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CITY COUNCIL MEETING
FEBRUARY 15, 1984

LETTER FROM CONGRESSMAN DON EDWARDS RE EARLY ELECTION DAY PROJECTIONS

City Clerk Reimche presented the following letter which had been received from Congressman Don Edwards regarding early election day projections:

"As you know, early election-day projections have come to play a significant role in discouraging participation in our electoral process, particularly in California. In 1980, we witnessed a three percent decline in turnout, about 400,000 California voters, and watched citizens actually leave the polls because of the projections by broadcasters.

I feel that it is in the national interest for the broadcasters to act responsibly by voluntarily refraining from early election projections, but apparently, the networks don't perceive they are interfering with citizens' constitutional rights.

Clearly, there is a growing concern in the West about the effect of early election projections. According to several polls, 71% of Western voters believe that broadcasters should not have announced their projections until all the polls had closed and 64% favor prohibiting early projections entirely.

Because I firmly believe that a person's vote is a precious right and that everyone's vote counts and because the broadcasters have refused to act responsibly, I am introducing a Resolution in Congress this month calling upon the broadcasters to take voluntary action. I have enclosed a copy for your information. I encourage and welcome your support.

If you have any questions or need further information, please don't hesitate to call me (202) 225-3072, or Debbie McFarland and Pam Barry at (202) 226-2313. I look forward to receiving your comments and working with you on this issue.

Sincerely,

s/Don Edwards
Member of Congress"

No formal action was taken by the Council on this matter.

DON EDWARDS
10TH DISTRICT, CALIFORNIA

COMMITTEE ON
JUDICIARY

CHAIRMAN
SUBCOMMITTEE ON
CIVIL AND
CONSTITUTIONAL RIGHTS

COMMITTEE ON
VETERANS' AFFAIRS

Congress of the United States
House of Representatives
Washington, D.C. 20515

WASHINGTON OFFICE:
(202) 225-3072

DISTRICT OFFICES:
1625 THE ALAMEDA
SAN JOSE, CALIFORNIA 95126
(408) 292-0143
38750 PASEO PADRE PARKWAY
FREMONT, CALIFORNIA 94536
(415) 792-8320

January 20, 1984

Honorable Evelyn Olson
Mayor
221 W. Pine St.
P.O. Box 320
Lodi, California 95240

Dear Mayor Olson:

As you know, early election-day projections have come to play a significant role in discouraging participation in our electoral process, particularly in California. In 1980, we witnessed a three percent decline in turnout, about 400,000 California voters, and watched citizens actually leave the polls because of the projections by broadcasters.

I feel that it is in the national interest for the broadcasters to act responsibly by voluntarily refraining from early election projections, but apparently, the networks don't perceive they are interfering with citizens' constitutional rights.

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Sincerely,

Don Edwards

Don Edwards
Member of Congress

DE/pab

98TH CONGRESS
2D SESSION

H. RES. _____

IN THE HOUSE OF REPRESENTATIVES

RESOLUTION

Calling upon the television and radio industry and other members of the news media to voluntarily refrain from projecting presidential election results or making predictions in presidential elections until all the polls throughout the United States have closed.

Whereas in 1980, on the west coast, electronic media made presidential election projections at 3:30 post meridian;

Whereas the voter turnout in 1980 was the lowest since 1948;

Whereas in 1980, 3 percent of registered voters in the Western United States reported that they did not go to the polls because of early election projections by television and radio;

Whereas in 1980, countless eyewitnesses reported individuals leaving polling places following announcements by broadcasters of a projected presidential winner;

Whereas rapidly developing technology and techniques make it probable that projections will be made earlier in future elections;

Whereas a decline in voter participation is an unacceptable trend for a healthy, vibrant political environment;

Whereas early election projections do not serve any significant societal purpose and are unnecessary and potentially damaging to the political process and voter participation;

Whereas the right of Americans to cast informed and educated votes is the cornerstone of our democracy and freedom of the press is intended to further that basic right; and

Whereas Congress has a compelling interest and inherent duty to protect the voting rights of all Americans and to seek an increase in participation in the electoral process: Now,

1 therefore, be it <u>Resolved</u>, That the House of Representatives
2 calls upon the television and radio industry and other members
3 of the news media to voluntarily refrain from projecting
4 presidential election results or making predictions in
5 presidential elections until all the polls throughout the United
6 States have closed.

COMMITTEE TO REFORM SPENDING PRACTICES
IN
THE CALIFORNIA LEGISLATURE
(SHORT TITLE: OPERATION SLUSH FUND)

Ralph D. Morrell, Chairman
825 Newgate Way, Dixon, California 95620
Phone (916) 678-2543

RECEIVED
JAN 27
ALICE M. REINKE
CITY CLERK
LODI

January 26, 1984

Tracy City Council
Manteca City Council
Ripon City Council
Lodi City Council

Dear Councilmembers:

This will supplement the request of San Joaquin County Taxpayers' Association, Inc., in its letter of December 6, 1983, a copy of which is attached.

