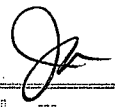


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*Attorneys for Petitioner MARK A. JANSSON*

FILED  
Superior Court Of California,  
Sacramento  
Dennis Jones, Executive  
Officer  
07/29/2008  
Prover  
By , Deputy  
Case Number:  
24-2008-00017351-CU-WM-G-16

Dept 29

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SACRAMENTO

MARK A. JANSSON, an official proponent  
of Proposition 8,

Petitioner

v.

DEBRA BOWEN, in her official capacity as  
Secretary of State,

Respondent

GEOFF BRANDT, in his official capacity as  
State Printer;

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

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

Real Parties in Interest.

Unlimited - Case No. \_\_\_\_\_

**\*\* ELECTION MATTER PRIORITY \*\***

VERIFIED PETITION FOR WRIT OF  
MANDATE AMENDING AND DELETING  
BALLOT PAMPHLET MATERIAL  
(Elec. Code, § 9092)

Action Filed: July 29, 2008

Department:  
Assigned Judge:

Hearing Date:  
Hearing Time:

///

1 **TO THE HONORABLE JUDGES OF THE SUPERIOR COURT:**

2 As an elector and official proponent of Proposition 8, Petitioner brings this emergency  
3 action pursuant to Elections Code section 9092 for mandamus relief, including an  
4 ALTERNATIVE WRIT OF MANDATE and a PEREMPTORY WRIT OF MANDATE, to  
5 amend and delete portions of the ballot materials regarding Proposition 8 that are false,  
6 misleading, and contrary to law. An expedited resolution of the merits is respectfully requested to  
7 avoid substantial interference with the printing of the ballot pamphlet.

8 **FIRST CAUSE OF ACTION**  
9 **FOR WRIT OF MANDATE**  
10 **AGAINST RESPONDENT**

11 Petitioner alleges:

12 Background and Parties

13 1. This action is brought pursuant to Elections Code section 9092, by which an  
14 elector may seek a writ of mandate requiring any copy to be amended  
15 or deleted from the ballot pamphlet... upon clear and convincing  
16 proof that the copy in question is false, misleading, or inconsistent  
17 with the requirements of this code or Chapter 8 (commencing with  
18 Section 88000) of Title 9 of the Government Code, and that issuance  
19 of the writ will not substantially interfere with the printing and  
20 distribution of the ballot pamphlet as required by law.

21 2. Petitioner MARK A. JANSSON is an elector registered to vote in Sacramento  
22 County, California, and is an official proponent of Proposition 8 which will appear on the  
23 November 4, 2008 ballot. Petitioner has standing to bring this action.

24 3. Respondent DEBRA BOWEN is, and at all times mentioned in this petition was,  
25 the California Secretary of State, and in such capacity is charged with selecting and submitting  
26 ballot arguments and other materials for printing in the statewide ballot pamphlet for the  
27 November 2008 election.

28 4. Real Party in Interest GEOFF BRANDT is, and at all times mentioned in this  
petition was, the State Printer of the State of California, and in such capacity is charged with  
printing the ballot pamphlet for the November 2008 election.

5. Real Party in Interest EDMUND G. BROWN JR. is, and at all times mentioned in

1 this petition was, the California Attorney General, and in such capacity is charged with preparing  
2 both a "Ballot Title and Summary" and a "Ballot Label" for Proposition 8, each of which must be  
3 "a true and impartial statement of the purpose of the measure in such language that the ballot title  
4 shall neither be an argument, nor be likely to create prejudice, for or against the proposed  
5 measure." (Elec. Code, § 9051.)

6 6. Real Party in Interest EQUALITY FOR ALL is, on information and belief, the  
7 organization that authored the "50 Word Ballot Statement in Opposition to Proposition 8" which  
8 has been selected by the Secretary of State for inclusion in the ballot pamphlet.

9 7. Real Parties in Interest SAMUEL THORON and JULIA MILLER THORON are,  
10 on information and belief, the authors of the "Ballot Argument Against Proposition 8" which has  
11 been selected by the Secretary of State for inclusion in the ballot pamphlet.

12 8. Real Parties in Interest ELLYNE BELL, RACHAEL SALCIDO, and DELAINE  
13 EASTIN are, on information and belief, the authors of the "Rebuttal to Argument in Favor of  
14 Proposition 8" which has been selected by the Secretary of State for inclusion in the ballot  
15 pamphlet.

16 9. Venue for this action is set in Sacramento County by statute. (Elec. Code, § 9092.)

17 ///

18 Ballot Title and Summary, and Ballot Label

19 10. Proposition 8, also known as the California Marriage Protection Act, would add a  
20 single, 14-word provision to the California Constitution, to read:

21 **Only marriage between a man and a woman is valid or**  
22 **recognized in California.**

23 A true and correct copy of the text of Proposition 8 is attached to this Petition as **Exhibit 1** and is  
24 incorporated by reference.

25 11. On November 29, 2007, the Attorney General issued a Title and Summary to  
26 appear on petitions circulated to qualify Proposition 8 for the ballot, which read in pertinent part:

27 LIMIT ON MARRIAGE. CONSTITUTIONAL AMENDMENT.  
28 Amends the California Constitution to provide that only marriage  
between a man and a woman is valid or recognized in California.

...

1 A true and correct copy of the circulating Title and Summary is attached to this Petition as  
2 **Exhibit 2** and is incorporated by reference.

3 12. On May 15, 2008, the Supreme Court of California issued its decision in *In Re*  
4 *Marriage Cases* (2008) 43 Cal.4<sup>th</sup> 757, which held that “the language of [Family Code] section  
5 300 limiting the designation of marriage to a union ‘between a man and a woman’ is  
6 unconstitutional *and must be stricken from the statute.*” (*Id.* at 857 (emphasis added).) The Court  
7 also struck down the statutory “limitation of marriage to opposite-sex couples imposed by section  
8 308.5 [Proposition 22].” (*Ibid.*) The decision took effect six weeks ago on June 16, 2008.

9 13. By striking from the statutes the words limiting the definition of marriage to a man  
10 and a woman, the legal definition and meaning of marriage for *all* of California has changed. As  
11 a result of this change in the meaning of all marriage, now not even an opposite-sex couple can  
12 apply for a marriage license as “husband” and “wife”. Instead, under the new definition of  
13 marriage created by the Court, the marriage applicants are “Party A” and “Party B”, as set forth in  
14 the new application for marriage license prescribed by the State, a true and correct copy of which  
15 from Los Angeles County is attached to this Petition as **Exhibit 4** and is incorporated by  
16 reference.

17 14. On June 2, 2008, Proposition 8 (“Only marriage between a man and a woman is  
18 valid or recognized in California”) was certified by the Secretary of State to have received the  
19 required number of voter signatures and was declared qualified for the statewide November  
20 ballot.

21 15. On June 20, 2008 various opponents of Proposition 8 (including Equality  
22 California, a Real Party in Interest in this case) filed a writ petition directly in the California  
23 Supreme Court against the Secretary of State and the official proponents of Proposition 8  
24 (including against Mark A. Jansson, the Petitioner in this case), alleging that Proposition 8’s  
25 circulating Title and Summary materially misstated the effect of the measure. On July 16, 2008,  
26 the Supreme Court unanimously denied the opponents’ petition. (*Bennett et al. v. Bowen*  
27 (*Hollingsworth et al.*) California Supreme Court Case No. S164520, Order filed 7/16/2008.) A  
28 true and correct copy of the Court’s en banc order is attached to this Petition as **Exhibit 3** and is

1 incorporated by reference.

2 16. The Attorney General has prepared a new Ballot Title and Summary for  
3 Proposition 8 that is completely different than the Title and Summary that was previously issued  
4 and appeared on the official petitions signed by over 1.1 million Californians to put Proposition 8  
5 onto the ballot, i.e., "LIMIT ON MARRIAGE...". Instead, the new Ballot Title selected for  
6 Proposition 8 reads "ELIMINATES RIGHT OF SAME-SEX COUPLES TO MARRY..." A  
7 true and correct copy of the full Ballot Title and Summary for Proposition 8 is attached to this  
8 Petition as **Exhibit 5** and is incorporated by reference.

