existing sections of the Constitution, amends and rennumbers existing sections thereof, and repeals existing sections thereof; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKE-OUT TYPE**, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.

PROPOSED AMENDMENTS TO ARTICLES II, IV, VI, IX, XI, XII, XIII, XVI, XX, XXII, XXIV, and XXVII

First. That Section 2 of Article II be amended and renumbered to read:

Sec. 2.5. The Legislature shall have the power to enact laws relative to the election of delegates to conventions of political parties; and the Legislature shall enact laws providing for the direct nomination of candidates for public office, by electors, political parties, or organizations of electors without conventions, at elections to be known and designated as primary elections; also to determine the terms

and conditions upon which electors, political parties, or organizations of electors may participate in any such primary election. It shall also be lawful for the Legislature to prescribe that any such primary election shall be mandatory and obligatory. The Legislature shall also have the power to establish the rates of compensation for primary election officers serving at such primary elections in any city, or city and county, or county, or other subdivision of a designated population, without making such compensation uniform, and for such purpose such law may declare the population of any city, city and county, county or political subdivision. ~~Provided, however, that until the Legislature shall enact a direct primary election law under the provisions of this section, the present primary election law shall remain in force and effect.~~

Second. That Section 25a of Article IV be amended to read:

Sec. 25a. The Legislature may provide for the regulation of horseraces and horserace meetings and wagering on the results thereof.

The provisions of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act; and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," are hereby confirmed, ratified, and declared to be fully and completely effective; provided, that said act may at any time be amended or repealed by the Legislature.

Third, That the third paragraph of Section 31 of Article IV be repealed.

The California Veterans' Welfare Bond Act of 1921 (Statutes of 1921, Chapter 578), as enacted at the forty-fourth session of the Legislature of the State of California, authorizing the issuance and sale of State bonds in the sum of ten million dollars, for the purpose of creating a fund to carry out the provisions of the California Veterans' Welfare Act, providing land settlement for veterans (Statutes of 1921, Chapter 580), and the provisions of the "Veterans' Farm and Home Purchase Act," providing farm and home aid for veterans (Statutes of 1921, Chapter 519), is hereby approved, adopted, legalized, validated and made fully and completely effective irrespective of the vote that may be cast upon the proposition of approving or disapproving such Veterans' Welfare Bond Act of 1921 at the general election of November 7, 1922; all provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action.

Fourth, That the fifth paragraph of Section 31 of Article IV be repealed.

And provided, further, that the city of Glendale, of Los Angeles county, may, when authorized so to do, by a majority of the voters thereof voting at an election held for that purpose, pay from the surplus of the public service department of said city the amount of any assessment or assessments levied by said city between the eleventh day of May, 1921, and the ratification of this amendment, for the replacement of water mains, to the person or persons owning the property so assessed at the time said payment is so authorized; and that no statute of limitations shall apply in any manner.

Fifth, That Section 34a of Article IV be amended to read:

Sec. 34a. Appropriations from the General Fund of the State for any fiscal year, exclusive of appropriations for the support of the public school system, shall not exceed by more than a percentage the appropriations from such fund, exclusive of such public school appropriations, for the preceding fiscal year be void unless two-thirds of all the members elected to each house of the Legislature vote in favor thereof; provided, that no amount appropriated in excess of such 5 per centum shall become a part of the base for determining the maximum appropriation for a succeeding fiscal year and provided

that the base for the Ninety-ninth Fiscal Year shall be one-half of the base in effect for the Ninety-seventh and Ninety-eighth Fiscal Years plus 5 per centum. Should the appropriations in the Budget Act for any fiscal year exceed the limitations herein prescribed, and such Budget Act be not passed by such two-thirds vote, the several items of appropriation therein shall be deemed reduced by that percentage which the excess amount of appropriation bears to the total appropriation. Should the prescribed limit for any fiscal year be exceeded by reason of any other appropriation or appropriations from the General Fund, then the appropriation first passed by the Legislature without such two-thirds vote, which exceeds such prescribed limitation, shall be deemed reduced by the amount of such excess; and all other subsequent appropriations from the General Fund not passed by such two-thirds vote shall be void. Nothing herein contained shall prevent the Governor from vetoing any bills or reducing any appropriation therein or any appropriation reduced as herein provided.

Not more than 25 per centum of the total appropriations from all funds of the State shall be raised by means of taxes on real and personal property according to the value thereof.

Sixth, That Section 35 of Article IV be amended to read:

Sec. 35. Any person who seeks to influence the vote of a Member of the Legislature by bribery, promise of reward, intimidation, or any other dishonest means, shall be guilty of bribery, which is hereby declared a felony; and it shall be the duty of the Legislature to provide, by law, for the punishment of this crime. Any Member of the Legislature, who shall be influenced in his vote or action upon any matter pending before the Legislature by any reward, or promise of future reward, shall be deemed guilty of a felony, and upon conviction thereof, in addition to such punishment as may be provided by law, shall be disfranchised and forever disqualified from holding any office or public trust. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or with having been influenced in his vote or action, as a Member of the Legislature, by reward, or promise of future reward, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

Seventh, That the fourth paragraph of Section 37 of Article IV be repealed.

Nothing in this section shall be deemed to authorize additional or increased expenditures for legislative help at any regular special or extraordinary session of the Legislature in excess of the limitations imposed by Section 23a of this article; nor shall the creation of any committee as provided herein be deemed to extend the period of any legislative session for the purpose of so

limiting and determining expenditures for legislative help, any such session shall be deemed to be continuous from the first day of the session until the final adjournment thereof and to terminate on such final adjournment.

Eighth, That Section 3 of Article VI be amended to read:

Sec. 3. The Chief Justice and the associate justices shall be elected by the qualified electors of the State at large at the general elections, at the time and places at which state officers are elected; except as provided by Section 24 of Article II of this Constitution, as provided in Section 26 of this article, and the term of office shall be 12 years from and after the first Monday after the first day of January next succeeding their election, except that the term of a justice elected to fill a term which expires subsequent to the first Monday after the first day of January next after his election shall be for the remainder of the unexpired term in the office to which he is elected. If a vacancy occurs in the office of a justice, the Governor shall appoint a person to hold the office until the election and qualification of a justice to fill the vacancy, which election shall take place at the next succeeding general State or primary election after the first day of April next succeeding the occurrence of such vacancy; the justice then elected shall hold office for the unexpired term; provided, that whenever the term of office of the justice whose place is filled by appointment is fixed by law to expire on the first day of January after the next or such succeeding general election, then the person so appointed to fill the vacancy shall hold office for the remainder of such unexpired term.

Ninth, That Section 4a of Article VI be amended to read:

Sec. 4a. The State is hereby shall be divided into at least three appellate districts, known as the First, Second and Third Appellate Districts, in each of which there shall be a district court of appeal, consisting of such number of divisions having three justices each as the Legislature shall determine; and until so determined otherwise, the courts of appeal for the first and second appellate districts shall each consist of two divisions; and the court of the third appellate district shall consist of one division.

The Legislature may from time to time create and establish additional district courts of appeal and or divisions thereof and fix the places at which the regular sessions thereof shall be held and may provide for the maintenance and operation thereof. For that purpose the Legislature may redivide the State into appellate districts, subject to the power of the Supreme Court to remove one or more counties from one appellate district to another as in this section provided.

Each of such divisions shall have and exercise all of the powers of the district court of appeal.

The district court of appeal as existing immediately prior to the approval and ratification of

this amendment by the people shall not be affected thereby as to the officers or terms of office of the justices thereof.

Upon the creation of any additional division of the district court of appeal the Governor shall appoint three persons to serve as justices thereof until the first day of January after the next general election; as provided in Section 26 of this article. The justices of said division first elected at such general election as provided in Section 26 of this article shall so classify themselves by lot that one of them shall go out of office at the end of four years, one of them at the end of eight years, and one of them at the end of twelve 12 years, and entry of such classification shall be made in the minutes of said division, signed by the three justices thereof, and a duplicate thereof filed in the office of the Secretary of State.

The justices of the district courts of appeal shall be elected by the qualified electors within their respective districts at the general State elections except as provided in Section 24 of Article II as provided in Section 26 of this article; and the term of office of said justices shall be twelve 12 years from and after the first Monday after the first day of January next succeeding their election, except that the term of a justice elected to fill a term which expires subsequent to the first Monday after the first day of January next after his election shall be for the remainder of the unexpired term in the office to which he is elected.

If any vacancy occur in the office of a justice of the district courts of appeal, the Governor shall appoint a person to hold office until the election and qualification of a justice to fill the vacancy. Such election shall take place at the next succeeding general State or primary election after the first day of April next succeeding the occurrence of such vacancy; the justice then elected shall hold office for the unexpired term; provided, that whenever the term of office of the justice whose place is filled by appointment is fixed by law to expire on the first day of January after the next or such succeeding general election, then the person so appointed to fill the vacancy shall hold office for the remainder of such unexpired term.

One of the justices of each of the district courts of appeal, and of each division of said courts, shall be the presiding justice thereof, and as such shall be appointed or elected, as the case may be.

In cases wherein the presiding justice is not acting, the other justices shall designate one of their number to perform the duties and exercise the powers of presiding justice.

The presence of two justices shall be necessary for the transaction of any business by such court except such as may be done at chambers, and the concurrence of two justices shall be necessary to pronounce a judgment.

No appeal taken to the supreme court or to a district court of appeal shall be dismissed for the reason only that the same was not taken to the proper court, but the cause shall be transferred to the proper court upon such

terms as to costs or otherwise as may be just, and shall be proceeded with therein as if regularly appealed thereto.

All statutes now in force allowing, providing for or regulating appeals to the supreme court shall apply to appeals to the district courts of appeal so far as such statutes are not inconsistent with this article and until the Legislature shall otherwise provide.

The first district shall embrace the following counties: San Francisco, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Fresno, Santa Cruz, Monterey and San Benito.

The second district shall embrace the following counties: Tulare, Kings, San Luis Obispo, Kern, Inyo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, San Diego and Imperial.

