

## 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:

**GOVERNMENT ACQUISITION OF PRIVATE PROPERTY. INITIATIVE CONSTITUTION AMENDMENT.** Amends California Constitution to bar state and local governments from condemning or damaging private property for “economic development,” defined as conveying or leasing the condemned property to a private person or entity for a commercial enterprise or to increase tax revenue, tax base, employment, housing density or general economic health. Exempts certain land uses. Provides that government condemnation of private property may not occur until government gives notice of the proposed public use for the property, a court affirms the proposed public use, and just compensation is deposited with the court. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Unknown, potentially significant, changes in governmental costs to acquire property for public purposes.

To the Honorable Secretary of State of California

We, the undersigned, registered, qualified voters of California, residents of County (or City and County) described on the signature page of this section of the petition, hereby propose an amendment to the Constitution of California, relating to the limitation of eminent domain 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 at any special statewide election held prior to that general election or otherwise provided by law. The proposed constitutional amendment (full title and text of the measure) read as follows:

### SECTION 1. Title

This measure shall be known, and may be cited as the, “California Eminent Domain Limitations Act.”

### SECTION 2. Findings and Declarations

The people of the State of California find and declare as follows:

- (a) Eminent domain has been subject to widespread abuse in California.
- (b) The United States Supreme Court, in *Kelo v. City of New London*, has held that the United States Constitution does not prevent the transfer of property, seized through eminent domain, to private entities for private profit.
- (c) Therefore, we the people of California need protection from eminent domain seizure of private property for private profit.

### SECTION 3. Purpose and Intent

In enacting this measure, it is the intent of the people of the State of California to place limits on the use of eminent domain that define the distinction between private and public use of property in California.

### SECTION 4. Section 19 of Article I Declaration of Rights of the California Constitution is amended to read:

~~SECTION 19. Private property may be taken or damaged for public use only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner. The Legislature may provide for possession by the condemnor following commencement of eminent domain proceedings upon deposit in court and prompt release to the owner of money determined by the court to be the probable amount of just compensation. Private property may not be taken or damaged for public use, without just compensation. Seizure of private property by eminent domain will not take place until a jury has ascertained just compensation and a court has affirmed an appropriate public use, or these rights are waived by the owner of the property, and just compensation has been deposited with the court. Eminent domain proceedings will only commence after notice upon property owner and public notice of a stated public use for the property.~~

The power of eminent domain shall not be used for economic development. The term “economic development” means taking private property, without the consent of the owner, and conveying or leasing such property from one private person or entity to another private person or entity for commercial enterprise, or to increase tax revenue, tax base, employment, housing density, or general economic health, except that such term shall not include:

- (A) conveying private property to public ownership, such as for a road, hospital, or military base, or to an entity, such as a common carrier, that makes the property available for use by the general public as of right, such as a railroad, or public facility, or for use as a right of way, aqueduct, pipeline, or similar use;
- (B) leasing property to a private person or entity that occupies an incidental part of public property or a public facility, such as a retail establishment on the ground floor of a public building;
- (C) acquiring abandoned property;
- (D) taking private property for use by a public utility;
- (E) clearing defective chains of title; and
- (F) removing harmful uses of a specific parcel of land provided such uses of that parcel constitute an immediate threat to public health and safety.

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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.

<b>All signers of this petition must be registered to vote in</b> <span style="background-color: #cccccc; display: inline-block; width: 100px; height: 15px;"></span> <b>County</b>		<b>1</b> Fill in County name here
1. Print Your Name _____ Signature As _____ Registered to Vote: _____	Residence Address Only: _____  City: _____ Zip: _____	<b>2</b> Collect signatures from registered voters.  <b>Leave last column blank. For official use only.</b>  You may have up to five signers per petition.
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: _____	

**DECLARATION OF CIRCULATOR (To be completed after the above signatures have been obtained)**

I, , am registered to vote in the County (or City or County) of , or am qualified to register to vote in California. My residence address is .

Print Name address, city, state, zip

I circulated this petition and witnessed each of the appended signatures being written. Each 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.

month, day, year month, day, year

Executed on ,  at , California.

month, day, year year place of signing

**CIRCULATOR'S**   
**COMPLETE SIGNATURE**

**2**  
Collect signatures from registered voters.

**Leave last column blank. For official use only.**  
  
You may have up to five signers per petition.

**3**  
Fill in all shaded areas

You must sign here or petition will not be valid

**4**