9 17. The Attorney General has also prepared a Ballot Label for Proposition 8 (similar to  
10 the Ballot Title and Summary, but somewhat condensed), a true and correct copy of which is  
11 attached to this Petition as **Exhibit 6** and is incorporated by reference.

12 18. The Ballot Title and Summary, and the Ballot Label, for Proposition 8 are  
13 materially misleading and inconsistent with the legal requirement that each be "a true and  
14 impartial statement of the purpose of the measure in such language that the ballot title shall  
15 neither be an argument, nor be likely to create prejudice, for or against the proposed measure"  
16 (Elec. Code, § 9051), because, among other reasons:

17 A. The ballot title and summary prepared by the Attorney General differs  
18 radically from the circulating title and summary, swapping "LIMIT ON MARRIAGE"  
19 with "ELIMINATES RIGHT OF SAME-SEX COUPLES TO MARRY", so as to be  
20 extremely argumentative and create prejudice against the measure;

21 B. Selecting a ballot title that begins with a negative, transitive active verb  
22 (i.e., "ELIMINATES...") is inherently argumentative and highly likely to create prejudice  
23 against Proposition 8, and stands in stark contrast with the Attorney General's routine  
24 practice of selecting ballot titles that instead state the subject matter of the initiative in a  
25 neutral expression taking a noun construction.

26 C. The proposed ballot title's characterization of Proposition 8 as eliminating  
27 the "right to marry" is prejudicially misleading because the Supreme Court's recent  
28 decision in *In Re Marriage Cases* expressly altered the marriage statutes to re-define civil

1 marriage for all of California.

2 D. The ballot title is prejudicially under-inclusive because Proposition 8  
3 affects the legal validity and recognition of ALL marriage in California, including existing  
4 marriages and marriages from other jurisdictions, not just those same-sex couples who  
5 may wish to marry in the future.

6 E. Titling Proposition 8 solely by its effect on a small minority is  
7 argumentative and prejudicial because the entire public has a substantial interest in the  
8 legal meaning of marriage.

9 F. The proposed ballot title and summary are suspect because, under *Lungren*  
10 *v. Superior Court*, the brevity of Proposition 8's operative language lends itself to a title  
11 and summary of the measure solely in its very own words, and there was no real need to  
12 add other amorphous, value-laden phrases.

13 19. On information and belief, in comparison to the last 50 years of statewide ballot  
14 pamphlets (containing ballot materials for over 250 initiatives), this case is apparently the only  
15 instance where the Attorney General has prepared the Ballot Label (and Ballot Title and  
16 Summary) of an initiative to begin with a transitive active verb (i.e., "ELIMINATES..."). In all  
17 other cases, the Attorney General has prepared the Ballot Title to state the subject matter of the  
18 initiative in a neutral expression taking a noun construction. Selection of a Ballot Title with a  
19 negative, transitive active verb is inherently argumentative and highly likely to create prejudice  
20 against Proposition 8. To the best of Petitioner's knowledge, the table attached hereto as **Exhibit**  
21 **14** sets forth the true and correct Ballot Titles for over 250 ballot measures appearing on the  
22 California statewide ballot during the past 50 years.

23 20. As an illustration, in 1972 Proposition 17 (which reinstated the effectiveness of the  
24 California death penalty statutes after they had been struck down as unconstitutional by the  
25 California Supreme Court in *People v. Anderson* (1972) 6 Cal.3d 628), appeared in the ballot  
26 pamphlet with a Ballot Title that, consistent with the Attorney General's normal practice,  
27 expressed the subject matter neutrally using a noun construction: "DEATH PENALTY.  
28 INITIATIVE CONSTITUTIONAL AMENDMENT." It did not read, as it would have in the

1 style selected by the Attorney General in the present case, "ELIMINATES RIGHT OF  
2 CRIMINALS AGAINST CRUEL OR UNUSUAL PUNISHMENT." A true and correct copy of  
3 the 1972 general election Title and Summary and other ballot materials for Proposition 17 is  
4 attached to this Petition as **Exhibit 13** and is incorporated by reference.

5 21. The Legislative Analyst's Office of California (LAO) has prepared an Analysis of  
6 Proposition 8 for inclusion in the ballot pamphlet, a true and correct copy of which is attached to  
7 this Petition as **Exhibit 7** and is incorporated by reference. The LAO's Analysis of Proposition 8  
8 is not challenged by Petitioner.

9 22. The Legislative Analyst's Office of California has also prepared a "Yes/No  
10 Statement" for Proposition 8 for inclusion in the ballot pamphlet, a true and correct copy of which  
11 is attached to this Petition as **Exhibit 8** and is incorporated by reference. The LAO's "Yes/No  
12 Statement" for Proposition 8 is not challenged by Petitioner.

13 ///

14 ///

15 Ballot Arguments, Rebuttals, and 50-Word Summaries

16 23. Within the time prescribed by law, Real Party in Interest EQUALITY  
17 CALIFORNIA submitted a "50-Word Ballot Statement In Opposition to Proposition 8", which  
18 the Respondent has selected for inclusion in the ballot pamphlet, a true and correct copy of which  
19 is attached to this Petition as **Exhibit 9** and is incorporated by reference.

20 24. The "50-Word Ballot Statement In Opposition to Prop 8" (Exhibit 9) is materially  
21 false and misleading insofar as it claims that "Prop 8 won't affect our schools...", because,  
22 among other reasons, the legal definition of civil marriage as determined by Proposition 8's  
23 passage or defeat will directly determine the content of state-mandated instruction about "the  
24 legal... aspects and responsibilities of marriage" under the Comprehensive Health Education Act  
25 of 1977 (Educ. Code §§ 51880-51921).

26 25. Within the time prescribed by law, the official proponents of Proposition 8  
27 submitted an "Argument in Favor of Proposition 8", which the Respondent has selected for  
28 inclusion in the ballot pamphlet, a true and correct copy of which is attached to this Petition as

1 **Exhibit 10** and is incorporated by reference.

2 26. Within the time prescribed by law, Real Parties in Interest ELLYNE BELL,  
3 RACHAEL SALCIDO, and DELAINE EASTIN submitted a “Rebuttal to Argument in Favor of  
4 Proposition 8”, which the Respondent has selected for inclusion in the ballot pamphlet, a true and  
5 correct copy of which is attached to this Petition as **Exhibit 11** and is incorporated by reference.

6 27. The “Rebuttal to Argument in Favor of Proposition 8” (Exhibit 11) is materially  
7 false and misleading insofar as it claims that “PROP 8 DOESN’T HAVE ANYTHING TO DO  
8 WITH SCHOOLS” (Exhibit 11, p. 1), because, among other reasons, the legal definition of civil  
9 marriage as determined by Proposition 8’s passage or defeat will directly determine the content of  
10 state-mandated instruction about “the legal... aspects and responsibilities of marriage” under the  
11 Comprehensive Health Education Act of 1977 (Educ. Code §§ 51880-51921).

12 28. The “Rebuttal to Argument in Favor of Proposition 8” is also materially false and  
13 misleading insofar as it claims that only school districts and parents – but “not the state” – are  
14 involved in developing health education programs (Exhibit 11, p. 1), because, among other  
15 reasons, *state* law mandates the topics which must be covered in those programs, and the local  
16 district plans are ultimately subject to approval by the *State* Board of Education under the  
17 Comprehensive Health Education Act of 1977 (Educ. Code §§ 51880-51921).

18 29. The “Rebuttal to Argument in Favor of Proposition 8” is also materially false and  
19 misleading insofar as it claims that “NO CHILD CAN BE FORCED, AGAINST THE WILL OF  
20 THEIR PARENTS, TO BE TAUGHT ANYTHING about health and family issues.  
21 CALIFORNIA LAW PROHIBITS IT” (Exhibit 11, p. 1), because, among other reasons,  
22 California law allows parents to remove their children only from some, but not all, health and  
23 family issues instruction in the public schools. While *sexual* health education programs do allow  
24 the opportunity for parental opt-out, there is no statutory opt-out for parents under the  
25 Comprehensive Health Education Act of 1977 (Educ. Code §§ 51880-51921) wherein students  
26 are instructed about “the legal... aspects and responsibilities of marriage” as well as other non-  
27 sexual health issues.