The third district shall embrace the following counties: Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Lake, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Sonoma, Napa, Yolo, Placer, Solano, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Stanislaus, Mariposa, Madera, Merced, Tuolumne, Alpine and Mono.

The Supreme Court, by orders entered in its minutes, may from time to time remove one or more counties from one appellate district to another, but no county not contiguous to another county of a district shall be added to such district.

Said The district courts of appeal in the First, Second and Third Appellate Districts shall hold their regular sessions respectively at San Francisco, Los Angeles and Sacramento, and they shall always be open for the transaction of business.

Tenth, That the seventh paragraph of Section 11 of Article VI be amended to read:

The Legislature shall enact such general or special laws, except in the particulars otherwise specified herein, as may be necessary to carry out the provisions of this section; and all laws relating to municipal and justice courts and to judicial districts enacted by the Legislature at its 1949 Regular Session are hereby validated and made fully and completely effective.

Eleventh, That Section 15 of Article VI be amended to read:

Sec. 15. No judicial officer, except court commissioners, shall receive to his own use any fees or perquisites of office; provided, that justices of the peace now holding office shall receive to their own use such fees as are now allowed by law during the terms for which they have been elected.

Twelfth, That Section 21 of Article VI be amended to read:

Sec. 21. The Supreme Court shall appoint a clerk of the Supreme Court; provided, however, that any person elected to the office of clerk of the supreme court before the adoption hereof, shall continue to hold such office until the expiration of the term for which he may have been elected. Said court may also appoint a reporter

and not more than three assistant reporters of the decisions of the Supreme Court and of the district courts of appeal. Each of the district courts of appeal shall appoint its own clerk, office and be removable at the pleasure of the courts by which they are severally appointed, and they shall receive such compensation as shall be prescribed by law, and discharge such duties as shall be prescribed by law, or by the rules or orders of the courts by which they are severally appointed.

Thirteenth, That the fifth paragraph of Section 26 of Article VI be amended to read:

No such nomination or appointment by the Governor shall be effective unless there be filed with the Secretary of State a written confirmation of such nomination or appointment signed by a majority of the three officials herein designated as the Commission on qualifications Judicial Appointments. The commission on qualifications shall consist of (1) the Chief Justice of the Supreme Court, or, if such office be vacant, the acting Chief Justice; (2) the presiding justice of the district court of appeal of the district in which a justice of a superior court is to serve, or, if there be two such presiding justices, the one who has served the longer as such; or, in the case of the nomination or appointment of a justice of the Supreme Court, the presiding justice who has served longest as such upon any of the district courts of appeal; and (3) the Attorney General. If two or more presiding justices above designated shall have served terms of equal length, they shall choose the one who is to be a member of the commission on qualifications by lot, whenever occasion for action arises. The Legislature shall provide by general law for the retirement, with reasonable retirement allowance, of such justices and judges for age or disability.

Fourteenth, That Section 26a of Article VI is hereby repealed.

Sec. 26a. The "Commission on Qualifications" created by Section 26 of this article is renamed and henceforth shall be known as the "Commission on Judicial Appointments."

Fifteenth, That the seventh paragraph of Section 6 of Article IX be repealed.

The provisions of this section as they read on April 3, 1952, shall remain operative to and including June 30, 1952, and no longer, notwithstanding any provision of this Constitution to the contrary.

Sixteenth, That the second paragraph of Section 5 of Article XI be amended to read:

The provisions of this section shall not be construed to abridge, modify or otherwise affect the provisions of Section 7 1/2, 7 1/2a and 8 1/2 of this article, relating to county or city and county charters. That certain act entitled "An act to add a new section to the Political Code to be numbered 4956d, relating to powers and duties of boards of supervisors with respect to county and township officers, deputies, assistants and employees," as enacted by the Legislature

its fiftieth session, is hereby validated and made fully and completely effective.

Seventeenth, That the fourth paragraph of Section 22 of Article XII be repealed.

The provisions of this section shall not be construed to repeal in whole or in part any existing law not inconsistent herewith; and the "Railroad Commission Act" of this State approved February 10, 1911, shall be construed with reference to this constitutional provision and any other constitutional provision becoming operative concurrently herewith. And the said act shall have the same force and effect as if the same had been passed after the adoption of this provision of the Constitution and of all other provisions adopted concurrently herewith, except that the three commissioners referred to in said act shall be held and construed to be the five commissioners provided for herein.

Eighteenth, That the second paragraph of Section 1 of Article XIII be repealed.

Every act heretofore done and proceeding heretofore taken by this State or any taxing agency in the State in respect to the taxation of property belonging to the United States, is hereby validated and made legally effective from the date thereof, to the extent it would have been valid and legally effective if done or taken after the adoption of this amendment.

Nineteenth, That the second paragraph of subdivision (e) of Section 14 $\frac{1}{2}$ of Article XIII be repealed.

Where as a result of merger, consolidation, or other method of acquisition of substantially all of the assets of one or more insurers by another insurer, effected prior to January 1, 1939, an insurer owns more than one parcel of real property in this State in which was located a home office or principal office of an insurer immediately prior to such acquisition, the owner shall designate one of such properties as its home or principal office. Real estate taxes paid by it in any of the years 1942 to 1952, inclusive, before, or within 90 days after, becoming delinquent, on such property owned by it at the time of payment and not so designated may also be deducted from the annual tax imposed by this section in respect to such year and are included within the deduction provided for in this subdivision.

Twentieth, That the fourth paragraph of Section 15 of Article XIII be repealed.

The provisions of this section as they read on April 1, 1946, shall remain operative to and including June 30, 1947, and no longer, notwithstanding any provision of this Constitution to the contrary.

Twenty-first, That the fourth paragraph of subdivision (b) of Section 19 of Article XIII be repealed.

All of the provisions of the Community Re-development Law, as amended in 1951, which relate to the use or pledge of taxes or portions thereof as herein provided, or which, if effective, would carry out the provisions of this section or any part thereof, are hereby approved, legitimized, ratified and validated and made fully and completely effective and operative upon the effective date of this amendment.

Twenty-second, That Section 7 of Article XVI be repealed.

SEC. 7. The issuance and sale of six thousand bonds of the State of California in the denomination of one thousand dollars each, and the use and disposition of the proceeds of the sale of said bonds; all as provided in the California State Park Bonds Act of 1927 as passed by the Senate and Assembly at the forty-seventh session of the Legislature and approved by the Governor, authorizing the issuance and sale of State bonds in the sum of six million dollars for the purpose of providing a fund to be used and disbursed for the acquisition of lands and other properties in California for State park purposes, is hereby authorized and directed and the said California State Park Bonds Act of 1927 is hereby approved, adopted, legalized, ratified, validated and made fully and completely effective. All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action. Nothing in this Constitution contained shall be a limitation upon the provisions of this section.

Twenty-third, That Section 9 of Article XVI be repealed.

SEC. 9. The issuance and sale of bonds of the State of California and the use and disposition of the proceeds of the sale of said bonds; all as provided in the Unemployment Relief Bond Act of 1933 as passed by the Senate and Assembly at the fiftieth session of the Legislature and approved by the Governor, authorizing the issuance and sale of said bonds in the sum of twenty million dollars for the purpose of providing a fund to be used and disbursed for the purpose of loans to counties and municipalities for unemployment relief, is hereby authorized and directed; and the said Unemployment Relief Bond Act of 1933 is hereby approved, adopted, legalized, ratified, validated and made fully and completely effective. All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action. Nothing in this Constitution contained shall be a limitation upon the provisions of this section.

Twenty-fourth, That Section 10 of Article XVI be amended to read:

SEC. 10. (a) In addition to moneys otherwise appropriated for the purposes hereinafter stated, the sum of twenty-four million dollars to be made available by the creation of a debt or debts, liability or liabilities of the State of California and the issuance of bonds therefor is hereby appropriated to be expended for relief of hardship and destitution due to and caused by unemployment. The moneys hereby appropriated shall be expended prior to July 1, 1925, as grants by the State of California without repayment by any grantee.

(b) A Relief Administrator shall be appointed by and hold office at the pleasure of the Governor. He shall receive such compensation as shall be fixed by the Governor until otherwise prescribed by law. He shall administer and direct the expenditure of all moneys hereby ap-

appropriated. In addition he may administer and direct the expenditure of all such funds as are made available for use within this State by the United States government for relief of hardship and destitution due to and caused by unemployment.

General policies for the guidance of relief administration shall be determined by a relief commission, which is hereby created. The commission shall consist of the State Director of Social Welfare, serving thereon ex officio, and eight members appointed by and holding office at the pleasure of the Governor. The members of the relief commission shall receive no salary for their services as members of such relief commission but shall receive their necessary traveling expenses. Not more than two members of the commission shall be residents of the same county or city and county and no person holding a salaried public office, other than the State Director of Social Welfare, may be a member of said commission.

The administrator and the commission shall have and exercise such powers and duties respectively as may be prescribed by law. Until otherwise provided by law, the administrator and the commission respectively shall have and exercise the powers and duties in relation to the administration and direction of the expenditure of the moneys hereby appropriated as vested in the Emergency Relief Administrator and the State Emergency Relief Commission by the "Unemployment Relief Bond Act of 1933" in relation to the administration and direction of the expenditure of moneys appropriated by that act.

From and after the date when the administrator and members of the commission first appointed hereunder qualify, the administrator and commission hereby created shall succeed to and have and exercise the powers and duties, respectively, of the Emergency Relief Administrator and State Emergency Relief Commission mentioned in the "Unemployment Relief Bond Act of 1933," in respect to the administration of the provisions of said act of 1933, and said administrator and commission mentioned in said act of 1933 shall have no further legal existence.

(c) For the purpose of assisting in the administration and in carrying out the purposes hereof and the policies and plans determined by said commission, the relief administrator may, with the consent and approval of the commission, appoint in each county and city and county a citizens' relief committee of such number, not exceeding eleven, as the commission shall determine. The members of such committee shall serve without pay. The relief committee in each county and city and county shall have and exercise such powers and duties as may be prescribed by law and/or as may be prescribed by said commission.

