

COURT CASES OF INTEREST -- 1998

SUBJECT (check the one that applies)

- | | | |
|-----------------------------------------------|----------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Elections | <input type="checkbox"/> Ballot Designations | <input checked="" type="checkbox"/> Candidate Statements |
| <input type="checkbox"/> Nomination Petitions | <input type="checkbox"/> Recall Petitions | <input type="checkbox"/> Initiative/Referendum Petitions |
| <input type="checkbox"/> Electioneering | <input type="checkbox"/> Residency | <input type="checkbox"/> Voter Fraud |
| <input type="checkbox"/> Campaign Disclosure | <input type="checkbox"/> Sample Ballot | <input type="checkbox"/> Other _____ |

COUNTY SAN BERNARDINO

WHO SUED WHOM THOMAS P. BULONE AND HOWARD JARVIS TAXPAYERS ASSOCIATION
(Names of parties involved in suit)

BIGHORN DESERT VIEW WATER AGENCY
(Names of parties involved in suit)

COURT SAN BERNARDINO COUNTY SUPERIOR

CONTACT FOR MORE INFORMATION:

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(Name)	(Phone)	(FAX)

DESCRIBE CASE (Attach additional pages if necessary): _____

SEE ATTACHED

DESCRIBE DECISION/AGREEMENT REACHED: _____

ELECTION OFFICIAL OPINION/IMPACT OF DECISION: _____

ATTACHMENT: YES NO I WILL PROVIDE UPON REQUEST

Current Assessor Donald Williamson
Vs.
Former County Assessor R. Gordon Young

DESCRIBE CASE: Assessor Donald Williamson tried to prevent former Assessor R. Gordon Young from referring to his former job or criticizing Williamson in his candidate statement. Williamson also did not want Young to use the ballot designation Retired San Bernardino County Assessor.

DESCRIBE DECISION: Because of an appellate court decision recently handed down in Orange County, concerning verbage contained in a candidate statement and replacement of language, Young can not criticize Williamson in his candidate statement. However, Young was allowed to replace the language. Mr. Young had been the County Assessor for 16 years and was allowed to retain the ballot designation of Retired San Bernardino County Assessor.

ELECTION OFFICIAL OPINION: Court cases are heard at the time we should begin printing so time frames are critical. With the new verbiage that is allowed to be added to the candidate statement there is no time for a viewing period and gives an advantage to the respondent.

Thomas P. Bulone, Sr. and Howard Jarvis Taxpayers Association,
A California Non-profit Corporation, Petitioners
Vs.
Bighorn-Desert View Water Agency, a Public Agency

DESCRIBE CASE: The Bighorn-Desert View Water Agency was sued by Thomas P. Bulone Sr. and the Howard Jarvis Taxpayers Association. A district initiative petition was filed without a proposed ordinance. The number of signatures required on the initiative was 10% of the voters of the district, however under Elections Code section 9035 only 5% were needed.

DESCRIBE DECISION: Chapter 4, Elections Code Section 9300 et seq. does not specifically require the attachment of the ordinance. Section 9301 states that an ordinance may be submitted by an initiative petition filed with the district elections official. Had their intent been that an ordinance be filed with the petition, they would have said so as they do in Chapter 2 of the Elections Code.

Article 13C of the California Constitution as amended specifically prohibits the legislature from requiring more signatures on a local tax or assessment initiative than are required for a state initiative, which under Election Code section 9035 is 5% of the voters within the district.

ELECTION OFFICIAL OPINION: None