

ORIGINAL

Case No. S232642

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

SUPREME COURT
FILED

GOVERNOR EDMUND G. BROWN, JR., MARGARET R. PRINZING
and HARRY BEREZIN,

MAR 21 2016

Petitioners,

Frank A. McGuire Clerk

v.

Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA,
COUNTY OF SACRAMENTO,

Respondent.

CALIFORNIA DISTRICT ATTORNEYS ASSOCIATION, ANNE
MARIE SCHUBERT, an individual and in her personal capacity, and
KAMALA HARRIS, in her official capacity as Attorney General of the
State of California,
Real Parties In Interest.

On Appeal from the Superior Court of California, County of Sacramento
Case No. 34-2016-80002293-CU-WM-GDS
Hon. Shelleyanne Chang

**RETURN OF REAL PARTIES IN INTEREST, CALIFORNIA
DISTRICT ATTORNEYS ASSOCIATION AND ANNE
MARIE SCHUBERT TO ORDER TO SHOW CAUSE ISSUED
MARCH 9, 2016**

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INTRODUCTION

Rather than restate arguments already submitted to the trial court (and part of the record herein) and to this Court in Real Parties' brief submitted on February 29, 2016, this response to the Court's Order to Show Cause will focus on arguments not fully briefed by Real Parties until now. As indicated more fully below, the petition for writ of mandate overturning the trial court's decision should be denied for the following reasons:

- 1) The underlying factual basis upon which the Court granted temporary relief is highly unlikely to occur – in short, the Governor will not qualify his measure for the November 2016 General Election;
- 2) Granting the writ in this case will establish a precedent and standard that will encourage future initiative proponents to use “gut-and-amend” to hide their real intentions from the public, from the Legislative Analyst, and from the Attorney General – all in direct contravention of the Legislature's intent in enacting SB 1253 in 2014;
- 3) Even accepting Petitioners and Attorney General's argument that SB 1253 enacted the constitutional “single subject” rule standard, the January 26 submission is not “reasonably germane” to the posited subject of the December 22 submission.

ARGUMENT

A. ALL EVIDENCE INDICATES THAT THE GOVERNOR WILL NOT QUALIFY HIS MEASURE FOR THE NOVEMBER 2016 BALLOT RENDERING HIS REQUEST FOR URGENT RELIEF BY THIS COURT MOOT.

Throughout Petitioners' emergency petition for writ of mandate, they assert that "unless this court acts, they will be unable to file their petitions in order to qualify the measure in time for the November 2016 election" (Petition at p. 5). In addition, they allege, "[w]aiting until 2018 to qualify this measure for the ballot is not an option." (Petition at p. 4). In Petitioners' urgent letter to the Court dated February 26, 2016, they stated that even "a delay of four or more calendar days beyond today would likely make it impossible to qualify [the Governor's proposed initiative] for the November 2016 ballot" (Petitioners' February 26, 2016, letter to this Court.).

Despite this Court's immediate response to Petitioners' urgent plea, all evidence now indicates that the Governor will not qualify his measure for the November 2016 ballot – the only ballot acceptable to him.

Based on this Court's temporary Order issued on February 26, 2016, the Attorney General issued a title and summary for the measure that same day. Presumably, the Governor commenced circulating his petition shortly after issuance of the title and summary. (See Petitioners' Appendix, Vol. 2, p. APP204, ¶ 2, lns. 11-15.)

In order to qualify his constitutional amendment for the ballot, the Governor is required to submit 643,948 valid petition signatures. That number is 110 percent of the amount of valid petition signatures required to qualify a constitutional amendment (585,407). Because of his own delay in commencing the petitioning process, the Governor will be required to qualify his petition on a “random sampling” basis as provided for in Elections Code section 9030(g), which requires the random sample to equal or exceed 110 percent of the required number of valid signatures.

In order to obtain 643,948 *valid* petition signatures, the Governor has stated that he needs to collect “nearly one million” *total* signatures to account for invalid signatures and duplicate signatures submitted to the elections officials (Petition, ¶ 21). Real Parties agree. For example, the only other constitutional measure that already qualified for the November 2016 ballot submitted 933,054 total signatures. After a random sample of the validity of those signatures, the Secretary of State determined that 73.13% of the signatures were likely valid, and the measure qualified based on the random sample (See Secretary of State’s report of certification for Initiative No. 1667, attached hereto as Exhibit A.). Because of the haste in which the petitions here are circulating, the validity rate is likely to suffer which explains the Governor’s goal of nearly one million petition signatures.

Petitioners correctly state that the Secretary of State’s recommended deadline for submitting an initiative petition to the 58 County Registrars of Voters is April 26, 2016 (See, Petition, ¶ 21; and see Petitioners’ Appendix, Vol. 2, p.

APP205, ¶ 6, Ins. 3-14.). As Petitioners' declarant admits "[t]hat deadline is based on the Secretary of State's computation of the various tasks that must be undertaken by elections officials to determine whether an initiative has a sufficient number of valid signatures before June 30, 2016, which is the statutory deadline for an initiative to qualify for the November 2016 election ballot." (*Id.*) Those various tasks, and the time periods allotted for the completion of those tasks, are provided in Elections Code sections 9030 – 9031 and include: 1) 8 working days to complete a "raw count" total of all petition signatures; transmission to and tabulation of such totals by Secretary of State; 2) 30 working days to complete "random sampling" of all petition signatures for verification; and 3) transmission and tabulation of such totals by the Secretary of State.¹

Thus, based on this Court's temporary Order on February 26, 2016, and the April 26, 2016 deadline,² the Governor left himself just 8 weeks to collect nearly

¹ The Court should be reminded that the county registrars will be extremely busy during the period between April 26 and June 30, simultaneously validating other state and local petitions, and conducting a statewide election on June 7. Some local jurisdictions are conducting local elections right now.

² In reply, Petitioners may suggest that the April 26 date is merely a "suggested deadline" and not the actual deadline. In that regard, the only "actual" deadline in the law is June 30, the last day to qualify for the November 2016 election. The fact remains that submitting on any date after April 26 requires *every single* election official in the State to process the initiative petition faster than the law provides. Here, as mentioned in the footnote above, it is not likely that every election official in the State will complete the complicated process of validating petition signatures significantly faster than the time frame that the law allows.

one million petition signatures (more than 120,000 per week). Therefore, given the interest in this facet of the matter before the Court, it would appear appropriate to visit Petitioners' progress in collecting the necessary signatures. It is not going well.

The Elections Code requires an initiative proponent to file a "certificate" with the Secretary of State, signed under penalty of perjury, "immediately upon the collection of 25 percent of the number of signatures needed to qualify the initiative measure for the ballot." (Elec. Code, § 9034(a).) In this case, 25 percent of the constitutionally required 585,407 valid petition signatures are 146,352. Yet, as of the date this brief was filed Petitioners have **NOT** submitted the certificate to the Secretary of State. This non-filing evidences that after more than three weeks Petitioners have collected fewer than 146,352 (less than 50,000 per week) of the signatures needed to qualify the measure for the November 2016 ballot. (See California Secretary of State <<http://www.sos.ca.gov/elections/ballot-measures/initiative-and-referendum-status/circulating-initiatives-25percent-signatures>> [as of March 21, 2016] and attached hereto as Exhibit B.)

