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February 19, 1991

Lawrence M. Noble
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

AOR
1991-06

91 FEB 25 PM 3:43

Dear Mr. Noble:

The California Democratic Party (CDP) requests an advisory opinion on the allocation of administrative expenses and costs of generic voter drives for the two-year period beginning January 1, 1991. Under new 11 CFR 106.5(d), state and local party committees must allocate such expenses according to the "ballot composition method," which is

based on the ratio of federal offices expected on the ballot to total federal and non-federal offices expected on the ballot in the next general election to be held in the committee's state or geographic area.

BACKGROUND

The CDP is a voluntary organization made up of approximately six-and-a-half million registered voters. The CDP seeks to elect Democrats to a wide range of California state, local, and federal offices, and also actively campaigns for and against a number of statewide ballot measures. The CDP is a "state committee" within the meaning of the Federal Election Campaign Act. (2 USC § 431(15); 11 CFR 100.14(a).)

The next California general election will occur in November, 1992. As it now appears, California voters will then cast votes for the following federal offices used in calculating the ballot composition ratio: president, fifty-two congressional seats, and either one or two senate seats.¹ California voters will also cast votes for the following non-federal offices: twenty senate seats, eighty assembly seats, and several hundred (perhaps several thousand) local government

¹As will appear more fully below, one of California's two United States Senators was recently elected Governor. He then vacated his senate seat midterm.

LANCE H OLSON
BRUCE J HAGEL
LEROY Y FONG
ROBERT E LEIDIGH
GEORGE M WATERS
DIANE M FISHBURN
CHRISTIAN A SPECK

OF COUNSEL
LOYD G CONNELLY Member
California State Legislature

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seats. In addition, voters will decide an unknown number of statewide and local ballot measures.

MAY CDP ALLOCATE ONE POINT FOR LOCAL CANDIDATES?

11 CFR 106.5(d)(ii) states that state party committees may count one point, and local party committees may count two points, "if any partisan local candidates are expected on the ballot in that election." We ask that you confirm that the CDP may include one point for local elections.

Article II, section 6(a) of the California Constitution states that "All judicial, school, county, and city offices shall be nonpartisan." Judicial interpretation of this section has made clear that the only limitation imposed by this section is that political parties cannot nominate a candidate for local and judicial offices; all other forms of political activity (including endorsing, supporting, or opposing local candidates) are permissible. As the California Supreme Court explained in a lengthy description of California's local election process:

Of the various alternatives open to the Legislature in promoting the principles of nonpartisanship, it chose only to control the form of elections for nonpartisan office in various respects, and to impose a single restriction on the conduct of political parties. In the former category are provisions stating that declarations of candidacy and to other nomination papers for nonpartisan office may not refer to party affiliation (§ 6401.5) [all citations are to the California Elections Code], the name of the party to which a nonpartisan candidate belongs may not appear on the ballot, a voter may cast his ballot for a candidate for such office without regard to party affiliation (§§ 10200.5, 10214), and partisan and nonpartisan offices are listed in separate columns of the ballot (§ 10207). The only limitation on the conduct of political parties with respect to elections for nonpartisan office is that they may not nominate a candidate for such an office. Section 37 defines "nonpartisan office" as "an office for which no party may nominate a candidate"; conversely, section 36 defines a partisan office as one for which a party may nominate a candidate. Section 37 goes on to provide, in language almost identical to section 6, that "Judicial, school, county and municipal offices are nonpartisan offices." Since there is no other

restriction on the participation of political parties in elections for nonpartisan office, the inference is clear that no additional limitation was intended.

(Unger v. Superior Court (1984) 37 Cal.3d 612, 614-615 (emphasis added).) ^{2/}

On June 3, 1986, article II, section 6(b) was added to the California Constitution:

No political party or party central committee may endorse, support, or oppose a candidate for nonpartisan office.

The Ninth Circuit recently ruled that article II, section 6(b) violates the first and fourteenth amendments to the federal constitution.^{3/}

It is just as clear that California political parties have for many years participated actively in local elections. The California Supreme Court has noted that "it has been customary for the governing bodies of political parties to endorse or assist candidates in elections for nonpartisan office."^{4/} The San Francisco Democratic Central Committee has endorsed and actively supported local candidates since 1967.^{5/} The Santa Clara County Democratic Committee has endorsed local candidates since 1972.^{6/} Within a five-year period, the Alameda County Democratic Central Committee endorsed over 100 candidates for nonpartisan office.^{7/}

CDP also actively participates in local elections. Over the last decade, the CDP has endorsed and supported hundreds of local

²A copy of the Unger decision is attached to this letter as Exhibit A.

³Geary v. Renne, 911 F.2d 280 (9th Cir. 1990) (en banc), cert. granted 59 U.S.L.W. 3481 (1991).

⁴Unger, supra, 37 Cal.3d at 616.

⁵Unger v. Superior Court (1980) 102 Cal.App.3d 681, 684, fn. 4.

⁶Ibid.

⁷Ibid.

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candidates. For example, during the 1990 general election the CDP invested more than \$300,000 in slate cards that endorsed local candidates for the following local offices:

San Francisco -- Board of Education, College Board, Assessor, Municipal Court, BART [Bay Area Rapid Transit] Board;

Los Angeles -- County Assessor;

Alpine -- Community College District;

El Monte -- County Assessor;

Mountain View -- Supervisor, College Board, Board of Education, Municipal Court, BART [Bay Area Rapid Transit] Board.^{8/}

The CDP customarily participates in a wide-range of local elections. We therefore request that you confirm that the CDP can allocate one point for local races.

**HOW MANY POINTS SHOULD BE ALLOCATED FOR THE
UPCOMING U.S. SENATE ELECTIONS?**

In the normal course of events, Californians would elect one United States Senator in 1992, but due to an unusual chain of events it now appears that there will be two senatorial elections in 1992.