28 ///

1           30.     The “Rebuttal to Argument in Favor of Proposition 8” is also materially false and  
2 misleading insofar as it claims that “CALIFORNIA STATUTES CLEARLY IDENTIFY NINE  
3 REAL DIFFERENCES BETWEEN MARRIAGE AND DOMESTIC PARTNERSHIPS. Only  
4 marriage provides the security that spouses provide one another...” and “ONLY MARRIAGE  
5 ENDS THE CONFUSION AND GUARANTEES THE CERTAINTY COUPLES CAN COUNT  
6 ON IN TIMES OF GREATEST NEED” (Exhibit 11, p. 1), because, among other reasons, there  
7 are only eight (not nine) statutory differences between marriage and domestic partnership, two of  
8 them actually provide domestic partners *more* rights than married spouses, the remaining six  
9 differences have been construed by the Supreme Court as non-substantive or beyond the control  
10 of California law, and the California domestic partnership legislation has been construed to  
11 “generally afford same-sex couples the opportunity to enter into a domestic partnership and  
12 thereby obtain virtually *all of the benefits and responsibilities afforded by California law to*  
13 *married opposite-sex couples.*” (*In Re Marriage Cases* (2008) 43 Cal.4<sup>th</sup> 757, 807 (italics  
14 added).) Under California law, there are no substantive legal differences between marriage and  
15 domestic partnership with regard to “the security that spouses provide one another” or “the  
16 certainty couples can count on in times of greatest need.” (Exhibit 11, p. 1.)

17           31.     Within the time prescribed by law, Real Parties in Interest SAMUEL THORON  
18 and JULIA MILLER THORON submitted a “Ballot Argument Against Proposition 8”, which the  
19 Respondent has selected for inclusion in the ballot pamphlet, a true and correct copy of which is  
20 attached to this Petition as **Exhibit 12** and is incorporated by reference.

21           32.     The “Ballot Argument Against Proposition 8” is materially false and misleading  
22 insofar as it claims that “IN EVERYDAY LIFE, AND ESPECIALLY IN EMERGENCY  
23 SITUATIONS, DOMESTIC PARTNERSHIPS ARE SIMPLY NOT ENOUGH. Only marriage  
24 provides the certainty and the security that people know they can count on in their times of  
25 greatest need” (Exhibit 12, p. 2), because, among other reasons, the few statutory differences  
26 between marriage and domestic partnership have been construed by the Supreme Court as non-  
27 substantive, and the California domestic partnership legislation has been construed to “generally  
28 afford same-sex couples the opportunity to enter into a domestic partnership and thereby obtain

1 virtually all of the benefits and responsibilities afforded by California law to married opposite-  
2 sex couples.” (*In Re Marriage Cases* (2008) 43 Cal.4<sup>th</sup> 757, 807 (italics added).) Under  
3 California law, there are no substantive legal differences between marriage and domestic  
4 partnership with regard to “everyday life”, nor “emergency situations”, nor “the certainty and the  
5 security that people know they can count on in their times of greatest need.” (Exhibit 12, p. 2.)

6 ///

7 ///

8 Timeline and Relief Requested

9 33. On Tuesday, July 22, 2008, Respondent Secretary of State placed on public  
10 display the Ballot Pamphlet copy that Real Party in Interest State Printer will print for voter use in  
11 the November 2008 election. The portions of the ballot materials for Proposition 8 which are the  
12 subject matter of this action are found in: the Ballot Title and Summary; the Ballot Label; the  
13 “Ballot Argument Against Proposition 8”; the “Rebuttal to Argument in Favor of Proposition 8”;  
14 and the “50-Word Ballot Statement In Opposition to Proposition 8”.

15 34. The 20- day period established by Elections Code § 9092 for public inspection of  
16 the materials selected by the Respondent Secretary of State for inclusion in the ballot pamphlet  
17 will expire on Monday, August 11, 2008. Thereafter the materials selected by the Respondent,  
18 with any court-ordered changes, will be submitted to the State Printer for the printing of the  
19 statewide ballot pamphlet.

20 35. Respondent Secretary of State has a clear, present, and ministerial duty not to  
21 include copy in the statewide ballot pamphlet that is “false, misleading, or inconsistent with the  
22 requirements of [the Elections Code] or Chapter 8 (commencing with Section 88000) of Title 9 of  
23 the Government Code.” (Elec. Code, § 9092.) Unless and until directed otherwise by this Court,  
24 Respondent Secretary of State will submit for printing in the official ballot pamphlet all of the  
25 statements challenged in this Petition despite the fact that they are false, misleading and contrary  
26 to law, to Petitioner’s substantial injury and detriment, and to the substantial injury and detriment  
27 of the voters of California who are eligible to vote in the November election.

28 ///

1 36. Petitioner is beneficially interested in the subject matter of this action and has no  
2 other plain, speedy, or adequate remedy at law. Petitioner has no administrative remedy.

3 37. Issuance of a peremptory writ of mandate directing Respondent to amend or delete  
4 from the ballot pamphlet any copy that is false, misleading, or contrary to law will not  
5 substantially interfere with the printing and distribution of the Ballot Pamphlet, inasmuch as the  
6 scope of changes sought is minimal, and legal issues are clear and depend on little or no  
7 determinations of fact, and there is adequate time for this Court to hear and determine the merits  
8 prior to the submission of materials for printing in the ballot pamphlet.

9 38. The relief sought in this petition is within the jurisdiction of this court.

10 ///

11 ///

12 ///

13 **PRAYER**

14 WHEREFORE, Petitioner prays for relief as follows:

15 1. For an order directing the Clerk of the Court to issue an ALTERNATIVE  
16 WRIT OF MANDATE directing Respondent Secretary of State and her agents,  
17 employees, and all persons acting under, in concert with, or for Respondent, and each of  
18 them, to appear and show cause before this Court why Respondent should not be  
19 compelled by peremptory writ:

20 a. To amend the Ballot Title and Summary, and Ballot Label, for  
21 Proposition 8 so as to be a true and impartial statement of the purpose of the  
22 measure in such language that shall neither be an argument, nor be likely to create  
23 prejudice, for or against Proposition 8; and

24 b. To amend and/or delete those portions of the Argument Against  
25 Proposition 8, the Rebuttal to Argument in Favor of Proposition 8, and the 50-  
26 Word Ballot Statement in Opposition to Proposition 8, which are false and  
27 misleading.

28 ///



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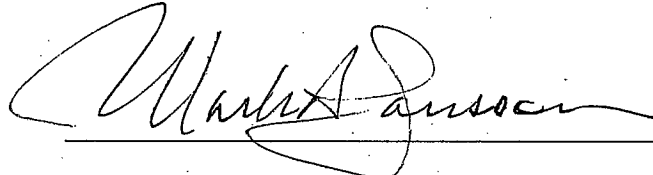
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3 VERIFICATION

4 I, MARK A. JANSSON, declare as follows:

5 I am the Petitioner in this action. I have read the foregoing VERIFIED PETITION FOR  
6 WRIT OF MANDATE AMENDING AND DELETING BALLOT PAMPHLET MATERIAL  
7 and know its contents. All of the facts alleged therein are true of my own personal knowledge,  
8 except as to those facts alleged on information and belief, and as to those facts I believe them to  
9 be true.

10 I declare under penalty of perjury under the laws of the State of California that the  
11 foregoing is true and correct. Executed on July 26, 2008, at Folsom,  
12 California.