Now, with just five weeks left to circulate his petition, the Governor has fallen behind the initial weekly projected signature totals needed to qualify the measure and now needs more than 160,000 per week (5 weeks to collect an additional 800,000 signatures, minimum). That weekly total is more than three times the weekly total number of signatures obtained in the first three weeks of his petitioning effort.

What explains this failure? The environment for petition gathering is challenging even for popular proposals. The Court needs look no further than Petitioners' own declarant. In Petitioners' February 26 letter, the Governor's petition circulator explains why "it has become increasingly difficult to gather signatures for initiative measures" in California, namely the difficulty in obtaining access to public locations and competition from the 14 other measures trying to qualify for the ballot, all of which commenced the process well before the Governor started his effort. (See, Petitioners' February 26, 2016 letter to this Court, p. 2, ¶ 3.)

The only justification offered to this Court to consider the extraordinary request for relief herein (rather than through a traditional appeal) was the stated absolute necessity to qualify the measure for the November 2016 ballot. As will soon be known to the Court and everyone else, the measure will NOT qualify for the November ballot and the cause will be entirely of the Petitioners' own making.³ Thus, the impending intervening failure to qualify the proposed initiative for the November 2016 ballot now renders the petition moot or so likely not to succeed as to make the matter effectively moot. (*Wilson & Wilson v. City Council of Redwood City* (2011) 191 Cal.App.4th 1559, 1573 ["A controversy is

³ Real Parties believe the Governor will likely reach the same conclusion and publicly announce his decision to cease the effort to qualify the measure for the November 2016 ballot in the coming weeks. Even if he does not, this Court will be able to follow the qualification status on the Secretary of State's website, as he posts frequent updates on petition submissions, similar to the spreadsheet provided in Exhibit A to this Return.

‘ripe’ when it has reached, but has not passed, the point that the facts have sufficiently congealed to permit an intelligent and useful decision to be made... Ripeness is not a static state, and a case that presents a true controversy at its inception becomes moot if before decision it has through act of the parties or other cause, occurring after the commencement of the action, lost that essential character”]; *Breaux v. Agricultural Labor Relations Bd.* (1990) 217 Cal.App.3d 730, 743, [“Issues which have been, but (by virtue of intervening acts or events) are no longer, justiciable may be said to be ‘moot’ ”]; and *Wilson v. L.A. County Civil Service Com.* (1952) 112 Cal.App.2d 450, 453 [“although a case may originally present an existing controversy, if before decision it has, through act of the parties or other cause, occurring after the commencement of the action, lost that essential character, it becomes a moot case or question which will not be considered by the court.”]; *Vandermost v. Bowen* (2012) 53 Cal.4th 421, 458 [“We also emphasize that it is perfectly appropriate for this court, after the issuance of an order to show cause and while such a proceeding is pending before the court, to continue to consider all relevant factors that may affect both the need for relief and the prudence and appropriate timing of affording the relief that the court determines may be warranted.”]

For this reason alone, good cause exists to deny the petition for writ of mandate. Petitioners can still choose to appeal the trial court’s decision, or more likely, abandon the initiative effort and call upon the Legislature to consider the proposed “reforms.”

B. ISSUANCE OF A WRIT IN THIS CASE WILL ENCOURAGE FUTURE INITIATIVE PROPONENTS TO ENGAGE IN A “GUT AND AMEND” PROCESS TO KEEP THE PUBLIC, THE LEGISLATIVE ANALYST, AND THE ATTORNEY GENERAL IN THE DARK FOR AS LONG AS POSSIBLE.

Real Parties and other commentators have speculated as to why the Governor needed to hijack the prior juvenile justice initiative to advance his proposed constitutional amendment effectively eliminating the determinant sentencing laws in effect for the last 40 years. The most obvious explanation is that the Governor simply started too late to qualify his measure for the November 2016 election. However, it is equally plausible that the Governor knew his proposal would be controversial and that delaying public release of it for as long as possible could be beneficial to him. How so?

First, because the submission was filed after the close of the public review process, there was no opportunity for any public review⁴ and opponents were denied any opportunity to: 1) propose their own counter-initiative to appear on the same ballot as this measure; 2) prepare a campaign to warn the public against signing the petition (requiring advance planning, fundraising, and organization of such a campaign); or 3) negotiate a more sensible reform proposal and legislative solution.

Second, because the Legislative Analyst had spent the first 35 days of the 50-day review period analyzing the prior juvenile justice measure (most of which

⁴ Here, public review would have been beneficial even for supporters of the Governor's proposed measure, as mistakes in the draft could have been corrected. Some of the more obvious mistakes are referenced in the amicus letter submitted by the Criminal Justice Legal Foundation on February 29, 2016.

was discarded by the purported amendment), the Legislative Analyst was left with a mere 15 days to determine what change in law was proposed by the amendment and the fiscal impacts on state and local government. Obviously, the prospect of letting 20,000 – 30,000 convicted felons out of prison early has controversial and difficult-to-determine fiscal impacts on the State (incarceration costs vs. parole costs) and local government (city and county arrests, prosecution, trial of repeat offenders and parole violators, and county incarceration... not to mention the societal costs of increased crime). Instead of 50 days to consider and evaluate these costs, the Legislative Analyst was provided just 15 days. Moreover, opponents or sceptics of the proposal, who might have provided information or commentary to the Legislative Analyst was short-changed the normal amount of time to do so.

Finally, the Attorney General herself was entitled to a full 65 days to review the proposed initiative and provide a title and summary of the “chief purpose and points” of the measure. Instead, the Attorney General was provided less than half that time and observers were not permitted the full time allowed under the law to provide comment or information to the Attorney General. In this case, the title and summary was clearly incomplete and arguably legally deficient. The single greatest impact and change in law proposed by the Governor’s initiative is the constitutional elimination of every existing sentence enhancement, consecutive sentence, or alternative sentence (*e.g.*, “Three Strikes”) from the calculation of a prisoner’s “full term” for purposes of parole consideration. (See

Sec. 3 adding Section 32(a)(1)(A) to the California Constitution.) What does the Attorney General's title and summary say about this? Nothing.

The title and summary issued late Friday night on 26 February after this Court's order that same night provides:

CRIMINAL SENTENCES. JUVENILE CRIMINAL PROCEEDINGS AND SENTENCING. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE. Allows parole consideration for persons convicted of nonviolent felonies upon completion of full prison term for primary offense, as defined. Authorizes Department of Corrections and Rehabilitation to award sentence credits for rehabilitation, good behavior, or educational achievements. Requires Department of Corrections and Rehabilitation to adopt regulations to implement new parole and sentence credit provisions and certify they enhance public safety. Provides juvenile court judges shall make determination, upon prosecutor motion, whether juveniles age 14 and older should be prosecuted and sentenced as adults.

Thus, petitions being circulated among the voters right now say nothing about the elimination of sentence enhancements previously enacted by the Legislature or the voters themselves, except for the vague reference "as defined." The Attorney General was provided 100 words to describe the measure and in this case only used 95. Real Parties here might have suggested at least the addition of five more words. For example, "excluding any sentence enhancement imposed by law" to replace "as defined."