We appeal to the addressees to participate in the ever-widening resolution of "local governments" to force a halt to the obscenity targeted by this non-partisan, non-profit, state-wide, grass-roots, citizen's group.

In addition to eight other local governments, Operation Slush Fund has been endorsed by the cities of Escalon and Stockton and the Board of Supervisors, San Joaquin County.

We enclose a copy of the Stockton resolution, together with a copy of the Stockton letter addressed Senator John Garamendi, et al.

Additionally, we enclose an editorial, one of many, which we belive reflects the views of taxpayers across California.

Your resolution of support will do much to cause an early cessation to this practice which has contributed to the loss of credibility of our Legislature.

Sincerely,

Ralph D. Morrell, Chairman
Operation Slush Fund

Attachments:
San Joaquin County Taxpayers' Ass'n. ltr. Dec. 6, 1984
City of Stockton Resolution
City of Stockton ltr. - Sen. John Garamendi, et al.
Editorial, Jan. 22, 1984, Enterprise Record, Chico.

cc:
San Joaquin County Taxpayers' Ass'n. Inc.
w/copy of attachments

"Our government is the potent, the omnipresent teacher. For good or for ill it teaches the whole people by example. Crime is contagious. If the government becomes the lawbreaker, it breeds contempt for law. It invites every man to become a law unto himself. it invites anarchy."
—U. S. Justice Brandeis (1856-1941)

SAN JOAQUIN COUNTY
TAXPAYERS'
ASSOCIATION, INC.

December 6, 1983

EXECUTIVE COMMITTEE
1983 - 84
Joseph De Silva
President
Susan Harris
1st Vice President
Robert Meyer
2nd Vice President
Harry Sexton
3rd Vice President
Eston Baker
Secretary/Treasurer

DIRECTORS
Doug Carter
Joe Cirtolo
Jack Cutler
Tom Kruse
Monte McFall
Lester Novaresi
Mark O'Toole
Jim Parkinson
Paul Sanguinetti, Jr.
Eddie Simas
David Swim
Jerry Weis

San Joaquin County Board of Supervisors
Stockton City Council
Tracy City Council
Manteca City Council
Ripon City Council
Escalon City Council
Lodi City Council

Dear Supervisors and Councilmembers:

The San Joaquin County Taxpayers Association is extremely concerned about the Legislative "Slush Fund" which exists in the state of California. This slush fund, which currently exceeds 120 million dollars annually, exists pursuant to Section 9130 of the Government Code. This fund is specifically exempted from the provisions of Section 925.6 of the Government Code, which provides for auditing. Our legislature has set itself in an exalted position, exempt from the standard requirement of accountability for the public monies it spends.

Attached you will find a copy of a Resolution that has been approved by a number of cities and counties in California.

We request that you place this matter on your agenda for consideration at the earliest convenient time. Please notify the San Joaquin County Taxpayers Association of the date and time. Also, please notify Mr. Ralph Morrell, Operation Slush Fund Chairman, 825 Newgate Way, Dixon, CA 95620, (916) 678-2543, of the date and time, so that he may be present to fully advise you on this matter of utmost importance to every taxpayer and voter in this state. Thank you for your time and for your consideration.

Sincerely,

Joseph R. De Silva

Joseph R. De Silva
President

JRDeS/pg

Incl
Sample resolution

520 NORTH CALIFORNIA STREET, ROOM [illegible] • STOCKTON, CALIFORNIA [illegible] • [illegible]

CITY OF STOCKTON

OFFICE
OF THE CITY MANAGER
STOCKTON, CA 95202
TELEPHONE 209/944-8212

January 18, 1984

Senator John Garamendi
State Capitol
Sacramento, CA 95814

OPERATION SLUSH FUND

On January 16, 1984, the Stockton City Council adopted Resolution No. 40,329 supporting the concept of Ralph Morrell's operation "Slush Fund" campaign.

As directed by the Council, I am writing to urge your assistance in enacting legislation which would repeal the provisions of the government code that exempts these funds from public scrutiny. We strongly support Mr. Morrell's proposal and urge your support as well.

RAY CEZAR
CITY MANAGER

RC/LR:sr

Enclosure

cc: Mr. Ralph Morrell
League of California Cities
City Council
City Attorney
City Clerk

Identical letters sent Assemblyman Norm Waters and Assemblyman Pat Johnston.

Resolution No. 40329

STOCKTON CITY COUNCIL

RESOLUTION SUPPORTING OPERATION "SLUSH FUND" AND RESTRICTIONS ON EXPENDITURES OF THE SENATE AND ASSEMBLY OF THE STATE OF CALIFORNIA

WHEREAS, the Government Code of the State of California exempts the Legislative Contingency and Printing Funds from the State Controller's audit process; and

WHEREAS, the Legislature has appropriated for its own operations for the 1981-82 Fiscal Year, an amount in excess of 30 percent (30%) above the previous year disregarding the taxpayer demands for reduced spending which many citizens view as a legislative "Slush Fund"; and

WHEREAS, these expenditures are a wasteful consumption of tax dollars which should be applied to public services; and

WHEREAS, the expenditure of all other agencies within State government are, according to Government Code, subject to audit by the State Controller; and

WHEREAS, according to law, the tax returns of all Californians are subject to audit by the State.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Stockton supports the aims of "Operation Slush Fund" and urge our elected representatives to enact appropriate legislation to repeal the provisions of Section 9130 of the Government Code, which exempts these funds from the provisions of Section 925.6 (Audit) of the Government Code.