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15 MARK A. JANSSON

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## TABLE OF CONTENTS

Exhibit	Description
1	Text of Proposition 8
2	Circulating Title and Summary dated November 29, 2007
3	<i>Bennett et al. v. Bowen (Hollingsworth et al.)</i> California Supreme Court Case No. S164520, Order filed 7/16/2008
4	New application for marriage license prescribed by the State, from Los Angeles County
5	New Ballot Title and Summary for Proposition 8
6	New Ballot Label for Proposition 8
7	Analysis of Proposition 8 by Legislative Analyst's Office of California (LAO)
8	"Yes/No Statement" for Proposition 8 by Legislative Analyst's Office of California (LAO)
9	50-Word Ballot Statement In Opposition to Proposition 8
10	Argument in Favor of Proposition 8
11	Rebuttal to Argument in Favor of Proposition 8
12	Argument Against Proposition 8
13	1972 general election Title and Summary and other ballot materials for Proposition 17 (Death Penalty)
14	Ballot Titles for all initiatives 1958 – 2008

C

C

Prop 8

This Initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the California Constitution.

This initiative measure<sup>a</sup> expressly amends the California Constitution by adding sections thereto; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

**SUBJECT TO COURT  
ORDERED CHANGES**

(No Boldface type)

07-0068

Article I of

SECTION 1. Title

This measure shall be known and may be cited as the "California Marriage Protection Act."

SECTION 2. ~~Article I~~ Section 7.5 is added to the California Constitution, to read:

Sec 7.5. Only marriage between a man and a woman is valid or recognized in California. } italic

large + small caps.



Date: November 29, 2007  
Initiative No. 07-0068

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

LIMIT ON MARRIAGE. CONSTITUTIONAL AMENDMENT. Amends the California Constitution to provide that only marriage between a man and a woman is valid or recognized in California. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: The measure would have no fiscal effect on state or local governments. This is because there would be no change to the manner in which marriages are currently recognized by the state. (Initiative 07-0068.)



S164520

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

---

BRIAN BENNETT et al., Petitioners,

v.

DEBRA BOWEN, as Secretary of State, etc., Respondent;

DENNIS HOLLINGSWORTH et al., Real Parties in Interest.

---

SUPREME COURT  
**FILED**

JUL 16 2008

Frederick K. Ohlrich Cler

Deputy

The Request For Judicial Notice In Support Of Petition For Extraordinary Relief, Including Writ Of Mandate And Request For Stay, received June 20, 2008, is granted.

Secretary of State Bowen's request that we judicially notice the excerpts from the Summary of General Election Calendar contained in her preliminary response to the Petition For Extraordinary Relief, Including Writ of Mandate And Request For Stay, filed June 30, 2008, is granted.

The Request For Judicial Notice In Support of letter brief of Amici Curiae, received July 11, 2008, is granted.

The Application for Stay and Petition For Extraordinary Relief, Including Writ of Mandate, filed June 20, 2008, is DENIED.

The Motion By Campaign For California Families, Randy Thomasson, And Larry Bowler To Intervene As Real Parties In Interest, filed June 30, 2008, is denied as moot.

**GEORGE**

---

Chief Justice



# Marriage License Application

City Ceremony Will Take Place: \_\_\_\_\_

Date of Ceremony: \_\_\_\_\_

License Type applying for:

- Public – \$70.00 (Record will become public record once recorded)
- Confidential – \$70.00 (Record will be closed, and not opened to public once recorded- must be living together)
- Other –\$70.00 For Denomination (Buddhist, Muslim, Bahai, etc.)

PARTY A'S PERSONAL DATA	PARTY B'S PERSONAL DATA
Party A's ID or DL# <span style="float: right;">Exp:</span>	Party B's ID or DL# <span style="float: right;">Exp:</span>
First Name:	First Name:
Middle Name:	Middle Name:
Current Last Name	Current Last Name
Last Name At Birth (If Different):	Last Name at Birth (If Different):
Date of Birth:	Date of Birth:
State of Birth:	State of Birth:
Number of Previous Marriages/SRDP:	Number of Previous Marriages/SRDP:
Last Marriage/SRDP Ended By (1): <input type="checkbox"/> Death <input type="checkbox"/> Divorce <input type="checkbox"/> Annulment <input type="checkbox"/> Term SRDP <input type="checkbox"/> N/A	Last Marriage/SRDP Ended By (1): <input type="checkbox"/> Death <input type="checkbox"/> Divorce <input type="checkbox"/> Annulment <input type="checkbox"/> Term SRDP <input type="checkbox"/> N/A
Date Last Marriage/SRDP Ended Month/Day/Year:	Date Last Marriage/SRDP Ended Month/Day/Year:
Father/Parent's Full Name:	Father/Parent's Full Name at Birth:
Father/Parent's State of Birth:	Father/Parent's State of Birth:
Mother/Parent's Full Name at Birth:	Mother/Parent's Full Name at Birth:
Mother/Parent's State of Birth:	Mother/Parent's State of Birth:
Address:	Address:
City: <span style="float: right;">Zip:</span>	City: <span style="float: right;">Zip:</span>
County	County
Mailing Address:	Mailing Address:
City: <span style="float: right;">Zip:</span>	City: <span style="float: right;">Zip:</span>
County:	County:
Daytime Phone Number:	Daytime Phone Number:
Email Address:	Email Address:

**For Confidential Marriages:** We the undersigned declare that we are unmarried, not minors, and have been living together as a wedded couple and that the foregoing is true and correct to the best of our knowledge and belief, that not legal objection to the marriage or the issuance of a license is known to us, and hereby apply for a License and Certificate of Confidential Marriage.

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Please read reverse side



**Proposition 8**  
Eliminates Right of Same-Sex Couples to  
Marry. Initiative Constitutional Amendment.  
Proponents: Dennis Hollingsworth; Gail J.  
Knight; Martin F. Gutierrez; Hak-Shing;  
William Tam; and Mark A. Jansson

July 3, 2008  
Initiative 07-0068  
SOS 1298

**BALLOT TITLE AND SUMMARY**

**ELIMINATES RIGHT OF SAME-SEX COUPLES TO MARRY. INITIATIVE  
CONSTITUTIONAL AMENDMENT.**

- Changes the California Constitution to eliminate the right of same-sex couples to marry in California.
- Provides that only marriage between a man and a woman is valid or recognized in California.

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

- Over the next few years, potential revenue loss, mainly from sales taxes, totaling in the several tens of millions of dollars, to state and local governments.
- In the long run, likely little fiscal impact on state and local governments.

**SUBJECT TO COURT  
ORDERED CHANGES**



**Proposition 8**

Eliminates Right of Same-Sex Couples to  
Marry. Initiative Constitutional Amendment.

Proponents: Dennis Hollingsworth; Gail J.  
Knight; Martin F. Gutierrez; Hak-Shing  
William Tam; and Mark A. Jansson

July 3, 2008  
Initiative 07-0068  
SOS 1298

**BALLOT LABEL**

**ELIMINATES RIGHT OF SAME-SEX COUPLES TO MARRY.  
INITIATIVE CONSTITUTIONAL AMENDMENT.**

Changes California Constitution to eliminate the right of same-sex couples to marry. Provides that only marriage between a man and a woman is valid or recognized in California. Fiscal Impact: Over next few years, potential revenue loss, mainly sales taxes, totaling in the several tens of millions of dollars, to state and local governments. In the long run, likely little fiscal impact on state and local governments.

**SUBJECT TO COURT  
ORDERED CHANGES**



**Proposition 8**  
**Limit on Marriage. Constitutional Amendment.**

**Background**

In March 2000, California voters passed Proposition 22 to specify in state law that only marriage between a man and a woman is valid or recognized in California. In May 2008, the California Supreme Court ruled that the statute enacted by Proposition 22 and other statutes that limit marriage to a relationship between a man and a woman violated the equal protection clause of the California Constitution. It also held that individuals of the same sex have the right to marry under the California Constitution. As a result of the ruling, marriage between individuals of the same sex is currently valid or recognized in the state.

**Proposal**

This measure amends the California Constitution to specify that only marriage between a man and a woman is valid or recognized in California. As a result, notwithstanding the California Supreme Court ruling of May 2008, marriage would be limited to individuals of the opposite sex, and individuals of the same sex would not have the right to marry in California.

