

RECEIVED

AUG 17 2011

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

August 10, 2011

Office of the Attorney General
ATTN: Initiative Coordinator
1300 I Street
Sacramento, CA 95814

Good day,

I am submitting the attached initiative to your office to obtain a title and summary of the chief purpose and points of the proposed initiative measure.

The title of the initiative is:

"Fair and Proportional Retirement for Public Officials Act of 2012"

Please find, enclosed,

- 1) the \$200 processing fee payable to the State of California and
- 2) the statement required by Section 9608, of the Elections Code section 9015 and
- 3) my return address.

I desire this initiative to appear on the November 2012 ballot.

Thank you.



Larry Click

Attachment: Initiative text

Fair and Proportional Retirement for Public Officials Act of 2012
INITIATIVE MEASURE

SECTION 1. Fair and Proportional Retirement for Public Officials Act of 2012

The same retirement rules shall apply to politicians as the most restrictive rules which apply to any subordinate employee in the same organization in which the politician serves or served.

If retired politicians previously set their own retirement income and benefits rules, without a majority affirmative vote of the resident governed citizens, adjustments are made retroactively.

SECTION 2. Findings and Declarations

Politicians have voted themselves lavish salaries, luxurious benefits and plush retirement benefits at the expense of the tax payers. This is unconscionable, and must be changed.

SECTION 3. Statement of Purpose

The sole purpose of this Act is to make politicians subject to the same retirement policies they impose on others, and to preclude politicians from enacting retirement policies disproportionately beneficial to themselves.

SECTION 4. Fair and Proportional Retirement for Public Officials Act of 2012

A. The same retirement rules shall apply to politicians as the most restrictive rules which apply to union members, or non-union hourly workers or non-management employees at a lower level in the same organization in which the politician serves or served.

B. If retired politicians previously set their own retirement income and benefits rules, without a majority affirmative vote of the resident governed citizens, adjustments are made retroactively.

C. Definitions:

1. **Politician(s):** elected public official(s) and/or appointed government administrator(s), who vote to determine government business, or who set government policy, and/or who determine the expenditure of tax-funds or fee-funds, or who influence similar government business.

2. **Retirement compensation** consists of factors such as (but not limited to): retirement base pay.

3. **Retirement benefit** is any additional value officially provided to the retired politician above retirement compensation. For example, but not limited to: health care, and/or any "memberships" (by that or any other name), and/or any tax funds or fee funds obligated (by that or any other term) for the benefit of the retired politician.

4. See addendum "DEFINITIONS -- Initiative Acts of 2012" for additional definitions

D. Proportional to years of service:

1. Politicians may draw no **retirement compensation and/or post-employment benefits** other than that which is consistent with, and based only on, their **proportional years of service** with the government organization in which they LAST served (with the exception of military retirement pay - which may also be drawn, if earned), and subject to the other constraints in this Act.

E. Same rules:

1. Retirement **compensation** and retirement **benefits for politicians** are hereby mandated to be **governed by**, and shall be none other than, **the most restrictive rules**, or constraints, and subject to all conditions which apply to the least compensated worker category subordinate to the politician.

F. Multiple employee worker categories:

1. **Worker category** means any worker group (or class of workers) at a subordinate level in the same organization in which the politician serves or served. Examples include, but are not limited to, union employees, non-union hourly workers, and other non-management employees.

2. If **more than one worker category** (by that or any other name), exists at a subordinate level in the same organization in which the politician serves or served, then the same **rules**, constraints, calculations and conditions of the group having the **lowest retirement compensation and benefits** shall be used to calculate the retirement compensation and benefits of the politician.

3. If any subordinate worker group is excluded from retirement compensation or benefits, the politician shall have **NO** retirement compensation or benefits (by those or any other names). If there are no worker groups subordinate to the politician, the politician shall receive **NO** retirement compensation or benefits (by those or any other names).

4. **Example scenario**

a. For example, but not limited to, a **scenario** as follows::

1) Given that there exists a **first worker category** at a subordinate level in the same organization in which the politician serves or served where "vested retirement benefits" are paid for 5 years, or more, service (with or without a minimum retirement age), and this category worker receives **2%** of their base salary per year of service, and:

2) Given that there exists a **second worker category** at a subordinate level in the same organization in which the politician serves or served where "vested retirement benefits" are paid for 5 years, or more, service (with or without a minimum retirement age), and that category worker receives **3%** of their base salary per year of service.

3) Given that retired workers in both the first and second worker categories receive \$100 per month as a health care retirement benefit . . . :

4) Then:

a> If the politician serves four (4) years, then the politician shall receive **NO** retirement compensation or benefits. (Less than 5 years service, thus no vesting for retirement).

b> If the politician serves eight (8) years, then the politician shall receive eight(8) years service, multiplied by their base salary (defined elsewhere in this Act) multiplied by the **lowest percentage** per year of any subordinate worker category (in this example: 2%). The retired politician shall receive \$100 as a health care benefit.

c> If the politician served eight (8) years for a different level of government and is drawing retirement compensation and benefits from that level of government (e.g.: the state), and then serves 10 years for their current level of government (e.g.: the county), **then** the politician shall provide **proof** that they have **irrevocably forfeited** the retirement compensation **and** retirement benefits from their 8 years service from the first level of government (e.g.: the state) **if** they desire to receive retirement compensation based on their 10 years service at the second government level (e.g.: the county). The politician's retirement compensation shall be their 10 years service multiplied by their base salary (defined elsewhere in this Act) multiplied by the **lowest percentage** per year of any subordinate worker category (in this example: 2%). The retired politician shall/can draw from only one retirement source (other than a military retirement).

5) Retirement **benefits** (for example, but not limited to: health care allowance) payable **to** the retired politician or **for** the retired politician shall be, and shall be **none other than**, the **least** amount paid to any retired worker group in the same organization as the politician serves or served. In this example scenario, the retired politician shall receive \$100 per month as a health care benefit.

G. **Average 3 year base salary used**

1. **Base salary** is the salary advertised for the position and which is approved by a simple majority affirmative vote of the resident governed citizens. In **no case** may/can the "salary" be artificially increased by the inclusion of other defined benefits (for example, but not limited to: health/medical care allotments (by that or any other name), or by vehicle allotments, or by expense account allotments, or by "cashed-in" vacation time, or by any other amount or factor other than salary.