(d) If, when and during such time as funds are provided or made available by the United States government or any department, officer or agency thereof for relief of hardship and destitution due to and caused by unemployment in this State, when added to the moneys hereby appropriated or otherwise provided by the State and made available for such purposes are or will, in

the opinion of the Governor, be sufficient for relief of hardship and destitution due to and caused by unemployment in this State, the Governor may authorize the expenditure of such moneys for the purpose authorized by the United States government or its department, officer or agency designated for that purpose in cooperation with the State Relief Administrator and the State Relief Commission, such moneys to be expended in accordance with the laws of the State of California.

(e) For the purposes hereinabove specified bonds of the State in the aggregate principal sum of twenty-four million dollars shall be issued and sold. Unless otherwise provided by law such bonds shall be prepared, advertised, issued and sold in the manner and by the officers authorized so to act by the "Unemployment Relief Bond Act of 1933," in connection with the bonds provided for in that act, except that the bonds issued under authority of this section shall be of such denomination not less than one hundred dollars nor more than one thousand dollars each as the State Treasurer shall determine, shall be in the form of serial bonds maturing in ten equal annual installments, the first installment maturing not later than five years from date of issuance, shall bear interest at not exceeding the rate of six per cent per annum payable semiannually, both principal and interest being payable in lawful money of the United States, and the administrator and commission hereby created shall perform the duties and exercise the powers in that regard imposed by said act of 1933 upon the administrator and commission therein mentioned. The proceeds of the sale of the bonds, including any sums paid as accrued interest thereon, shall be paid into the "Relief Fund," which fund is hereby created in the State treasury, to be paid out in accordance with law.

(f) The entire revenues of the State shall be applicable to the payment of such bonds. Out of said revenues there shall be set apart the money to be applied by the State to the payment of interest on said bonds and the principal amounts thereof as such bonds mature.

(g) The proceeds of the sale of said bonds may be used to pay the expense that may be incurred in preparing, advertising, issuing and selling the bonds, and in administering and directing the expenditure of the moneys hereby appropriated.

(h) Any person now employed under the "Unemployment Relief Bond Act of 1933," who has civil service status and who is continued in employment under this section or under any law adopted pursuant hereto shall retain his present civil service status. No other person employed under the provisions hereof or under any law adopted pursuant hereto or performing relief work provided hereunder shall be included in the State civil service or be subject to the civil service laws of this State, but shall be exempt therefrom.

(i) The Legislature shall pass all laws, general or special, necessary or convenient to carry into effect the provisions of this section.

sufficient for the State, the Government of such officer in cooperation with the administrator and moneys to be laws of the State specified principal shall be issued by law such as authorized Relief Bonds be of such dollar each as the all be in the an equal an maturing of issuance the rate of annually able in law the admin- uted shall powers in 1933 upon herein men the bonds ed interest ef Fund." State treas- a law. te shall be ds. Out of the money ayment of at amounts aid bonds may be in- and g and di- hereby e the "Un- 2 who has ed in em- any law is present employed any law ng relief led in the civil serv- pt there- ; general- ary into

(j) Whenever the United States government or any officer or agency thereof shall provide pensions or other aid for the aged, co-operation by the State therewith and therein is hereby authorized in such manner and to such extent as may be provided by law from funds other than funds provided for in subdivisions (a) and (c) of this section. Nothing contained in this subdivision (j) repeals, amends or modifies the Old Age Security Act of the State of California in any manner or in any respect whatsoever, and the power of the Legislature in this regard shall be the same in every respect as if this amendment to the Constitution had not been adopted.

(k) The money expended by any county, city and county, municipality, district or other political subdivision of this State made available under the provisions of this section shall not be considered as a part of the base for determining the maximum expenditure for any given year permissible under Section 20 of Article XI of this Constitution independent of the vote of the electors or authorization by the State Board of Equalization.

Twenty-fifth, That Section 11 of Article XVI be amended to read:

Sec. 11. Notwithstanding any provision of Section 10 of this article of the Constitution to the contrary, the Legislature has plenary power to provide for the administration of any constitutional provisions or laws heretofore or hereafter enacted concerning the administration of relief, and to that end may modify, transfer, or enlarge the powers vested in the Relief Administrator, the Relief Commission or any other state agency or officer concerned with the administration of relief or laws appertaining thereto. The Legislature, or the people by initiative, shall have power to amend, alter, or repeal any law relating to the relief of hardship and destitution, whether such hardship and destitution results from unemployment or from other causes, or to provide for the administration of the relief of hardship and destitution, whether resulting from unemployment or from other causes, either directly by the State or through the counties of the State, and to grant such aid to the counties therefor, or make such provision for reimbursement of the counties by the State, as the Legislature deems proper.

Twenty-sixth, That Section 12 of Article XVI be repealed.

Sec. 12. All liens, mortgages and other encumbrances heretofore taken by any county as security for aid granted to any aged person under the provisions of the Old Age Security Act of the State of California (Chapter 530 of the Statutes of 1929, as amended), or the Old Age Security Law (Chapter 1 of Division III of the Welfare and Institutions Code), are hereby released, and shall hereafter be conclusively presumed to have been paid.

The board of supervisors of each county shall immediately execute and record appropriate instruments of release of all such liens, mortgages or other encumbrances and shall take such other

steps as may be necessary to relieve the real property of the recipients of aid heretofore granted to such persons under either or both of such statutes from all obligation to repay either to the county or to the State any such aid granted to or received by any such person.

The adoption of this section is intended to effectuate the full and complete discharge and release of all encumbrances of any kind whatsoever heretofore taken or imposed upon real property in connection with aid granted to any person under the above named statutes, in so far as such release and discharge may lawfully be effectuated and notwithstanding any other provision of this Constitution.

Twenty-seventh, That Section 13 of Article XVI be amended to read:

SEC. 13. (a) The people of the State of California, for themselves, for the State Government, and for every county and other agency of the Government of the State, do hereby affirm, renounce, and relinquish all rights and claims heretofore acquired by the State or any county or other agency of the State under the provisions of the Old Age Security Act of the State of California (Chapter 530 of the Statutes of 1929, as amended), or the Old Age Security Law (Chapter 1 of Division III of the Welfare and Institutions Code), or both, against the property of recipients of aid to the aged lawfully granted and received pursuant to said laws, or against such recipients personally, in so far as such rights and claims are based upon or arise out of liens, mortgages, transfers or other encumbrances taken by any county as security for aid granted pursuant to the provisions of said laws, or either of them, or are based upon or arise out of agreements not to transfer or encumber real property without the consent of the board of supervisors entered into pursuant to the provisions of Sections 2226 and 2229 of the Welfare and Institutions Code as added thereto by Chapter 719 of the Statutes of 1930.

(b) All liens, mortgages and other encumbrances heretofore taken by any county as security for aid granted under the aforesaid laws, or either of them, are hereby released, and shall hereafter be conclusively presumed to have been paid.

(c) Every agreement not to transfer or encumber real property without the consent of the board of supervisors heretofore executed pursuant to the provisions of Sections 2226 and 2229 of the Welfare and Institutions Code as added thereto by Chapter 719 of the Statutes of 1930 is hereby rescinded, canceled and declared to be hereafter of no force and effect subject to the consent thereto of the applicant or recipient of aid, his legal representative or successor in interest in the property concerning which the agreement was made. The failure of the applicant or recipient, his legal representative or successor in interest to cause to be recorded in the office of the county recorder within 30 days after this section becomes effective an instrument expressly withholding consent to the rescission and cancellation of any such agreement shall constitute consent thereto, and every such agree-

ment, to the rescission and cancellation of which consent has not been expressly withheld, shall, from a date 90 days after this section becomes effective, be conclusively presumed to have been rescinded, canceled, and of no effect.

(d) The board of supervisors of each county shall immediately execute and record appropriate instruments of release or rescission and cancellation of all such liens, mortgages, encumbrances and agreements and shall take such other steps as may be necessary to relieve the recipients of aid heretofore granted to such persons under either or both of such statutes and the real property of the recipients from all obligation to repay either to the county or to the State any such aid lawfully granted to or received by any such person.

(e) Notwithstanding any other provision of this Constitution, the Legislature shall have power to release, rescind, cancel, or otherwise nullify in whole or in part any encumbrance on property, personal obligation, or other form of security heretofore or hereafter exacted or imposed by the Legislature to secure the repayment to, or reimbursement of, the State, and the counties or other agencies of the State Government, of aid lawfully granted to and received by aged persons.

(f) Should an amendment to this Constitution by adding a new section to be numbered 12 to this article, as proposed by Assembly Constitutional Amendment No. 1 of the Fifty-third Session of the Legislature (Resolutions Chapter 58 of the Statutes of 1939), be enacted at the general election held on November 5, 1940, nothing in this section shall be construed to limit or restrict the operation of the provisions of said Section 12.

Twenty-eighth. That the last paragraph of Section 3.5 of Article XX be repealed.

All laws enacted prior to the adoption of this section providing for the right of public officers and employees to reenter office or to be reinstated in employment after service in the armed forces of the United States or of this State shall have the same force and effect as if they had been enacted after the adoption of this section.

Twenty-ninth. That Section 1 of Article XXII be amended to read:

SECTION 1. That all laws in force at the adoption of this Constitution, not inconsistent therewith, shall remain in full force and effect until altered or repealed by the Legislature; and all rights, actions, prosecutions, claims, and contracts of the State, counties, individuals, or bodies corporate, not inconsistent therewith, shall continue to be as valid as if this Constitution had not been adopted. The provisions of all laws which are inconsistent with this Constitution shall cease upon the adoption thereof; except that all laws which are inconsistent with such provisions of this Constitution as require legislation to enforce them shall remain in full force until the first day of July, eighteen hundred and eighty, unless sooner altered or repealed by the Legislature.