**Fiscal Effects**

Because marriage between individuals of the same sex is currently valid in California, there would likely be an increase in spending on weddings by same-sex couples in California over the next few years. This would result in increased revenue, primarily sales tax revenue, to state and local governments.

By specifying that marriage between individuals of the same sex is not valid or recognized, this measure could result in revenue loss, mainly from sales taxes, to state and local governments. Over the next few years, this loss could potentially total in the several tens of millions of dollars. Over the long run, this measure would likely have little fiscal impact on state and local governments.



**Proposition 8**  
**Limit on Marriage. Constitutional Amendment.**

**Yes/No Statement**

A YES vote on this measure means: The California Constitution will specify that only marriage between a man and a woman is valid or recognized in California.

A NO vote on this measure means: Marriage between individuals of the same sex would continue to be valid or recognized in California.



50 word Ballot Statement  
In Opposition to Prop 8

Equality under the law is a fundamental freedom. Regardless of how we feel about marriage, singling people out to be treated differently is wrong. Prop 8 won't affect our schools, but it will mean loving couples are treated differently under our Constitution and denied equal protection under the law. VOTENoOnProp8.com

Contact for Opposition to Prop 8

Equality for ALL

NO on Proposition 8

921 11<sup>th</sup> Street

10<sup>th</sup> Floor

Sacramento, Calif 95814

(916) 717-1411

www.VOTENoOnProp8.com

SUBJECT TO COURT  
ORDERED CHANGES



## Argument in Favor of Proposition 8

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

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

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

YES on Proposition 8 does three simple things:

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

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

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

**SUBJECT TO COURT  
ORDERED CHANGES**

ARGUMENT IN FAVOR OF PROPOSITION 8

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

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

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

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

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

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

**SUBJECT TO COURT  
ORDERED CHANGES**

ARGUMENT IN FAVOR OF PROPOSITION 8

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

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

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

Ron Prentice  
President, California Family Council

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

Bishop George McKinney  
Director, Coalition of African American Pastors

**SUBJECT TO COURT  
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~~250 Word Ballot Rebuttal to Argument in FAVOR of Prop 8~~  
~~No on 8~~

Don't be tricked by scare tactics.

- PROP 8 DOESN'T HAVE ANYTHING TO DO WITH SCHOOLS

There's NOT ONE WORD IN 8 ABOUT EDUCATION. In fact, local school districts and parents -- not the state -- develop health education programs for their schools.

NO CHILD CAN BE FORCED, AGAINST THE WILL OF THEIR PARENTS, TO BE TAUGHT ANYTHING about health and family issues. CALIFORNIA LAW PROHIBITS IT.

And NOTHING IN STATE LAW REQUIRES THE MENTION OF MARRIAGE IN KINDERGARTEN!

It's a smokescreen.

- DOMESTIC PARTNERSHIPS and MARRIAGE AREN'T THE SAME.

CALIFORNIA STATUTES CLEARLY IDENTIFY NINE REAL DIFFERENCES BETWEEN MARRIAGE AND DOMESTIC PARTNERSHIPS. Only marriage provides the security that spouses provide one another -- it's why people get married in the first place!

Think about it. Married couples depend on spouses when they're sick, hurt or aging. They accompany them into ambulances or hospital rooms, and help make life-and-death decisions, with no questions asked. ONLY MARRIAGE ENDS THE CONFUSION AND GUARANTEES THE CERTAINTY COUPLES CAN COUNT ON IN TIMES OF GREATEST NEED.

**SUBJECT TO COURT  
ORDERED CHANGES**

REBUTTAL TO ARGUMENT IN FAVOR OF  
PROPOSITION 8

Regardless of how you feel about this issue, we should guarantee the same fundamental freedoms to every Californian.

- PROP 8 TAKES AWAY THE RIGHTS OF GAY AND LESBIAN COUPLES AND TREATS THEM DIFFERENTLY UNDER THE LAW.

Equality under the law is one of the basic foundations of our society

Prop 8 means one class of citizens can enjoy the dignity and responsibility of marriage, and another cannot. That's unfair.

PROTECT FUNDAMENTAL FREEDOMS. SAY NO TO PROP 8.  
([WWW.VOTENoOnProp8.com](http://WWW.VOTENoOnProp8.com))

~~(signed)~~

**Ellyne Bell,**  
**School Board Member, Sacramento City Schools**

**Rachael Salcedo, (Salcido)**  
**Associate Professor of Law, McGeorge School of Law**

**Delaine Eastin,**  
**Former California State Superintendent of Public Instruction**

**SUBJECT TO COURT  
ORDERED CHANGES**



17

## Ballot Argument Against Proposition 8

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

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

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

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

That's why Proposition 8 is wrong for California.

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

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

**SUBJECT TO COURT  
ORDERED CHANGES**

ARGUMENT AGAINST PROPOSITION 8

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

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

DOMESTIC PARTNERSHIPS ARE NOT MARRIAGE.

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

**SUBJECT TO COURT  
ORDERED CHANGES**

ARGUMENT AGAINST PROPOSITION 8

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

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

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

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

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

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

Please join us in voting NO on Prop 8.

*1st* Samuel Thoron

Former President, Parents, Families and Friends of Lesbians and Gays

*1st* Julia Miller Thoron, PARENT

**SUBJECT TO COURT  
ORDERED CHANGES**



<b>17</b> <b>DEATH PENALTY. Initiative Constitutional Amendment.</b> Amends California Constitution to provide that all state statutes in effect February 17, 1972 requiring, authorizing, imposing, or relating to death penalty are in full force and effect, subject to legislative amendment or repeal by statute, initiative or referendum; and that death penalty provided for under those state statutes shall not be deemed to be, or constitute, infliction of cruel or unusual punishments within meaning of California Constitution, article I, section 6, nor shall such punishment for such offenses be deemed to contravene any other provision of California Constitution. Financial impact: None.	<b>YES</b>	
	<b>NO</b>	

(For Full Text of Measure, See Page 20, Part II)

**General Analysis by the Legislative Counsel**

A "Yes" vote on this initiative constitutional amendment is a vote to make effective, to the extent permissible under the United States Constitution, the statutes of this state requiring, authorizing, imposing, or relating to the death penalty; and to prohibit the death penalty from being deemed to be unconstitutional under any provision of the California Constitution.

A "No" vote is a vote to reject the proposal.

For further details, see below.

**Detailed Analysis by the  
Legislative Counsel**

The California statutes now contain numerous provisions which provide for imposition of the death penalty on persons convicted of certain crimes. The California Supreme Court has held that the imposition of the death penalty is prohibited by Section 6 of Article I of the California Constitution, which prohibits the infliction of cruel or unusual punishments.

Adoption of this measure would specifically prevent the provisions in Section 6 of Article I, or any other provision, of the California Constitution from being held to prohibit the death penalty.

(Continued in column 2)

**Cost Analysis by the Legislative Analyst**

The main purpose of this initiative is to maintain the statutory and constitutional authority for imposition of the death penalty as it existed prior to February 17, 1972. The adoption of this initiative does not involve any significant direct added state or local cost or revenue consideration.

(Continued from column 1)

If this measure is adopted, every statutory law of California relating to the death penalty that was rendered ineffective by the decision of the California Supreme Court would be reinstated (subject to amendment or repeal) insofar as their validity under the California Constitution is concerned. Their validity under the United States Constitution, however, is a separate issue.

The United States Supreme Court has held that the United States Constitution bars imposition of the death penalty in certain criminal cases under statutes giving uncontrolled discretion to judges or juries to decide whether or not to impose the death penalty. The United States Supreme Court, however, did not hold that the United States Constitution precludes the imposition of the death penalty in all cases. This measure would, therefore, make effective the statutes of this state relating to the death penalty to the extent permitted under the United States Constitution.

**Argument in Favor of Proposition 17**

The California Supreme Court has ruled that the death penalty is unconstitutional under our state constitution. Proposition 17, if passed by the voters, will amend our state constitution and overturn the Court's decision.