2. For calculation purposes, the "base salary" used for retirement compensation and post-employment benefits shall be based on the average of the last three (3) years BASE salary the politician received. In no case, may any other factors be used except the average of the last three (3) years BASE salary.

H. **Retroactive**

1. If the politician's compensation and/or benefits was set and/or established and/or determined **by** 1) them self or 2) themselves acting as a group or board <by that or any other name> or 3) another politician(s) or 4) any government administrator(s) (by that or any other name), and **not** established by

simple majority affirmative vote of the resident governed citizens, then **all** compensation and **all** benefits payable to **all** retired politicians shall be immediately and automatically **rescinded** by authority of this Act, and shall be immediately and automatically **revised** to an amount calculated to be the lowest payment, calculated by the **most restrictive rules**, pertaining to retirement compensation and benefits for any union member, or non-union hourly worker, or non-management employee or any other employee group at a lower level in the same organization in which the politician served.

a. This **revision** shall be **applied retroactively** to all retired politicians drawing retirement compensation / benefits from:

- 1) the level of government at which this Act is established AND/OR
- 2) any level of government below the level at which this Act is established. (For example, but not limited to, if the Act is established at the state level, it automatically applies at the county and city / municipality level).

I. Offending Politician(s)

1. Any **politician(s)** who act(s) in contrast to the provisions of this Act is, hereby, deemed n offending politician.

J. Forfeitures for offending politicians

1. An **offending politician** shall

- a. forfeit all right to any and all unpaid **salary**, and
- b. forfeit all right to any/all form of future **compensation** associated with the **elected or appointed** position for the duration of the term of office, and.
- c. forfeit all other **benefits** which would normally arise from acceptable service in the position, and.
- d. forfeit all right to all future **benefits** (by whatever name), and
- e. forfeit **any and all retirement** income/compensation (by whatever name). For clarification, the offending politician shall receive **no** retirement income and **no** additional benefits above that which the politician previously set aside from the politician's previously paid salary. If these previously set aside personal funds are held on "account" with the tax-supported organization or any other approved holding organization, the politician may withdraw the amount currently in their account (using standard accounting procedures and subject to tax withholding).

1) By accepting any political office (or the return to any political office or to a different political office - whether at the same or different level of government) the politician is deemed to have **specifically** and **voluntarily** accepted, and **voluntarily** agrees to be subject to, all provisions of this Act. Particularly and **specifically** is the **voluntary** acceptance of this provision to relinquish ALL retirement income and ALL benefits from ALL government sources, **regardless** of when or through what office or service those benefits were acquired, if they are determined to be an offending politician. .

2) Forfeitures by the offending politician shall be timely seized by the law enforcement agency at the level of government at which this Act is enacted.

3) However, the **ELECTED** offending politician shall **NOT be removed** from office. As such, no circumvention of this Act may be accomplished by any subordinate; and the governed citizens are not burdened by excessively frequent elections. The office shall remain filled, but **all** costs associated with the **elected** politician (present and future) and the incumbent's ability to vote on any measure shall be removed. **EXCEPTION:** The only exception is when sufficient number(s) of offending politicians are removed from income and voting status such that the total number of remaining voting members in that governing body (e.g.: the County Board of Supervisors, or the State Senate) falls below the necessary quorum. In such case, all offending politicians in that governing body (e.g.: the County Board of Supervisors, or the State Senate) shall be immediately and automatically removed from office. The law enforcement agency at the same level of government as this Act, shall ensure compliance with this provision. The election official for that governing body shall ensure that a special election is rapidly held to replace all of those offending politicians in that governing body.

4) In **addition** to the other forfeitures herein described for offending politicians, an offending politician who is a **manager** shall be immediately **removed** from their office and **expelled** from the tax-supported organization from which they received their salary, before expulsion. A **new** manager shall be appointed, and that new manager shall serve under the same constraints specified by this Act. Additionally, the offending politician / manager, shall be **ineligible** to **campaign** for, or be elected to, or be appointed to, or be in any way a consultant for, advisor for, personal assistant to, employee of, or contractor (by that or

any other name) for any tax supported office or any tax supported organizational position at the level of government commensurate with the scope of this Act and the **level of government** at which the offending politician / manager served.

K. CONDITION OF ACCEPTANCE OF PUBLIC OFFICE:

1. As a condition of the acceptance of public office each politician must willingly and verbally accept all provisions stipulated in this act. If any politician serves in political office without such verbal acceptance, their service is deemed to automatically imply consent to, and voluntary acceptance of, all provisions stipulated in this Act.

L. MODIFICATION OF THIS ACT:

1. UNDER NO CIRCUMSTANCES WILL / SHALL / CAN ANY ELEMENT OF THIS ACT BE CHANGED WITHOUT A SIMPLE MAJORITY AFFIRMATIVE VOTE OF THE RESIDENT GOVERNED CITIZENS at the scope of government represented by this Act. Resident governed citizens will vote directly on ANY / EACH / and ALL proposed changes.

2. **Under no circumstances** shall any incumbent politician individually or collectively or by any combination of incumbent politicians attempt to modify, undermine, circumvent, or attempt to nullify this Act, or any provision of it, in any way.

a. Any politician advocating the change of any part of this Act by any means **EXCEPT** a simple majority affirmative vote of the resident governed citizens shall immediately be deemed an "**offending politician**" and shall be subject to the forfeitures stated in this Act.

M. PREEMINENCE

1. This Act is hereby granted, and mandated, precedence over all other conflicting laws, and/or policies and/or procedures and/or directives (by whatever name) of prior date, **at, or below**, the same level of government as this Act..

2. All other conflicting **laws**, and/or **policies** and/or **procedures** and/or **directives** (by whatever name) of prior date, **at and/or below**, the same level of government as this Act, are hereby mandated to be modified, as necessary, to align with the provisions of this Act, or to be voided.

N. CONFLICTING MEASURES

1. This Act shall take effect notwithstanding approval by the voters of another measure relating to any similar matter, not directly in conflict with this measure, by a greater number of affirmative votes.

2. If this Act is superseded by law or by any other conflicting ballot measure approved by the voters at the same election, and the conflicting measure is later held invalid, this measure shall be given the full force of law.

