



AGENDA ITEM NO.
D-3

COUNTY OF HUMBOLDT

For the meeting of: October 14, 2014

Date: October 3, 2014
To: Board of Supervisors
From: Supervisor Rex Bohn
Subject: Wiyot Tribe Presentation on Proposition 48

RECOMMENDATION(S): That the Board of Supervisors hear the presentation and take appropriate action.

SOURCE OF FUNDING: N/A

DISCUSSION: California Proposition 48, the Referendum on Indian Gaming Compacts, is on the November 4, 2014 California ballot. If the measure is approved by the state's voters, it will ratify tribal gaming compacts between the state and the North Fork Rancheria of Mono Indians and the Wiyot Tribe.


FINANCIAL IMPACT: N/A

OTHER AGENCY INVOLVEMENT: N/A

ALTERNATIVES TO STAFF RECOMMENDATIONS: Board discretion.

ATTACHMENTS: Proposition 48

Prepared by Tracy Damico

Signature 

REVIEW: Auditor _____ County Counsel _____ Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
xx Other Special Presentation

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor _____ Seconded by Supervisor _____

Ayes
Nays
Abstain
Absent

SEE ACTION SUMMARY

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: _____

By: _____

Kathy Hayes, Clerk of the Board

BALLOTPEDIA *an interactive almanac of U.S. politics **Sample Ballot Lookup**

California Proposition 48, Referendum on Indian Gaming Compacts (2014)

California Proposition 48, the Referendum on Indian Gaming Compacts, is on the November 4, 2014, ballot in California as a veto referendum.

If the measure is approved by the state's voters, it will:

- Ratify AB 277 (Ch. 51, Stats. 2013);
- Ratify two gaming compacts between California and, respectively, the North Fork Rancheria of Mono Indians, and the Wiyot Tribe.
- Exempt execution of the compacts, certain projects, and intergovernmental agreements from the California Environmental Quality Act.

This measure is a veto referendum; this means that a "yes" vote is a vote to uphold or ratify the contested legislation (AB 277) that was enacted by the California State Legislature while a "no" vote is a vote to overturn AB 277.

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Proposition 48




Click here
(http://ballotpedia.org/most-recent-page-in-category.php?category=2014_ballot_news) for the latest news on U.S. ballot measures

Quick stats

Type: Veto referendum
Topic: Gambling
Status: *On the ballot*

2014 propositions



June 3

- Proposition 41 ✓
- Proposition 42 ✓

November 4

- Proposition 1
- Proposition 2
- Proposition 45
- Proposition 46
- Proposition 47

Proposition 48

Donations • Vendors
Endorsements • Full text
Ballot titles • Fiscal impact
Local measures

Text of measure

See also: Ballot titles, summaries and fiscal statements for California's 2014 ballot propositions

Ballot title:^[1]

Indian Gaming Compacts. Referendum.

Official summary:

The long-form summary reads:^[1]

“ A “Yes” vote approves, and a “No” vote rejects, a statute that:

- Ratifies tribal gaming compacts between the state and the North Fork Rancheria of Mono Indians and the Wiyot Tribe.
- Omits certain projects related to executing the compacts or amendments to the compacts from scope of the California Environmental Quality Act.^[2]

”

The short-form or ballot label summary reads:^[3]

“ A “Yes” vote approves, and a “No” vote rejects, tribal gaming compacts between the state and the North Fork Rancheria of Mono Indians and the Wiyot Tribe.^[2] ”

Fiscal impact statement:^[1]

(Note: The fiscal impact statement for a California ballot initiative authorized for circulation is jointly prepared by the state's Legislative Analyst and its Director of Finance.)

