

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure: **DENIAL OF PUBLIC BENEFITS FOR PERSONS WHO CANNOT VERIFY LAWFUL PRESENCE. DENIAL OF STANDARD BIRTH CERTIFICATE FOR CHILDREN OF UNDOCUMENTED PARENTS. INITIATIVE STATUTE. Requires applicants for state, local, and state-administered federal aid to verify lawful presence in United States. Requires applications for public benefits submitted by undocumented parents on behalf of their lawful-resident children to be given to federal authorities. Permits issuance of "Foreign Parent" birth certificate if undocumented mother provides government-issued photo ID, US address, fingerprints, and a record of publicly funded delivery costs. Eliminates benefits for children in child-only CalWORKS cases. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: If upheld in the courts, unknown significant one-time and ongoing costs to state and local governments due to changes in the application process for public benefits as well as unknown but likely significant savings from decreased use of public benefits. Unknown potential one-time and ongoing costs due to changes in the way birth certificates are issued. These costs would be offset to an unknown extent by additional new fees for certain birth certificates. Unknown, but probably minor, state and local law enforcement costs due to provisions in the measure creating new crimes, such as for the filing of false affidavits to obtain public benefits. If upheld in the courts, state savings of over \$1 billion annually from prohibiting child-only CalWORKS cases, partially offset by state and county costs for children who shifted to Foster Care or county general assistance programs. Further unknown savings from the provisions changing the application processes for public benefits. (09-0010.)**

To the Honorable Secretary of State of California: We, the undersigned, registered, qualified voters of California, residents of the county (or city and county) indicated on the reverse, hereby propose amendments to various codes of the state of California, relating to withholding social services and benefits to those in California unlawfully, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or any special statewide election held prior to that general election or otherwise provided by law. The proposed statutory amendments (full title and text of the measure) read as follows:

THE PEOPLE OF THE STATE OF

CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This measure shall be known and may be cited as the California Taxpayer Protection Act of 2010.

SECTION 2. Section 27 is added to the Government Code, to read:

27. (a) (1) Except as provided in paragraph (2) or where exempted by federal law, every agency or a political subdivision of this state shall verify the lawful presence in the United States of any natural person fourteen (14) years of age or older who has applied for state or local benefits, as defined in 8 U.S.C., Section 1621 on June 1, 2010, or for federal public benefits as defined in 8 U.S.C., Section 1611 on June 1, 2010, that are administered by an agency or political subdivision of this state.

(2) Verification of lawful presence under the provisions of this section shall not be required:

(A) For any purpose for which lawful presence in the United States is not restricted by law, ordinance or regulation.

(B) For emergency medical care and other assistance exempt from verification as described in Section 1611 (b) of, and Section 1621 (b) of, Title 8 of the United States Code, on June 1, 2010.

(b) (1) Verification of lawful presence in the United States by the agency or political subdivision required to make such verification shall require that the applicant execute an affidavit under penalty of perjury that:

(A) He or she is a United States citizen; or

(B) He or she is a qualified alien under the federal Immigration and Nationality Act and is lawfully present in the United States.

(2) For an applicant who has executed the affidavit described in sub-paragraph (B), eligibility for benefits shall be verified through the Systematic Alien Verification for Entitlements (SAVE) Program operated by the United States Department of Homeland Security, or an equivalent program designated by the United States Department of Homeland Security. Until this eligibility verification is made, the affidavit may be presumed to be proof of lawful presence for the purposes of this section.

(3) The California Health and Human Services Agency shall adopt regulations to provide for the adjudication of extraordinary individual circumstances under which the verification procedures imposed by this section would impose undue hardship on a legal resident of California.

(c) (1) If an ineligible applicant, as defined in paragraph (2), is unable to satisfy the verification requirements of subdivision (b) when applying for a public benefit on behalf of a person who is

determined to be eligible, a copy of the application shall be provided to the United States Department of Homeland Security, or its successor.

(2) For purposes of this subdivision, "ineligible applicant" means a parent, relative, or guardian, applying on behalf of an eligible person for a state or local public benefit or federal public benefit, as defined in paragraph (1) of subdivision (a), who is a member of the same household as the eligible person.

(d) (1) A person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit executed pursuant to subdivision (b) shall be subject to the penalties specified in Section 114 of the Penal Code.

(2) An officer or employee of an agency or political subdivision of the state who provides any state, local, or federal public benefits in violation of the requirements of this section is guilty of a misdemeanor.