O. COMMENCEMENT

1. This Act shall become effective upon the date on which it received a simple majority affirmative vote.

P. DURABILITY

1. This Act shall have legal standing and durability / duration until changed or eliminated by a simple majority of affirmative votes cast by the resident governed citizens.

Q. SEVERABILITY

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

R. INCLUSIONS

1. The addendum titled: **DEFINITIONS – Initiative Acts of 2012** is included in, and made an integral part of, this Act by reference.

DEFINITIONS -- Initiative Acts of 2012
ADDENDUM TO INITIATIVES

TERMS and DEFINITIONS:

Herein, all terms indicating possession by the politician (For example, but not limited to the personal wealth of the politician) or the contributor shall be specifically extended to include any and all interests, direct and/or indirect, past and/or indicated or promised for the future.

The definition of any word, defined herein, shall also apply, in full, to the various tenses (e.g.: past, present, and/or future) as appropriate to the context (e.g.: receive, received)

The definition of any word, defined herein, shall also apply, in full, to any form of that root word (e.g.: direct, directly, receive, receipt).

Herein, when an example is given for clarification, the item is not limited to the example(s) given.

Herein, "e.g.:" shall mean "for example", and, for further specification or clarification, "i.e.:" shall mean "that is".

Herein, the definition of a word which can be used as various parts of speech (e.g.: a noun or a verb) shall be considered applicable to any or all such parts of speech as logic and context dictate. An example is the word "benefit". Each part of speech shall be applicable whether the implication of the word is that the politician is receiving or is giving.

- **abdicate / abdication** – means the deferral of historical responsibilities and /or historical roles to another entity.
- **abdicate / abdication** – means the deferral of historical responsibilities and /or historical roles to another entity.
- **Acquire / acquires** is broadly defined to include:
 - 1) the act of constructively taking **physical possession** of anything of value,
or
 - 2) the act of constructively receiving a **promise or commitment or provision for future** delivery or transfer or future benefit of anything of value.
- **Asset** - Any valuable, but non tangible, or non-liquid asset or asset not convertible into monetary form (e.g.: a contributed vacation) shall have the value assessed and that amount shall be the value of the asset. (This amount shall be seized from the offending politician's personal assets, or the assets of the offending politician's other, direct interests or indirect interests.)
- **appointed** – means directed to serve, or authorized to serve, in an administrative or executive or management position whereby a vote or official approval of the appropriate group – usually comprised of an official Board or Council or other such panel of administrators – is required to officially install the incumbent into the appointed position.
- **appointed government administrator** -- means any person serving in, or being considered for, any **appointed position** as an executive to serve as the head, director, chief, or any executive officer (e.g.: the County Administrative Officer) of any government entity and where such appointment requires an appropriate number of votes or approval indications, not from the governed, but rather from a board (e.g.: county Board of Supervisors) or council (e.g.: City Council) of a **government entity or quasi-government entity**.
- **"A benefit" / "of benefit" / beneficial** -- means anything providing an advantage to the one benefited, whether:
financial / economic, (e.g.: payoff, or something of value, or the elimination of unions, or the elimination of taxes for the contributor or the contributor's interest, or a favorable land acquisition, a mandate of action for which public funds will pay),
or
political, (e.g.: advantageous position or influence over another, or control or power over another)
or
social (e.g.: prohibition against eating meat, or a mandate to spay or neuter pets).

"Benefit" specifically INCLUDES any government business which would **adversely** impact any individual, organization or group which **competes** with the **contributor**.

For the one (or one's interest) benefited it also includes, but is not limited to any one, or any combination of, the following:

-) any advantageous provision, (e.g.: sole source procurement)
-) any action or influence toward a favorable outcome (e.g.: putting the contributor in better competitive position)
-) any action or influence which will cause, or result in, a favorable outcome for the contributor, (e.g.: eliminating competitors)

For the one (or one's interest) benefited it also includes, but is not limited to any one, or any combination, of the

following

directly or **indirectly** to:

- 1) the contributor or
- 2) the contributor's **interest**, or
- 3) the politician or
- 4) the politician's interest

in the **present** or in the **future**,

any **bestowal or enabling of any of the following**,

- 1) assistance,
- 2) subsidy,
- 3) compensation,
- 4) contract,
- 5) advantage,
- 6) profit,
- 7) gain

or any other such advantage which will accrue, or flow by any path, by any means, to the one benefited

The one benefited can be any one, or any combination, of the following:

- 1) individual,
- 2) group,
- 3) organization,
- 4) consortium,
- 5) association,
- 6) any other **entity**, (by any name, and whether or not officially organized) who/which is uniquely advantaged in any way, or who/which is advantaged as a group of less than 5% of the politician's constituents.

"Benefit" also includes any specific action or targeted outcome on behalf of the **contributor**, or for the benefit of the **contributor**.

"Benefit" includes the enhancement of the **personal** wealth of 1) the **contributor** or 2) **any one or any combinations of the contributor's interests** - including, but not limited to, the property of the **contributor**, or income sources of the **contributor**.

- **board / council** – means a group of individuals or organizational representatives who vote on proposals, and who make rules, procedures and policies by which a government organization operates.
- **bunk container** - truck trailers, cargo containers suitable for loading onto airborne, or sea-going cargo vessels or over-the-road trucks. Bulk containers shall be differentiated from "product containers".
- **candidate** – means anyone who has indicated or **announced**, formally or informally, their **intention to serve** in the appropriate **tax-supported public office** if and when they are later **elected** by the governed citizens. This includes any willing individual whose name appears on an official ballot for a **tax-supported public office**. However, this also includes **write-in candidates**.
- **channels** means American sources of material. If the material does not exist within the US, then the lowest cost of acquisition from sources external to the continental US.
- **citizens of the United States** – For the purposes of this Act: 1) An individual born of parents one or both of whom, are/were United States Citizens OR one who has been legally naturalized and taken an oath of allegiance to the United States AND 2) one who is an adult having a mailing address and official residence in the United States or any of its **Insular Areas** (formerly protectorates), AND 3) an adult who is registered to vote in the district of their residence.
 - citizens of the United States – United States citizens having a mailing address and official residence in the US or any of its protectorates, and who are registered to vote. Herein, this term is specifically differentiated from the elected and/or appointed politicians.
- **compensation received from the contributor** shall mean, that which was received as the contribution, or the corresponding value of the contribution.

