



June 24, 2016

The Honorable Speaker Anthony Rendon
California State Assembly
State Capitol, Room 219
Sacramento, California 95814

RE: California Legislature Transparency Act and SCA 14 (Wolk)/AB 884 (Gordon)

Dear Speaker Rendon,

Thank you for your letter of June 23, 2016. The task of reforming the operations of the California State Legislature is an important one that is now long overdue, yet tantalizingly close to realization. Meaningful reform can increase the public's access to its representatives, heighten the ability of every Californian to hold government accountable, and ultimately increase the public's willingness to engage with trust in their elected representatives. In such a noble enterprise we believe it is important to avoid attacks on either the persons or motives of those working to achieve these important reforms.

We are encouraged to note that we the proponents of the *California Legislature Transparency Act (CLTA)*, and the Honorable Speaker Rendon, do agree on much. We agree that statutory reforms to the state's voter initiative process, under SB 1253, were certainly intended "to allow initiative proponents to withdraw a measure from the ballot if the Legislature is able to enact an acceptable legislative alternative." And we the proponents accept that some initiatives indeed have "poor legislative drafting by persons lacking the specialized expertise to draft clear, unambiguous language." However, that will not be true of all initiatives, and we respectfully submit is not true of the CLTA.

The proponents of the CLTA are not operating by ourselves but together with a large and growing coalition of organizations that have formally endorsed the CLTA, which includes:

League of Women Voters of California
California State Conference of the NAACP
California Common Cause
Californians Aware

First Amendment Coalition
California Forward
California Chamber of Commerce
California Black Chamber of Commerce

California Business Roundtable
National Federation of Independent
Business/ California
La Raza Roundtable de California
Hispanic 100
Small Business Action Committee

Latin Business Association
Los Angeles Area Chamber of Commerce
Fresno Chamber of Commerce
Howard Jarvis Taxpayers Association
San Jose/Silicon Valley NAACP

We, the proponents, have not relied upon our own pens to draft the CLTA. Prior to receiving a Title and Summary to collect signatures, this initiative language had been developed, independently reviewed, and refined by three distinguished attorneys, including a constitutional scholar, in addition to being thoroughly vetted by coalition allies.

Nonetheless, when Legislative Counsel indicated two weeks ago that it had found ten ambiguities in the CLTA, four of which you list in your letter, still we hastened with no less seriousness to investigate any potential weaknesses in this initiative. Those ten points are addressed in an attached memorandum by our chief counsel in this effort, the Honorable Dan Kolkey, whose curriculum vitae, also attached, demonstrates him to be eminently qualified in drafting clear and unambiguous language for a constitutional initiative. Given Mr. Kolkey's analysis, and with great respect and appreciation for Legislative Counsel's review, we do not find any merit in any one of the ten "ambiguities." Since there have been no other criticisms by the Legislature of the CLTA, we respectfully disagree with the Honorable Speaker's belief that "SCA 14 and AB 884, which are the alternative measures prepared by the Legislature, are the better options to present to the voters." Here we will also note that the first three of the supposed ambiguities raised in your letter are also present in SCA 14.

Your criticism, however, focuses primarily on the limited time available to devise compromise language due to the pending June 30 deadline. We agree that it is unfortunate we have so little time left, particularly since the CLTA became eligible for a legislative hearing to commence that process over four months ago on February 11. As you know, SB 1253 requires an initiative proponent, upon acquiring 25 percent of the signatures necessary to qualify the initiative, to file a notice with the Secretary of State that triggers a responsibility of the Legislature to hold an informational hearing to investigate any potentially better alternatives to the language. In our case, February 11 should have been the moment when the Legislature initiated the SB 1253 process which envisions legal analysis and negotiations in a spirit and timeframe that is conducive to collaborative rather than adversarial integrations. Mindful of this mandated phase in the process, we requested the SB 1253 hearing upon filing our notice in February. Yet the Legislature waited a full four months, until June 15, to hold the mandated hearing. We received Legislative Counsel's legal analysis alleging the ten ambiguities, for the first time, six working hours before that hearing.