Real Parties are not suggesting anything nefarious or intentional here. Rather, they suggest that the statutory scheme provides for a lengthy 65-day period for review and analysis for a reason. Initiative measures are often complicated in and of themselves. They become even more complex when

considered in the context of existing law, and in this case, extremely complicated criminal sentencing law.

Granting the requested writ in this case sends a clear message that there is no risk to a proponent from submitting a “placeholder” initiative covering the general subject of the intended initiative. Then, on the 35th day, after the close of public comment, after the Legislative Analyst has wasted 35 days reviewing the placeholder measure, the proponent files an “amendment” replacing the placeholder measure with the real, intended initiative measure – defeating the very purpose and intent of SB 1253. The Court will have sanctioned the use in the initiative process of the despised “gut and amend” process that infects the legislative process.

C. EVEN ACCEPTING PETITIONERS’ ARGUMENT THAT SB 1253 ADOPTED THE “SINGLE SUBJECT” RULE FOR THE AMENDMENT PROCESS, THE PURPORTED AMENDMENT WAS NOT REASONABLY GERMANE TO THE SUBJECT OF THE INITIAL SUBMISSION.

Real Parties have argued that the “single subject” rule was not incorporated into the Elections Code by SB 1253. The principal reason Real Parties believe that is two-fold.

First, the statute applies to “amendments” a term that is itself a limitation on what is “reasonably germane” [“...the proponents of the proposed initiative measure may submit amendments to the measure that are reasonably germane...”]

(Elec. Code, § 9002(b).) The single subject rule has nothing to do with “amendments.”

The term “amend” or “amendments” generally are consistent with the obvious legislative intent behind SB 1253, namely to provide an opportunity for a proponent to correct errors or address unintended consequences discovered during the review process, or to clarify or improve the original submission. (See *Black’s Law Dictionary* (6th ed. 1991) [Amend means “To improve. To change for the better by removing defects or faults. To change, correct, revise.”].) To determine if a proposed change in law is an “amendment” or not, courts focus on the operative provisions of law.

Whether an act is amendatory of existing law is determined not by title alone, or by declarations in the new act that *it purports to amend* existing law. On the contrary, it is determined by an examination and comparison of its provisions with existing law. If its aim is to clarify or correct uncertainties which arose from the enforcement of the existing law, or to reach situations which were not covered by the original statute, the act is amendatory, *even though in its wording* it does not purport to amend the language of the prior act.” (citation omitted, italics in original.)

(*Franchise Tax Bd. v. Cory* (1978) 80 Cal.App.3d 772, 777.)

Under no circumstance can the addition of the proposed constitutional amendment by the January 26 submission be considered an “amendment” to the December 22 submission.⁵

Second, the statutory language specifically states that the proposed amendment must be reasonably germane “to the theme, purpose, or subject of the

⁵ The decision to remove 9 of the 11 statutory changes from the original submission would be a reasonably germane amendment.

initiative measure as originally proposed.” (Elec. Code, § 9002(b).) Thus, the original filing establishes the frame of reference. There is no need to decide if the original filing was itself a “single subject”, or whether the proposed amended filing is a “single subject” under the Constitution. All that is required of the Attorney General is to identify the subject of the original filing and ensure that a proposed amendment is reasonably germane to that same subject. As Judge Chiang found, the subject of the original filing was clearly juvenile justice. Since the purported amendment primarily focused on incarcerated adults, the subsequent filing was not a reasonably germane amendment.

Nonetheless, Petitioners and the Attorney General insist that the proposed amendment is a “single subject” and therefore, the amendment was permitted under section Elections Code section 9002(b). Accepting their faulty premise does not change the result. The January 26 submission neither is the same subject as the original submission nor is the January 26 submission a single subject itself.

1. The Subject of the December 22 Submission Was Unmistakably Juvenile Justice.

This Court has essentially already determined the subject of the December 22 submission – is clearly juvenile justice. In *Manduley v. Superior Court* (2002) 27 Cal.4th 537, 575-76, this Court held that the single subject of Proposition 21 was “violent crime committed by juveniles and gangs.” Proposition 21 amended or added a number of provisions of existing law relating to juvenile justice (for example, Welf. & Inst. Code, §§ 602, 602.5, 625.3, 629, 654.3, 660, 663, 676,

707, 777, 781, 827.1, 827.5, 827.6, and 1732.6).⁶ The December 22 submission was clearly designed to rollback many of Proposition 21's provisions and did so by amending four of the main changes wrought by Proposition 21, (Welf. & Inst. Code, §§ 602, 707, 781, 1732.6) and a few juvenile justice statutes enacted in the same year or after Proposition 21 (*e.g.*, Welf. & Inst. Code, § 731; Pen. Code, §§ 1170.17, 1170.19, 3051.). The lone provision of the original submission (amendments to Pen. Code, § 3051) that does not apply exclusively to juveniles was directed at "youthful offenders" who are convicted felons that committed their offense while either a juvenile or under the age of 23. This "collateral" effect on a limited number of non-juveniles does not change the character or subject of the original filing. (*Manduley, supra*, 27 Cal.4th at 578-79 ["Thus, despite the collateral effects of these provisions upon adults who are not gang members, ... the provisions remain relevant to the common purpose of Proposition 21."].)

Having established, by comparison, that the original December 22 submission was juvenile justice, it is necessary to determine the subject of the January 26 submission.

2. The Subject Of The January 26 Submission Is Either Criminal Sentencing And Parole Of Adult Offenders, Or It Violates The Single Subject Rule.

Where the original submission proposed changes to 11 juvenile justice statutes, the January 26 submission only amended two of the same statutes, including the only statute that affects juveniles and youthful offenders. As

⁶ The other statutory changes were primarily related to gang crimes.

indicated in Real Parties' prior briefs, the proposed constitutional amendment added by the January 26 submission has the effect of repealing nearly 40 statutory sentencing provisions and as many as six previously enacted initiative measures affecting the adult prison population. To understand the magnitude of the change in focus, the following chart illustrates the difference between the two submissions:

Original Submission (December 22, 2015)	January 26, 2016 Submission
<p><u>Welf. & Inst. Code, § 602</u> Removes requirement that minors 14 years or older be prosecuted as adult offenders upon allegation of personal commission of certain serious offenses, changes to permissive and raises age of eligibility for transfer to adult court to 16 years or older. Judicial transfer (fitness) hearing required in all cases. Adds and deletes certain offenses that trigger option for adult trial.</p>	<p><u>Welf. & Inst. Code, § 602</u> Eliminates all portions of section related to transfer of minors to adult court for prosecution.</p>
<p><u>Welf. & Inst. Code, § 707</u> Allows transfer to adult court if a minor is 16 years or older and commits a serious offense enumerated in the initiative proposal. Requires probable cause hearing prior to transfer hearing. Amends factors the court must consider when determining whether to treat a minor as an adult. Creates presumption in favor of juvenile court treatment in all cases. Eliminates all provisions giving prosecutors option to file certain cases directly in adult court; requires judicial transfer hearing in all cases.</p>	<p><u>Welf. & Inst. Code, § 707</u> Allows transfer to adult court if a minor is 16 years or older and commits any felony, or 14 years or older and commits enumerated serious offenses. Requires court to consider existing criteria in making transfer decision. Also permits court to give weight to any relevant factor, eliminating any and all presumptions favoring fitness or unfitness for juvenile court treatment. Eliminates all provisions giving prosecutors option to file certain cases directly in adult court; requires judicial transfer hearing in all cases.</p>
<p><u>Welf. & Inst. Code, § 731</u> Enumerates limited number (30 total) of serious crimes, the commission of one or more of which makes a minor eligible for a commitment to the Division of Juvenile Facilities (DJF).</p>	<p>Removed</p>