In the case of a **self funded** offending politician, **compensation received from the contributor** shall be defined as the **greater** of

- 1 the entire amount spent on the offending politician's **campaign**, or
2. the estimated amount which the politician's direct interest or indirect interest would have gained from the offending vote or decision or influence. (as estimated by a local, reputable appraiser, accounting firm - not one of the investigative oversight organizations or the Distribution Agency)

The greater of item 1 or 2 above shall be seized, and finalized from the offending politician's other, **direct or indirect**, assets.

Constructive receipt

Regardless of the source of funds or the timing of the receipt, or the individual accepting the contribution, a contribution shall be considered **constructively received** by the **politician** if **any** of the following are true:

1) If any contributor provides any **value** to the **politician directly**

2) If any contributor provides any **value** to **creditors** of the **politician on behalf of the politician** or the politician's **direct interest** or the politician's **indirect interest** (For example, but not limited to: allowing the politician or the politician's interest to use a credit card or have a tab or any other method of using any form of credit, which is to be paid by another entity, is deemed direct constructive receipt,).

3) If any contributor transmits (by any means), directly or indirectly, any **value** to **entities** or **organizations** with which, or to which, the **politician** has any direct interest or any indirect interest

Any valuable, but non tangible, or non-liquid asset or asset not convertible into monetary form (e.g.: a contributed vacation) shall have the value assessed and an equivalent amount shall be seized from the assets of the direct interest or indirect interest of the offending politician.

- **competitive** - competitive means amount at which a similar economic good could be acquired if manufactured or assembled, or mined or pumped or acquired via any process of harvesting or extraction (with or without additional processing) from a source within the continental US.
- **consumer** - consumer means the final retail user of the economic good
- **continental US labor** - means the use of American labor and calculating production cost using the hourly compensation of the average American manufacturing worker
- **contributing organization(s) / entity(ies)** – (whether singular or plural) means Any/all organization(s) (and/or **entity(ies)**) which contribute to the politician or to, (or for) the politician's interest.
- **contribution** – means any **direct** transfer or any **promise or commitment or provision** of transfer of anything of **value** greater than the insignificant amount from a **contributor** to a **politician**, whether **direct** or **indirect**, whether **monetary** or **non-monetary**, whether **current** or **future**, in any form, shall be deemed a **contribution** constructively **received** by the **politician**.
- **contribution oversight agency** – see the GCIOO
- **contributor**
Contributor is broadly extended to include any entity who (or which), either **directly or indirectly**, provides, transfers, gives, anything of **value** to a **politician**.

The term contributor is broadly extended to mean any combination of, or any single:

individual,

group,

organization,

consortium,

association,

or

any other **entity**, (by whatever title or name) whether or not officially organized, who gives, provides, or causes, **directly or indirectly**, the **politician** to **receive**, **directly or indirectly**, in the **present or future**, anything of **value** over the **insignificant amount** (basis 2011).

The term contributor is broadly extended to include the direct interest and/or the indirect interest of the politician.

The term contributor is broadly extended to include anyone who provided or who provides or who will provide any benefit of **value** to the politician.

The term contributor is broadly extended to include anyone who has any special interest (economic, social or political) in an outcome decided/influenced by the politician.

For the purposes of this Act, "contributor" includes any organization or entity which advertises (by that or any other name) in any mass media on behalf of, or for the benefit of, the politician - where the fee for the advertisement (by that or any other name) **exceeds** the insignificant amount.

Specifically **excluded from the definition of "contributor"** are individuals who personally donate their time to campaign for the politician/candidate.

- **control** – the ability to make decisions toward a desired goal or purpose, and the authority to issue orders supporting that goal, and/or the authority and power to mobilize forces to carry out actions in support of that goal or purpose. It also means the ability to direct the events of an entity, or to direct the actions of an entity

- **cost of production** - The mathematical product (multiplication) of the "labor rate" times the "number of man-hours required to "create or acquire" the economic good – assuming the use of the most current tools and equipment available within the borders of the United States..
- **creditor** -- means any entity to whom the **politician** is indebted for any economic good or service the **politician** received. It also includes any entity to which the **politician** caused an entry to be **charged** to any account. A creditor includes anyone who and/or any organization which has provided to the **politician** an economic good or service, and for which they desire payment or reimbursement.
- **demographic market** means that population in the geographic area in which the economic good is to be sold (or through which the economic good is to be transferred)
- **direct** – means straight from the **contributor** to the **politician** or from the **politician** to the **contributor**
- **direct interest** – means any one or combination of the following:
 - any entity which (prior to the politician assuming the duties of the office) provided **funding** to, or **advocated**, or actively **supported the politician**,
 - any organization (or entity) whose role is to support the politician or the politician's interest – particularly if the organization (or entity) held contributed funds for use in supporting the politician or the politician's interest.
 - any business, entity or organization **holding** anything of value over which the **politician** has or formerly had any **fiscal control** or **directive influence**,
 - any entity for which the **politician** has (or had) even extended **family ties**, or
 - any entity whose purpose is to affect **social awareness** or **change** to which the **politician** has or had ties, or
 - any entity with which the **politician** has or had **economic/business** interest(s) or
 - any entity with which the **politician** has other direct **political-interest** ties
 - any entity with which the **politician** has other direct **social-interest** ties
 All politicians are hereby specifically deemed to have an "**direct-interest**" in and desire to **benefit** any direct or indirect interest with which they were associated **before** assuming the political office.
- **direct, popular vote** - the votes cast by all citizens of the United States (and the people of its insular areas (formerly known as "protectorates", for example Puerto Rico) who chose to exercise their right to vote in an honestly conducted election or the consideration of a ballot measure.
- **directly to the contributor** shall mean
 - a direct path, without intermediary(ies), from the **politician or the politician's influence** to the **contributor**, or for the contributor's personal use and/or personal control.
 - This includes a direct path from the **politician** to the **contributor**,
- **distribution** – a disbursement of liquid assets to the resident governed citizens, less usual and customary fees charged by the Escrow Agent, or other disbursements as specified within the Act
- **Distribution Agency** -- The Distribution Agency is the very small organization independent from the WDO and independent from the government departments the WDO investigates. is responsible for enforcement against offending politicians It shall 1) be a check and balance of the WDO and 2), dispose of non-liquid, physical assets seized from offending politicians, and 3) distribute the converted, liquid assets directly to the resident governed citizens. This Agency is a very small, independent organization having managers elected by the citizens. It has minimal staff, and is sized as a very small fraction of the number of elected officials over which it has oversight.
- **easily accessible public record** -- means
 - 1) rapidly posted to, and listed on, an appropriate, well publicized web page (and other electronic media as appropriate)
 - 2) rapidly available in printed form upon request by any governed citizen
 - 3) stated in a publication of general circulation (as appropriate, as required in the Act, or at the discretion of the **WDO**).
- **economic good** - any economically useful **item** - whether **tangible** or **intangible**.
 - Tangible items include, but are not limited to, items: printed, written, manufactured or assembled, or mined or pumped or acquired via any process of harvesting or extraction (with or without additional processing).
 - AND economic good includes
 - Intangible items which include, but are not limited to, the dollar value of **human** services (for example but not limited to **technical information** services or **technical help** services – whether provided by phone or by internet.
 - Intangible items also include but are not limited to items which are: **electric** or **electronic**, (but, specifically excluding the value of internet electronic traffic),
 - Intangible items also include but are not limited to the value of **intellectual goods or intellectual property**, (for example but not limited to a computer program or part thereof, or a design, or part thereof).
 - Specifically **EXCLUDED** from this definition for the purposes of this Act are **non-business** internet transmissions.
 - Specifically, **EXCLUDED** from this definition for the purposes of this Act is **money** in certain forms as specified in the Act and only under the restrictions imposed by the Act.
 - Specifically **EXCLUDED** from this definition for the purposes of this Act are items for which there is