Senator Alan Cranston was last elected in 1986; his seat will be contested again in 1992. Pete Wilson won California's other senate seat at the 1988 election; ordinarily that seat would not be contested until 1994. However, Mr. Wilson was elected Governor at the 1990 general election. He then resigned his senate seat and, after being sworn in as Governor, appointed John Seymour to fill the vacant senate seat.

The federal constitution states that a governor "shall issue writs of election to fill [senate] vacancies," and also permits a governor to fill a vacancy by appointment if so authorized by the

⁸This is a representative selection, not a comprehensive list. Examples of the slate cards are attached as Exhibit B.

state legislature.^{9/} California law empowers the governor to fill a senate vacancy by appointment, but requires an election to fill the vacancy "at the general election next succeeding the occurrence of the vacancy or at any special election."^{10/}

The result of all this is that there will be an election to contest Senator Seymour's seat at either the 1992 general election or at a special election. Thus during the two-year election cycle beginning January 1, 1991, there will be two federal senatorial elections in California.

11 CFR 106.5(d)(ii) states that

In calculating a ballot composition ratio, a state or local party committee shall count the federal offices of President, United States Senator, and United States Representative, if expected on the ballot in the next general election, as one federal office each.

Our question is whether the CDP should count the two senatorial

⁹The seventeenth amendment to the federal constitution states in its entirety:

Election of Senators.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the constitution.

¹⁰Elections Code § 25001.

elections as one point or two points in the ballot composition ratio.

We believe that two issues must be resolved to answer this question. The first issue concerns the definition of the word "office." The plain language of 11 CFR 106.5(d)(ii) states that the "offices" of "President, United States Senator, and United States Representative" shall count "as one federal office each." This language suggests that the "office" of United States Senator counts as one point regardless of whether one seat or two seats are on the ballot. This reading is supported by FEC Schedule H1, which instructs committees to

CHECK ALL OFFICES APPEARING ON THE NEXT GENERAL ELECTION BALLOT:

* * * * *

2. U.S. Senate (1 POINT)

This reading is further supported by the instructions for preparing Schedule H1, which state that

In calculating this ratio, committees may count only one federal or non-federal office for each candidate category listed in lines 1 through 9 of the Schedule. with the following exceptions: (1) All state and local party committees may count a maximum of two non-federal offices for the category of "Other Statewide Candidates" if more than one such office is expected on the ballot in the next general election. (2) A local party committee may count a maximum of two non-federal offices for the category of "Local Candidates" if more than one such office is expected on the ballot in that committee's district in the next general election.

(Emphasis added.) Thus there are two exceptions from the general rule that committees may only count one point for each listed candidate category. Neither exception includes the situation where two senatorial candidates may appear on the ballot. The clear inference is that only one point should be counted for senatorial races.

The second issue concerns the meaning of the phrase "expected on the ballot in the next general election." In all likelihood the election to fill the vacant seat will be held at the November 1992 general election, but it may not. There could

be a special election.^{11/} No one knows for sure.

We ask that you consider the fact that if the CDP must count two federal points for the upcoming senatorial elections, the result will be that either 57% or 67% of CDP's administrative for the current election cycle must come from federal hard money.^{12/} The latter figure is higher than the percentage used by national party committees.^{13/} Both figures greatly overestimate the proportion of CDP's federal activity over any two-year period.

¹¹Cal. Election Code § 25001.

¹²If the CDP can count one point for local elections, its federal allocation ratio for the upcoming election cycle will be 57%:

President	1 point
U.S. Senate	2 points
U.S. Congress	1 point
Federal subtotal	4 points
State Representative	1 point
State Senate	1 point
Local Candidates	1 point
Non-federal subtotal	3 points
Federal allocation (4/7)	57 percent

If the CDP cannot count one point for local elections, its federal allocation ratio will be 67%:

President	1 point
U.S. Senate	2 points
U.S. Congress	1 point
Federal subtotal	4 points
State Representative	1 point
State Senate	1 point
Non-federal subtotal	2 points
Federal allocation (4/6)	67 percent

¹³See 11 CFR 106.5(b); 11 CFR 106.5 (c).

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Furthermore, if you look at the slate cards attached as Exhibit B, you will see that a significant portion of the party's resources goes to supporting or opposing statewide ballot initiatives. Fully 50% of the slate cards are devoted to ballot measures. In the last two-year election cycle, 45 statewide ballot measures appeared on the ballot, 17 in the 1990 primary and 28 in the 1990 general election.¹⁴ This is a situation unique to California. Yet the ballot composition method, evidently designed for nationwide application, makes no allowance for resources invested in ballot measures, and thus greatly overestimates the federal share of CDP's overhead.

**PAYMENT OF EXPENSES INCURRED PRIOR TO
JANUARY 1, 1991**

We also seek advice on the treatment of debts incurred before January 1, 1991 but paid after that date. For example, the CDP incurred attorneys' fees as an administrative expense during 1990 have not yet been paid. When these fees are paid, which federal/state allocation should be used: The ratio in effect at the time the expenses were incurred, or the ratio in effect at the time the expenses are paid? Also, when such bills are paid, should payment be made from the non-federal account with reimbursement from the federal account (system used until January 1), or should payment be made from the federal account with reimbursement from the non-federal account (system in place from January 1 on)? How should this be reported?

A similar question arises with reference to fund-raising. The CDP conducts ongoing fundraising campaigns. Frequently checks are received well after a solicitation is made. Our question concerns a situation where a solicitation is made in 1990, but donations in response to that solicitation do not

¹⁴I have also attached as Exhibit C a copy of a Sacramento County Official Sample Ballot for the 1990 general election. The Sample Ballot further demonstrates that in California a considerable amount of political activity is devoted to non-candidate, non-federal elections.

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arrive until 1991. Which ratio (old or new) should be used in apportioning these contributions? How should this be reported?

Very truly yours,

OLSON, CONNELLY, HAGEL, FONG & LEIDIGH

LANCE H. OLSON

LHO/k1

****Please Note**

The full opinion of the
CA Supreme Court is not being
circulated with the AOR
because of its limited relevance
and length. (32 pages)
A full copy is available from
OGC Docket upon request.

