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RECEIVED

Aug 11 2025

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

July 24, 2025

Initiative Coordinator

Office of the Attorney General

1300 I Street, 17th Floor

Sacramento, CA 95814

Dear Initiative Coordinator,

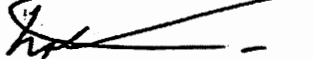
I, Hatem al-Bazian, respectfully request that a circulating title and summary of the chief purpose and points of the attached proposed initiative measure be prepared pursuant to Section 9002 of the California Elections Code.

I, Malak Afaneh, respectfully request that a circulating title and summary of the chief purpose and points of the attached proposed initiative measure be prepared pursuant to Section 9002 of the California Elections Code.

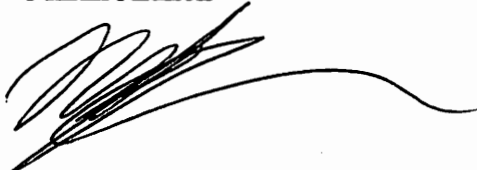
Attached to this request is the complete text of the proposed measure.

Sincerely,

Hatem al-Bazian



Malak Afaneh



Initiative Measure to Be Submitted Directly to the Voters

SECTION 1. INITIATIVE TITLE

This Initiative shall be known and may be cited as the "California Freedom to Boycott Act."

Initiative Summary: This initiative affirms the right of individuals, organizations, university institutional bodies, and public entities in California to participate in boycotts, divestments, and sanctions (BDS) related to Israel as a form of political expression and speech protected under the First Amendment of the US Constitution. It prohibits state, local governments, and university governing boards and administrations from enacting laws or policies that penalize or restrict such activities by individuals, organizations, businesses or public institutions.

SECTION 2. FINDINGS AND PURPOSE

(a) The Initiative finds and declares that:

(1) The First Amendment of the United States Constitution protects the right to engage in political expression, including boycotts. Boycotts are a powerful form of peaceful protest and collective action that are central to free speech and democratic participation. Boycotts allow individuals, organizations, businesses, and public institutions to express their values through their actions by refraining from supporting individuals, companies, or governments that engage in practices perceived to be unethical or unjust.

(2) The United States Supreme Court has affirmed the right to boycott as a form of constitutionally protected speech (e.g., *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886 (1982)). The history of the United States and California is filled with numerous examples of people engaging in non-violent boycotts to express their values and political beliefs. For example, in 1955, African-Americans in Montgomery, Alabama famously engaged in a 13-month boycott of city buses to protest the practice of segregation. In the 1960s and 1970s, California farmworkers promoted a nationwide boycott of table grapes as part of their effort to

demand better wages and working conditions for farmworkers in California's central valley. In the 1980s, University of California students and faculty called upon their universities to boycott investment in companies doing business in apartheid-era South Africa to express disapproval of the practice of apartheid. Consumers often use boycotts to express disapproval of practices that hurt workers or the environment, or other corporate behavior. Indeed, even the early American colonists engaged in boycotts of British goods to protest taxes and other actions that harmed their interests.

(3) Boycotts, divestments, and sanctions (BDS) campaigns related to Israel are forms of political expression protected by the First Amendment.

(4) State and local governments, as well as public institutions, including universities, must not infringe upon or penalize the exercise of constitutionally protected rights.

(5) California's Constitution affirms in Article I, Section 2 and Section 3 the rights of free speech and freedom of association.

(6) Judicial decisions in *Koontz v. Watson*, *Amawi v. Pflugerville Independent School District*, and similar cases have confirmed that anti-BDS contract requirements impermissibly burden protected expression.

(7) Boycotts undertaken in support of Palestinian rights, including those targeting the policies and institutions of the State of Israel, are political in nature and do not constitute unlawful discrimination. Such actions are directed toward opposing government conduct and human rights abuses and are consistent with established First Amendment protections.

(b) The purpose of this Act is to safeguard the right of individuals, organizations, businesses and public institutions to engage in political expression, including participation in BDS activities, without fear of retaliation or restriction by the State of California or its subdivisions.

SECTION 2.5. INITIATIVE INTENT AND INTERPRETATION

This Act shall be interpreted in a manner that most fully effectuates the protection of rights guaranteed by the First Amendment of the United States Constitution and Article I, Section 2 of

the California Constitution. Its provisions shall be liberally construed to advance the protection of political expression.