It will also allow the Legislature to revise our laws so as to conform them to the United States Supreme Court decision authorizing the death penalty if certain guidelines are followed.

**THE DEATH PENALTY IS AN EFFECTIVE DETERRENT TO SOME WOULD BE KILLERS.** With this deterrent now eliminated, the lives of countless innocent people (especially law enforcement officers, prison guards, and prison inmates) have been placed in grave jeopardy.

**CAPITAL PUNISHMENT IS AN AP-**

**PROPRIATE PENALTY FOR CERTAIN CRIMES AND CRIMINALS.** The 107 condemned persons on death row in California at the time of the Court's ruling were responsible for the deaths of 116 victims.

**AND WHAT OF THESE VICTIMS! WHO WERE THEY; HOW DID THEY DIE!** Some were helpless, aged persons . . . two young girls ages 13 and 9 . . . women assaulted, raped repeatedly and killed . . . many shot to death . . . a number stabbed . . . some beaten to death with a sledgehammer . . . all races, colors and creeds. Their killers showed no mercy, no compassion. They killed ruthlessly.

The death penalty is an appropriate punishment for the willful, deliberate, premeditated murder; the mass murderers such as Charles Manson and Richard Speck; the hired killers;

the assassins who would rob us of our proven political leaders; the traitors; the bombers and jackers; the senseless joy killers; the prison inmates bent on escape at any cost and the cop-killers.

Our criminal legal system, with its overriding concern for the rights of the accused, insures a fair trial to every person charged with murder regardless of his wealth, education or race. The public provides competent defense counsel and all incidents of defense free of charge to those who cannot afford them.

Both common sense and experience teach us that the death penalty deters many potential murderers. **IF THE DEATH PENALTY SAVES THE LIFE OF ONE POLICEMAN OR ONE PRISON INMATE OR ONE PRISON GUARD, OR ONE CHILD OR ONE PRIVATE CITIZEN, ITS EXISTENCE IS JUSTIFIED.**

This proposition qualified for a place on this ballot because over one million Californians signed petitions in one of the most successful initiative drives in the history of California. They did this so that the people of this state would have the opportunity to vote on this critical issue.

We are faced with a question of the utmost gravity. The people of this state, rather than the Court, now have the opportunity to decide whether or not they need the death penalty for the protection of innocent citizens. Accept that responsibility and vote YES on proposition 17.

**GEORGE DEUKMEJIAN**  
(Republican—Long Beach)  
State Senator, 37th District

**S. C. MASTERSON**  
Judge, Superior Court

**JOHN W. HOLMDAHL**  
(Democrat—Oakland)  
State Senator, 8th District

#### **Rebuttal to Argument in Favor of Proposition 17**

Proponents assert:

1. The death penalty deters murderers;
2. Since murderers show no mercy, we should show no mercy—"a life for a life";
3. Accused murderers always receive a fair trial, regardless of wealth, education or race.

**THESE ASSERTIONS ARE FALSE OR MISLEADING.**

1. Studies for 40 years show that murder rates for policemen, guards and private citizens are LOWER in states WITHOUT the death penalty.
2. All civilized people are horrified by the crimes described by proponents and grieve for the victims; but Manson, Speck, Sirhan and most other murderers and ALL such assassins commit their beastly crimes in states WITH the death penalty.

#### **WHERE WAS THE DETERRENCE?**

Since the death penalty has not protected us against murderers we have no excuse to adopt jungle law of "a life for a life". We must use other ways and not stoop to the murderer's level by killing in cold blood.

3. As good as it is, our system of justice is human. The innocent have been executed, but well-to-do, educated white men who have committed grisly murders are never executed.

Our founding fathers in their great wisdom assigned the courts the job of protecting our inalienable rights against discriminatory and abusive exercise of power. Yet this initiative would take away from the courts the power to protect the most important right—life. What other of our rights will be next?

Would you kill in cold blood? If not, don't ask others to do it for you. **VOTE "NO" ON PROPOSITION 17.**

**EDMUND G. ("PAT") BROWN**  
Former Governor of California  
(1959-1967)

**ERWIN LORETZ**, President  
California Probation, Parole and  
Correctional Association

**BILL COSBY**

#### **Argument Against Proposition 17**

Vote NO to the Death Penalty. California has not killed a human being since 1967. Do not cast your vote to start killing again. We must be concerned with preventing rather than revenging crime.

Killing is not the answer to the crime problem. Most civilized countries no longer use the death penalty. States and countries without the death penalty have the lowest murder rates. Forty years of studies show that the death penalty does not prevent murders or other violent crimes. In recent decades the rates of all crimes have increased, but since executions have stopped in the United States the increase in the murder rate has been only half as much as the increase for other serious crimes. Stopping executions has not led to more murders.

Most murders are committed in passion by people who do not think about penalties. In other cases, the death penalty causes murders. Recently, a girl killed two children because she wanted to die but was afraid to kill herself. Such suicide-murders are common. Political assassinations have occurred only in states which have the death penalty.

Dangerous criminals need not be killed to protect society. Capital punishment does not deter crime—increasing the likelihood of capture does. The death penalty aggravates the crime problem by wasting resources needed to fight crime. Long trials and appeals in death-penalty cases clog the courts so that other criminal offenders cannot be swiftly brought to justice. Death row requires large expendi-

tures that could be used instead to make the correctional system more effective in rehabilitating criminals.

It is cheaper to imprison a person for life than to execute him. The death penalty costs taxpayers millions of dollars yearly in court and death row expenses which could be better spent directly for increased police protection, safety of correctional officials and financial aid for the families of murdered victims.

It is not true that murderers imprisoned for life will soon be paroled. No murderer can be paroled unless the Parole Board is convinced that he is safe to release. If he is not rehabilitated, he is never paroled. We rely upon the good judgment of the Parole Board regarding hundreds of thousands of dangerous criminals, including those convicted of murder for whom the death penalty has not been imposed. Through legislation we can also provide for life imprisonment without possibility of parole.

The death penalty bloodies all of us. Human life is not sacred when the state sets an example of violence by executing someone simply because it seems a convenient disposal for the problem of crime. The decision to kill is made unequally because each jury is different with no specific standards to guide its decision. Some juries sentence men to die for crimes that other juries would punish with imprisonment. Defendants without money and racial minorities are far more likely to be executed.

Do not vote to take life this senseless way. Vote to respect life universally and to fight crime sensibly. Vote NO on the Death Penalty.

**EDMUND G. ("PAT") BROWN**  
Former Governor of California  
(1959-1967)

**ERWIN LORETZ**, President  
California Probation, Parole and  
Correctional Association

**BILL COSBY**

**Rebuttal to Argument Against  
Proposition 17**

A society that respects human life must protect the lives of its innocent citizens.

**THE UNITED STATES SUPREME COURT HAS NOT PREVENTED CALIFORNIANS FROM REINSTATING THE DEATH PENALTY**, but to do so, we must first overturn the decision of the California Supreme Court by voting yes on this Proposition.

Stopping executions has led to more killings. Since 1963, the courts have allowed only one execution (in 1967). During this period the homicide rate, which takes into account the growth in population, has increased 250%.

The fact that the death penalty does not deter all killers is no more a valid argument against its use than suggestion that all criminal laws be abolished because they do not deter all crime.

**OTHER FACTS IN REBUTTAL:**

- The sentence of life without parole is not permanent. The Legislature can change the law and a Governor can commute sentences. The median time served for those first degree murderers released in 1971 was 145 months.
- The death penalty is the law of the land for 95% of the world's population.
- Passion killings are not first degree murder and not subject to the death penalty.
- Responsibility for long trials and appeals lies with the courts—not with the death penalty.
- The facts prove that in California there is no racist component in the unanimous decision by a jury to impose death.

This initiative is supported by the California Correctional Officers' Association, the California Peace Officers' Association, the District Attorneys' Association of California, and the California State Sheriffs' Association.