EXHIBIT A

[S F No 24659 Dec 27, 1984]

SAMUEL UNGER et al , Petitioners, v
THE SUPERIOR COURT OF THE CITY AND COUNTY OF SAN
FRANCISCO, Respondent,
REPUBLICAN PARTY OF CALIFORNIA et al , Real Parties in Interest

SUMMARY

Two registered voters who had filed a petition for a writ of mandate in the superior court seeking to restrain a political party, its state central and executive committees, and two individuals, from endorsing or otherwise supporting a campaign not to confirm justices of the Supreme Court at a forthcoming general election, filed a petition for a writ of mandate in the Supreme Court after the superior court sustained a demurrer to the petition and entered an order of dismissal. The Supreme Court denied the writ. The court held that a political party and its central committee were not prohibited by Cal Const , art II, § 6 (providing "Judicial, school, county, and city offices shall be nonpartisan") from endorsing or otherwise supporting a campaign not to confirm justices of the Supreme Court at a general election, or otherwise endorsing, supporting, or opposing candidates for nonpartisan office (Opinion by Mosk, J , with Files, J ,* and Janes, J , † concurring. Separate concurring opinion by Grodin, Acting C. J. Separate concurring opinion by Lucas, J. Separate dissenting opinion by Sims, J , † with Potter, J , † concurring)

HEADNOTES

Classified to California Digest of Official Reports, 3d Series

(1a-1d) Elections § 1—Nonpartisan Offices—Confirmation of Supreme Court Justices—Participation by Political Parties.—A political party and its central committee were not prohibited by Cal Const , art II, § 6 (providing "Judicial, school, county, and city offices shall be nonpartisan") from endorsing or otherwise supporting a campaign not to

*Retired Presiding Justice of the Court of Appeal sitting under assignment by the Acting Chairperson of the Judicial Council

†Retired Associate Justice of the Court of Appeal sitting under assignment by the Acting Chairperson of the Judicial Council

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confirm justices of the Supreme Court at a general election. The Legislature has not prohibited political parties from continuing their practice of endorsing and supporting candidates for nonpartisan office, and an analysis of the history of § 6 demonstrates that it was not designed to place any greater restrictions on the conduct of political parties than those which were in existence prior to its enactment in 1972, i.e., a prohibition against partisan nomination of candidates for nonpartisan office. Accordingly, § 6 does not prohibit parties from endorsing, supporting, or opposing candidates for nonpartisan office (Disapproving *Unger v Superior Court* (1980) 102 Cal.App 3d 681 [162 Cal Rptr 611], insofar as it held that Cal. Const., art. II, § 6, prohibited the county central committee of a political party from supporting or opposing candidates to the nonpartisan office of the governing board of a community college district)

[See Cal.Jur.3d, Elections, § 63 et seq ; Am.Jur.2d, Elections, § 116 et seq]

(2a-2c) Elections § 1—Political Parties and Their Governing Bodies.—

Although the Elections Code contains numerous provisions concerning the organization and obligations of political parties and their governing bodies (Elec Code, § 8000 et seq), such entities are not agencies of the state for all purposes and their governing bodies remain free to act on behalf of the party without specific legislative authorization

COUNSEL

Lynn S. Carman and George Beavin for Petitioners

No appearance for Respondent

John A. Slezak for Real Parties in Interest

Arlo Hale Smith as Amicus Curiae on behalf of Real Parties in Interest

OPINION

MOSK, J.—Under California law, a vacancy in the office of a justice of the Supreme Court is filled by appointment of the Governor. Thereafter, at a general election in which the appointee runs unopposed, the voter is asked

EXHIBIT B

CALIFORNIA DEMOCRATIC PARTY VOTER GUIDE

Governor
*** Dianne Feinstein ***

Lieutenant Governor
Leo McCarthy

Secretary of State
March Fong Eu

Treasurer
Kathleen Brown

Controller
Gray Davis

Attorney General
Arlo Smith

Insurance Commissioner
John Garamendi

Assembly
Steve Thorne

Board of Equalization
Floyd L. Morrow

City Yes-EFGHJKLN NO-M
 County Yes-A,B No-C,D

Community College Dist.
 Senior Dist A--Kobey Dist C

Your Vote Makes The Difference --
 Elect Dianne Feinstein November 6th!



Non Profit Org
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PAID
 California
 Democratic
 Party

***** CAR-RT SORT ** RR04

ALPINE, CA 92001

YOU VOTE AT:

BETHEL ASSEMBLY CHURCH
 1929 ARNOLD WY

YES on 128 & 130 Save Forests • Protect the Earth
NO on 135 & 138

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CALIFORNIA DEMOCRATIC PARTY VOTER GUIDE

★ Dianne Feinstein ★

Governor

Lieutenant Governor
Leo McCarthy

Secretary of State
March Fong Eu

Treasurer
Kathleen Brown

Controller
Gray Davis

Attorney General
Arlo Smith

Insurance Commissioner
John Garamendi

U S Congress
Matthew Martinez*

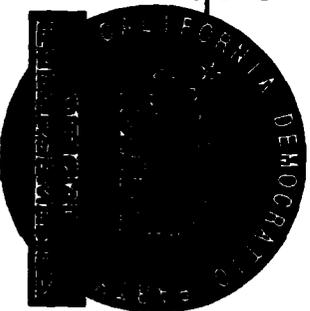
Assembly
Sally Tanner

State Senate
Charles Calderon
 Board of Equalization
Paul Carpenter

County Assessor
Kenneth P. Ilahn

County of Los Angeles
 No on A & C, Yes on B

Your Vote Makes The Difference --
 Elect Dianne Feinstein November 6th!