Original Submission (December 22, 2015)	January 26, 2016 Submission
<p><u>Penal Code, § 1170.17</u> Allows a minor convicted of crimes in adult court after transfer by juvenile court to move for juvenile disposition rather than adult sentence, despite conviction. Requires that a minor convicted of lesser offense(s) not initially eligible for transfer be remanded to juvenile court for disposition. Eliminates requirement that probation department prepare social study on minor and make recommendation regarding juvenile or adult treatment.</p>	Removed
<p><u>Welf. & Inst. Code, § 707.01</u> Eliminates requirements concerning disposition of juvenile petitions already pending against minor transferred to adult court. Requires that any and all juvenile petitions already pending against a minor transferred to adult court due to commission of new serious offense be dealt with in juvenile court.</p>	Removed
<p><u>Welf. & Inst. Code, § 707.1</u> Amends language to comport with statutory changes in other sections.</p>	Removed
<p><u>Welf. & Inst. Code, § 707.2</u> Eliminates requirement that court remand a minor under 16 years of age to DJF for evaluation and report prior to imposition of state prison sentence following conviction as adult.</p>	Removed
<p><u>Welf. & Inst. Code, § 1732.6</u> Eliminates prohibition against a minor being committed to DJF following conviction in adult court for serious or violent felony; eliminates other prohibitions against DJF commitments for minors convicted as adults for serious crimes.</p>	Removed
<p><u>Penal Code, § 1170.19</u> Allows the court to impose a juvenile disposition on a minor convicted of crimes in adult court without the “knowing and intelligent consent” of the prosecution and defendant. Eliminates requirement that probation department prepare a written social study and recommendation</p>	Removed

Original Submission (December 22, 2015)	January 26, 2016 Submission
<p>concerning the proper disposition of the case. Eliminates ability of the court to impose, with the consent of the parties, an adult sentence in lieu of a juvenile disposition when a minor is convicted in adult court of offense(s) that would not be eligible for transfer when initially filed.</p>	
<p><u>Welf. & Inst. Code, § 781</u> Eliminates prohibition against court ordering juvenile court records of a minor 14 years or older sealed and / or destroyed when minor was adjudicated for commission of enumerated serious felony. Permits sealing and / or destruction of any juvenile court record.</p>	<p>Removed</p>
<p><u>Penal Code, § 3051</u> Eliminates enhancements from determining longest term of imprisonment.</p>	<p>Removed</p>
<p>Not present</p>	<p><u>California Constitution, § 32</u> Guarantees parole consideration to persons in state prisons convicted of non-violent offenses after completing the full term of their primary offense, grants the CDCR authority to award credits for good behavior and approved. achievements, and empowers the CDCR to adopt regulations that further the section. Effectively repeals all previously enacted sentence enhancement, consecutive sentence, and credit limitation laws for adult prison population.</p>

Here again, this Court's decision in *Manduley v. Superior Court* was almost prescient of the issue in this case:

We are not confronted with an initiative that purports to address juvenile and gang-related crime, but that also contains a few provisions that relate *solely* to adults who are not members of gangs, such as an amendment to the Three Strikes law...

(*Id.* at 578.)

The only difference between the January 26 submission and the warning expressed in *Manduley* is the number of provisions related solely to the adult provision population is ten times greater. Thus, the subject of the January 26 submission is not juvenile justice. It is either criminal sentencing and parole of adult offenders, with two "collateral" provisions affecting juveniles prosecuted as adults and parole of adult youthful offenders, or the January 26 submission violates the single subject rule by including significant (by importance and/or number) changes to the adult sentencing and parole law and significant (by importance and/or number) changes to the juvenile justice system.

Real Parties do not believe that either the Attorney General or this Court is required to make a finding of the latter. However, if Petitioners insist that the single subject rule is the test under Elections Code section 9002(b), then the consequence is the January 26 submission violates the single subject rule and should not be presented to the voters pursuant to Article II, Section 8(d).

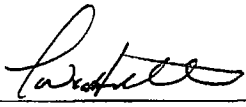
CONCLUSION

For all the reasons previously argued in briefs filed in this Court and the trial court proceeding at issue, and the reasons expressed herein, Real Parties have shown good cause why the requested emergency petition for writ of mandate should not be granted.

Dated: March 21, 2016.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

Counsel of Record hereby certifies that pursuant to Rule 8.204(c)(1) and 8.360(b)(1) of the California Rules of the Court, the enclosed brief of CALIFORNIA DISTRICT ATTORNEYS ASSOCIATION is produced using 13-point Times New Roman type including footnotes and contain approximately 5,321 words, which is less than the total words permitted by the rules of the court. Counsel relies on the word count of the computer program, Microsoft Word 2010, used to prepare this brief.

Dated: March 21, 2016 **BELL, McANDREWS & HILTACHK, LLP**

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CALIFORNIA DISTRICT ATTORNEYS
ASSOCIATION and ANNE MARIE
SCHUBERT

PROOF OF SERVICE

I, the undersigned, declare under penalty of perjury that:

I am a citizen of the United States, over the age of 18, and not a party to the within cause of action. My business address is 455 Capitol Mall, Suite 600, Sacramento, CA 95814.

On March 21, 2016, I served the following: **RETURN OF REAL PARTIES IN INTEREST, CALIFORNIA DISTRICT ATTORNEYS ASSOCIATION AND ANNE MARIE SCHUBERT TO ORDER TO SHOW CAUSE ISSUED MARCH 9, 2016**

on the following parties:

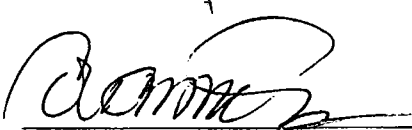
SEE ATTACHED SERVICE LIST

X **BY ELECTRONIC MAIL:** By causing true copy(ies) of PDF versions of said document(s) to be sent to the e-mail address of each party listed.

X **BY FEDERAL EXPRESS MAIL:** By placing said documents(s) in a sealed envelope and depositing said envelope, with postage thereon fully prepaid, in the FEDERAL EXPRESS MAIL SERVICE BOX, in Sacramento, California, addressed to said party(ies).

 BY EXPRESS MAIL: By placing said documents(s) in a sealed envelope and depositing said envelope, with postage thereon fully prepaid, in the U.S.P.S. EXPRESS MAIL SERVICE BOX, in Sacramento, California, addressed to said party(ies).

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 March 21, 2016, at Sacramento, California.