Thirtieth. That subdivision (a) of Section 2 of Article XXIV be amended to read:

SEC. 2. (a) Between the effective date hereof and January 15, 1935, there shall be a State Personnel Board of three members consisting of the Director of Finance, the Controller and the Legislative Counsel of this State. Subsequent to January 15, 1935, there shall be a State Personnel Board of five members appointed by the Governor with the advice and consent of the Senate except that the Director of Finance shall serve ex officio as one such member until January 15, 1937, or until his successor is appointed and qualified, the Legislative Counsel shall serve ex officio as one such member until January 15, 1939, or until his successor is appointed and qualified, and the Controller shall serve ex officio as one such member until January 15, 1941, or until his successor is appointed and qualified. The first two members appointed by the Governor shall classify themselves by lot so that one shall go out of office at the end of eight years and one at the end of ten years from and after January 15, 1935. The first terms of office shall expire on January 15, 1937; January 15, 1939; January 15, 1941; January 15, 1943; and January 15, 1945. Each subsequent appointee shall hold office for ten 10 years from the expiration of the term of his predecessor and until his successor is appointed and qualified, except that an appointment to a vacancy occurring before the expiration of a term shall be but for the remainder of that term. A member other than an ex officio member may be removed by a vote of two-thirds of the members elected to each house of the Legislature. The Legislature, by majority vote of each house, may at any time prior to January 15, 1939, appoint any person of its choice to serve at its pleasure as a member of said board in lieu of the Legislative Counsel, until January 15, 1939.

Thirty-first. That Section 3 of Article XXIV be amended to read:

SEC. 3. (a) Said board shall administer and enforce, and is vested with all of the powers, duties, purposes, functions, and jurisdiction which are now or hereafter may be vested in any other state officer or agency under, Chapter 590 of the California Statutes of 1913 as amended or any and all other laws relating to the state civil service as said laws may now exist or may hereafter be enacted, amended or repealed by the Legislature.

(b) On the effective date hereof, the unencumbered balance of all funds heretofore lawfully available, or then to be allocated by the Director of Finance, for the maintenance and support of the State officer or agency heretofore administering said above mentioned laws shall become available for the support and maintenance of the board herein created subject to like limitations, other than departmental power of allocation as heretofore existed with respect thereto.

Thirty-second. That Section 5 of Article XXIV be amended to read:

SEC. 5. (a) The provisions of this article shall be self-executing but legislation not in

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conflict herewith may be enacted to facilitate its operation.

(b) All laws relating to the State civil service are continued in force in so far as not in conflict herewith subject to the power of the Legislature to amend or repeal such laws and to enact new laws not in conflict herewith.

(c) The rules, regulations, classes and grades of positions heretofore lawfully adopted by the State officer or agency heretofore administering said laws are continued in force and upon the effective date hereof the same shall become the rules, regulations, classes and grades of positions of the board herein created subject to change by said board in the exercise of its powers herein conferred or as may be hereafter provided by law.

(d) All persons other than temporary appointees heretofore serving in the State civil service shall continue so to serve without change of class or grade of position heretofore acquired save as such class or grade may be changed by said board in the exercise of its powers herein conferred or as may be hereafter provided by law.

(e) All persons not hereinbefore provided for in subdivision (d) heretofore holding positions subject hereto for more than six months immediately preceding the effective date hereof, shall continue to hold such positions subject to the provisions heretofore that the board in adopting rules relative to classes or grades of the position held by such person shall give each such person such class or grade as it may deem just and such probationary term to commence on the effective date hereof of not less than two months nor more than eight months in the class or grade assigned as it may fix.

(f) All persons not hereinbefore provided for in subdivisions (d) and (e) heretofore holding positions subject hereto less than six months immediately preceding the effective date hereof shall be deemed to hold such position under temporary appointment under the provisions heretofore but such temporary appointment shall be deemed to have commenced on the effective date hereof. Thirty-third. That Section 4 of Article XXVII be repealed.

Sec. 4. (a) Section 2020 of the Welfare and Institutions Code of the State of California is amended to read as follows:

2020. Amount of aid allowed. The amount of aid to which any applicant shall be entitled shall be, when added to the income (including the value of currently used resources but excepting casual income and inconsequential resource) of the applicant from all other sources, seventy-five dollars (\$75) per month. If, however, in any case it is found the actual need of an applicant exceeds seventy-five dollars (\$75) per month, such applicant shall be entitled to receive aid in an amount, not to exceed seventy-five dollars (\$75) per month, which when added to his income (including the value of currently used resources but excepting casual income and inconsequential resource) from all other sources, shall equal his actual need.

(b) Section 2025 of the Welfare and Institutions Code of the State of California is amended to read as follows:

2025. Increase or decrease of federal contributions. Change in amount of aid. Maximum and minimum. Legislative intent. If, when, and during such times as the United States Government increases or decreases its contributions in assistance of the aged in this State above or below the amount being paid on January 1, 1947, or above or below the amount payable as a result of any such increase or decrease, the amount of the grant of aid provided for in this article shall be increased or decreased by an amount equal to such increase or decrease by the United States Government, but in no event shall the total aid granted under this chapter be more than seventy-five dollars (\$75) nor less than sixty-five dollars (\$65) per month. It is the intent of the Legislature that any change in contributions by the United States Government, whether increase or decrease, shall result in a corresponding change in the amount of this grant, within the limits established by this section.

(c) Section 2025 of the Welfare and Institutions Code of the State of California is amended to read as follows:

2025. State appropriations to counties. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated to every county in the State, maintaining, supporting, or caring for, as hereinafter provided in this chapter, any needy blind person, resident of such county, aid not in excess of seven hundred sixty-five dollars (\$765) per annum for such such needy blind person so maintained, supported and cared for, or aid not in excess of one thousand and twenty dollars (\$1,020) per annum in the event such needy blind person has no county residence as provided in this chapter.

(d) Section 2084 of the Welfare and Institutions Code of the State of California is amended to read as follows:

2084. Order for aid. Issuance. Amount. Payment. If the county board of supervisors is satisfied that the applicant is entitled to aid under the provisions of this chapter, it shall, without delay, issue an order therefor.

The amount of aid to which any applicant shall be entitled shall be, when added to the income (including the value of currently used resources but excepting casual income and inconsequential resource) of the applicant from all other sources, eighty-five dollars (\$85) per month. If, however, in any case it is found the actual need of an applicant exceeds eighty-five dollars (\$85) per month such applicant shall be entitled to receive aid in an amount, not to exceed eighty-five dollars (\$85) per month, which when added to his income (including the value of currently used resources but excepting casual income and inconsequential resource) from all other sources, shall equal his actual need.

The aid granted under this chapter shall be paid monthly, in advance, out of such funds as may be designated by the board of supervisors

on warrant of the county auditor of the county. Payments of aid shall be commenced as of the first day of the month in which the application is granted, unless otherwise directed by the State Social Welfare Board in cases in which an appeal is taken; but in any event the beginning of aid shall not antedate the date of application.

(e) Section 3420 of the Welfare and Institutions Code of the State of California is amended to read as follows:

3420. State appropriation. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated to every county in the State, maintaining, supporting, or caring for, as hereinafter provided in this chapter, any blind person, resident of such county, aid not in excess of eight hundred fifty dollars (\$850) per annum for each such blind person so maintained, supported and cared for, or aid not in excess of one thousand twenty dollars (\$1,020) per annum in the event such blind person has no county residence as provided in this chapter.

(f) Section 3472 of the Welfare and Institutions Code of the State of California is amended to read as follows:

3472. Order for aid. Amount. Income not to be considered. Computation of additional income. If the county board of supervisors is satisfied that the applicant is entitled to aid under the provisions of this chapter, it shall, without delay, issue an order therefor. The amount of aid to

which any applicant shall be entitled shall be when added to the net income of the applicant from all other sources, eighty-five dollars (\$85) per month.

Net income from any of the following sources of a combined total value not exceeding eight hundred dollars (\$800) per annum shall not be considered for any purpose:

(a) Income from applicant's labor or services.

(b) The value of foodstuffs produced by the applicant or his family for his use or that of his family.

(c) The value of firewood and/or water produced on the premises of the applicant or given to him by another for the applicant's use.

(d) The value of gifts.

(e) The value of the use and occupancy of premises owned and occupied by the applicant.

(f) The net income from real and personal property owned by the applicant.

Income in addition to the above specified shall be computed on the basis of net income.

All laws of this State that are inconsistent with any of the provisions of this Section 4 including all laws re-enacted and revived and declared to be fully and completely effective by this Article are hereby repealed.

All or any sections of the Welfare and Institutions Code of the State of California hereby amended, may be further amended or may be repealed by the Legislature.

PAY OF LEGISLATORS. Senate Constitutional Amendment No. 1. Provides salaries of members of Legislature shall be fixed by law not to exceed \$834 per month.

17

YES	
NO	

(This proposed amendment 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 **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO ARTICLE IV

That the Constitution of the State be amended by amending the first paragraph of subdivision (b) of Section 2 of Article IV thereof, to read:

(b) Each Member of the Legislature shall receive for his services the sum of five hundred dollars (\$500) for each month of the term for which he is elected.

(b) Salaries of Members of the Legislature shall be fixed by law, not to exceed eight hundred thirty-four dollars (\$834) per month for each month of the term for which he is elected.

ALCOHOLIC BEVERAGE CONTROL APPEALS BOARD. Senate Constitutional Amendment No. 9. Provides for staggered four year term appointment of members who may be removed by Governor or Legislature for cause. Defines review power of the Board to include whether the findings are supported by substantial evidence in the light of the whole record viewed in its entirety, including the body of evidence opposed to the department's findings.

18

YES	
NO	

(This proposed amendment 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 **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO ARTICLE XX

Sec. 22. The State of California, subject to the internal revenue laws of the United States, shall have the exclusive right and power to license and regulate the manufacture, sale, purchase, possession and transportation of alco-

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EXHIBIT 3

Not Reported in Cal.Rptr.3d
Not Reported in Cal.Rptr.3d, 2008 WL 186635 (Cal.App. 3 Dist.)
Nonpublished/Noncitable (Cal. Rules of Court, Rules 8.1105 and 8.1110, 8.1115)
2008 WL 186635 (Cal.App. 3 Dist.)

► **Bowler v. Brown.**
Cal.App. 3 Dist., 2008.
Only the Westlaw citation is currently available.

California Rules of Court, rule 8.1115, restricts
citation of unpublished opinions in California courts.

