



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

DATE: March 5, 2009

County Clerk/Registrar of Voters (CC/ROV) Memorandum #09029

TO: All County Clerks/Registrars of Voters/Vendors

FROM: *Jane Howell*
Jane Howell, Elections Analyst
Ballot Pamphlet & Initiatives

RE: May Statewide Special: Court-Ordered Changes

The public display period for the ballot labels for Propositions 1A through 1F on the May 19, 2009, Statewide Special Election ended at 5:00 p.m. today. Please note that the ballot labels for Propositions 1A and 1E have been revised pursuant to court order. Copies of the judgments are attached. Clean, formatted copies of the English ballot labels for Propositions 1A and 1E, including court-ordered changes, will be posted to our website tonight and forwarded to you tomorrow.

The translations for the ballot labels will be forwarded as soon as they become available on Tuesday, March 10, 2009.

If you would like to have copies mailed to you or if you have any questions, you may contact me by email at jane.howell@sos.ca.gov or by phone at (916) 653-2744.

Attachment

ENDORSED
MAR - 5 2009 *EXTD*
By S. Lee, Deputy

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

HOWARD JARVIS TAXPAYERS ASSOCIATION, DAVID WOLFE, and ANTHONY WRIGHT,

Petitioners,

v.

DEBRA BOWEN, in her official capacity as CALIFORNIA SECRETARY OF STATE,

Respondent,

GEOFF BRANDT, in his official capacity as State Printer; the LEGISLATURE OF THE STATE OF CALIFORNIA; MAC TAYLOR, in his official capacity as Legislative Analyst,

Real Parties in Interest.

Case No: 34-2009-80000182-
CU-WM-GDS

[PROPOSED] JUDGMENT GRANTING PETITION FOR WRIT OF MANDATE

[PROPOSITION 1A]

Date: March 5, 2009
Time: 1:30 p.m.
Dept: 31
Judge: The Honorable Michael P. Kenny

JUDGMENT

On March 5, 2009, petitioners Howard Jarvis Taxpayers Association, David Wolfe, and Anthony Wright's ("Petitioners") Verified Petition for Writ of Mandate came on for hearing on shortened notice before this Court, the Honorable Michael Kenny, Judge Presiding. Deborah B. Caplan and ^{Lance Olson} ~~Richard C. Mardich~~ appeared as counsel for Petitioners, George Waters appeared as counsel for Respondent Debra Bowen and Real Party in Interest Geoff Brandt, and Jeffrey A. Deland appeared as counsel for Real Parties in Interest the Legislature of the State of California and Mac Taylor.

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1 The Court, having considered the pleadings, declarations, documentary evidence and
2 written briefs filed by the parties, having heard the arguments of counsel, and having directed
3 that judgment and a peremptory writ of mandate be granted in favor of Petitioners,

4 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

5 1. That the ballot label pertaining to Proposition 1A shall be modified as shown on
6 the attached Exhibit "A," which is incorporated herein by reference as though set forth in full;

7 2. That the change(s) to the ballot label also be made on the Summary in the Ballot
8 Pamphlet prepared by the Secretary of State, which restates the ballot label;

9 3. That the ballot title and summary pertaining to Proposition 1A shall be modified
10 as shown on the attached Exhibit "B," which is incorporated herein by reference as though set
11 forth in full;

12 4. That Respondent Secretary of State Debra Bowen is directed to forward the
13 revised ballot label for Proposition 1A, and its translation, to Real Party in Interest Geoff Brandt
14 and county elections officials, for inclusion on the May 19, 2009 Statewide Special Election
15 ballot and Ballot Pamphlet, notwithstanding the twenty day review period provided for in
16 Elections Code sections 9092 and 9054, subdivision (c), and the consultation requirements
17 provided for in Elections Code section 9054, subdivision (b).

18 5. That Respondent Secretary of State Debra Bowen is directed to make the revised
19 ballot title and summary for Proposition 1A available for public examination, and to hold it until
20 March 18, 2009, the end of the public display period. Thereafter, if no court-ordered changes are
21 made to revised ballot title and summary, the Secretary of State is directed to forward the revised
22 title and summary, and its translation, to Real Party in Interest Geoff Brandt and county elections
23 officials, for inclusion on the May 19, 2009 Statewide Special Election ballot and Ballot
24 Pamphlet, notwithstanding the twenty day review period provided for in Elections Code sections
25 9092 and 9054, subdivision (c), and the consultation requirements provided for in Elections Code
26 section 9054, subdivision (b).

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6. That each party is to bear its own costs.

MICHAEL KENNY

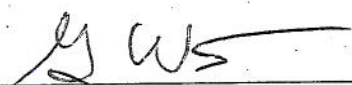
DATED: March 5, 2009

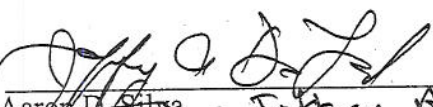
JUDGE OF THE SUPERIOR COURT

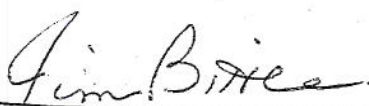
APPROVED AS TO FORM:


Deborah B. Caplan, Counsel for Anthony Wright
~~Richard C. Madiel Howard~~
~~Jarvis Taxpayers Association,~~
~~David Wolfe and Anthony Wright~~

///
///


George Waters
Deputy Attorney General
Counsel for Respondent Debra
Bowen and Real Party Geoff Brandt


~~Aaron D. Silva~~ Jeffrey A. Delaud
Counsel for Real Parties in Interest
California Legislature and Mac Taylor


Timothy Bittle
Counsel for Petitioners Howard
Jarvis Taxpayers Association and
David Wolfe

Proposition 1A

ACA 1 (Resolution Ch. 1, 2009-10 3x) Niello.