CORIANNE DURKEE

SERVICE LIST

Counsel:

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Via Electronic Mail

Honorable ShelleyAnne Chang
Sacramento Superior Court
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Via Overnight Mail

Party Represented:

Petitioners, GOVERNOR
EDMUND G. BROWN, JR.,
MARGARET R. PRINZING
and HARRY BEREZIN

Real Parties in Interest,
ATTORNEY GENERAL OF
THE STATE OF
CALIFORNIA, KAMALA
HARRIS

Respondent SACRAMENTO
SUPERIOR COURT

EXHIBIT A

1667. Revenue Bonds. Statewide Voter Approval. Initiative Constitutional Amendment.

COUNTY	PETITION	SOS	SOS	RANDOM	RAW COUNT	RANDOM SAMPLE/ FULL CHECK	VALID SIGNS.	INVALID	DUP.	VALID OR PROJ. VALID	%
	FILED W/COUNTY	REC'D RAW	REC'D RANDOM								
1. ALAMEDA	09/08/15	09/21/15	10/02/15		32,860	986	797	189	0	26,561	80.8%
2. ALPINE	09/09/15	09/14/15	09/14/15	Random Notice:	5	5	3	2	0	3	60.0%
3. AMADOR	09/09/15	09/16/15	10/05/15	09/18/15	3,385	500	401	99	8	2,402	71.0%
4. BUTTE	09/09/15	09/17/15	10/16/15	Random Due:	8,760	500	360	140	1	6,018	68.7%
5. CALAVERAS	09/14/15	09/16/15	09/28/15	11/02/15	2,704	500	381	119	3	1,989	73.6%
6. COLUSA	09/09/15	09/09/15	09/24/15		294	294	232	62	6	232	78.9%
7. CONTRA COSTA	09/08/15	09/18/15	10/26/15		32,096	963	777	186	2	23,742	74.0%
8. DEL NORTE	09/09/15	09/14/15	09/24/15		879	500	403	97	0	708	80.6%
9. EL DORADO	09/09/15	09/18/15	11/02/15		4,999	500	378	122	4	3,419	68.4%
10. FRESNO	09/08/15	09/17/15	11/02/15		33,019	991	743	248	2	22,602	68.5%
11. GLENN	09/09/15	09/14/15	09/24/15		862	500	377	123	4	645	74.8%
12. HUMBOLDT	09/09/15	09/10/15	09/30/15		1,775	500	369	131	0	1,310	73.8%
13. IMPERIAL	09/09/15	09/09/15	09/30/15		1,026	500	421	79	1	862	84.0%
14. INYO	09/09/15	09/14/15	10/28/15		379	379	319	60	0	319	84.2%
15. KERN	09/08/15	09/17/15	10/01/15		22,843	685	494	191	0	16,474	72.1%
16. KINGS	09/09/15	09/18/15	09/18/15		5,160	500	385	115	0	3,973	77.0%
17. LAKE	09/09/15	09/14/15	10/16/15		636	500	363	137	0	462	72.6%
18. LASSEN	09/09/15	09/11/15	11/02/15		1,598	500	362	138	2	1,143	71.5%
19. LOS ANGELES	09/08/15	09/16/15	10/15/15		262,210	7,866	5,942	1,924	8	189,451	72.3%
20. MADERA	09/09/15	09/10/15	09/22/15		4,641	500	392	108	1	3,562	76.7%
21. MARIN	09/09/15	09/15/15	09/25/15		1,437	500	421	79	2	1,199	83.5%
22. MARIPOSA	09/09/15	09/17/15	09/30/15		683	683	532	151	11	532	77.9%
23. MENDOCINO	09/09/15	09/15/15	10/23/15		2,050	500	376	124	0	1,542	75.2%
24. MERCED	09/14/15	09/25/15	09/25/15		3,728	500	388	112	1	2,845	76.3%
25. MODOC	09/09/15	09/14/15	09/14/15		36	36	33	3	0	33	91.7%
26. MONO	09/09/15	10/02/15	10/02/15		69	69	49	20	0	49	71.0%
27. MONTEREY	09/09/15	09/11/15	09/29/15		11,752	500	401	99	0	9,425	80.2%
28. NAPA	09/09/15	09/10/15	10/14/15		1,900	500	387	113	4	1,428	75.2%
29. NEVADA	09/09/15	09/11/15	10/14/15		2,564	500	421	79	1	2,138	83.4%
30. ORANGE	09/08/15	09/17/15	10/28/15		45,793	1,374	1,087	287	1	35,150	76.8%
31. PLACER	09/09/15	09/09/15	09/24/15		5,433	500	409	91	2	4,230	77.9%
32. PLUMAS	09/09/15	09/14/15	09/17/15		919	919	705	214	0	705	76.7%
33. RIVERSIDE	09/08/15	09/16/15	09/29/15		43,106	1,293	975	318	0	32,505	75.4%
34. SACRAMENTO	09/08/15	09/18/15	10/06/15		28,012	840	628	212	5	15,549	55.5%
35. SAN BENITO	09/09/15	09/15/15	10/02/15		300	300	181	119	0	181	60.3%
36. SAN BERNARDINO	09/08/15	09/17/15	10/30/15		72,991	2,191	1,691	500	3	53,104	72.8%
37. SAN DIEGO	09/08/15	09/15/15	10/05/15		88,243	2,648	2,006	642	6	60,386	68.4%
38. SAN FRANCISCO	09/08/15	09/16/15	09/30/15		24,391	732	578	154	1	18,183	74.5%
39. SAN JOAQUIN	09/08/15	09/15/15	10/13/15		25,905	777	617	160	0	20,571	79.4%
40. SAN LUIS OBISPO	09/09/15	09/17/15	10/26/15		11,935	500	383	117	0	9,142	76.6%
41. SAN MATEO	09/09/15	09/11/15	10/30/15		4,973	500	378	122	0	3,760	75.6%
42. SANTA BARBARA	09/09/15	09/18/15	10/26/15		10,867	500	382	118	1	7,852	72.3%
43. SANTA CLARA	09/09/15	09/18/15	09/30/15		11,374	500	393	107	0	8,940	78.6%
44. SANTA CRUZ	09/09/15	09/16/15	10/15/15		8,130	500	418	82	1	6,549	80.5%
45. SHASTA	09/09/15	09/14/15	09/23/15		5,608	500	392	108	2	4,168	74.3%
46. SIERRA	09/08/15	09/10/15	09/10/15		33	33	21	12	0	21	63.6%
47. SISKIYOU	09/10/15	09/11/15	10/19/15		3,757	500	382	118	7	2,528	67.3%
48. SOLANO	09/08/15	09/16/15	10/22/15		16,863	506	393	113	0	13,097	77.7%
49. SONOMA	09/09/15	09/21/15	09/21/15		10,766	500	384	116	0	8,268	76.8%
50. STANISLAUS	09/09/15	09/14/15	10/15/15		15,603	500	398	102	2	10,535	67.5%
51. SUTTER	09/09/15	09/14/15	09/17/15		2,396	500	395	105	2	1,856	77.5%
52. TEHAMA	09/09/15	09/15/15	09/30/15		3,135	500	394	106	6	2,272	72.5%
53. TRINITY	09/09/15	11/18/15			58					0	0.0%
54. TULARE	09/10/15	09/11/15	09/22/15		9,552	500	389	111	2	6,740	70.6%
55. TUOLUMNE	09/09/15	09/11/15	09/23/15	RANGE:	2,939	2,939	2,333	606	39	2,333	79.4%
56. YVENTURA	09/08/15	09/18/15	10/07/15	110% = 643,948	29,593	888	726	162	0	24,194	81.8%
57. YOLO	09/09/15	09/14/15		100% = 585,407	2,426					0	0.0%
58. YUBA	09/09/15	09/09/15	10/13/15	95% = 556,137	3,603	500	373	127	1	2,643	73.4%
TOTAL:					933,054	44,397	34,318	10,079	142	680,528	73.13%