Court of Appeal, Third District, California.
Larry **BOWLER** et al., Plaintiffs and Appellants,
v.
Edmund G. **BROWN**, Jr., as Attorney General, etc.,
Defendant and Respondent.
No. C054249.
(Super.Ct.No. 06CS01217).

Jan. 23, 2008.

Erik Robert Hartstrom, The Law Office of Hugh O.
Allen, Rancho Cordova, CA, for Plaintiffs and
Appellants.
Office of the State Attorney General, Sacramento,
CA, for Defendant and Respondent.
NICHOLSON, Acting P.J.

*1 The plaintiffs are proponents of various proposed
ballot initiatives to amend the California Constitution
with respect to marriage. They sought a writ of
mandate in the superior court to require the Attorney
General to change the titles and summaries he had
provided for the proposed initiatives. The superior
court denied the petition.

On appeal, the plaintiffs contend that the superior
court erred by not granting the petition because (1)
the titles and summaries provided by the Attorney
General were misleading and (2) the Attorney
General's use of a number to identify each proposed
initiative in its title and summary violated the
Elections Code. We affirm.^{FN1}

FN1. The Attorney General states that this
case is moot because the time for collecting
signatures on the three proposed initiatives
has expired and the plaintiffs have not
collected the required number of signatures.
The Attorney General does not, however,
assert that we should dismiss the appeal. We
therefore consider this appeal on the merits

because, even if it is moot, it raises issues
that are capable of repetition but likely to
evade review. (Conservatorship of
Wendland (2001) 26 Cal.4th 519, 524, fn.
1.)

BACKGROUND ^{FN2}

FN2. The "factual background" section of
the plaintiffs' opening brief is deficient. As it
appears the deficiencies do not preclude our
full consideration of the merits of the appeal,
we elect to disregard the deficiencies. (Cal.
Rules of Court, rule 8.204(e)(2)(C).)

The main deficiency is the plaintiffs'
failure to support factual and procedural
assertions with proper citations to the
record. The brief must "[s]upport any
reference to a matter in the record by a
citation to the volume and page number of
the record where the matter appears." (Cal.
Rules of Court, rule 8.204(a)(1)(C).)

In the plaintiffs' "factual background," in
which they make many assertions of fact
and procedure, they provide only two
references to the record, and one of them
is incorrect. They state that the Attorney
General's policy concerning preparation of
titles and summaries for proposed
initiatives was confusing to the Secretary
of State's staff. The record citation,
however, is to a certification by a
transcriber that a transcript was correct.

As noted, we will disregard the
deficiencies in the brief and consider the
merits.

The plaintiffs, on separate dates, filed three proposed
initiatives with the Secretary of State, triggering the
Attorney General's duty, in each instance, to prepare
a title and summary. The proposed initiatives each (1)
provided for an amendment to the California
Constitution to declare that only marriage between
one man and one woman is valid and recognized in

California and (2) prohibited the government from altering the definition or its effect. The Attorney General assigned the tracking numbers 06-0027, 06-0028, and 06-0029 to the proposed initiatives. As submitted by the plaintiffs, the text of 06-0027 and 06-0028 was identical. The text of 06-0029 was identical except that it added a clause prohibiting the government from decreasing the rights of married people.

The Attorney General wrote titles and summaries for the three proposed initiatives to be included in the petitions circulated for voter signatures.

The titles and summaries for 06-0027 and 06-0028 were identical and read: "MARRIAGE. ELIMINATION OF DOMESTIC PARTNERSHIP RIGHTS. INITIATIVE CONSTITUTIONAL AMENDMENT. Amends the California Constitution to provide that only marriage between one man and one woman is valid or recognized in California, whether contracted in this state or elsewhere. Voids or makes unenforceable certain rights and obligations conferred by California law on same-sex and heterosexual couples registered as domestic partners, concerning subject areas including, but not limited to, community property, intestate succession, stepparent adoption, child custody, child support, hospital visitation, health care decisions for an incapacitated partner, insurance benefits, death benefits, and recovery for wrongful death. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Unknown, but potentially some savings for state and local governments. The impact would depend in large part on future court interpretations. ([06-0027 or 06-0028].)"

The title and summary for 06-0029 differed slightly and read as follows, with the difference in wording italicized: "MARRIAGE. ELIMINATION OF DOMESTIC PARTNERSHIP RIGHTS. INITIATIVE CONSTITUTIONAL AMENDMENT. Amends the California Constitution to provide that only marriage between one man and one woman is valid or recognized in California. *Prohibits decreasing marriage rights shared by one man and one woman.* Voids or makes unenforceable certain rights and obligations conferred by California law on same-sex and heterosexual couples registered as domestic partners, concerning subject areas

including, but not limited to, community property, intestate succession, stepparent adoption, child custody, child support, hospital visitation, health care decisions for an incapacitated partner, insurance benefits, death benefits, and recovery for wrongful death. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Unknown, but *potential increased costs* for state and local governments. The impact would depend in large part on future court interpretations. (06-0029.)" (Italics added.)

*2 As shown, each title and summary, though identical or almost identical in the text, includes the unique number assigned by the Attorney General.

The plaintiffs filed a petition for writ of mandate in the superior court. They sought a writ "commanding [the Attorney General] to amend the Titles to reflect each initiative's unique identity so that potential signatories and circulators and election officials are not misled ... and ... to issue visually different titles for all active initiatives in the future...." The plaintiffs did not then and do not now contend that the titles and summaries prepared by the Attorney General were substantively misleading or improper in any other way.

The Attorney General answered, and the court held a hearing on the petition.

After the hearing, the court entered judgment denying the petition. It concluded that the Attorney General complied with the relevant statutes.^{FN3}

FN3. The Attorney General filed requests for judicial notice on August 3, 2007, and December 19, 2007. The requests for judicial notice are granted. (Evid.Code, §§ 452, 459.)

DISCUSSION

I

Attorney General's Duty

The plaintiffs assert that providing titles and summaries that are not "visually different" for the three proposed initiatives violated the Attorney

General's duty to provide titles and summaries that are not misleading. We conclude that the plaintiffs' assertion is without merit.

"Any person who is interested in any proposed measure may at any time, prior to 150 days before the election at which the measure is to be voted upon, file a copy of it with the Secretary of State, together with a request that a ballot title be prepared for it. This request shall be accompanied by the address of the person or association of person's proposing the measure. The Secretary of State shall immediately transmit a copy of the measure to the Attorney General. Within 10 days after it is filed, the Attorney General shall provide and return to the Secretary of State a ballot title for the measure. The ballot title may differ from the legislative or other title of the measure and shall express in not exceeding 100 words the purpose of the measure. In providing the ballot title, the Attorney General shall give a true and impartial statement of the purpose of the measure in such language that the ballot title shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure."(Elec.Code, § 9051; see also Elec.Code, § 9050.) "Upon receipt of a draft of a petition, the Attorney General shall prepare a summary of the chief purposes and points in the proposed measure."(Elec.Code, § 9004.)

"The Attorney General's statement must be true and impartial, and not argumentative or likely to create prejudice for or against the measure. (Elec.Code, § 3531.) The main purpose of these requirements is to avoid misleading the public with inaccurate information. [Citations.] [The Supreme Court has] said, however, that the title and summary need not contain a complete catalogue or index of all of the measure's provisions and 'if reasonable minds may differ as to the sufficiency of the title, the title should be held sufficient.' [Citation.] As a general rule, the title and summary prepared by the Attorney General are presumed accurate, and substantial compliance with the 'chief purpose and points' provision is sufficient. [Citation.]" (Amador Valley Joint Union High Sch. Dist. v. State Bd. of Equalization (1978) 22 Cal.3d 208, 243.)

*3 The plaintiffs argue: "By failing to provide visually different titles to active initiatives, the Attorney General causes disorder and confusion among potential signatories and volunteer

circulators.... A citizen asked to sign a petition will not have the time nor take the time to read the complete text of the proposals to determine whether they are actually the same."The plaintiffs offer no authority for this argument, except to contend that the Attorney General's practice of using the same wording violates his duty not to mislead. Given that we must first presume a title and summary is accurate and not misleading, we see nothing in the plaintiffs' argument to overcome the presumption. Each title and summary includes the unique number to set it apart from the others. Beyond that, the similarities in the titles and summaries are attributable to the similarities in the proposed initiatives.^{FN4}

FN4. The Attorney General surmises that the plaintiffs are shopping for the most favorable title and summary. We need not engage in speculation concerning the plaintiffs' motives. The issue is whether the Attorney General violated his duty under the Elections Code.

The plaintiffs claim that the Attorney General's approach to preparing the titles and summaries for the three proposed initiatives in this case represents a change in policy. In September 2004, the Attorney General submitted an answer to a petition in an unrelated Elections Code case in which the Attorney General stated: "This proponent has a virtually identical initiative currently circulating.... In order to not to [*sic*] mislead possible signatories, it was necessary to provide this proposed initiative with a visually different title. Therefore, it was a reasonable exercise of the Attorney General's discretion to switch two of the main points so that potential signatories would be able to know that the two measures were in fact different."

While we doubt this is sufficient to establish that the Attorney General had a specific policy concerning the drafting of titles and summaries, it makes no difference. The Attorney General's policies are irrelevant, as long as he produces titles and summaries consistent with his duty under the Elections Code.

Having applied a unique number to distinguish between proposed initiatives that are identical or almost identical, the Attorney General has provided a way for prospective signatories to know which

proposed initiative is being presented. We therefore reject the plaintiffs' assertion that the titles and summaries were misleading.

II

Identifying Number

The plaintiffs also assert that including the Attorney General's unique identifying number in the title and summary violates Election Code section 9051. It does not.

Section 9051 of the Elections Code requires the Attorney General to provide a title and summary "not exceeding 100 words," which is "a true and impartial statement of the purpose of the measure...." The plaintiffs contend that including the unique identifying number in the word count of the title and summary "violates both the limitedword-count [*sic*] clause, and the statement-of-purpose clause" because the number "conveys nothing of the purpose of any measure to the public."