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***** CAR-RT SORT ** CR39

EL MONTE, CA 91732

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NO on 135 & 138

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★ Dianne Feinstein ★

Governor

Lieutenant Governor
Leo McCarthy

Secretary of State
March Fong Eu

Treasurer
Kathleen Brown

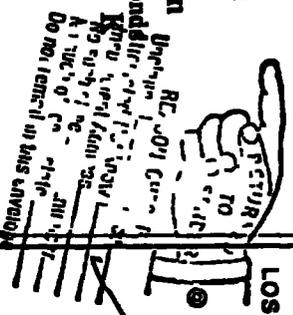
Controller
Gray Davis

Attorney General
Arlo Smith

Insurance Commissioner
John Garamendi

U S Congress
Henry Waxman*
Board of Equalization
Paul Carpenter
County of Los Angeles
No on A & C, Yes on B

Assembly
Burt Margolin
County Assessor
Kenneth P. Hahn
General Obligation Bonds
Yes on Measure



LOS ANGELES, CA 90036

***** CAR-RT SORT ** CR11

YES on 128 & 130 Save Forests • Protect the Earth
NO on 135 & 138

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March Fong Eu

Treasurer
Kathleen Brown

Controller
Gray Davis

Attorney General
Arlo Smith

Insurance Commissioner
John Garamendi

U S Congress
Nancy Pelosi*

Assembly
Willie Brown, Jr.

Supervisor-Maher, Medina,
Migden, Shelley, Ward

College Board
Burton, Marquis, Mayo

State Senate
Patrick Fitzgerald
Board of Equalization
Brad Sherman

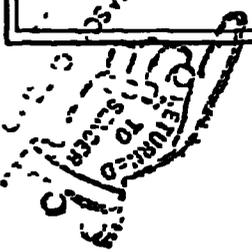
Board of Education
Del Porcillo-Kopf-Wilbon
Assessor-Maul Ct-Bart. Bd.
Hongisto - Tang - Rodis



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***** 3-DIGIT 940

MOUNTAIN VIEW, CA 94043



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NO on 135 & 138

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Lieutenant Governor
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Secretary of State
March Fong Eu ★



Treasurer
Kathleen Brown ★

Controller
Gray Davis ★

Attorney General
Arlo Smith ★

Insurance Commissioner
John Garamendi ★

U.S. Congress
Nancy Pelosi*

Assembly
Willie Brown, Jr.

Board of Equalization
Brad Sherman

Supervisor-Maher Medina,
Migden, Shelley, Ward

Board of Education
Del Portillo-Kopf-Wilson

College Board
Burton, Marquis, Mayo

Assessor-Mum Ct-Bart Bd
Hongisto - Tang - Rodis

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Democratic
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SAN FRANCISCO, CA 94109

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NO on 135 & 138

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EXHIBIT C

OFFICIAL SAMPLE BALLOT

AND VOTER INFORMATION

**GENERAL ELECTION
NOVEMBER 6, 1990**



**POLLS OPEN AT 7AM
AND CLOSE AT 8PM**

**POLLING PLACE IS SHOWN
ON BACK COVER**

**PLEASE TAKE THIS PAMPHLET
WITH YOU TO THE POLLS**

Ballot Type: 120

**COMPILED AND DISTRIBUTED BY SACRAMENTO COUNTY REGISTRAR OF VOTERS
TELEPHONE NUMBER 388-2051**

For hearing and speech impaired only (TDD) 440-7646

INSTRUCTIONS TO VOTERS

**PUNCH OUT BALLOT CARD ONLY WITH
PUNCHING DEVICE ATTACHED TO VOTE RECORDER;
NEVER WITH PEN OR PENCIL.**

To vote for a candidate for Chief Justice of California; Associate Justice of the Supreme Court; Presiding Justice, Court of Appeal; or Associate Justice, Court of Appeal, punch the ballot card in the hole at the point of the arrow after the word "YES." To vote against the candidate, punch in the hole at the point of the arrow after the word "NO."

To vote for a candidate whose name appears on the ballot, punch the ballot card in the hole at the point of the arrow opposite the candidate's name. Where two or more candidates for the same office are to be elected, punch the ballot card in the hole at the point of the arrow opposite the names of all candidates for the office for whom you desire to vote, not to exceed, however, the number of candidates to be elected.

To vote for a qualified write-in candidate, write the name of the office and the person's name on the lines provided on the ballot card.

To vote on any measure, punch the ballot card in the hole at the point of the arrow opposite the word "YES" or opposite the word "NO."

All distinguishing marks or erasures are forbidden and make the ballot void.

If you wrongly punch, tear or deface the ballot card, return the ballot to the precinct board member and obtain another.

TO START YOUR VOTING

GO TO NEXT PAGE



1

**COUNTY OF SACRAMENTO
GENERAL ELECTION
NOVEMBER 6, 1990**

STATE

Governor	Vote for One
PETE WILSON, Republican U.S. Senator	3 → ○
DIANNE FEINSTEIN, Democratic	4 → ○
DENNIS THOMPSON, Libertarian President, Computer Company	5 → ○
JEROME "JERRY" MC CREADY, American Independent Maintenance Manager	6 → ○
MARIA ELIZABETH MUÑOZ, Peace and Freedom Bilingual Teacher	7 → ○
Lieutenant Governor	Vote for One
CLYDE KUHN, Peace and Freedom School Trustee/Teacher	9 → ○
MERTON D. SHORT, American Independent Executive Aviator	10 → ○
ANTHONY G. BAJADA, Libertarian University Professor	11 → ○
MARIAN BERGESON, Republican California State Senator	12 → ○
LEO T. MC CARTHY, Democratic Lieutenant Governor of California	13 → ○
Secretary of State	Vote for One
KENNITA WATSON, Libertarian Software Engineer	15 → ○
JOAN MILKE FLORES, Republican Los Angeles Councilwoman	16 → ○
THEODORE J. NICHOLOFF, American Independent Business Executive	17 → ○
EVELINA ALARCÓN, Peace and Freedom Political Organizer	18 → ○
MARCH FONG EU, Democratic California Secretary of State	19 → ○
Controller	Vote for One
MATT FONG, Republican Business Attorney	21 → ○
GRAY DAVIS, Democratic Controller of the State of California	22 → ○
EDMON V. KAISER, American Independent Doctor of Chiropractic	23 → ○
RICHARD D. ROSE, Peace and Freedom Community Service Consultant	24 → ○
THOMAS TRYON, Libertarian County Supervisor/Rancher	25 → ○