EXHIBIT B

California Secretary of State Alex Padilla

Circulating Initiatives with 25% of Signatures Reached

Elections Code section 9034 requires that once proponent(s) of a proposed initiative measure have gathered 25% of the number of signatures required (currently 91,740 for an initiative statute and 146,352 for a constitutional amendment) proponent(s) must immediately certify that they have done so under penalty of perjury to the Secretary of State.

Upon receipt of the certification, the Secretary of State must provide copies of the proposed initiative measure and the circulating title and summary to the Senate and the Assembly. Each house is required to assign the proposed initiative measure to its appropriate committees and hold joint public hearings, at least 131 days before the date of the election at which the measure is to be voted on. However, the Legislature cannot amend the proposed initiative measure or prevent it from appearing on the ballot.

1704. (15-0043, Amdt. #1)

Property Tax Surcharge to Fund Poverty Reduction Programs. Initiative Constitutional Amendment and Statute.

Summary Date: 09/21/2015 | Circulation Deadline: 03/21/16 | Signatures Required: 585,407 - **(25% of Signatures Reached 01/13/2016)** (<http://elections.cdn.sos.ca.gov/ballot-measures/pdf/1704-proponentletter.pdf>)

Jim Mangia, Martine Singer, Conway Collis, and Dixon Slingerland c/o Stephen Kaufman and George Yin (213) 452-6576

Imposes additional surcharge on real property with an assessed value of over \$3 million. Surcharge based on a sliding scale ranging from three-tenths of one percent for real property assessed at \$3 million to eight-tenths of one percent for real property assessed at \$10 million or more. Allocates revenue to numerous programs for the purpose of reducing poverty, including: prenatal services, expanded childcare, early childhood education, after-school and summer programs, job training grants, tax credits, and monetary aid. Surcharge expires in 20 years. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Increased state revenues annually through 2036-37—estimated between \$6 billion and \$7 billion in 2017-18—from a new surcharge on high-value properties, with the revenues dedicated to various programs intended to reduce poverty.** (15-0043.) ([Full Text \(http://www.oag.ca.gov/system/files/initiatives/pdfs/15-0043%20%28Prenatal%20and%20Early%20Childhood%20Services%29_0.pdf?\)](http://www.oag.ca.gov/system/files/initiatives/pdfs/15-0043%20%28Prenatal%20and%20Early%20Childhood%20Services%29_0.pdf?))

1728. (15-0066)

Death Penalty. Initiative Statute.

Summary Date: 11/19/2015 | Circulation Deadline: 05/17/16 | Signatures Required: 365,880 - **(25% of Signatures Reached 02/04/2016)** (<http://elections.cdn.sos.ca.gov/ballot-measures/pdf/1728-proponentletter.pdf>)

Mike Farrell (415) 243-0143

Repeals death penalty as maximum punishment for persons found guilty of murder and replaces it with life imprisonment without possibility of parole. Applies retroactively to persons already sentenced to death. States that persons found guilty of murder and sentenced to life without possibility of parole must work while in prison as prescribed by the Department of Corrections and Rehabilitation. Increases to 60% the portion of wages earned by persons sentenced to life without the possibility of parole that may be applied to any victim restitution fines or orders against them. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Net reduction in state and local government costs of potentially around \$150 million annually within a few years due to the elimination of the death penalty.** (15-0066.) ([Full Text \(http://www.oag.ca.gov/system/files/initiatives/pdfs/15-0066%20%28Death%20Penalty%29.pdf?\)](http://www.oag.ca.gov/system/files/initiatives/pdfs/15-0066%20%28Death%20Penalty%29.pdf?))

1762. (15-0103)

Marijuana Legalization. Initiative Statute.

Summary Date: 01/06/2016 | Circulation Deadline: 07/05/16 | Signatures Required: 365,880 - **(25% of Signatures Reached 02/04/2016)** (<http://elections.cdn.sos.ca.gov/ballot-measures/pdf/1762-proponentletter.pdf>)

Donald Lyman and Michael Sutton, c/o Lance H. Olson (916) 442-2952

Legalizes marijuana and hemp under state law. Designates state agencies to license and regulate marijuana industry. Imposes state excise tax on retail sales of marijuana equal to 15% of sales price, and state cultivation taxes on marijuana of \$9.25 per ounce of flowers and \$2.75 per ounce of leaves. Exempts medical marijuana from some taxation. Establishes packaging, labeling, advertising, and marketing standards and restrictions for marijuana products. Allows local regulation and taxation of marijuana. Prohibits marketing and advertising marijuana to minors. Authorizes resentencing and destruction of records for prior marijuana

convictions. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Net reduced costs ranging from tens of millions of dollars to potentially exceeding \$100 million annually to state and local governments related to enforcing certain marijuana-related offenses, handling the related criminal cases in the court system, and incarcerating and supervising certain marijuana offenders. Net additional state and local tax revenues potentially ranging from the high hundreds of millions of dollars to over \$1 billion annually related to the production and sale of marijuana. Most of these funds would be required to be spent for specific purposes such as substance use disorder education, prevention, and treatment. (15-0103.) (Full Text (http://www.oag.ca.gov/system/files/initiatives/pdfs/15-0103%20%28Marijuana%29_1.pdf?))**

1729. (15-0068A2)

Campaign Finance. Donor Disclosure. Initiative Constitutional Amendment and Statute.

Summary Date: 11/20/2015 | Circulation Deadline: 05/18/16 | Signatures Required: 585,407 - (25% of Signatures Reached 02/09/2016 (<http://elections.cdn.sos.ca.gov/ballot-measures/pdf/1729-proponent-letter.pdf>))

Jim Heerwagen c/o Gary Winuk (916) 446-2300

Creates a constitutional right to public disclosure of money used to finance campaign activity and influence government actions. Requires corporations and nonprofit organizations that spend \$50,000 or more on political activities in California to disclose their \$10,000 donors, including where donations passed through other entities. Requires that a political campaign's advertisements disclose its top three donors contributing \$50,000 or more. Expands Secretary of State's online campaign finance database. Extends bar against former legislators lobbying Legislature or state agencies to 24 months. Requires disclosure of lobbying for government contracts. Increases penalties for Political Reform Act violations. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Increased costs to state and local governments to administer state campaign finance and disclosure laws. These costs include (1) one-time costs—possibly tens of millions of dollars—to state and local governments to develop new information technology systems and (2) ongoing costs to state and local governments of possibly millions of dollars each year. These costs would be offset to some extent by higher fines. (15-0068.) (Full Text (http://www.oag.ca.gov/system/files/initiatives/pdfs/15-0068%20%28Campaign%20Finance%20Disclosure%29_3.pdf?))