*4 We disagree that including the unique identifying number in the title and summary is an abuse of the Attorney General's broad discretion. The 100-word limit is just that, a limit. If the title and summary sufficiently describes the purpose of the proposed initiative, then the Attorney General has complied with the statute, even if he includes the identifying number.

DISPOSITION

The judgment is affirmed. The Attorney General shall recover his costs on appeal. (Cal. Rules of Court, rule 8.278(a).)

We concur: HULL and ROBIE, JJ.

Cal.App. 3 Dist., 2008.

Bowler v. Brown

Not Reported in Cal.Rptr.3d, 2008 WL 186635
(Cal.App. 3 Dist.)

END OF DOCUMENT

EXHIBIT 4

Date: June 8, 2006
Initiative No. 06-0027

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

MARRIAGE. ELIMINATION OF DOMESTIC PARTNERSHIP RIGHTS. INITIATIVE

CONSTITUTIONAL AMENDMENT. Amends the California Constitution to provide that only marriage between one man and one woman is valid or recognized in California, whether contracted in this state or elsewhere. Voids or makes unenforceable certain rights and obligations conferred by California law on same-sex and heterosexual couples registered as domestic partners, concerning subject areas including, but not limited to, community property, intestate succession, stepparent adoption, child custody, child support, hospital visitation, health care decisions for an incapacitated partner, insurance benefits, death benefits, and recovery for wrongful death.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Unknown, but potentially some savings for state and local governments. The impact would depend in large part on future court interpretations. (06-0027.)

0146

EXHIBIT 5

Date: August 2, 2006
Initiative No. 06-0029

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

MARRIAGE. ELIMINATION OF DOMESTIC PARTNERSHIP RIGHTS. INITIATIVE
CONSTITUTIONAL AMENDMENT. Amends the California Constitution to provide that only marriage between one man and one woman is valid or recognized in California. Prohibits decreasing marriage rights shared by one man and one woman. Voids or makes unenforceable certain rights and obligations conferred by California law on same-sex and heterosexual couples registered as domestic partners, concerning subject areas including, but not limited to, community property, intestate succession, stepparent adoption, child custody, child support, hospital visitation, health care decisions for an incapacitated partner, insurance benefits, death benefits, and recovery for wrongful death. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Unknown, but potential increased costs for state and local governments. The impact would depend in large part on future court interpretations. (06-0029.)

0156

EXHIBIT 6

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Proposed

AMENDMENTS TO CONSTITUTION

PROPOSITIONS AND PROPOSED LAWS

Together With Arguments

To Be Submitted to the Electors
of the State of California at the

GENERAL ELECTION

TUESDAY, NOV. 6, 1956

Compiled by RALPH N. KLEPS, Legislative Counsel
Distributed by FRANK M. JORDAN, Secretary of State

CERTIFICATE OF SECRETARY OF STATE

State of California, Department of State
Sacramento, California

I, Frank M. Jordan, Secretary of State of the State of California, do hereby
certify that the following measures will be submitted to the electors of the State
of California at the general election to be held throughout the State on the sixth
day of November, 1956.

Witness my hand and the great seal of the State, at office in
Sacramento, California, the third day of September, A.D. 1956.



Frank M. Jordan
Secretary of State

printed in CALIFORNIA STATE PRINTING OFFICE

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operating requirements in leases issued heretofore, pursuant to COMPETITIVE BIDDING, could be abrogated . . . existing rules and regulations could be curtailed, ALL WITH AN ADVERSE EFFECT ON LEASE ROYALTY REVENUES TO BE PAID TO THE STATE" . . . Those royalties can exceed FOUR BILLION DOLLARS in the next twenty years—if the oil is produced.

THE STAFF RECOMMENDED THAT THE COMMISSION OPPOSE PROPOSITION NO. 4. Paid Propagandists tell you "four billion barrels more oil" and "twelve billion dollars more income" will result from its passage. They cannot document these false claims—which explains why they by-passed the Legislature.

CALIFORNIA LEADS THE NATION IN OIL CONSERVATION LAW.

Attorney General Brown has the power to prosecute wasteful recovery practices—and has done so. Proposition 4 would repeal this law.

Ninety percent of the oil industry is against this Act, including the Association of Independent Oil Producers and the overwhelming majority of members of San Joaquin Valley Oil Producers Association, and Oil Producers Agency.

Compulsory "unitization" will force independents to sell out or go bankrupt.

The American Legion, Veterans of Foreign Wars, and Disabled American Veterans, in State Conventions, rejected resolutions favoring Proposition 4; the Military Order of the Purple Heart passed a Resolution urging its DEFEAT.

PROPOSITION NO. 4 IS DEADLY TO THE PUBLIC INTEREST. HELP US DEFEAT IT BY VOTING NO.

CALIFORNIA COMMITTEE OPPOSED TO OIL MONOPOLY

By W. H. Geis, Chairman, Los Angeles

Argument Against Initiative Proposition No. 4

By shutting in California oil production, Proposition No. 4 would force this nation to rely to an increasingly dangerous extent on foreign oil. That would be harmful to national security. We must rely upon an expanding domestic oil producing industry to provide mobility for the fleet, land armies and air arm in a national emergency. Proposition No. 4 would be harmful to that vital defense purpose. This measure should be defeated.

JOSEPH F. TAYLOR

Rear Admiral, U.S.N. Ret., Los Angeles

ALCOHOLIC BEVERAGE ESTABLISHMENTS. Senate Constitutional Amendment

5 No. 2. Eliminates present provision permitting service of intoxicating liquor only in bona fide hotels, restaurants and other public eating places. Authorizes legislation to permit service of alcoholic beverages in public premises in which food need not be served; restricts presence of minors in such establishments. Incorporates existing ban on service, or sale of alcoholic beverages to persons under 21.

YES

NO

(For Full Text of Measure, See Page 35, Part II)

Analysis by the Legislative Counsel

This amendment to Section 22 of Article XX of the Constitution would repeal the present constitutional prohibition against the sale of intoxicating liquor for consumption in public premises which are not bona fide public eating places.

The measure specifically authorizes the Legislature to provide for the issuance of licenses for the four following types of premises, in which only the alcoholic beverages specified in the licenses may be sold and served for consumption upon the premises:

(1) Bona fide public eating places, as defined by the Legislature. The Legislature has already defined this term in a law enacted to carry out the provisions of this measure (Stats. 1955, Ch. 1779). Both the constitutional amendment and the law would become operative on January 1, 1957, if the constitutional amendment is adopted.

(2) Public premises in which food shall not be sold or served as it would be in a bona fide public eating place. The Legislature, however, is authorized to permit the sale or service of food products incidental to the sale of alcoholic beverages in such premises. No person under the age of 21 years may be permitted to enter and remain in such public premises without lawful business therein.

(3) Public premises for the sale and service of beers alone.

(4) Railroad dining or club cars, passenger ships, common carriers by air, and bona fide clubs after such clubs have been lawfully operated for

not less than one year, under such conditions as the Legislature may impose.

The measure expressly prohibits the sale, furnishing, giving, or causing to be sold, furnished, or given away, of alcoholic beverages to any person under the age of 21 years, and prohibits the purchase of alcoholic beverages by any person under the age of 21 years. These prohibitions have been in force as statutory provisions for many years.

The measure also specifically authorizes the Legislature to provide for the issuance of all types of licenses necessary for the manufacture, sale, purchase, possession, and transportation of alcoholic beverages.

Argument in Favor of Senate Constitutional Amendment No. 2

The present constitutional provision relating to the control of the sale of alcoholic beverages for consumption on the premises only permits its sale and consumption in a bona fide hotel, restaurant, cafe, cafeteria, railroad dining or club car; passenger ship, or other public eating place, or in clubs as defined in the Constitution.

Such provision does not permit the total exclusion of minors, (persons under the age of 21 years) from entering and remaining on the licensed premises since they have a perfect right to be at one of the defined places and it is common to see a minor in such place accompanied by his elders. This has created a difficult problem of enforcement since

EXHIBIT 7

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Proposed

AMENDMENTS TO CONSTITUTION

PROPOSITIONS AND PROPOSED LAWS

Together With Arguments

To Be Submitted to the Electors
of the State of California at the

GENERAL ELECTION
TUESDAY, NOV. 4, 1958

Compiled by RALPH N. KLEPS, Legislative Counsel.
Distributed by FRANK M. JORDAN, Secretary of State.

REFERENCE

For use in Library
only

Anyone who would have been qualified to vote for a presidential elector in the county of the state from which he migrated to California and who, except for insufficient residence, is qualified to vote in California should not be required to forfeit his right to vote for a presidential elector solely because of residence. The president and vice president govern all of the people of the United States and the residence of the voter within the United States has nothing to do with the responsibility of these national officers to the voter. To be governed without the right to vote for the person governing is contrary to the basic concepts of our Democratic form of government. And since there is neither justification nor reason for a residential voting requirement in presidential elections the requirement should be abolished.

THOMAS J. MACBRIDE
Assemblyman, 8th District

Argument Against Assembly Constitutional Amendment No. 2

According to the State Constitution a resident of California is required to live in the State of California a minimum of one year in order to vote for Presidential Electors, Congressmen, and State Officers.

This proposed amendment would authorize the Legislature to extend the voting privilege for Presidential Electors to persons who have lived in California ONLY 54 days.

This proposed constitutional amendment should be defeated for the following reasons:

1. IT IS NOT CONSISTENT. There is no need or justification for this change in the constitution. A person who lived in California less than one year could, if the amendment is adopted, vote

ONLY for Presidential Electors, but NOT Governor, U. S. Senator, U. S. Representative, State Senator, State Assemblyman or other officers. Should a person be qualified JUST to vote for Presidential Electors and NOT for all the other officers? Why should some people be allowed to vote for the highest office in the land, but be prohibited from voting for the other federal and state offices?

2. IT WOULD BE EXPENSIVE. If the amendment is adopted, each county would have to provide separate ballots for some voters who could ONLY vote for Presidential Electors, and provide other ballots for persons who would be allowed to vote for Presidential Electors AND other federal and state officers. There is no justification for the additional expense.