**COUNTY OF SACRAMENTO
GENERAL ELECTION
NOVEMBER 6, 1990**

Treasurer	Vote for One
THOMAS W. HAYES, Republican Appointed State Treasurer	28 → ○
KATHLEEN BROWN, Democratic Corporate/Bond Counsel	29 → ○
PAUL MEEUWENBERG, American Independent Marketing Consultant	30 → ○
ELIZABETH A. NAKANO, Peace and Freedom Social Worker	31 → ○
Attorney General	Vote for One
ARLO SMITH, Democratic District Attorney of the City and County of San Francisco	33 → ○
ROBERT J. EVANS, Peace and Freedom Criminal Defense Lawyer	34 → ○
PAUL N. GAUTREAU, Libertarian Attorney at Law	35 → ○
DAN LUNGREN, Republican Attorney	36 → ○
Insurance Commissioner	Vote for One
WES BANNISTER, Republican Small Business Owner	38 → ○
TED BROWN, Libertarian Insurance Adjuster/Investigator	39 → ○
JOHN GARAMENDI, Democratic California State Senator	40 → ○
TOM CONDIT, Peace and Freedom Worker	41 → ○
Member, State Board of Equalization District 1	Vote for One
WILLIAM M. BENNETT, Democratic Member, State Board of Equalization	43 → ○
JEFF WALLACK, Republican Tax Board Appointee	44 → ○
MICHAEL R. IDDINGS, Libertarian Businessman	45 → ○

UNITED STATES REPRESENTATIVE

District 3	Vote for One
DAVID M. MC CANN, Libertarian Physician	48 → ○
ROBERT T. MATSUI, Democratic Member of Congress	49 → ○
LOWELL PATRICK LANDOWSKI, Republican Public Lands Administrator	50 → ○

3

**COUNTY OF SACRAMENTO
GENERAL ELECTION
NOVEMBER 6, 1990**

STATE SENATOR

District 6	Vote for One
JOE SULLIVAN, Republican Engineer-Manager	55 → ○
LAWRENCE "LARRY" R. MURRAY, Libertarian Businessman, Electrician, Student	56 → ○
LEROY F. GREENE, Democratic State Senator	57 → ○

MEMBER OF THE STATE ASSEMBLY

District 6	Vote for One
LLOYD G. CONNELLY, Democratic Member of the Legislature, Sixth Assembly District	60 → ○
BARBARA ENGELHARDT, Libertarian Registered Dietitian	61 → ○
GEORGE MARSH, Republican Small Businessman	62 → ○

JUDICIAL

Vote YES or NO for each candidate	
For Chief Justice of the Supreme Court Shall MALCOLM M. LUCAS be elected to the office for the term prescribed by law?	YES 66 → ○ NO 67 → ○
For Associate Justice of the Supreme Court Shall JOYCE L. KENNARD be elected to the office for the term prescribed by law?	YES 69 → ○ NO 70 → ○
For Associate Justice of the Supreme Court Shall ARMAND ARABIAN be elected to the office for the term prescribed by law?	YES 71 → ○ NO 72 → ○
For Associate Justice of the Supreme Court Shall MARVIN BAXTER be elected to the office for the term prescribed by law?	YES 73 → ○ NO 74 → ○
For Associate Justice of the Supreme Court Shall EDWARD A. PANELLI be elected to the office for the term prescribed by law?	YES 75 → ○ NO 76 → ○

**COUNTY OF SACRAMENTO
GENERAL ELECTION
NOVEMBER 6, 1980**

Vote YES or NO for each candidate

For Presiding Justice, Court of Appeal, Third Appellate District Shall ROBERT K. PUGLIA be elected to the office for the term prescribed by law?	YES 81 → ○ NO 82 → ○
For Associate Justice, Court of Appeal, Third Appellate District Shall RODNEY DAVIS be elected to the office for the term prescribed by law?	YES 84 → ○ NO 85 → ○
For Associate Justice, Court of Appeal, Third Appellate District Shall ARTHUR G. SCOTLAND be elected to the office for the term prescribed by law?	YES 86 → ○ NO 87 → ○
For Associate Justice, Court of Appeal, Third Appellate District Shall RICHARD M. SIMS III be elected to the office for the term prescribed by law?	YES 88 → ○ NO 89 → ○
For Associate Justice, Court of Appeal, Third Appellate District Shall VANCE W. RAYE be elected to the office for the term prescribed by law?	YES 90 → ○ NO 91 → ○
For Associate Justice, Court of Appeal, Third Appellate District Shall FRED W. MARLER JR. be elected to the office for the term prescribed by law?	YES 92 → ○ NO 93 → ○

SCHOOL

LOS RIOS COMMUNITY COLLEGE DISTRICT

Governing Board Member, Area 6	Vote for One
MARC CROWDER Retired USAF, ARC	98 → ○
TED RUNG Member, Senior Legislature	99 → ○
BRUCE POMER Small Businessman	100 → ○

5-6

**COUNTY OF SACRAMENTO
- GENERAL ELECTION
- NOVEMBER 6, 1990**

DISTRICT

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Director, Ward 3	Vote for One
EDWARD A. SNELOFF Utility Director	129 → ○
BRAD TOWNE Attorney	130 → ○

MEASURES SUBMITTED TO VOTE OF VOTERS
STATE

124 LOCAL HOSPITAL DISTRICTS. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Authorizes Legislature to allow hospital districts to become stockholders in health care related corporations. Fiscal impact: This measure has no direct fiscal effect. YES 159 → NO 160 →

125 RAIL TRANSIT FUNDING. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Authorizes expenditure of motor vehicle fuels tax funds for rail transit vehicles, equipment acquisition. Fiscal impact: An unknown amount of revenues raised from the state-imposed taxes on motor vehicle fuels and fees upon the operation and use of vehicles may be shifted from existing uses for the purchase of rail transit vehicles and related equipment that operate on mass transit guideways, as a result of this measure. The extent of the shift depends upon the number of counties or geographic areas that approve and use these revenues for the specified purposes. YES 161 → NO 162 →