SECTION 3. Section 102425.5 is added to the Health and Safety Code, to read:

102425.5. (a) Notwithstanding any other provision of law, a certificate of live birth as described in Section 102425 shall be registered for a birth that occurs on or after July 1, 2010, only after compliance with Section 102425 and subdivision (b) or (c) of this section.

(b) (1) The parent or parents registering a birth, either in person to the local registrar, or at the time of the child's birth to a hospital official, shall be required to execute an affidavit under penalty of perjury, stating the signer's social security number and either of the following that:

(A) He or she is a citizen, or national of the United States.

(B) He or she is an alien lawfully admitted for permanent residence who maintains his or her residence in the United States.

(2) The local registrar shall verify an affidavit executed pursuant to sub-paragraph (B), through the United States Citizenship and Immigration Services (USCIS), or an equivalent program designated by the United States Department of Homeland Security.

(c) (1) If neither parent has provided the documentation required under subdivision (b), a certificate of live birth as described in Section 102425 shall be registered for a birth that occurs on or after July 1, 2010, only after the birth mother appears in person before the local registrar and provides the local registrar with all of the following:

(A) Either of the following documents, which shall be photocopied by the local registrar:

(i) A United States-issued document with photograph proving lawful status in the United States.

(ii) An official foreign government-issued identification document with photograph.

(B) Documentation proving current United States address.

(C) Documentation of all hospital birth delivery costs paid with public funds, which shall constitute a public record.

(D) A fingerprint.

(E) An additional fee of fifty dollars (\$50), paid in cash or by money order.

(2) The information obtained pursuant to paragraph (1) shall constitute an official government record. The local registrar shall provide this information to the United States Department of Homeland Security, or its successor. The local registrar shall provide this information to any state or federal agency, upon request.

(3) A certificate of live birth registered pursuant to this subdivision shall contain a space for the printed words "Foreign Parent," if applicable to the documentation presented.

SECTION 4. Section 10003 is added to the Welfare and Institutions Code, to read:

10003. To the extent permitted under federal law, an ineligible applicant, as defined in paragraph (2) of subdivision (c) of Section 27 of the Government Code, who files an application on behalf of an eligible recipient for publicly funded social services that constitute a state or local benefit as defined in subsection (c) of Section 1621 of Title 8 of the United States Code on June 1, 2010, that are funded by state block grants, or other state or local funds, shall be subject to the verification requirements under subdivision (b) of Section 27 of the Government Code as a condition of establishing the recipient's initial eligibility, or upon re-determination of eligibility, as a condition of the eligible recipient receiving the state or local benefit.

SECTION 5. Section 11200.1 is added to the Welfare and Institutions Code, to read:

11200.1. (a) Notwithstanding any other provision of law, commencing on the first day of the first calendar quarter after the effective date of this section, aid under this chapter shall be provided only to an assistance unit that includes one or more aided adults.

(b) If subdivision (a) is not upheld in a court of law, a child in a child-only CalWORKS case shall be prohibited from receiving benefits for more than five years.

SECTION 6. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

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NOTICE TO THE PUBLIC: THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.

REGISTERED VOTERS ONLY

All signers of this petition must be registered to vote in _____ County.		This column for official use only
1.	Print Your Name: _____ Signature As Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____
2.	Print Your Name: _____ Signature As Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____
3.	Print Your Name: _____ Signature As Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____
4.	Print Your Name: _____ Signature As Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____
5.	Print Your Name: _____ Signature As Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____
6.	Print Your Name: _____ Signature As Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____
7.	Print Your Name: _____ Signature As Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____

4 EASY STEPS

1
Fill in County name (in blue shaded area)

2
Clearly print your name, sign and fill in address.

3
Have friends or relatives fill in Lines #2-7.

URGENT!

All signatures are invalid if you fail to sign as a CIRCULATOR and fill in all shaded areas.

4

DECLARATION OF CIRCULATOR—Must be completed in circulator's own hand after above signatures have been obtained.

I, _____, am registered to vote or am qualified to register to vote in the State of California.
(Print full name)

My residence address is _____.
(Street and number, city, state, zip)

I circulated this section of the petition and witnessed each of the appended signatures being written. Each signature on this petition is, to the best of my information and belief, the genuine signature of the person whose name it purports to be. All signatures on this document were obtained between the dates of _____ and _____. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on _____ at _____.
(Month, day, year) (Month, day, year) (Month, day, year) (Place of signing, City)

MUST BE SIGNED HERE ALSO

X

Signature of Petition Circulator (may be repeat of name on Petition—INCLUDE MIDDLE INITIAL)

Please return petition to: TaxpayerRevolution.org, P.O. Box 9985, San Diego, CA 92169