3. IT WOULD BE DIFFICULT TO ADMINISTER. The only people who would benefit from this change would be those persons who were eligible to vote in another state had they remained in such state until the Presidential election. The registration officials, in order to follow the law, might be required to investigate each of the special registrants to determine if they were qualified voters in another state. Would the County Clerks and Registrars be required to investigate each claim? What proof would be required? The cost of the investigations would almost be beyond comprehension.

For economy and efficiency, a NO vote is urged on this constitutional amendment. VOTE NO.

JOHN M. HANLEY
800 University Avenue, Palo Alto
Member, Republican Central
Committee of Santa Clara
County, State of California

GENERAL LEGISLATIVE SESSIONS. Assembly Constitutional Amendment No. 36.

Eliminates mandatory 30-day recess during general sessions of Legislature in odd-numbered years. Prevents committee hearing or passage of bills (other than Budget Bill) for 30 days after introduction at general sessions, but permits waiver by three-fourths vote. Excludes Saturdays and Sundays from 120-day limit on length of general sessions.

YES

NO

(For Full Text of Measure, See Page 11, Part II)

Analysis by the Legislative Counsel

This constitutional amendment would affect that portion of Section 2 of Article IV of the California Constitution which relates to the duration of general sessions of the Legislature. These sessions occur only in odd-numbered years and presently, no general session of the Legislature may exceed 120 calendar days. This is computed by including the Saturdays and Sundays that fall within the period, and by excluding the duration of the constitutional recess which is required and which must last for at least 30 calendar days.

This amendment would change the duration of the general sessions by excluding Saturdays and Sundays in computing the 120 calendar day period. It would also eliminate the constitutional recess during the general sessions. Thus, under the amendment, the general sessions would run

continuously from the time of commencement until the expiration of the 120 calendar day period, not counting the Saturdays and Sundays that fall within that period. The date and time of the commencement of the general sessions at 10 o'clock noon on the first Monday after the first day of January, would not be affected. In 1959, for example, the Legislature would convene on January 5, 1959 and would adjourn the general session on June 19, 1959.

Under the present wording of the Constitution after the required constitutional recess during the general session, no bills may be introduced in either house without the consent of three-fourths of the members, and a member may not introduce more than two bills. The proposed measure would provide instead that, during the general session, no bill other than the Budget Bill may be heard

by any committee or acted upon until 30 calendar days after introduction. This 30 calendar day period, however, by dispensing with, however, by the members of 1 month of the members of 1 month. Initially, the measure character for which legislators incur expenses incurred while attending to conform to the increased session. It also deletion relating to the budget session, held in even-numbered years, superseded in 1956 by the amendment to Section 2 of Article

Argument in Favor of Assembly Constitutional Amendment

This proposed legislation has received full endorsement of the Advisory Commission of the General Session. Currently the General Session is limited to 120 calendar days; is followed by a 30-day recess, and reconvenes, for a total of 150 calendar days. The total 120 calendar day limit on bills originally

Adoption of this amendment would require a 30-day recess, which would add 30 days to the session. Undoubtedly sound legislation was adopted, it is initially this interim was public time to read and discuss during the first third of the session. The tremendous increase in bills resulting from the amendment of our State has caused the State Printer to print until the end of the session, little time to study them. It has led to the mass introduction of bills, which results in little details of any proposal. The "skeletal" or "spot bill" that the author has in mind, change in the law on a part mean little to the public, and reprinted—all of which is expensive.

The amendment would allow bills during the first ninety days, including Saturdays and Sundays, the members of either House consideration of a bill within a 90-day period if the urgency clause. This would give the author time to prepare his bills carefully. The current practice of the Saturday and Sunday provide each legislator time important to his District with his constituents and them.

EXHIBIT 8

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SACRAMENTO

Proposed

AMENDMENTS TO CONSTITUTION

PROPOSITIONS AND PROPOSED LAWS

Together With Arguments

(Arguments in support or opposition of the proposed laws are opinions of the authors)

PRIMARY ELECTION

Tuesday, June 6, 1972

Compiled by GEORGE H. MURPHY, Legislative Counsel
Distributed by EDMUND G. BROWN Jr., Secretary of State

ity of the membership concurring, to be for the balance of the term as to which such vacancy exists. Said corporation shall be vested with the legal title and the management and disposition of the property of the university and of property held for its benefit and shall have the power to take and hold, either by purchase or by donation, or gift, testamentary or otherwise, or in any other manner, without restriction, all real and personal property for the benefit of the university or incidentally to its conduct. Said corporation shall also have all the powers necessary or convenient for the effective administration of its trust, including the power to sue and to be sued, to use a seal, and to delegate to its committees or to the faculty of the university, or to others, such authority or functions as it may deem wise; provided, that all moneys derived from the sale of public lands donated to this state by act of Congress approved July 2, 1862 (and the several acts amendatory thereof), shall be invested as provided by said acts of Congress and the income from said moneys shall be inviolably appropriated to the endowment,

support and maintenance of at least one college of agriculture, where the leading subjects shall be (without excluding other scientific and classical studies, and including military tactics) to teach such branches of learning as are related to scientific and practical agriculture and mechanic arts, in accordance with the requirements and conditions of said acts of Congress; and the Legislature shall provide that if, through neglect, misappropriation, or any other contingency, any portion of the funds so set apart shall be diminished or lost, the state shall replace such portion so lost or misappropriated, so that the principal thereof shall remain forever undiminished. The university shall be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs, and no person shall be debarred admission to any department of the university on account of sex.

(b) Meetings of the regents shall be public, with exceptions and notice requirements as may be provided by statute.

6 **NATURALIZED CITIZEN VOTING ELIGIBILITY.** Legislative Constitutional Amendment. Eliminates existing provision in Constitution requiring naturalized citizen to be naturalized for 90 days prior to becoming eligible to vote.

YES	
NO	

(This amendment proposed by Assembly Constitutional Amendment No. 21, 1971 Regular Session, expressly amends an existing section of the Constitution; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** or **REPEALED** are printed in **STRIKEOUT TYPE**.)

PROPOSED AMENDMENT TO ARTICLE II

SECTION 1. Every native citizen of the United States of America, every person who shall have acquired the rights of citizenship under and by virtue of the Treaty of Queretaro, and every naturalized citizen thereof, ~~who shall have become such ninety days prior to any election,~~ of the age of 21 years, who shall have been a resident of the State one year next preceding the day of the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct fifty-four days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; provided, any person duly registered as an elector in one precinct and removing therefrom to another precinct in the same county within fifty-four days, or any person duly registered as an elector in any county in California and

removing therefrom to another county in California within ninety days prior to an election, shall for the purpose of such election be deemed to be a resident and qualified elector of the precinct or county from which he so removed until after such election; provided, further, no alien ineligible to citizenship, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this State; provided, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who had the right to vote on October 10, 1911, nor to any person who was 60 years of age and upwards on October 10, 1911; provided, further, that the Legislature may, by general law, provide for the casting of votes by duly registered voters who expect to be absent from their respective precincts or unable to vote therein, by reason of physical disability, on the day on which any election is held.

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EXHIBIT 9

California

SUPPLEMENTAL BALLOT PAMPHLET

This supplemental ballot pamphlet is sent to you separately from the pamphlet containing Propositions 181 through 188 and the statewide candidate statements because the measures contained herein qualified for the ballot after the printing deadline for the principal ballot pamphlet. Please check to be sure you receive two ballot pamphlets for the November 8, 1994 General Election. In order to distinguish between the two, this supplemental pamphlet is printed in blue ink. If you do not receive your main pamphlet, contact your county elections official or call 1-800-345-VOTE.

General Election

NOVEMBER 8, 1994

CERTIFICATE OF CORRECTNESS

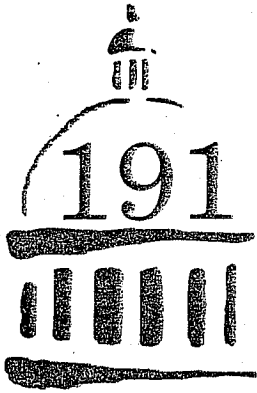
I, Tony Miller, Acting Secretary of State of the State of California, do hereby certify that the measures included herein will be submitted to the electors of the State of California at the GENERAL ELECTION to be held throughout the State on November 8, 1994, and that this pamphlet has been correctly prepared in accordance with law.



Witness my hand and the Great Seal of the State in Sacramento, California,
this 22nd day of September 1994.

Tony Miller

TONY MILLER
Acting Secretary of State



Justice Courts. Legislative Constitutional Amendment.

Official Title and Summary Prepared by the Attorney General

JUSTICE COURTS. LEGISLATIVE CONSTITUTIONAL AMENDMENT.

- Effective January 1, 1995, eliminates justice courts; elevates existing justice courts to municipal courts; and unifies justice courts within municipal courts. Continues number, qualifications, compensation of judges and personnel, until modified by Legislature.
- Authorizes Legislature to provide for organization and jurisdiction of municipal courts, and to prescribe number, qualifications and compensation of municipal court judges, staff.
- Makes conforming changes to composition of Judicial Council, appellate jurisdiction of Superior Court.

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

- Probably no significant fiscal impact on state or local governments.

Final Votes Cast by the Legislature on SCA 7 (Proposition 191)

Assembly: Ayes 79	Senate: Ayes 39
Noes 0	Noes 0

EXHIBIT 10

C A L I F O R N I A
**GENERAL
ELECTION**
TUESDAY, NOVEMBER 4, 2008

★ **OFFICIAL VOTER INFORMATION GUIDE** ★

Certificate of Correctness

I, Debra Bowen, Secretary of State of the State of California, do hereby certify that the measures included herein will be submitted to the electors of the State of California at the General Election to be held throughout the State on November 4, 2008, and that this guide has been correctly prepared in accordance with the law.

Witness my hand and the Great Seal of the State in Sacramento, California, on this 11th day of August, 2008.

Debra Bowen



Debra Bowen
Secretary of State

**SUBJECT TO COURT
ORDERED CHANGES**

Argument in Favor of Proposition 8

Proposition 8 is simple and straightforward. It contains the same 14 words that were previously approved in 2000 by over 61% of California voters: "Only marriage between a man and a woman is valid or recognized in California."