1756. (15-0098A1)

Firearms. Ammunition Sales. Initiative Statute.

Summary Date: 12/31/2015 | Circulation Deadline: 06/28/16 | Signatures Required: 365,880 - (25% of Signatures Reached 02/11/2016 (<http://elections.cdn.sos.ca.gov/ballot-measures/pdf/1756-proponentletter.pdf>))

Gavin Newsom c/o Thomas A. Willis and Margaret R. Prinzing (510) 346-6200

Prohibits possession of large-capacity ammunition magazines, and requires their disposal by sale to dealer, destruction, or removal from state. Requires most individuals to pass background check and obtain Department of Justice authorization to purchase ammunition. Requires most ammunition sales be made through licensed ammunition vendors and reported to Department of Justice. Requires lost or stolen firearms and ammunition be reported to law enforcement. Prohibits persons convicted of stealing a firearm from possessing firearms. Establishes new procedures for enforcing laws prohibiting firearm possession by felons and violent criminals. Requires Department of Justice to provide information about prohibited persons to federal National Instant Criminal Background Check System. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Increased state costs in the tens of millions of dollars annually related to regulating ammunition sales, likely offset by various regulatory fees authorized by the measure. Increase in court and law enforcement costs, not likely to exceed the tens of millions of dollars annually, related to removing firearms from prohibited persons as part of court sentencing proceedings. These costs could be offset to some extent by fees authorized by the measure. Potential increase in state and local correctional costs, not likely to exceed the low millions of dollars annually, related to new and increased penalties. (15-0098.) (Full Text (http://www.oag.ca.gov/system/files/initiatives/pdfs/15-0098%20%28Firearms%29_0.pdf))

1742. (15-0083A1)

Legislature. Legislation and Proceedings. Initiative Constitutional Amendment and Statute.

Summary Date: 12/16/2015 | Circulation Deadline: 06/13/16 | Signatures Required: 585,407 - (25% of Signatures Reached 02/11/2016 (<http://elections.cdn.sos.ca.gov/ballot-measures/pdf/1742-proponentletter.pdf>))

Charles T. Munger, Jr. and Sam Blakeslee c/o Thomas W. Hiltachk (916) 442-7757

Prohibits Legislature from passing any bill unless it has been in print and published on the Internet for at least 72 hours before the vote, except in cases of public emergency. Requires the Legislature to make audiovisual recordings of all its proceedings, except closed session proceedings, and post them on the Internet. Authorizes any person to record legislative proceedings by audio or video means, except closed session proceedings. Allows recordings of legislative proceedings to be used for any legitimate purpose, without payment of any fee to the State. Summary of estimate by Legislative Analyst and Director of Finance of fiscal

impact on state and local government: **Increased costs to state government of potentially \$1 million to \$2 million initially and about \$1 million annually for making additional legislative proceedings available in audiovisual form on the Internet.** (15-0083.) (Full Text (http://www.oag.ca.gov/system/files/initiatives/pdfs/15-0083%20%28Legislature%20Transparency%29_0.pdf?))

1734. (15-0074)

Carry-Out Bags. Charges. Initiative Statute.

Summary Date: 12/08/2015 | Circulation Deadline: 06/06/16 | Signatures Required: 365,880 - **(25% of Signatures Reached 02/12/2016** (<http://elections.cdn.sos.ca.gov/ballot-measures/pdf/1734-proponentletter.pdf>))

Doyle L. Johnson c/o Kurt Oneto (916) 446-6752

Redirects money collected by grocery and certain other retail stores through sale of carry-out bags, whenever any state law bans free distribution of a particular kind of carry-out bag and mandates the sale of any other kind of carry-out bag. Requires stores to deposit bag sale proceeds into a special fund administered by the Wildlife Conservation Board to support specified categories of environmental projects. Provides for Board to develop regulations implementing law. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **If voters uphold the state's current carryout bag law, redirected revenues from retailers to the state, potentially in the several tens of millions of dollars annually. Revenues would be used for grants for certain environmental and natural resources purposes. If voters reject the state's current carryout bag law, likely minor fiscal effects.** (15-0074.) (Full Text (<http://www.oag.ca.gov/system/files/initiatives/pdfs/15-0074%20%28Carryout%20Bag%20Fees%29.pdf?>))

1741. (15-0081A1)

Cigarette Tax to Fund Healthcare, Tobacco Use Prevention, Research, and Law Enforcement. Initiative Constitutional Amendment and Statute.

Summary Date: 12/15/2015 | Circulation Deadline: 06/13/16 | Signatures Required: 585,407 - **(25% of Signatures Reached 02/12/2016** (<http://elections.cdn.sos.ca.gov/ballot-measures/pdf/1741-proponentletter.pdf>))

Dustin Corcoran, Laphonza Butler, Olivia M. Diaz-Lapham, and Tom Steyer c/o Lance H. Olson (916) 442-2952

Increases cigarette tax by \$2.00 per pack, with equivalent increase on other tobacco products and electronic cigarettes containing nicotine. Allocates revenues primarily to increase funding for existing healthcare programs; also for tobacco use prevention/control programs, tobacco-related disease research and law enforcement, University of California physician training, dental disease prevention programs, and administration. Excludes these revenues from Proposition 98 funding requirements. If tax causes decreased tobacco consumption, transfers tax revenues to offset decreases to existing tobacco-funded programs and sales tax revenues. Requires biennial audit. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Net increase in excise tax revenues in the range of \$1.1 billion to \$1.6 billion annually by 2017-18, with revenues decreasing slightly in subsequent years. The majority of funds would be used for payments to health care providers. The remaining funds would be used for a variety of specified purposes, including tobacco-related prevention and cessation programs, law enforcement programs, medical research on tobacco-related diseases, and early childhood development programs. (15-0081.) (Full Text (<http://www.oag.ca.gov/system/files/initiatives/pdfs/15-0081%20%28Tobacco%20Tax%20V3%29.pdf?>))

1764. (15-0105A1)

Minimum Wage. Increases and Future Adjustments. Paid Sick Leave. Initiative Statute.