126 ALCOHOL TAX. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Increases alcoholic beverages taxes; proceeds to General Fund; excluded from appropriations limit. Controls conflicting measures. Fiscal impact: This measure would result in additional General Fund revenues of approximately \$70 million for a portion of 1990-91 and approximately \$195 million in fiscal year 1991-92, the first full year it is in effect. Similarly, local sales tax revenues would increase statewide by approximately \$1.6 million annually. Revenues generated after fiscal year 1991-92 will depend upon the trends in alcohol sales. Adjustments are also made to the state's constitutional spending limit to include the additional tax revenue. YES 165 → NO 166 →

127 EARTHQUAKE SAFETY. PROPERTY TAX EXCLUSION. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Excludes earthquake safety improvements to existing buildings from property tax assessment. Fiscal impact: If Legislature fully implements measure, it would reduce annual property tax collections from assessment of earthquake safety modifications beginning 1990-91. Revenue loss could be millions of dollars annually. Cities, counties, and special districts would bear approximately two-thirds of the loss; school and community college districts one-third. State may have to replace lost school district revenues, depending on formula used to determine K-14 education funding guarantee under existing state Constitution requirements. YES 170 → NO 171 →

128 ENVIRONMENT. PUBLIC HEALTH. BONDS. INITIATIVE STATUTE. Regulates pesticides, air, water. Authorizes bonds to acquire ancient redwoods. Establishes elected Environmental Advocata. Fiscal impact: Annual state administrative and program costs of approximately \$80 million, decreasing in future years; partially offset by \$10 million increased annual fee revenue. Local governments would incur \$8 million one-time cost, \$5 million to \$10 million annually, decreasing in future years. State General Fund to incur one-time \$750,000 appropriation in 1992-93 for Office of Environmental Advocata, \$40 million for environmental research grants. Future administrative costs of office unknown if all bonds authorized for ancient redwood acquisition, forestry projects were sold at 7.5 percent interest and paid over the typical 20-year period, General Fund would incur approximately \$535 million in costs to pay off principal (\$300 million) and interest (\$235 million). Estimated average annual costs of bond principal and interest would be \$22 million. Per-barrel fee on oil would increase revenues by \$600 million by 1996-97, used to pay oil spill prevention/clean-up costs. Indefinite deferral of potentially \$2 billion in future state oil and gas revenues resulting from limits on oil and gas leases in marine waters. Indirect fiscal impact could increase or decrease state and local government program costs and revenues from general and special taxes in an unknown amount. The overall impact is unknown. YES 175 → NO 176 →

STATE MEASURES

129 DRUG ENFORCEMENT. BONDS. INITIATIVE CONSTITUTIONAL AMENDMENT, STATUTE. Authorizes bonds, money for drug enforcement. Clarifies privacy rights affecting reproductive choices. Fiscal impact: **YES 185** → ○
NO 186 → ○

No additional revenues result from this measure. Total General Fund costs of \$1.2 billion for transfers to the Anti-Drug Superfund between 1990-91 through 1993-94. From 1994-95 through 1997-98 it is not clear whether any funds would be transferred from the General Fund to the Superfund. If all bonds proposed by this measure are sold at an interest rate of 7.5 percent, cost would be approximately \$1.3 billion to pay off principal (\$740 million) and interest (\$585 million), with average annual payment being approximately \$55 million. Additional annual costs of tens of millions of dollars for state and local governments could arise for operation of new correctional facilities. Additional costs resulting from increased criminal arrests and convictions could be offset by increased funding for drug education and prevention.

130 FOREST ACQUISITION. TIMBER HARVESTING. BONDS. INITIATIVE STATUTE. Authorizes bonds to acquire ancient forests providing wildlife habitat. Limits logging. Retains loggers. Fiscal impact: **YES 191** → ○
NO 192 → ○

Estimated cost to state General Fund of \$742 million in bond principal, \$585 million in interest, for bond program. Estimated average annual bond principal and interest costs of approximately \$55 million. State administrative costs of up to \$10 million annually for state forestry review and enforcement programs, fully offset by revenues from timber harvesting fees. State savings of about \$8.4 million annually, also resulting from imposition of such fees. Unknown effect on state and local tax revenues, possible decreased revenue to local governments to extent lands acquired under measure would no longer be assessed property taxes.

131 TERM LIMITS. ETHICS. INITIATIVE CONSTITUTIONAL AMENDMENT, STATUTE. Limits terms, elected officials; enacts ethics standards, partial public campaign financing, spending limits. Fiscal impact: **YES 196** → ○
NO 197 → ○

Unknown level of state revenues, possibly \$12 million in 1990-91 and uncertain amounts thereafter, to be generated from state income tax check-off provisions for campaign financing; corresponding unknown revenue loss to state General Fund. Annual General Fund contributions of \$5 million for campaign matching payments beginning January 1, 1992, amounts to increase in subsequent years. Unknown amount of state matching payments likely to be requested under measure for campaign financing by candidates for state office. State General Fund administrative costs of approximately \$1.5 million in 1990-91, \$3 million annually for subsequent years.