Because four activist judges in San Francisco wrongly overturned the people's vote, we need to pass this measure as a constitutional amendment to RESTORE THE DEFINITION OF MARRIAGE as a man and a woman.

Proposition 8 is about preserving marriage; *it's not an attack on the gay lifestyle*. Proposition 8 doesn't take away any rights or benefits from gay or lesbian domestic partners. Under California law, "domestic partners shall have the same rights, protections and benefits" as married spouses. (Family Code §297.5.) There are NO exceptions. Proposition 8 WILL NOT change this.

YES on Proposition 8 does three simple things:

It restores the definition of marriage to what the vast majority of California voters already approved and human history has understood marriage to be.

It overturns the outrageous decision of four activist Supreme Court judges who ignored the will of the people.

It protects our children from being taught in public schools that "same-sex marriage" is the same as traditional marriage.

**SUBJECT TO COURT
ORDERED CHANGES**

ARGUMENT IN FAVOR OF PROPOSITION 8

Proposition 8 protects marriage as an essential institution of society. While death, divorce or other circumstances may prevent the ideal, the best situation for a child is to be raised by a married mother and father.

The narrow decision of the California Supreme Court isn't just about "live and let live." In health education classes, state law requires teachers to instruct children as young as kindergarteners about marriage. (Education Code §51890.) If the gay marriage ruling is not overturned, TEACHERS WILL BE REQUIRED to teach young children there is *no difference* between gay marriage and traditional marriage.

We should not accept a court decision that results in public schools teaching our kids that gay marriage is okay. That is an issue for parents to discuss with their children according to their own values and beliefs. *It shouldn't be forced on us against our will.*

Some will try to tell you that Proposition 8 takes away legal rights of gay domestic partners. That is false. Proposition 8 DOES NOT take away any of those rights and does not interfere with gays living the lifestyle they choose.

However, while gays have the right to their private lives, *they do not have the right to redefine marriage* for everyone else.

CALIFORNIANS HAVE NEVER VOTED FOR SAME-SEX MARRIAGE. If gay activists want to legalize gay marriage, they should put it on the ballot. Instead, they have gone behind the backs of

**SUBJECT TO COURT
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ARGUMENT IN FAVOR OF PROPOSITION 8

voters and convinced four activist judges in San Francisco to redefine marriage for the rest of society. That is the wrong approach.

Voting YES on Proposition 8 RESTORES the definition of marriage that was approved by over 61% of voters. Voting YES overturns the decision of four activist judges. Voting YES *protects our children.*

Please vote YES on Proposition 8 to RESTORE the meaning of marriage.

Ron Prentice
President, California Family Council

Rosemarie "Rosie" Avila
Governing Board Member, Santa Ana Unified School District

Bishop George McKinney
Director, Coalition of African American Pastors

**SUBJECT TO COURT
ORDERED CHANGES**

EXHIBIT 11

C A L I F O R N I A
**GENERAL
ELECTION**

TUESDAY, NOVEMBER 4, 2008

★ **OFFICIAL VOTER INFORMATION GUIDE** ★

Certificate of Correctness

I, Debra Bowen, Secretary of State of the State of California, do hereby certify that the measures included herein will be submitted to the electors of the State of California at the General Election to be held throughout the State on November 4, 2008, and that this guide has been correctly prepared in accordance with the law.

Witness my hand and the Great Seal of the State in Sacramento, California, on this 11th day of August, 2008.

Debra Bowen



Debra Bowen
Secretary of State

**SUBJECT TO COURT
ORDERED CHANGES**

Ballot Argument Against Proposition 8

OUR CALIFORNIA CONSTITUTION - the law of our land - SHOULD
GUARANTEE THE SAME FREEDOMS AND RIGHTS TO EVERYONE -- NO
ONE group SHOULD be singled out to BE TREATED DIFFERENTLY.

In fact, our nation was founded on the principle that all people should be treated
equally. EQUAL PROTECTION UNDER THE LAW IS THE FOUNDATION OF
AMERICAN SOCIETY.

That's what this election is about -- equality, freedom and fairness, for all.

Marriage is the institution that conveys dignity and respect to the lifetime
commitment of any couple. PROPOSITION 8 WOULD DENY LESBIAN AND
GAY COUPLES that same DIGNITY AND RESPECT.

That's why Proposition 8 is wrong for California.

Regardless of how you feel about this issue, the freedom to marry is fundamental
to our society, just like the freedoms of religion and speech.

PROPOSITION 8 MANDATES ONE SET OF RULES FOR GAY AND LESBIAN
COUPLES AND ANOTHER SET FOR EVERYONE ELSE. That's just not fair.
OUR LAWS SHOULD TREAT EVERYONE EQUALLY.

**SUBJECT TO COURT
ORDERED CHANGES**

ARGUMENT AGAINST PROPOSITION 8

In fact, the government has no business telling people who can and cannot get married. Just like government has no business telling us what to read, watch on TV or do in our private lives. We don't need Prop 8; WE DON'T NEED MORE GOVERNMENT IN OUR LIVES.

REGARDLESS OF HOW ANYONE FEELS ABOUT MARRIAGE FOR GAY AND LESBIAN COUPLES, PEOPLE SHOULD NOT BE SINGLED OUT FOR UNFAIR TREATMENT UNDER THE LAWS OF OUR STATE. Those committed and loving couples who want to accept the responsibility that comes with marriage should be treated like everyone else.

DOMESTIC PARTNERSHIPS ARE NOT MARRIAGE.

When you're married and your spouse is sick or hurt, there is no confusion: you get into the ambulance or hospital room with no questions asked. IN EVERYDAY LIFE, AND ESPECIALLY IN EMERGENCY SITUATIONS, DOMESTIC PARTNERSHIPS ARE SIMPLY NOT ENOUGH. Only marriage provides the certainty and the security that people know they can count on in their times of greatest need.

**SUBJECT TO COURT
ORDERED CHANGES**

ARGUMENT AGAINST PROPOSITION 8

EQUALITY UNDER THE LAW IS A FUNDAMENTAL CONSTITUTIONAL GUARANTEE. Prop 8 separates one group of Californians from another and excludes them from enjoying the same rights as other loving couples.

Forty-six years ago I married my college sweetheart, Julia. We raised three children – two boys and one girl. The boys are married, with children of their own. Our daughter, Liz, a lesbian, can now also be married – if she so chooses.

All we have ever wanted for our daughter is that she be treated with the same dignity and respect as her brothers – with the same freedoms and responsibilities as every other Californian.

My wife and I never treated our children differently, we never loved them any differently and now the law doesn't treat them differently, either.

Each of our children now has the same rights as the others, to choose the person to love, commit to and to marry.

Don't take away the equality, freedom and fairness that everyone in California – straight, gay or lesbian - deserves.

Please join us in voting NO on Prop 8.

~~1st~~ Samuel Thoron
Former President, Parents, Families and Friends of Lesbians and Gays
~~1st~~ Julia Miller Thoron, PARENT

SUBJECT TO COURT
ORDERED CHANGES

EXHIBIT 12

C A L I F O R N I A
**GENERAL
ELECTION**
TUESDAY, NOVEMBER 4, 2008

★ **OFFICIAL VOTER INFORMATION GUIDE** ★

Certificate of Correctness

I, Debra Bowen, Secretary of State of the State of California, do hereby certify that the measures included herein will be submitted to the electors of the State of California at the General Election to be held throughout the State on November 4, 2008, and that this guide has been correctly prepared in accordance with the law.

Witness my hand and the Great Seal of the State in Sacramento, California, on this 11th day of August, 2008.

Debra Bowen



Debra Bowen
Secretary of State

**SUBJECT TO COURT
ORDERED CHANGES**

~~Rebuttal to Argument in Opposition to Proposition 8~~
Against

Proposition 8 is about traditional marriage; it is not an attack on gay relationships. Under California law gay and lesbian domestic partners are treated equally; they already have the same rights as married couples. Proposition 8 does not change that.

What Proposition 8 does is restore the meaning of marriage to what human history has understood it to be and over 61% of California voters approved just a few years ago.

Your YES vote ensures that the will of the people is respected. It overturns the flawed legal reasoning of four judges in San Francisco who wrongly disregarded the people's vote, and ensures that gay marriage can be legalized only through a vote of the people.

Your YES vote ensures that parents can teach their children about marriage according to their own values and beliefs without conflicting messages being forced on young children in public schools that gay marriage is okay.

Your YES vote on Proposition 8 means that only marriage between a man and a woman will be valid or recognized in California, regardless of when or where performed. But Prop. 8 will NOT take away any other rights or benefits of gay couples.

Gays and lesbians have the right to live the lifestyle they choose, but they do not have the right to redefine marriage for everyone else. Proposition 8 respects the rights of gays while still reaffirming traditional marriage.

**SUBJECT TO COURT
ORDERED CHANGES**

REBUTTAL TO ARGUMENT AGAINST
PROPOSITION 8

Please vote YES on Proposition 8 to RESTORE the definition of marriage that the voters already approved.

Dr. Jane Anderson, M.D.

Fellow, American College of Pediatricians

Robert Bolingbroke

Council Commissioner

San Diego-Imperial Council, Boy Scouts of America

Jeralee Smith

Director of Education/California

Parents and Friends of Ex-Gays and Gays (PFOX)

**SUBJECT TO COURT
ORDERED CHANGES**

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Mark A. Jansson v. Debra Bowen (Prop 8)**

Case No.: **34-2008-00017351-CU-WM-GDS**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On August 4, 2008, I served the attached **Request for Judicial Notice in Support of Opposition to Petition for Writ of Mandate** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

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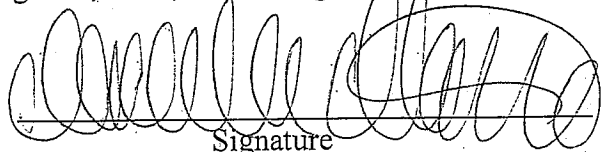
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I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on August 4, 2008, at Los Angeles, California.

Michelle Martino

Declarant



Signature