**SAVE INNOCENT LIVES—VOTE YES ON PROPOSITION 17.**

**GEORGE DEUKMEJIAN**  
(Republican—Long Beach)  
State Senator, 37th District

**S. C. MASTERSON**  
Judge, Superior Court

**JOHN W. HOLMDAHL**  
(Democrat—Oakland)  
State Senator, 8th District

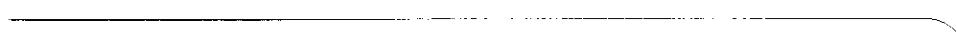


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Year	Prop #	Ballot Title
2008	12	Veteran's Bond Act of 2008.
2008	11	Redistricting.
2008	10	Alternative Fuel Vehicles and Renewable Energy. Bonds.
2008	9	Criminal Justice System. Victims' Rights. Parole.
2008	8	<b>ELIMINATES RIGHT OF SAME-SEX COUPLES TO MARRY.</b>
2008	7	Renewable Energy Generation.
2008	6	Police and Law Enforcement Funding. Criminal Penalties and Laws.
2008	5	Nonviolent Drug Offenses. Sentencing, Parole and Rehabilitation
2008	4	Waiting Period and Parental Notification Before Termination of Minor's Pregnancy.
2008	3	Children's Hospital Bond Act. Grant Program.
2008	2	Standards for Confining Farm Animals.
2008	1	High Speed Rail Bonds
2008	98	Eminent Domain. Limits On Government Authority.
2008	97	Referendum On Amendment To Indian Gaming Compact.
2008	96	Referendum On Amendment To Indian Gaming Compact.
2008	95	Referendum On Amendment To Indian Gaming Compact.
2008	94	Referendum On Amendment To Indian Gaming Compact.
2008	93	Limits On Legislators' Terms In Office.
2008	92	Community Colleges. Funding. Governance. Fees.
2008	91	Transportation Funds.
2006	1E	Disaster Preparedness And Flood Prevention Bond Act Of 2006.
2006	1D	Kindergarten-University Public Education Facilities Bond Act Of 2006.
2006	1C	Housing And Emergency Shelter Trust Fund Act Of 2006.
2006	1B	Highway Safety, Traffic Reduction, Air Quality, And Port Security Bond Act Of 2006.
2006	1A	Transportation Funding Protection.
2006	90	Government Acquisition, Regulation Of Private Property.
2006	89	Political Campaigns. Public Financing. Corporate Tax Increase. Campaign Contribution And Expenditure Limits.
2006	88	Education Funding. Real Property Parcel Tax.
2006	87	Alternative Energy. Research, Production, Incentives. Tax On California Oil Producers.
2006	86	Tax On Cigarettes.
2006	85	Waiting Period And Parental Notification Before Termination Of Minor's Pregnancy.
2006	84	Water Quality, Safety And Supply. Flood Control. Natural Resource Protection. Park Improvements. Bonds.
2006	83	Sex Offenders. Sexually Violent Predators. Punishment, Residence Restrictions And Monitoring.
2006	82	Preschool Education. Tax on Incomes Over \$400,000 for Individuals; \$800,000 for Couples.
2006	81	California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act Of 2006.
2005	80	Electric Service Providers. Regulation.
2005	79	Prescription Drug Discounts. State-Negotiated Rebates.
2005	78	Discounts On Prescription Drugs.
2005	77	Redistricting.
2005	76	State Spending And School Funding Limits.
2005	75	Public Employee Union Dues. Restrictions On Political Contributions. Employee Consent Requirement.
2005	74	Public School Teachers. Waiting Period For Permanent Status. Dismissal.
2005	73	Waiting Period And Parental Notification Before Termination Of Minor's Pregnancy.
2004	60A	Surplus Property.
2004	1A	Protection of Local Government Revenues

Year	Prop #	Ballot Title
2004	72	Health Care Coverage Requirements. Referendum.
2004	71	Stem Cell Research. Funding. Bonds.
2004	70	Tribal Gaming Compacts. Exclusive Gaming Rights. Contributions to State.
2004	69	DNA Samples. Collection. Database. Funding.
2004	68	Non-Tribal Commercial Gambling Expansion. Tribal Gaming Compact Amendments. Revenues, Tax Exemptions.
2004	67	Emergency Medical Services. Funding. Telephone Surcharge.
2004	66	Limitations on "Three Strikes" Law. Sex Crimes. Punishment.
2004	65	Local Government Funds, Revenues. State Mandates.
2004	64	Limits on Private Enforcement of Unfair Business Competition Laws.
2004	63	Mental Health Services Expansion, Funding. Tax on Personal Incomes Above \$1 Million.
2004	62	Elections. Primaries.
2004	61	Children's Hospital Projects. Grant Program. Bond Act.
2004	60	Election Rights of Political Parties.
2004	59	Public Records, Open Meetings.
2004	58	The California Balanced Budget Act.
2004	57	The Economic Recovery Bond Act.
2004	56	State Budget, Related Taxes, and Reserve. Voting Requirements. Penalties.
2004	55	Kindergarten-University Public Education Facilities Bond Act of 2004.
2003	54	Classification by Race, Ethnicity, Color, or National Origin.
2003	53	Funds Dedicated for State and Local Infrastructure.
2002	52	Election Day Voter Registration. Voter Fraud Penalties.
2002	51	Transportation. Distribution of Existing Motor Vehicle Sales and Use Tax.
2002	50	Water Quality, Supply and Safe Drinking Water Projects. Coastal Wetlands Purchase and Protection. Bonds.
2002	49	Before and After School Programs. State Grants.
2002	48	Court Consolidation.
2002	47	Kindergarten-University Public Education Facilities Bond Act of 2002.
2002	46	Housing and Emergency Shelter Trust Fund Act of 2002.
2002	45	Legislative Term Limits. Local Voter Petitions.
2002	44	Chiropractors. Unprofessional Conduct.
2002	43	Right to Have Vote Counted.
2002	42	Transportation Congestion Improvement Act. Allocation of Existing Motor Vehicle Fuel Sales and Use Tax Revenues for Transportation Purposes Only.
2002	41	Voting Modernization Bond Act of 2002. (Shelley-Hertzberg Act)
2002	40	The California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002.
2000	1A	Gambling on Tribal Lands.
2000	39	School Facilities. 55% Local Vote. Bonds, Taxes.
2000	38	School Vouchers. State-Funded Private And Religious Education. Public School Funding.
2000	37	Fees. Vote Requirements. Taxes.
2000	36	Drugs. Probation And Treatment.
2000	35	Public Works Projects. Use Of Private Contractors For Engineering And Architectural Services.
2000	34	Campaign Contributions And Spending. Limits. Disclosure.
2000	33	Legislature. Participation In Public Employees' Retirement System.
2000	32	Veterans' Bond Act Of 2000.
2000	31	Insurance Claims Practices. Civil Remedy Amendments. Referendum.
2000	30	Insurance Claims Practices. Civil Remedies. Referendum.
2000	29	1998 Indian Gaming Compacts. Referendum Statute.
2000	28	Repeal of Proposition 10 Tobacco Surtax.