Summary Date: 01/07/16 | Circulation Deadline: 07/05/16 | Signatures Required: 365,880 - **(25% of Signatures Reached 02/12/2016** (<http://elections.cdn.sos.ca.gov/ballot-measures/pdf/1764-proponentletter.pdf>))

Bruce Michael Boyer and Shonda Roberts c/o Jon Youngdahl (213) 368-7400

Annually increases minimum wage paid by employers with 26 or more employees until it reaches \$15.00 per hour on July 1, 2020. For employers with 25 or fewer employees, annually increases minimum wage until it reaches \$15.00 per hour on July 1, 2021. Thereafter, adjusts minimum wage annually based on prior year's rate of inflation, using California Consumer Price Index for Urban Wage Earners and Clerical Workers. Increases minimum amount of annual paid sick leave employees can earn and may use from three to six days. Effective January 1, 2018, applies minimum sick leave provisions to in-home supportive services providers. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Change in annual state and local tax revenues potentially ranging from a loss of hundreds of millions of dollars to a gain of over \$1 billion. Changes in state revenues would affect required state budget reserves, debt payments, and funding for schools and community colleges. Net increase in state and local government spending totaling billions of dollars per year. Cost increases, primarily for government employees and home care providers, would be offset in part by savings from lower enrollment in health and social services programs.** (15-0105.) (Full Text (http://www.oag.ca.gov/system/files/initiatives/pdfs/15-0105%20%28Minimum%20Wage%29_0.pdf))

1747. (15-0096)**Death Penalty. Procedures. Initiative Statute.**

Summary Date: 12/24/2015 | Circulation Deadline: 06/21/16 | Signatures Required: 365,880 - **(25% of Signatures Reached 02/12/2016)** (<http://elections.cdn.sos.ca.gov/ballot-measures/pdf/1747-proponentletter.pdf>)

Kermit Alexander (916) 442-7757

Changes procedures governing state court appeals and petitions challenging death penalty convictions and sentences. Designates superior court for initial petitions and limits successive petitions. Imposes time limits on state court death penalty review. Requires appointed attorneys who take noncapital appeals to accept death penalty appeals. Exempts prison officials from existing regulation process for developing execution methods. Authorizes death row inmate transfers among California state prisons. States death row inmates must work and pay victim restitution. States other voter approved measures related to death penalty are null and void if this measure receives more affirmative votes. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Increased state costs that could be in the tens of millions of dollars annually for several years related to direct appeals and habeas corpus proceedings, with the fiscal impact on such costs being unknown in the longer run. Potential state correctional savings that could be in the tens of millions of dollars annually.** (15-0096.) (Full Text (http://www.oag.ca.gov/system/files/initiatives/pdfs/15-0096%20%28Death%20Penalty%29_0.pdf?))

1773. (15-0115A1)**Tax Extension to Fund Education and Healthcare. Initiative Constitutional Amendment.**

Summary Date: 02/04/16 | Circulation Deadline: 08/02/16 | Signatures Required: 585,407 - **(25% of Signatures Reached 03/07/2016)** (<http://elections.cdn.sos.ca.gov/ballot-measures/1773-proponentletter.pdf>)

Lance H. Olson, Thomas A. Willis, Dario J. Frommer, c/o Karen Getman, (510) 346-6200

Extends by twelve years the temporary personal income tax increases enacted in 2012 on earnings over \$250,000 (for single filers; over \$500,000 for joint filers; over \$340,000 for heads of household). Allocates these tax revenues 89% to K-12 schools and 11% to California Community Colleges. Allocates up to \$2 billion per year in certain years for healthcare programs. Bars use of education revenues for administrative costs, but provides local school governing boards discretion to decide, in open meetings and subject to annual audit, how revenues are to be spent. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Increased state revenues annually from 2019 through 2030—likely in the \$5 billion to \$11 billion range initially—with amounts varying based on stock market and economic trends. Increased revenues would be allocated under constitutional formulas to schools and community colleges, budget reserves and debt payments, and health programs, with remaining funds available for these or other state purposes.** (15-0115.) (Full Text (http://www.oag.ca.gov/system/files/initiatives/pdfs/15-0115%20%28Temporary%20Tax%20Increase%29_0.pdf?))

1770. (15-0111)**Hospitals. Executive Compensation. Initiative Statute.**

Summary Date: 01/25/16 | Circulation Deadline: 07/25/16 | Signatures Required: 365,880 - **(25% of Signatures Reached 03/15/2016)** (<http://elections.cdn.sos.ca.gov/ballot-measures/pdf/1770-proponentletter.pdf>)

Benjamin L. Tracey and Nathan Jon Selzer c/o George M. Yin (213) 452-6565

Prohibits hospitals, hospital groups, hospital-affiliated medical foundations and physicians groups, and health care districts from paying annual compensation (salary, perks, paid time off, bonuses, stock options, etc.) or providing severance packages to executives, managers, and administrators in an amount exceeding the salary and expense allowance of the President of the United States (currently \$450,000). Requires annual public disclosure of all executives receiving compensation or severance packages above this amount. Authorizes Attorney General monitoring and enforcement or taxpayer litigation. Penalties for violation include fines, revocation of tax-exempt status, and appointment of Attorney General representative to board of directors of nonprofit corporations. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **State administrative costs in the low millions of dollars annually to enforce the measure, with authority to recover costs through fees assessed on specified hospitals.** (15-0111.) (Full Text (http://www.oag.ca.gov/system/files/initiatives/pdfs/15-0111%20%28Hospital%20Pay%29_0.pdf?))

1757. (15-0097)**Campaign Finance. Donor Disclosure. Initiative Statute.**

Summary Date: 12/31/2015 | Circulation Deadline: 06/28/16 | Signatures Required: 365,880 - **(25% of Signatures Reached 03/17/2016)** (<http://elections.cdn.sos.ca.gov/ballot-measures/pdf/1757-proponentletter.pdf>)

John Cox (847) 274-8814

Requires committees controlled by a candidate for the Legislature or other elected state office to disclose their top 10 donors in all committee advertisements supporting the candidate or opposing the candidate's opponents. Requires legislators and other elected state officers, when providing testimony or participating in any vote on state legislation, to display on their persons the identity of the top 10 donors to their controlled committees. Imposes criminal and civil sanctions for violations. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Minor effects on state finances. (15-0097.) (**Full Text (<http://www.oag.ca.gov/system/files/initiatives/pdfs/15-0097%20%28Political%20Contributions%29.pdf>)**)

1769. (15-0107A1)

Water Bond. Reallocation of Bond Authority to Water Storage Projects. Initiative Constitutional Amendment and Statute.

Summary Date: 01/25/16 | Circulation Deadline: 07/25/16 | Signatures Required: 585,407 - (25% of Signatures Reached 03/18/2016 (<http://elections.cdn.sos.ca.gov/ballot-measures/pdf/1769-proponentletter.pdf>)

Robert Huff and George Runner c/o Charles H. Bell (916) 442-7757

Prioritizes water uses in California, with domestic uses first and irrigation uses second, over environmental, recreational, and other beneficial uses. Reallocates up to \$10.7 billion in unused bond authority from existing high-speed rail (\$8.0 billion) and water storage (\$2.7 billion) purposes, to fund water storage projects for domestic and irrigation uses. Removes requirement that water storage projects funded by the \$2.7 billion amount also benefit the environment. Creates new State Water and Groundwater Storage Facilities Authority to choose the projects to be funded by reallocated bond amounts. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **No significant increase or decrease in the state's anticipated debt payments from the redirection of up to \$10.7 billion in bonds from previously approved measures, assuming these bonds would have been sold in the future absent this measure. Unknown net fiscal effects on state and local governments due to measure's changes to how water is prioritized in the State Constitution, as well as potential changes to funding levels available for capital projects.** (15-0107.) (**Full Text (http://www.oag.ca.gov/system/files/initiatives/pdfs/15-0107%20%28Redirect%20HighSpeed%20Rail%20Funds%20to%20Water%20Projects%29_0.pdf?)**)