For the avoidance of doubt, BDS activities as defined in this Act—including boycotts, divestments, and sanctions related to Israel—constitute protected expression under the First Amendment of the U.S. Constitution and Article I of the California Constitution. Engagement in BDS activities, whether by individuals, organizations, businesses, or public institutions, is a lawful exercise of political expression and shall be afforded the full protections guaranteed to such speech and advocacy.

SECTION 2.6. CLARIFICATION REGARDING EXISTING LAW

Nothing in AB 2844 (2016) or any similar provision of California law shall be interpreted to classify participation in BDS activities—including boycotts in support of Palestinian rights—as unlawful discrimination. This Act affirms that BDS activities constitute political expression protected by the First Amendment of the United States Constitution and Article I of the California Constitution.

SECTION 3. DEFINITIONS

(a) "BDS activities" means any action, including but not limited to boycotts, divestments, or sanctions, undertaken individually or collectively, that expresses support for Palestinian rights, or opposition to human rights abuses, occupation, or discriminatory practices by the State of Israel or entities complicit in such conduct.

(b) "Public entity" includes the state, the Regents of the University of California, the Trustees of the California State University and the California State University, a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the State."

(c) "Public institution of higher education" means any campus, administration, or governing body of the University of California, California State University, or California Community Colleges.

(d) "Political repression" means any adverse action, discriminatory treatment, or retaliatory practice, whether by a public entity or by a private entity acting in concert with or under the influence of a public entity, that targets individuals, organizations, or institutions on the basis of their political viewpoints, affiliations, or expressive conduct, including but not limited to surveillance, monitoring, harassment, blacklisting, doxing, selective enforcement of laws, denial of access to public forums or benefits, or other coercive conduct that chills, punishes, or burdens the exercise of rights protected by the First Amendment.

(e) "Public funding or subsidy" means any financial assistance administered by a public entity, including but not limited to public grants, loans, research funds, or awarded contracts.

(f) "Protected expression" means any activities protected by the First Amendment of the U.S. Constitution and Article I of the California Constitution, including but not limited to political advocacy and economic activism.

(g) "Time, Place, and Manner restrictions" means content-neutral regulations imposed by public institutions or entities on the timing, location, or method of expressive activities. Such restrictions must:

1. Be narrowly tailored to serve a significant governmental interest;
2. Leave open ample alternative channels for communication; and
3. Not be applied in a discriminatory, pretextual, or arbitrary manner to suppress or burden constitutionally protected expression, including BDS activities.

(h) "Contractor" means any individual, organization, business, or entity that has entered into a contract with a public entity, including subcontractors, consultants, agents, or any party acting on behalf of or under the direction of such a contractor.

(i) "Boycott" means a form of protest or expression in which an individual, organization, business, public entity, or a group thereof, refuses to purchase or use a good or service, or invest or participate in an activity or enterprise, in order to express disapproval of a law, policy, or practice, or to apply pressure for a change in government or corporate policies, behaviors, or practices, including changes of law or regulation. For purposes of this initiative, "Boycott" does

not include any activity prohibited by 50 U.S.C. § 4841, *et seq.*

SECTION 4. PROHIBITION ON DISCRIMINATORY POLICIES

No public entity shall enact, adopt, or enforce any law, policy, or practice that:

- (a) Penalizes, discriminates against, or otherwise restricts any individual, organization, or business for engaging in BDS activities;
- (b) Conditions eligibility for public contracts on the renunciation of BDS activities or any other form of protected political speech;
- (c) Conditions eligibility for public grants, funding, or subsidies on the recipient's agreement to refrain from BDS activities.
- (d) Accepts a donation, grant, award, or subsidy, or enter into any contract or agreement, which requires the entity to pledge, commit, or agree not to engage in, or to renounce, any boycott.

SECTION 5. UNIVERSITY AND CAMPUS PROTECTIONS

- (a) No public institution of higher education shall adopt or enforce any regulation, policy, or administrative action that restricts or penalizes students, faculty, or university-recognized organizations for engaging in BDS activities.
- (b) Time, Place, and Manner restrictions must not be applied in a manner that abridges the full scope of First Amendment rights.
- (c) To ensure effective protection of these rights in both public and private educational settings, Education Code Sections 48950(a), 66301(a), and 94367(a) are amended to insert the following language at the end: "or the California Freedom to Boycott Act."

SECTION 6. PUBLIC INVESTMENT AND RETIREMENT PROTECTIONS

- (a) No public investment or retirement fund administered by the State or any of its subdivisions shall adopt policies that infringe upon or restrict the right to support or implement BDS activities.