Regrettably, this unexplained delay has created the great difficulty of ensuring that all parties have ample time to discuss, with proper diligence and all due legal care, a workable compromise that can be accepted by the proponents. This delay is particularly concerning because, while we waited for our SB 1253 hearing, the Legislature did find time to develop and advance its own alternative proposal embodied in SCA 14 and AB 884, measures which we believe constitute a

fundamentally weaker version of the CLTA. These bills were not only introduced while we waited, but also received attention sufficient to move them quickly through committee. In fact, SCA 14 and AB 884 mark the first time the Legislature has ever advanced legislation to enact a 72-hour in-print rule past its first committee. We acknowledge the Honorable Speaker's desire to negotiate a compromise proposal that seeks to improve upon the CLTA. But by the time our SB 1253 hearing arrived and we were made aware of Legislative Counsel's concerns, there were only two weeks left until the statutory deadline.

Nevertheless, we remain willing and eager, as we have been since February 11, to embrace a superior alternative proposal in cooperation with the Legislature. This alternative proposal would need to meet four critical criteria:

1. Defects in the Legislature's measure SCA 14 must be corrected so that the reforms will be properly and reliably implemented;
2. The reforms must be enshrined in the State Constitution where they cannot be overwritten by a bill or rule drafted by this or a future Legislature;
3. The reforms must go further or beyond what would already be achieved through the CLTA; and,
4. We must devise a mutually agreeable plan for how a joint campaign would be conducted and how the reforms would be defended should they be challenged in court.

We write this letter to reaffirm our willingness to work diligently and up until the last minute to seek a compromise that achieves the goals enumerated above. In our opinion, significant effort and strenuous negotiation by both sides has already yielded appreciable movement in an encouraging, if hurried, direction. As each version of SCA 14 and AB884 was amended over a mere two-week interval, we have, often on no more than 72 hours' notice, provided the Legislature with side-by-side analyses comparing the latest version of SCA 14/AB 884 to the CLTA, examining thoroughly both the policy differences and the differences in implementation and legal language. We, the proponents of the CLTA, have testified on SCA 14 and AB 884 at every opportunity for such testimony: before the Senate Committee on Elections and Constitutional Amendments, the Senate Appropriations Committee, the Assembly Rules Committee, and the Assembly Appropriations Committee, in sessions that have cumulatively produced over three hours of discussion on those bills. We responded to every question the Legislature chose to ask about the CLTA during the SB 1253 hearing on June 15, and we continue to welcome any follow-up questions in any further public proceedings. All of these sessions are in public and on the record for all to hear and see. We hope this participation demonstrates, to your reassurance, our resolve to negotiate in good faith, because we are encouraged by how far SCA 14 has come in just these last 14 days.

However, we remain absolutely resolved that the goals of the CLTA shall not end up on the dustbin of history, as have so many other well-intentioned efforts that relied solely upon the Legislature's goodwill. This resolve rests not upon our aspirations alone, but also upon the

aspirations of more than one million California voters who signed a petition to place the CLTA on the ballot.

We will continue to discuss augmented reform ideas and language issues with our allies and coalition partners over the remaining time with an even greater sense of urgency, if that is possible. We welcome your efforts in this regard and pledge our good faith to collaborate with you to achieve reform now, during the coming campaign, and, if successful, in the implementation of legislative transparency that will benefit all Californians.

Respectfully yours,

Charles T. Munger, Jr.



Charles T. Munger, Jr.
Proponent of the
California Legislature Transparency Act
Voter-Supported Initiative (15-0083)

Former State Senator Sam Blakeslee
Proponent of the
California Legislature Transparency Act
Voter-Supported Initiative (15-0083)

cc: Honorable Lois Wolk
Honorable Richard Gordon
Assembly Rules Committee
Senate Elections and Constitutional Amendments Committee