pictorial proof filed with the US Customs Service that the item(s) originated in the United States or were in use in the United States, were exported, and are being returned to the United States substantially unmodified.

- Specifically **EXCLUDED** from this definition for the purposes of this Act are humans possessing proper travel authority, and crossing the border as a matter of travel - whether for business or pleasure.

- **EILOO** - See Equity in Law Oversight Organization
- **elected** -- means having received sufficient votes from the **appropriate constituents** to be chosen to serve in 1) a tax-supported public office or 2) in an **appointed** administrative position of a tax-supported government organization.
- **elected candidate** -- means anyone who has been **elected** to the **tax-supported public office** or position sought by the candidate, but has not yet been inducted into the office.
- **Electronically / electronic form / electronic** -- any digital (data) item or analog item (for example, but not limited to: a voice conversation).
- **entity** -- means any individual or group or company or business or organization or cause or foundation or nation or political structure or association, or league (by that title or any other name), whether private or governmental or any combination of private and government, whether singular or plural, who stand individually or who associate themselves as a collective or cooperative group -- officially or unofficially, for any specific purpose or purposes.
- **Escrow agent** -- and independent agency determined by open source selection which holds the tax receipts until timely distribution can be accomplished.
- **Equity in Law Oversight Organization (EILOO)** - The investigative agency charged with oversight of elected and appointed politicians as it relates to self-serving legislation and/or policy; or to self-serving exemption from legislation and/or policy. It has the power, when acting with the Distribution Agency, to seize assets of offending politicians and their interests.
- **Excessive (Excess) contribution** -- means a contribution of value greater than the **insignificant amount**
- **Finalize/finalization** -- means the legal, financial and administrative steps necessary to convert legal title to real or personal property, and to convert physical assets into liquid assets (including publicizing and conducting public auctions). It requires, and authorizes those steps necessary to place the liquid assets in an escrow account - for timely distribution to the **resident governed citizens** in accordance with this Act.
- **foreign** -- any entity having its loyalty (whether in whole or in part) to any entity or political cause or group other than the United States and/or its source of institutional authority from a location or entity other than within the furthest landmass boundaries of the United States (including its insular areas (formerly known as "protectorates", for example Puerto Rico). Includes, but not limited to, any economic good having origin in any location outside the United States.
 - **foreign** -- any entity having its loyalty and source of institutional authority in a location other than within the furthest landmass boundaries of the United States (including its protectorates)
- **GCIIO** -- see Government Contribution Investigation and Oversight Organization
- **Gives** -- means any transfer from the contributor to the Candidate or Incumbent or Administrator, either directly or indirectly
- **governed citizens** -- means resident citizens who have an active residence (not simply a P.O. Box) in the geographic area governed by the scope of this act, **whether or not registered** to vote.
- **government administrator** (also defined as **public administrator**) **manages** and/or **directs the staff** of any government or quasi-government organization existing or created at the level of this act (i.e.: federal agency if this act is a federal act, or state agency if this act is a state act, or county agency if this act is a county act or city agency if this act is a city act). A government administrator **controls**, or in any way **directs, the expenditures** of that **government entity or quasi-government entity**. A government administrator **approves** the creation of **procedures and policy** for that **agency**
- **Government agency** -- means a government entity
- **government business** -- means the direct and/or indirect **action** to initiate and/or establish (or modify), or effort to **influence** (to any degree), any, or all, of the following (including any other name carrying a similar connotation)
 - 1) It is also broadly defined. For example, but not limited to, any of the following:
 - adjudication,
 - allocation of government-controlled public funds and/or assets
 - bill (a written law or legislation),
 - contract (an agreement for payment in exchange for an economic good or service)
 - code of standards/norms/acceptable level of performance or behavior
 - decision
 - declaration, directive, direction or mandate
 - directive
 - disbursement

distribution of government funds and/or assets
distribution of government-controlled public funds and/or assets
endorsement
expenditure
 establishment of a fee
grant or denial of approval(s)
law,
measure, (a written law or legislation)
motion (a proposed written law or legislation)
position statement
policy
procedure,
pronouncement
proposed law,
proposition
recommendation,
resolution,
tax
treaty,

or any other matter allocated to the government for its action.