132 MARINE RESOURCES. INITIATIVE CONSTITUTIONAL AMENDMENT. By 1994 prohibits gill, trammel nets in Southern California coastal waters impose temporary fishing fees. Fiscal impact: Permit fee and marine protection stamp would provide approximately \$5 million to Marine Resources Protection Account by 1995. Compensation for fishermen who surrender gill and trammel nets between July 1, 1993 and January 1, 1994, could total up to \$3.4 million, if necessary legislation enacted. Enforcement of measure could cost up to \$1.5 million annually. Loss of \$100,000 annually from reduced fishing license, permit, and tax revenue may result; losses offset in unknown amount by measure's increased fines. **YES 201** → ○
NO 202 → ○

STATE MEASURES

133 ANTI-DRUG PROGRAMS: TAXES. INITIATIVE STATUTE. Funds anti-drug enforcement and prevention with 1/2¢ sales tax increase. Prohibits serious offenders' early release. Fiscal impact: The Safe Streets Fund will receive a total of \$7.5 billion in sales tax revenue for distribution during the period of the rate increase. Interest earnings received by the General Fund for the period will be \$90 million, with education programs receiving up to \$33 million. Minor General Fund costs beginning in 1997-98 increasing to more than \$30 million annually, by 2012-13 as a result of increased prison population due to elimination of sentence credits for specified offenders; potential one-time costs of more than \$140 million for construction of new prison facilities. Increased law enforcement funding could result in additional criminal arrests and convictions, increasing state and local costs, which may be reduced by the increased funding of drug education and prevention programs.

YES 211 → ○
NO 212 → ○

134 ALCOHOL SURTAX. CONSTITUTIONAL AMENDMENT. INITIATIVE STATUTE. Imposes 5¢ per unit alcohol surtax funding alcohol/drug abuse, emergency medical care, other programs. Fiscal impact: Surtax would increase tax on beer from 4 cents to 57 cents per gallon, most wines from 1 cent to \$1.29 per gallon, and distilled spirits from \$2 to \$8.40 per gallon. The surtax would result in additional state revenue of approximately \$360 million in 1990-91 and \$760 million in 1991-92, depending on alcohol sales. State General Fund revenues could increase or decrease several million dollars due to effect on sales tax revenue and revenues from existing alcoholic beverage taxes. Local sales tax revenue would increase by several million dollars. The guarantee for 1990-90 level nonsurtax funding, with required annual adjustments, for various health, mental health, criminal justice and other programs could increase costs by \$180 million in 1990-91 and over \$300 million in 1991-92; possibly additional tens of millions of dollars in subsequent years. These costs would have to be funded from revenues other than surtax. Expenditure of surtax revenues for prevention and treatment programs could result in future savings.

YES 216 → ○
NO 217 → ○

135 PESTICIDE REGULATION. INITIATIVE STATUTE. Expands pesticide monitoring program for produce, processed foods. Eliminates some industry fees. Modifies penalties, regulations, training. Fiscal impact: One-time state General Fund cost of approximately \$49 million, annual costs of approximately \$6 million, for pesticide and food monitoring and research programs. Estimated annual state revenue loss of approximately \$1.5 million due to repeal of industry fees. Additional state administrative and regulatory costs ranging from \$200,000 to, possibly, several million dollars annually.

YES 223 → ○
NO 224 → ○

136 STATE, LOCAL TAXATION. INITIATIVE CONSTITUTIONAL AMENDMENT. Increases vote necessary for tax increases. Invalidates special tax ballot measures without 2/3 vote. Fiscal impact: Restricts rate of certain special taxes, could limit future ability of state to raise revenues through such taxes. Could limit future passage of initiative statutes proposing approval of special state taxes. Prohibits imposition of new, higher general taxes by charter cities without voter approval, thus potentially preventing such cities from increasing revenues. Unknown fiscal effect on other local governments. Could facilitate local government's enactment of new or higher taxes for disaster relief.

YES 227 → ○
NO 228 → ○

137 INITIATIVE AND REFERENDUM. INITIATIVE CONSTITUTIONAL AMENDMENT. Before effective, laws affecting state or local initiative or referendum process require voter approval. Fiscal impact: The measure could result in unknown increased state and local administrative costs for preparation, printing and mailing of ballot information and verifying election results to extent that changes in requirements for initiative and referendums are submitted to voters. State General Fund costs could range from insignificant to \$200,000 per measure for each statewide election. Counties' costs could range from insignificant to \$100,000 per measure for each statewide election.

YES 231 → ○
NO 232 → ○

STATE MEASURES

138 FORESTRY PROGRAMS, TIMBER HARVESTING, BONDS, INITIATIVE STATUTE. Authorizes bonds for forest, park restoration, wildlife studies, other programs. Limits timber cutting. Fiscal impact: Estimated cost to state General Fund of \$300 million in bond principal, \$235 million in interest for bond program. Estimated average annual bond principal and interest costs of approximately \$22 million. Annual costs of approximately \$3.2 million, funded through sales of state-owned timber, to administer grants program. Initial, increased annual state costs of over \$1 million to review timber management plans, which could over time be more than offset by savings resulting from reduced periodic state regulatory reviews. One-time state costs of about \$1.1 million for climatological studies, fully offset by revenues from new regulatory fees. Unknown effect on revenues from other state taxes.

YES 236 → ○
NO 237 → ○

139 PRISON INMATE LABOR, INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE. Permits contracting inmate labor; wages subject to deductions; employer tax credits. Fiscal impact: This measure would likely result in net savings to the state. The magnitude of savings is impossible to quantify. The measure's impact on local governments is impossible to estimate because the contents of local ordinances implementing contracts for use of jail labor are unknown. Unknown indirect fiscal effects may occur to the extent this measure affects the number of jobs available in the private sector.

YES 241 → ○
NO 242 → ○

140 TERMS OF OFFICE, LEGISLATURE, INITIATIVE CONSTITUTIONAL AMENDMENT. Limits: terms for specified state elected officials, legislators' retirement, pensions, Legislature's operating costs. Fiscal impact: Limitation on terms will have no fiscal effect. Restrictions on legislative retirement benefits would reduce state costs by approximately \$750,000 a year. To extent future legislators do not participate in federal Social Security system, there would be unknown future savings to the state. Legislative expenditures in 1991-92 would be reduced by about 38 percent, or \$70 million in subsequent years, measure would limit growth in these expenditures to changes in the state's appropriations limit.

YES 245 → ○
NO 246 → ○

141 TOXIC CHEMICAL DISCHARGE, PUBLIC AGENCIES, LEGISLATIVE STATUTE. Extends to specified public agencies Proposition 65 toxic discharge and release prohibitions, warnings. Fiscal impact: Unknown costs potentially exceeding \$1 million beginning 1991 for notification requirements. Unknown costs, beginning in 1992, potentially in the tens of millions of dollars, depending on extent existing waste discharge controls are not sufficient to comply with discharge prohibitions of Proposition 65.

