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Honorable Alex Padilla
September 7, 2017

Stand Up For California!
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September 7, 2017

Honorable Alex Padilla
California Secretary of State
Attn: Bill Mabie
1500 11th Street
Sacramento, CA. 95814
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Fax: 916 653 1458

RE: AB 1606 WILTON TRIBAL STATE COMPACT
Secretary’s Responsibility to Protect Voting Rights

Dear Secretary of State Padilla,

As a constitutional officer charged with administration of elections in California, the Secretary of State has a special responsibility to protect the voting rights of Californians. The recent passage of AB1606 - Ratification of the Wilton Tribal State Compact as an urgency measure raises concerning questions as to the appropriate usage of an urgency measure intentionally used to stifle voter’s rights to a referenda. According to the State’s glossary of legislative terms, urgency legislation is defined as *“A bill affecting the public peace, health, or safety and requiring a 2/3’s vote for passage. An urgency bill becomes effective immediately upon enactment.”* Citizens were told an urgency measure was specifically being employed to intentionally prevent a referendum on AB 1606.

Government Code Section 12012.25 (f) delegates to the California Secretary of State the duty of forwarding the ratification statute of ratified compacts to the Secretary of the Interior. Federal regulations require states to certify *“under the authority of State Law”* that compacts *“have been legally entered into.”* We ask that before transmitting this statute and compact to the United States Department of the Interior that your office take a thorough review of AB 1606 to consider if it meets California’s Constitutional standard of an urgency measure. Further we ask that you make comments regarding the use of the urgency measure in your transmittal of the statute and compact to the Secretary of the Interior.

For example, in 1999 an urgency measure was justified. Fifty-seven Tribes negotiated tribal state compacts with Governor Davis. These compacts were ratified with an “urgency” bill. Circumstances of illegal gaming, pending federal litigation by U.S. Attorneys, and potential closure of 37 operational casinos by federal officials justified the ratification of tribal state compacts with an urgency bill.

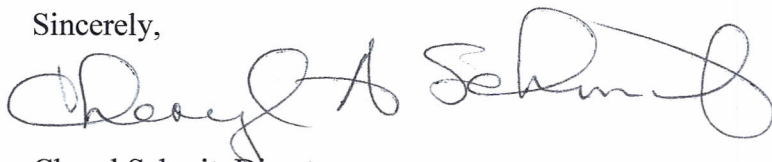
Justification for AB 1606 to be an urgency measure can be found in section 2 of the bill. The urgency for the Wilton Tribe and Boyd Gaming of Nevada is necessary to obtain financing for the casino construction. It is unclear how this protects the public ‘immediately’ when there are still unanswered questions about the status of the newly acquired land, or how the introduction of casino style gambling into an urban community contrary to the promises of Proposition 1A in 2000 is in the best interests of the public’s health and safety. AB 1606 section 2 identifies the urgency necessity:

This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are: **In order to enhance, at the earliest possible time, the economic development, long-term stability, and self-sufficiency of the Wilton Rancheria, and to protect the interests of the tribe and its members,** the surrounding community, and the California public, it is necessary for this act to take effect immediately.

The use of an urgency measure to ratify AB 1606 is not necessary. Urgency measures are used when bills intend to prevent an outbreak of cholera or a plague or prevent riots in the streets. Urgency measures are used when there is fear of costly damage to human life or property. The use of the urgency measure for AB 1606 was intended to stifle voter’s rights to referenda undesirable legislation. Clearly, the use of an urgency statute for AB 1606 is an abuse of the spirit and intent of the plain language of the California Constitution. This is an affront to voter rights. The stated reasoning of the bill does not rise to the constitutional standard of an urgency measure.

While we recognize that Government Code Section 12012.25 (f) delegation is a ministerial action. We ask that you include comments in a letter to the Secretary of the Interior that identifies the abuse of the urgency measure. We believe this is both timely and well within the authority and obligation of your office. We look forward to your timely reply. We thank you in advance for your service to the voters of the State of California.

Sincerely,



Cheryl Schmit, Director
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