- **government entity** – means any chartered or registered or duly constituted and officially recognized person (e.g.: the governor), office (e.g.: Mayor's office), agency (e.g.: _____), commission (e.g.: _____), or organization or group (e.g.: Board of Supervisors), whose business is governance. A government entity has the official recognition, from the appropriate next-higher level of government, that the government entity is an agent of the government.
The government entity also may include any official policy making group, or policy enforcing group, or decision-making board or council or any other such government unit.
- **Government Contribution Investigation and Oversight Organization (GEIOO)** – The investigative agency charged with oversight of elected and appointed politicians. It has the power, when acting with the Distribution Agency, to seize assets of offending politicians and their interests.
- **government funds** – means any amounts collected by the government via any form of tax, fee, levy, or any other such source of government income. It also includes any amount(s) disbursed via payment, grant, allocation, allowance (by those or any other such name(s)). It also includes **any form of value** indicated by any **stamp, credit, voucher, IOU** or any other form of **value** (by any other name) issued by any **tax-supported government entity**.
- **historic functions** – functions traditionally relegated to elected American officials acting ethically on behalf of, and in the best interest of, the governed citizens (for example, but not limited to:
creating laws, policies, and procedures,
levying taxes,
determining the proper use of public land,
raising and maintaining an army and/or committing troops to battle,
determining rules of commerce,
determining judicial rules regarding civil law and criminal punishment,
and similar matters of governance.)
- **import** - import means to transfer, whether physically or electronically, into or through, any part of the United States (or any of its insular areas (formerly known as "protectorates", for example Puerto Rico) from any source or location outside the geographic area of the United States .
- **import tax** - a tax imposed directly, and only, on the entity seeking to import the economic good – **under no circumstances** shall any import tax be misconstrued as an additional sales tax (by whatever name) levied (by whatever name) on the intermediate recipient (e.g.: wholesaler/warehouse) or on the final consumer. This import tax shall be collected directly from the importer in US dollars
- **imported item(s)** is equivalent to, and exclusively defined as, newly imported, or modified items – The classification of newly imported item shall NOT apply to items which have pictorial proof, previously filed with the Customs Service before the item(s) was/were removed from US soil, showing that it/they are owned by a US citizen and are being returned in substantially the same condition and with the same functionality it/they had when it/they left the United States.
For example, but not limited to:
) The personal household effects belonging to a US citizen returning from duty or service in a foreign country returning with items which were originally purchased, or in general use in, the United States. The personal household effects exemption shall be limited to one such exemption per head-of-household per year.
) Equipment used in the course of business (e.g.: unmodified musical or medical instruments,)
) Empty containers which were exported and are being returned to the US
) Items exported for repair (although import duty may be charged on the repaired portion of the item).

-) Animals (domestic) temporarily exported for pasturage purposes and returned within eight months.
-) Other re-imported items which are specifically specified as allowed after a direct, popular majority vote of the citizens of the United States.
- **importer** – importer means any corporation, agent, organization, consortium, fund, trust, individual, or any other entity (by whatever title or name) who attempts to import any “economic good”.
- **incentive funds** – means **ten (10) percent** of the seized and/or finalized assets - **excluding** assets voluntarily relinquished by the politician under the Hold Harmless provision.
- **incumbent** – means anyone currently serving in any **tax-supported public office**
- **indirect (indirect)** – means by any **path** from the source to the recipient – whether from the politician to the contributor or from the contributor to the politician (or to, or through, any of their respective interests). It also includes any **pass through** individual(s) or organization(s) between the contributor and the **politician or between the politician and the contributor**. It specifically includes any **contributor’s direct business interests**. It also includes any path through any other social cause, specially formed group or organization (whether formally created or informally associated), foundation, company, or any other such entity
- **Influence -- means** any action to use the position of the appointed government administrator, or the position of the elected incumbent to **direct**, or control or guide, or advocate the **outcome** of, any present or future **matter** any action to use the position of the appointed government administrator, or the position of the elected incumbent to **influence** of any present or future **matter**
- **insignificant amount** – means anything valued at less than or equal to the equivalent of the earnings of one person’s normal work week at the prevailing minimum wage. Specifically, this is calculated as 5 days, times 8 hours per day, times the prevailing United States official minimum wage. (For example: 5 days x 8 hours per day x \$8 per hour = \$320.00 US currency). All value shall be appraised and converted, if necessary, so as to be measured in the currency of the United States (e.g.: dollars).
- **Insular Area** (formerly “protectorate”) - means Puerto Rico, US Virgin Islands, American Samoa and any other area under the official protection of the United States.
- **interest** -- means - whether **past, present or future**, whether **direct** or **indirect**, whether any **single** or any **combination** of the following:
 -) any **person or group** or organization, or foundation, or entity with which one has/had a common concern, and for which one desires a **benefit** to accrue
 -) any **organization/committee/board/group** (by any other name) formed to fund or support the **candidacy** of the politician or to provide support of **value** to the politician (e.g.: election committee, or campaign fund, etc.)
 -) any **political** desire toward a specific outcome
 -) A **stake, share, or involvement** in an undertaking – especially, but not limited to, a **financial** one
 -) The **selfish** pursuit toward one’s own **welfare** or advantage; (e.g.: self-interest)
 -) A legal matter of concern, or
 -) title to property, or
 -) legal right(s) in **property** (whether tangible or intangible)
 -) any matter concerning an immediate and/or extended **business**
 -) any matter concerning an immediate and/or extended **family/relative** (to the 3rd generation by blood-line, marriage, agreement or contract)
 -) any matter concerning an immediate or extended **friend or associate**.
 -) any matter concerning any entity (For example, but not limited to: a business) placed into any form of **trust or holding company** (by those or any other names) for the purposes of temporarily placing the entity outside the control of the politician or the politician’s interest (for example, but not limited to: family, friend, associate, law firm, bank, etc.).
 -) A **subject or goal** about which one is concerned or enthusiastic - For example, but not limited to: a social **cause** or any non-profit or not-for-profit **entity** (e.g.: Humane Society, Green Peace, Center for Community Change, Advocates for Social Change, etc.) - including any coalition of such entities.
- **Item** – any economic good
- **item containers** – the container which contains one useable item. For example, but not limited to the box containing one pair of shoes, or one lamp, or one box of pencils.
- **judicial decisions** – decisions, rulings, determinations (by whatever title or name) issued by elected or appointed officers of the United States, or any other, United States judicial and/or United States legal system. Judicial

decisions by non-elected bodies (particularly foreign associations) and/or non-elected individuals are specifically ignored/voided/nullified for the purposes of this Act.