(b) Internal policies or investment directives shall not abridge individuals' or boards' rights to advocate for or adopt investment decisions consistent with BDS activities.

SECTION 7. PROHIBITION ON POLITICAL REPRESSION

(a) No public entity or public institution, nor any private actor acting on behalf of, under contract with, at the direction of, or receiving public funds from a public entity, shall engage in political repression targeting individuals or organizations for their participation in BDS activities.

(b) Law enforcement agencies, private security firms, or other entities acting under the direction of or in coordination with public entities shall not be used to interfere with, disrupt, or intimidate individuals exercising their First Amendment rights.

SECTION 8. SOCIAL MEDIA AND DIGITAL PRIVACY PROTECTIONS

(a) No public entity, nor any contractor, subcontractor, agent, or affiliated party acting on its behalf, shall engage in political repression in digital spaces, including but not limited to social media platforms, messaging applications, or online databases. Prohibited actions include, but are not limited to:

- (1) Doxing or the public disclosure of personal or identifying information of individuals or groups engaged in BDS activities;
- (2) Surveillance, digital tracking, shadow banning, or algorithmic suppression of protected expressive activities;
- (3) The collection, analysis, or dissemination of individuals' or organizations' online activity for the purpose of penalizing, discrediting, or deterring participation in BDS activities or other First Amendment-protected expression.

SECTION 9. ENFORCEMENT AND REMEDIES

(a) Any individual or entity aggrieved by a violation of this Act may seek appropriate relief in a court of competent jurisdiction, including injunctive or declaratory relief, and, where warranted,

compensation for actual damages. Where actual damages are not proven, an aggrieved individual may recover statutory damages of not less than \$10,000.00 per violation. An aggrieved individual may pursue statutory damages in lieu of actual damages.

(b) A prevailing plaintiff shall be entitled to reasonable attorney's fees and costs.

c) If this Act is approved by voters but superseded by law by any other conflicting act approved by voters at the same election, to the extent that any provision of this Act does not conflict with the superseding act, such provisions shall survive and be self-executing and given full force and effect.

SECTION 10. SEVERABILITY

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

SECTION 11. EFFECTIVE DATE

This Act shall become effective as provided in subdivision (a) of Section 10 of Article II of the California Constitution.

SECTION 12. TRANSPARENCY MEASURES

Notwithstanding any other provision of law, any record, including but not limited to communications, internal policies, contractual provisions, memorandums of understanding, or third-party agreements that references, impacts, or otherwise pertains to BDS activities shall be deemed a matter of significant public concern and is therefore presumed to be in the public interest. Such records shall not be considered exempt from disclosure under the California Public Records Act (Government Code §§ 7920.000 et seq.), and shall be disclosed upon request, unless a specific exemption under the Act clearly applies.

SECTION 13. WHISTLEBLOWER PROTECTION

No individual shall suffer retaliation, including loss of employment, contract, or funding, for disclosing, opposing, or refusing to comply with a policy or practice that violates this Act.

SECTION 14. IMPLEMENTATION GUIDANCE

The Attorney General shall issue guidance within 180 days of the Act's effective date to aid public entities in understanding and complying with this Act. Such guidance may include best practices for protecting constitutionally protected expression, recommended internal policy adjustments, and clarification of how existing contracting, funding, and enforcement mechanisms must be applied in accordance with this Act.

SECTION 15. NEUTRALITY

Nothing in this Act shall be construed to compel any public entity to adopt a specific position on BDS, but rather to ensure neutrality and protect the constitutional rights of those who choose to engage in or support BDS activities. However, public entities that choose to adopt or decline to adopt any boycott must respect the rights of others to engage, participate in, or advocate for or against such boycotts as provided in Section 4.

SECTION 16. CONFLICTING INITIATIVES

(a) In the event that this Act and another act addressing BDS activities shall appear on the same statewide ballot, the provisions of the other act or acts shall be deemed to be in conflict with this Act. In the event that this Act receives a greater number of affirmative votes than an act deemed to be in conflict with it, the provisions of this Act shall prevail in their entirety, and the other act or acts shall be null and void.

(b) If this Act is approved by voters but superseded by law by any other conflicting act approved by voters at the same election, and the conflicting ballot act is later held invalid, this Act shall be self-executing and given full force and effect.

(c) If this Act is approved by voters but superseded by law by any other conflicting act approved by voters at the same election, to the extent that any provision of this Act does not conflict with the superseding act, such provisions shall survive and be self-executing and given full force and effect.