State Finance.

Date: February 25, 2009

BALLOT LABEL

"RAINY DAY" BUDGET STABILIZATION FUND. ^{changes} Reforms the budget process. ^{could} Limit

future deficits and ~~overspending~~ by increasing the size of the state "rainy day" fund and requiring above-average revenues to be deposited into it, for use during economic downturns. ^{and other purposes.}

Fiscal Impact: Higher state tax revenues of roughly \$16 billion from 2010-11 through 2012-13.

Over time, increased amounts of money in state rainy day reserve and potentially less ups and downs in state spending.

SUBJECT TO COURT
ORDERED CHANGES

Proposition 1A
ACA 1 (Resolution Ch. 1, 2009-10 3x) Niello.
State Finance.

Date: February 25, 2009

BALLOT TITLE AND SUMMARY

~~STABILIZES~~ STATE BUDGET. ^{Changes} ~~REFORMS~~ CALIFORNIA BUDGET PROCESS.
LIMITS STATE SPENDING. INCREASES "RAINY DAY" BUDGET STABILIZATION
FUND.

- Increases size of state "rainy day" fund from 5% to 12.5% of the General Fund.
- A portion of the annual deposits into that fund would be dedicated to savings for future economic downturns, and the remainder would be available to fund education, infrastructure, and debt repayment, or for use in a declared emergency.
- Requires additional revenue above historic trends to be deposited into state "rainy day" fund, limiting ~~unsustainable~~ spending ~~of one-time spikes in revenue~~.

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

- Higher state tax revenues of roughly \$16 billion from 2010-11 through 2012-13 to help balance the state budget.
- In many years, increased amounts of money in state "rainy day" reserve fund.
- Potentially less ups and downs in state spending over time.
- Possible greater state spending on repaying budgetary borrowing and debt, infrastructure projects, and temporary tax relief. In some cases, this would mean less money available to spend on ongoing spending ~~increases~~.

for

SUBJECT TO COURT
ORDERED CHANGES

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ENDORSED
MAR - 5 2009 ENT'D
By S. Lee, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO

RUSTY SELIX and RICHARD VAN HORN,
Petitioners,

v.

DEBRA BOWEN, in her official capacity as
CALIFORNIA SECRETARY OF STATE,
Respondent.

GEOFF BRANDT, in his official capacity as State
Printer; the LEGISLATURE OF THE STATE OF
CALIFORNIA,
Real Parties in Interest.

Case No. 34-2009-80000178-CU-
WM-GDS

Assigned to the Honorable Michael
Kenny, Department 31

**[PROPOSED] STIPULATED
JUDGMENT**

[PROPOSITION 1E]

Date: March 5, 2009
Time: 8:45 a.m.
Dept.: 31

1 Pamphlet, notwithstanding the twenty day review period provided for in Elections Code sections
2 9092 and 9054, subdivision (c), and the consultation requirements provided for in Elections Code
3 section 9054, subdivision (b).

4 6. That each party is to bear its own costs.

5

MICHAEL KENNY

6 DATED: March 5, 2009

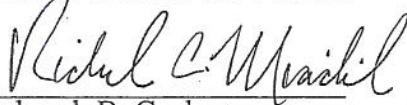
JUDGE OF THE SUPERIOR COURT

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APPROVED AS TO FORM:

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11 Deborah B. Caplan
12 Richard C. Miadich
13 Counsel for Petitioners Rusty Selix and Richard Van Horn

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Proposition 1E

SB 10 (Ch. 15, 2009-10 3x) Ducheny. The Mental Health Services Act: Proposition 63 amendments.

BALLOT LABEL

MENTAL HEALTH FUNDING. TEMPORARY REALLOCATION. Helps balance state budget by amending the Mental Health Services Act (Proposition 63 of 2004) to transfer funds, for two years, to pay for mental health services provided through the Early and Periodic Screening, Diagnosis, and Treatment Program for children and young adults. Fiscal Impact: State General Fund savings of about \$230 million annually for two years (2009-10 and 2010-11). Corresponding reduction in funding available for Mental Health Services Act programs.

Proposition 1E

SB 10 (Ch. 15, 2009-10 3x) Ducheny. The Mental Health Services Act: Proposition 63 amendments.

BALLOT TITLE AND SUMMARY

MENTAL HEALTH SERVICES FUNDING. TEMPORARY REALLOCATION. HELPS BALANCE STATE BUDGET.

- Amends Mental Health Services Act (Proposition 63 of 2004) to transfer funds, for a two-year period, from mental health programs under that act to pay for mental health services for children and young adults provided through the Early and Periodic Screening, Diagnosis, and Treatment Program.
- Provides more than \$225 million in flexible funding for mental health programs.
- Helps balance state budget during this difficult economic time.

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

- State General Fund savings of about \$230 million annually for two years (2009-10 and 2010-11) from redirecting a portion of Proposition 63 funds to an existing state program in place of state General Fund support.
- Corresponding reduction in funding available for Proposition 63 community mental health programs.