- **level of government** – means the legal scope (or span of legal influence) of government at which this act is enforceable (i.e.: the extent of the influence of the state, if this act is a state act; the extent of the influence of the county, if this act is a county act)
- **material** means the physical elements used in production
- **matter** – means any element of **government business** historically allocated to the entity of government (as of January 2011) at the level of the scope of this act (state if this act is a state act; the county if this act is a county act)
- **medium of exchange** – means anything of value which another entity will accept as payment for goods (whether tangible or intangible) exchanged or services rendered.
- **Newly imported item(s)** is equivalent to, and exclusively defined as, newly manufactured, or newly acquired (mined, pumped, etc.) items, or newly repaired / modified items.
EXCLUSIONS: – The classification of newly imported item shall NOT apply to items which have pictorial proof, previously filed with the US Customs Service before the item(s) was/were removed from United States soil, showing that it/they are 1) owned by a US citizen and are 2) being returned in substantially the same condition and with the same functionality it/they had when it/they left the United States.
For example, but not limited to:
 -) The personal household effects belonging to a US citizen returning from duty or service in a foreign country and returning with items which were originally purchased or in general use in the United States prior to the foreign duty or service. The personal household effects exemption shall be limited to one such exemption per head-of-household per year.
 -) Equipment originally purchased or in general use in the United States used in the course of business (e.g.: unmodified musical or medical instruments,)
 -) Empty containers which were exported and are being returned to the US – however, any and all contents shall be subject to inspection, evaluation and import taxation.
 -) Items originally purchased or in general use in the United States exported for repair (although import tax may be charged on the repaired portion of the item).
 -) Animals (domestic) temporarily exported for pasturage purposes and returned within eight months.
 -) Other items which are specified as allowed by a direct, popular majority vote of the citizens of the United States.Additionally, the classification of newly imported item shall NOT apply to money in the form of currency or gold or silver or precious metals, but ONLY under the condition that proof from the reputable third party is provided that the money has been transferred into an irrevocable trust (or escrow account) which is controlled by an independent third party, and from which those funds can only and exclusively be used for payment of an existing contract to acquire economic goods produced by another independent third party in the United States or its insular areas (formerly known as "protectorates", for example Puerto Rico); or can only and exclusively be used for payment of an existing contract to acquire economic services produced by another independent third party in the United States or its insular areas.
- **offending item** – an imported economic good for which documentation does not match the actual contents of a container; and/or an imported item and/or a foreign service which is in use within the boundaries of the United States for which no documentation can be produced to prove an import tax has been paid.
 - offending politician – any elected or appointed official who attempts to thwart, delay, nullify, or in any way circumvent this Act.
- **offending politician** – means any **politician** found to have received a contribution and who **attempts** to vote in violation of this Act, or influence **government business** (as broadly defined herein), whether successfully or unsuccessfully, in violation of this Act.
AND, it also means any politician, judge, or official (whether elected or appointed) who attempts to thwart, delay, nullify, reduce, waive, (by those or any other names) or in any way circumvent this Act.
- **offshore** - off shore means outside the boundaries of 1) the continental US, and 2) the state of Alaska and 3) the state of Hawaii. Offshore is not related solely to oceanographic boundaries. (For example: Canada and all islands and countries south of the Southern continental US border are considered "offshore".)
- **on behalf of** -- means that any entity has paid, directly or indirectly, for goods or services received by the **politician** directly or indirectly.
- **or** When used to separate a list of elements or conditions or constraints shall mean that any of the listed items, or any combination of the listed items apply. The phrase and/or, and the word or shall be synonymous, herein, (unless logical exclusivity prevails among elements of the list) and shall be interpreted to mean any single or any combination of the elements specified (including extension of the list of elements, if provided by that section).
- **pass-through entity** – means any **entity(ies)** which receives **value** from a contributor and transmits any part of it to any of the following, or any combination of the following:
 -) the **politician** or

-) the **politician's interest** or
-) the **politician's direct interest** or
-) the **politician's indirect interest** or
-) any **other organization(s), person(s), or entity(ies)** with the eventual goal of benefiting the politician or the politician's interest.
- **physical possession** – means the actual possession of, or **present enjoyment** of, the value
- **politician** -- means any governing official who is not specifically excluded and any of the following as applicable:
 -) candidate,
 -) elected candidate,
 -) incumbent who votes on proposed legislation or policies (by those or any other names),
 -) **appointed government administrator** who influences government policy or decisions,
 -) any **contractor(s)** compensated in any way by a politician or paid from tax (and/or fee) funds for their service in a government or quasi-governmental or advisory role and who are **not specifically excluded**, and/or who serve in, or for, any tax-supported public office, or who **influence** any government business
 -) Anyone who defines binding rules, policies, procedures, and/or taxes, on citizens;;
 -) Anyone who decides how land which is covered by government oversight is used
 -) Anyone who decides the amount or taxes/fees and/or how tax/fee revenue is expended.
- **politician's influence** – means the offices, agencies, organizations, accounts, laws, policies, procedures, staff, under the organizational control or pressure or deal-making (directly or indirectly) of the politician.
- **populous** – means those **people** (more inclusive than resident governed citizens) living in the area of influence of this act (the state if a state act, the county if a county act, etc.)
- **produce / produced** - produce / produced means the process of creating or acquiring any economic good (for example: including but not limited to, mining / pumping / manufacturing / growing / harvesting / etc). It also includes any service rendered.
- **Product** – means any economic good (for example: including but not limited to any item made, or provided, or acquired by, mining / pumping / manufacturing / growing / harvesting / etc – whether or not processed). It also includes any service rendered.
- **product containers** - smaller, more individualized containers (usually but not limited to cardboard (by that or any other name) boxes. Such product containers hold sufficient product to permit efficient warehousing and eventual distribution to a single retail company (but not limited to a single physical retail location). For example, but not limited to: a "case" of shoes having multiple pairs of shoes.
- **promise or commitment or provision** -- means any assurance or indication that future value will follow. (For example: a promise of a later payment or a later employee position with the contributor (or an entity under the contributor's control or under the contributor's influence) or the **direct** or **indirect** indication of a later consultant position with the contributor (or an entity under the contributor's control or influence) or the indication the **politician** would be the sole source supplier to the contributor (or an entity under the contributor's control or influence) would be acquisition of a future value, and would be **constructive receipt** of the value.)
- **provides** – means causes, in any way or by any action or influence, to come to fruition - either directly or indirectly, presently or in the future.
- **public office** – means any officially recognized government position within an organization which exerts any **influence** over, or make any **decisions** regarding, **government business**.
- **purchaser** means the final or intermediate buyer of the economic good.
- **quasi-government entity** -- means any combination of government entities, and/or any combination of government and private entities.
- ratify (by that or any other name) - to be approved and officially sanctioned. For the purposes of this Act, this means the direct, majority, popular vote of the majority of the citizens of the United States and the people of its insular areas (formerly known as "protectorates", for example Puerto Rico)
- **receives (received / receive)** – means **acquires**, in the **present** or via any expectation of **future** benefit - either **directly** or **indirectly**.
- **resident American governed citizens** –fully documented American **citizens** who have their active personal residence within, and spend more than one-half of their time within, the boundaries of the fifty (50) United States.
- **resident governed citizens** – means documented American citizens who have an active residence (not simply a P.O. Box) in the geographic area governed by the **scope of this Act**, **AND** who are **registered** to vote.
- **retail price** - retail price shall be the competitive final price to the consumer
- **retail sale** - retail sale shall mean distribution to the final retail US consumer.
- **scope** – means this act is enforceable at the government of a particular state within the United States if this legislation is enacted at the state level. If this legislation is enacted at the county level, the act is enforceable at the government of a particular county with any state within the United States, etc.)
scope of this act also means the legal scope (or span of legal influence) of government at which this act is enforceable (i.e.: the extent of the influence of the state, if this act is a state act, the extent of the influence of the county, if this act is a county act)