Year	Prop #	Ballot Title
2000	27	Elections. Term Limit Declarations for Congressional Candidates.
2000	26	School Facilities. Local Majority Vote. Bonds, Taxes.
2000	25	Election Campaigns. Contributions and Spending Limits. Public Financing. Disclosures.
2000	23	"None of the Above" Ballot Option.
2000	22	Limit on Marriages.
2000	21	Juvenile Crime.
2000	20	California State Lottery. Allocation For Instructional Materials.
2000	19	Murder. BART and CSU Peace Officers.
2000	18	Murder: Special Circumstances.
2000	17	Lotteries. Charitable Raffles.
2000	16	Veterans' Homes Bond Act of 2000.
2000	15	The Hertzberg-Polanco Crime Laboratories Construction Bond Act of 1999.
2000	14	California Reading And Literacy Improvement And Public Library Construction And Renovation Bond Act Of 2000.
2000	13	Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Bond Act.
2000	12	Safe Neighborhood Parks, Clean Water, Clean Air, And Coastal Protection Bond Act Of 2000. (The Villaraigosa-Keeley Act)
1998	1A	Class Size Reduction Kindergarten-University Public Education Facilities Bond Act of 1998.
1998	227	English Language in Public Schools.
1998	226	Political Contributions by Employees, Union Members, Foreign Entities.
1998	225	Limiting Congressional Terms. Proposed U.S. Constitutional Amendment.
1998	224	State-Funded Design and Engineering Services. Initiative Constitutional Amendment.
1998	223	Schools. Spending Limits on Administration.
1998	222	Murder. Peace Officer Victim. Sentence Credits.
1998	221	Subordinate Judicial Officers. Discipline.
1998	220	Courts. Superior and Municipal Court Consolidation.
1998	219	Ballot Measures. Application.
1998	11	Local Sales and Use Taxes--Revenue Sharing
1998	10	State And County Early Childhood Development Programs. Additional Tobacco Surtax.
1998	9	Electric Utilities. Assessments. Bonds.
1998	8	Public Schools. Permanent Class Size Reduction. Parent- Teacher Councils. Teacher Credentialing. Pupil Suspension For Drug Possession. Chief Inspector's Office.
1998	7	Air Quality Improvement. Tax Credits.
1998	6	Criminal Law. Prohibition On Slaughter Of Horses And Sale Of Horsemeat For Human Consumption.
1998	5	Tribal-State Gaming Compacts. Tribal Casinos.
1998	4	Trapping Practices. Bans Use Of Specified Traps And Animal Poisons.
1998	3	Partisan Presidential Primary Elections.
1998	2	Transportation: Funding.
1998	1	Property Taxes: Contaminated Property.
1996	218	Voter Approval for Local Government Taxes. Limitations on Fees. Assessments, and Charges
1996	217	Top Income Tax Brackets. Continuation. Revenues to Local Agencies
1996	216	Health Care. Regulation. Consumer Protection
1996	215	Medical Use of Marijuana
1996	214	Health Care Businesses. Regulation. Consumer Protection
1996	213	Limitation on Recovery to Felons, Uninsured Motorists, Drunk Drivers
1996	212	Spending Limits and Campaign Contributions. Lobbyist Restrictions
1996	211	Attorney-Client Fee Arrangements. Securities Fraud
1996	210	Minimum Wage Increase

Year	Prop #	Ballot Title
1996	209	Prohibition Against Discrimination or Preferential Treatment by State and Other Public Entities
1996	208	Campaign Contributions and Spending Limits. Disclosure
1996	207	Attorneys. Fees. Right to Negotiate. Frivolous Lawsuits
1996	202	Attorney's Contingent Fees. Limits
1996	201	Attorney's Fees. Shareholder Actions. Class Actions
1996	200	No-Fault Motor Vehicle Insurance
1996	199	Mobilehome Rent Assistance. Mobilehome Rent Control Restrictions
1996	198	Elections. Open Primary
1994	188	Smoking and Tobacco Products. Statewide Regulation
1994	187	Illegal Aliens. Ineligibility for Public Services. Verification and Reporting
1994	186	Health Services. Taxes
1994	185	Public Transportation Trust. Funds Gasoline Sales Tax
1994	184	Sentence Enhancement. Repeat Offenders
1994	180	Park Lands, Historic Sites, Wildlife and Forest Conservation
1993	174	Education. Parental Choice. Scholarships
1992	167	State Taxes
1992	166	Basic Health Care Coverage
1992	165	Welfare. Budget Process
1992	164	Term Limits. U.S. House of Representatives & U.S. Senate
1992	163	Taxation of Food Products
1992	162	Public Employees' Retirement Systems
1992	161	Terminal Illness. Assistance in Dying
1990	140	Terms of Office. Legislators Retirement. Legislative Operating Costs
1990	139	Prison Inmate Labor. Tax Credit
1990	138	Forestry Program. Timber Harvesting. Bond Act
1990	137	Initiative and Referendum Process
1990	136	State, Local Taxation
1990	135	Pesticide Regulation
1990	134	Alcohol Surtax Fund
1990	133	Drug Enforcement and Prevention
1990	132	Marine Resources
1990	131	Government Officials. Ethics. Campaign Financing
1990	130	Forest Protection. Timber Harvesting. Bond Act
1990	129	Crimes. Taxation. Bonds
1990	128	Natural Environment. Public Health. Bonds
1990	119	Reapportionment by Commission
1990	118	Legislature. Ethics. Reapportionment
1990	117	Wildlife Protection
1990	116	Rail Transportation. Bond Act
1990	115	Criminal Law
1988	106	Attorney Fees Limit for Tort Claims
1988	105	Disclosures to Consumers, Voters, Investors
1988	104	Automobile and Other Insurance
1988	103	Insurance Rates and Regulation
1988	102	Acquired Immune Deficiency Syndrome (AIDS) Reporting
1988	101	Motor Vehicle Accident Claims and Insurance Rates
1988	100	Insurance Rates and Regulation
1988	99	Cigarette and Tobacco Tax. Benefit Fund
1988	98	School Funding for Instructional Improvement and Accountability
1988	97	State Occupational Safety and Health Plan

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1988	96	Communicable Disease Tests
1988	95	Housing and Nutritional Assistance
1988	73	Campaign Funding
1988	72	Emergency Reserve. Dedication of Certain Taxes to Transportation. Appropriation Limit Change
1988	71	Appropriations Limit Adjustment
1988	70	Wildlife, Coastal and Park Land Conservation Bond Act
1988	69	Acquired Immune Deficiency Syndrome--Aids
1988	68	Legislative Campaigns. Spending and Contribution Limits. Partial State Funding From Individual Taxpayer Checkoffs
1986	65	Restrictions on Toxic Discharges into Drinking Water; Requirement of Notice of Persons'
1986	64	Acquired Immune Deficiency Syndrome
1986	63	Official State Language
1986	62	Taxation. Local Government and Districts
1986	61	Compensation of Public Officials Employees, Individual Contractors
1986	51	Multiple Defendants Liability for Tort Damages
1984	41	Welfare-Public Assistance Programs
1984	40	Campaign Contributions Limitations. Elective State Offices
1984	39	Reapportionment
1984	38	Voting Materials in English Only
1984	37	State Lottery
1984	36	Taxation
1984	24	Legislature: Rules, Procedures, Powers, Funding
1982	15	Guns
1982	14	Reapportionment by Districting Commission or Supreme Court
1982	13	Water Resources
1982	12	Nuclear Weapons
1982	11	Beverage Containers
1982	8	Criminal Justice
1982	7	Income Tax Indexing
1982	6	Gift and Inheritance Taxes
1982	5	Gift and Inheritance Taxes
1980	11	Taxation
1980	10	Rent Control
1980	10	Smoking and No-Smoking Sections
1980	9	Taxation
1979	4	Limitation of Government
1978	13	Property Tax Limitation
1978	7	Murder - Penalty
1978	6	School Employees - Homosexuality
1978	5	Regulation of Smoking
1976	15	Nuclear Power Plants
1976	14	Agricultural Labor Relations
1976	13	Greyhound Dog Racing
1974	17	Wild and Scenic Rivers
1974	9	Political Reform Act of 1974
1973	1	Tax and Expenditure Limitations
1972	22	Agricultural Labor Relations
1972	21	Student School Assignment
1972	20	Coastal Zone Conservation Act
1972	19	Marijuana

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1972	18	Obscenity Legislation
1972	17	Death Penalty
1972	16	Salaries. California Highway Patrol
1972	15	State Employees' Salaries
1972	14	Taxation
1972	9	Pollution
1970	8	Taxation for Schools and Social Welfare
1968	9	Taxation: Limitation on Property Tax Rate
1966	16	Obscenity
1964	17	Railroad Train Crews
1964	16	Lottery
1964	15	Television Programs
1964	14	Sales and Rentals of Residential Real Property
1962	24	Subversive Activities
1962	23	Senate Reapportionment
1960	15	Senate Reapportionment
1958	18	Employer-Employee Relations
1958	17	State Sales, Use, and Income Tax Rates
1958	16	Taxation of School Property of Religious and Other Non-profit Organization