PASSED, APPROVED and ADOPTED this 16th day of January, 1984.

/S/ RANDY RONK
RANDALL "RANDY" RONK
Mayor of the City of Stockton

ATTEST:

/S/ FRANCES HONG
FRANCES HONG
City Clerk of the City of Stockton

Ayes---Councilmember Clayton, Coale, Herbert, Oliva, Parkinson, Sousa, and Mayor Ronk.
Noes---Councilmember Stebbins

I, Frances Hong, certify that this document is a true and correct copy of RESOLUTION No. 40329 adopted by the City Council of the City of Stockton on January 16 1984 and on file in the office of the City Clerk of the City of

Chico Enterprise-Record
Editorial Page
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Garey Weibel, Publisher
Bob Peterson, Editorial Page Editor
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Capitol News Service
Locally Operated Member Donrey Media Group

Defending the indefensible

Most E-R readers are familiar with the efforts of Dixon retired Navy warrant officer activist Ralph Morrell's effort to eliminate what he calls immoral and illegal legislative waste.

Under the banner of Operation Slush Fund, a statewide non-partisan, nonprofit organization he founded some two years ago, Morrell has been seeking repeal of California Government Code Section 9130 that governs how legislative expense records are filed.

While Sec. 925.6 of the Government Code requires that claims submitted to the controller shall be audited by him before any payment is made, provisions of Sec. 9130, say that "contingent" funds are not subject to Sec. 925.6.

On that absurd legal loophole, made into law by deceitful legislators, reimbursement claims submitted to the controller's office for payment from the contingent (otherwise known as slush) fund are routinely paid and in this manner, millions of taxpayer dollars are being spent capriciously via petty cash vounchers without benefit of the auditing process that all other expenditure of taxpayer dollars are required to go through.

Last year $120 million reportedly were spent in support of the activities of the Legislature. The specifics of those expenditures, which is said to be up an incredible 103 percent in only four years, included everything from jewelry to donuts to auto repair, are known but to those who freely spend the hard-earned taxpayer dollars so they can live like royalty in the kingdom of Sacramento.

Controller Ken Cory has shied away from auditing the slush fund for obvious political reasons. He has begged off claiming that he can do so at his discretion and that he has no reason to question the reimbursement expenditures presented to him.

So Morrell took the matter to the Legislature, believing there must be enough honest souls there agreeing that the practice is morally reprehensible. Although some admitted the slush fund was being abused, and some even tried to correct it through proposed legislation, the issue, and Morrell, was quickly and predictably ignored.

Undaunted, Morrell, with the Paradise Town Council serving as conduit, took his case to the League of California Cities.

The Paradise Town Council adopted a resolution pointing out that Sec. 9130 wording makes it impractical for claims, illegal or otherwise, to be rejected by the controller or scrutinized by the public, and condemning non-documented legislative spending practices.

In turning thumbs down on the effort to clean up this legislative abuse, the League used the flimsy excuse that it was a legislative matter outside their bailiwick.

Being the persistent man that he is — and taxpayers of the state ought to be thankful for that — Morrell then filed a lawsuit in Sacramento Superior Court, seeking an injunction to order the Legislature to cease giving free food, from the proverbial donut to gourmet meals, paid out of the contingent fund, while legislators are receiving per diem payments which currently amount to $62 a day.

The state Constitution prohibits perks, such as money for free food, except that which is established, such as by per diem payments.

In retaliation, the Legislature hired a private Sacramento law firm to defend Morrell's charges of spending abuses, and at this firm's request the court has ordered Morrell's complaint be refiled because it was "too vague."

This hired counsel, which taxpayers are paying for, claims the complaint didn't give a specific date when the spending abuses began. That would seem to be irrelevant to the crux of the issue at hand. Nonetheless, the complaint will be refiled with abuses dated back to 1981.

More and more citizens of late have perceived that lawmakers are arrogant big spenders who are more interested in being reelected than serving the public. This latest legal move by the Legislature merely confirms it.

The public deserves an accounting, by name, of any member of the Legislature or any committee of the Legislature by whom or for whom a purchase is made utilizing the funds.

And there should be public indignation expressed to each legislator for retaining a private law firm to defend their unreported self indulgence at taxpayers' expense.

It is a shameful disgrace for the Legislature to perpetuate such secretive spending procedures and then defend itself against allegations of these abuses that many legislators have confirmed have occurred. And it is doubly shameful and disgraceful to use taxpayers' money to defend the indefensible.