YES 250 → ○
NO 251 → ○

142 VETERAN'S BOND ACT OF 1990. This act provides for a bond issue of four hundred million dollars (\$400,000,000) to provide farm and home aid for California veterans.

YES 254 → ○
NO 255 → ○

143 HIGHER EDUCATION FACILITIES BOND ACT OF NOVEMBER 1990. This act provides for a bond issue of four hundred fifty million dollars (\$450,000,000) to provide funds for the construction or improvement of facilities of California's public higher education institutions, which include the University of California's nine campuses, the California State University's 20 campuses, the 71 districts of the California Community Colleges containing 107 campuses, the Hastings College of the Law, the California Maritime Academy, and off-campus facilities of the California State University approved by the Trustees of the California State University on or before July 1, 1990. The use of funds authorized under this act includes, but is not necessarily limited to, the construction or improvement of classrooms, laboratories, and libraries, and the implementation of earthquake and other health or safety improvements.

YES 256 → ○
NO 257 → ○

STATE MEASURES

- 144** NEW PRISON CONSTRUCTION BOND ACT OF 1990-B. This act provides for a bond issue of four hundred fifty million dollars (\$450,000,000) to provide funds to relieve overcrowding in the state's prisons and the Youth Authority facilities through new construction. YES 263 → ○
NO 264 → ○
- 145** CALIFORNIA HOUSING BOND ACT OF 1990. This act establishes a comprehensive housing program to address the severe housing crisis in California by (a) authorizing the use of funds from the First-Time Home Buyers Bond Act of 1982, under which the voters of this state authorized a bond issue of two hundred million dollars (\$200,000,000), to provide financial assistance to first-time homebuyers in the form of interest rate subsidies and deferred-payment, low-interest second-mortgage loans and (b) providing for a bond issue of one hundred twenty-five million dollars (\$125,000,000) to provide funds for a housing and earthquake safety program that includes financing for (1) the preservation and rehabilitation of the existing stock of rental housing for families and individuals, including rental housing which meets the special needs of the elderly and disabled, (2) emergency shelters and transitional housing for homeless families and individuals, (3) a multifamily mortgage loan and bond insurance program, (4) farmworker housing, and (5) rehabilitation loans to enable unreinforced masonry rental buildings to withstand earthquakes. YES 265 → ○
NO 266 → ○
- 146** SCHOOL FACILITIES BOND ACT OF 1990. This act provides for a bond issue of eight hundred million dollars (\$800,000,000) to provide capital outlay for construction or improvement of public schools. YES 271 → ○
NO 272 → ○
- 147** COUNTY CORRECTIONAL FACILITY CAPITAL EXPENDITURE AND JUVENILE FACILITY BOND ACT OF 1990. This act provides for a bond issue of two hundred twenty-five million dollars (\$225,000,000) to provide funds for the construction, reconstruction, remodeling, replacement, and deferred maintenance of county correctional facilities and county juvenile facilities. YES 273 → ○
NO 274 → ○
- 148** WATER RESOURCES BOND ACT OF 1990. This act provides for a bond issue of three hundred eighty million dollars (\$380,000,000) to provide funds for a water resources program and makes changes in the Water Conservation Bond Law of 1986 relating to administrative fees and the California Safe Drinking Water Bond Law of 1976 relating to loans. YES 276 → ○
NO 277 → ○
- 149** CALIFORNIA PARK, RECREATION, AND WILDLIFE ENHANCEMENT ACT OF 1990. This act provides for a bond issue of four hundred thirty-seven million dollars (\$437,000,000) to provide funds for a program of acquiring, developing, rehabilitating, or restoring real property for state and local park, beach, recreation, greenbelt, wildland fire protection, coastal, historic, or museum purposes. YES 279 → ○
NO 280 → ○
- 150** COUNTY COURTHOUSE FACILITY CAPITAL EXPENDITURE BOND ACT OF 1990. This act provides for a bond issue of two hundred million dollars (\$200,000,000) to provide funds for the construction, reconstruction, remodeling, replacement, and deferred maintenance of county courthouse facilities. YES 282 → ○
NO 283 → ○
- 151** CHILD CARE FACILITIES FINANCING ACT OF 1990. This act provides for a bond issue of thirty million dollars (\$30,000,000) to provide funds for child care facilities. YES 285 → ○
NO 286 → ○

MEASURES SUBMITTED TO VOTE OF VOTERS
COUNTY

MEASURE S

S "Shall the City of Sacramento and the County of Sacramento be reorganized and consolidated and shall the proposed Charter of the City-County of Sacramento be adopted as the governing law of the City-County of Sacramento?"

YES 291 → NO 292 →

MEASURE T

T "Shall the initiative ordinance which would require the Sacramento County Board of Supervisors to take all action necessary, in conjunction with other entities, to finance a multipurpose dam at Auburn, California, be adopted?"

YES 294 → NO 295 →

MEASURE U

U "Shall the ordinance providing for an increase of one percent (from 10 percent to 11 percent) of the transient occupancy tax in the unincorporated territory of the County of Sacramento be adopted?"

YES 297 → NO 298 →

CITY

CITY OF SACRAMENTO
MEASURE V

V **Relating to Employees**
"Shall the Charter of the City of Sacramento be amended to provide that appointment of City employees, except for promotional appointments, shall be made from among the eligible persons whose scores represent the three highest whole percentage score ranks on the eligible list?"

YES 303 → NO 304 →

CITY OF SACRAMENTO
MEASURE W - ADVISORY VOTE ONLY

W **Relating to Campaign Reform**
"Should the City adopt an ordinance that would limit the amount of contributions that may be made by individual contributors to candidates for City elective office, establish voluntary spending limits for those candidates, and provide City funds to partially finance the campaigns of candidates agreeing to abide by the spending limits?"

YES 308 → NO 309 →