- **shall be taxed** means that a tax shall be levied - including all necessary actions to collect the tax.
- **similar product** - similar product shall mean a product substantially of the same purpose, quality and functionality.
- **slash (the "/" character)** - means "and, or" as logic allows.
- **Sovereignty** – the right to decide individually or as a collective body those things which are meaningful to the individual or to the collective body – particularly regarding the actions which should be taken, and the relative costs of those actions.
- **special escrow account** - special escrow account means an account specifically established for the collection, holding and per-capita distribution of import taxes. No funds shall ever be borrowed from the special escrow account. Except to fund the watch-dog organization, the funds in the special escrow account may never be used, in any way, for the general obligations of government. This account shall be auditable by the Federal Government Auditor, but shall remain out of the control of elected officials.
- **special interest – (Politician's)** – means any 1) **direct** interest or any 2) **indirect** interest, or 3) **present** interest or 4) indicated or promised **future** interest which might benefit the **politician personally or their interest**. All politicians are hereby specifically deemed to have a "**special-interest**" in and desire to **benefit** any direct or indirect interest with which they were associated **before** assuming the political office.
- **State law** – any law established by the direct, popular vote of the people of that State [or, as specifically applicable, that US insular area (formerly known as "protectorate", for example Puerto Rico)]
 - State law – any law established by the direct, popular vote of the people of that State (or, as specifically applicable, that US protectorate)
- **Supremacy** – any actual, or implication of, higher authority
 - Supremacy – any actual, or implication of, higher authority
- **tax** - tax shall mean the collection of a fee measured in US dollars
- **tax refund** - tax refund means a distribution from the dedicated escrow account established specifically for, and which contains the collections of the import tax.
- **tax-supported public office** -- means any office or job or position within the organizational structure of a **government entity or quasi-government entity** in which, or by which, or through which, the incumbent of that public office is compensated from funds which source, in whole or in part, from **government funds**.
- **the continental US** - the continental US (continental United States) shall mean only the officially recognized states of the United States - specifically including the physically separated states of Hawaii and Alaska, and specifically **excluding** insular areas (formerly known as "protectorates", for example Puerto Rico).
- **The US** - shall include **all** states of the continental United States **and including** all insular areas (formerly known as "protectorates", for example Puerto Rico) of the United States.
- **Timely Distribution (Timely distributed) to the Resident Governed Citizens** – means that any and all assets forfeited directly, and/or **finalized** assets shall be **distributed to the resident governed citizens on a per-household basis** at the time when tax refunds are distributed. **Under NO circumstances shall ANY forfeited, seized or finalized assets be placed in any fund, or budget, or account (by whatever name) managed by any other politician(s)**. All seized and finalized assets are **specifically reserved** for distribution to the resident governed citizens.
- **transfer** -- the transition through the US or any of its insular areas (formerly known as "protectorates", for example Puerto Rico) to a nation other than the US.
- **Treaty** (by that or any other title or name) – an agreement usually, but not restricted to agreements between nations, toward a common goal or purpose.
- **United States (also US)**– The individual states of the North American union which have associated themselves as the United States of America. Any reference to the United States shall equally apply to its insular areas (formerly known as "protectorates", for example Puerto Rico) unless specifically modified (for example but not limited to: the continental United States).
- **US Import Service** – the independent Service of the United States which defines, assesses and collects import tax; and which inspects imported containers. This Service performs services similar to the former US Customs Service.
- **valid source** – means a source of **value** or **benefit** having **all** of the following (which shall be verifiable during investigation within 30 days of investigation commencement) :
 -) a unique individual, with a given, family name
 -) a unique phone number
 -) a unique address
 -) having a verifiable, direct (first hand) **live individual** contributor (not a business or other such entity) with whom an interview reveals a genuine contribution of value - without expectation of any corresponding vote or influence upon government business.
- **Value** – means any useful **economic good** for which barter, or payment via any **medium of exchange**, or quid-pro-quo service would normally be required.

Value is ascribed to any item or act which increases physical and/or psychological pleasure (e.g.: an award or personal service) or which reduces displeasure.

Value also includes intangible elements (for example: any present **control over** an entity and includes any promise or indication of future **control over** an entity).

However, **for the purposes of this act, value specifically means** an amount in excess of the insignificant amount.

- **verified American citizens** - means natural persons having verifiable birth records or naturalization documents showing official US citizenship. For distribution purposes, persons must be documented as of the end of the previous calendar year.
- **vote** – means
 - 1) Cast an indication of preference regarding an official motion or proposition requiring a decision, which is being considered by the leaders of the tax-supported organization. As determined by context, "vote" can also mean the indication of preference by the resident governed citizens.
and/or
 - 2) Vote broadly also includes the exercise of the ability to have a **determining influence** regarding the definition of (or the implementation of) any **executive order**.
and/or
 - 3) Vote broadly also includes the exercise of the ability to permit or authorize or direct or influence any government business.
- **wholesale sale** - wholesale sale shall mean distribution to the wholesale US consumer who will perform warehousing and/or additional manufacturing or additional processing toward a final economic good.