- “
- One-time payments between \$16 million and \$35 million from the North Fork tribe to local governments in the Madera County area to address costs related to the operation of a new casino.
 - Annual payments over a 20-year period averaging around \$10 million from the North Fork tribe to the state and local governments in the Madera County area to address costs related to the operation of a new casino.
 - Increased revenue from economic growth in the Madera County area generally offset by revenue losses from decreased economic activity in surrounding areas.^[2]
- ”

Background

Proposition 1A (2000)

See also: California Proposition 1A, Gambling on Tribal Lands (2000)

In 2000, Californians approved Proposition 1A, also known as the Gambling on Tribal Lands Amendment. The legislatively-referred constitutional amendment was designed to allow tribes to offer slot machines, lottery games and certain types of card games on Indian lands in California.^[4]

Under Proposition 1A, an American Indian tribe can open a casino with the above stated games if (1) the governor and the tribe reach an agreement on a compact, (2) the legislature approves the compact and (3) the federal government approves the compact.

As of July 2014, the governor, state legislature and federal government have approved compacts with 72 of the state's 109 federally recognized tribes. Also, as of July 2014, 58 tribes operate 59 casinos in California.

Compacts allow for state officials to visit casino facilities, inspect their records and verify that tribal owners are meeting the requirements of their compacts. Compacts generally require tribes to make payments to two state funds.^[4]

1. Revenue Sharing Trust Fund (RSTF): RSTF funds do not support any state programs. Rather, the funds are redistributed to the state's federally recognized tribe that either do not operate casinos or operate casinos with less than 350 slot machines. Each of these tribes may receive \$1.1 million annually from the RSTF.
2. Special Distribution Fund (SDF): SDF funds are used for various programs related to gaming, including assistance to people with gambling problems and making grants to local governments affected by tribal casinos.

North Fork and Wiyot compacts

In 2005, the North Fork Rancheria of Mono Indians submitted a request to the federal government to acquire and put into trust about 305 acres of land in Madera County for the purpose of establishing a casino. In 2011, the federal government determined that this would be in the best interest of the tribe and would not hurt the surrounding communities. The California Legislature passed AB 277, which approved the North Fork compact, as well as a compact with the Wiyot Tribe. The Wiyot compact does not allow the tribe to operate a casino, but allows the tribe to receive a portion of the revenue generated by North Fork's casino. Gov. Jerry Brown (D) signed the bill in July 2013. The federal government issued final approval for the Wiyot compact in September 2013 and the North Fork compact in October 2013.^[4]

Support for "yes" vote

Note: Supporters are those campaigning to uphold AB 277.

The organization leading the campaign against the referendum is *Yes on 48*.^[5]

Supporters

- Gov. Jerry Brown (D)
- California Democratic Party^[6]

Arguments

Jerry Brown, governor of California, **Tom Wheeler**, chairman of the board of supervisors of Madera County, and **Robbie Hunter**, president of the California State Building & Construction Trades Council, wrote the argument in favor found in the state's official voter information guide:

“ VOTE YES ON PROPOSITION 48 - HELP CREATE THOUSANDS OF JOBS, GENERATE STATE AND LOCAL REVENUES, RESPECT LOCAL CONTROL, AND PROTECT SCENIC WILDLIFE AREAS - AT NO COST TO STATE TAXPAYERS.

Proposition 48 affirms two Compacts negotiated by the Governor, ratified by a bipartisan majority of the State Legislature, and supported by local, state, and federal officials that allow the North Fork Tribe near Yosemite and the Wiyot Tribe near Humboldt Bay to create a single project on Indian land in the Central Valley that will:

- Create thousands of jobs
- Generate business opportunities and economic growth in high unemployment areas
- Retain local control for a strongly-supported community project
- Share revenues with state and local governments and non-gaming tribes
- Promote tribal self-sufficiency
- Avoid potential development in environmentally sensitive areas
- Be located on North Fork Tribe's federally-held historical land

VOTE YES - HELP CREATE THOUSANDS OF GOOD-PAYING JOBS

The project will create over 4,000 jobs as the result of hundreds of millions of dollars in private investment, boosting state and local economies.

"Voting YES guarantees good jobs for Californians and new economic opportunities for one of our state's poorest regions." - Robbie Hunter, President, California State Building & Construction Trades Council

"We support the North Fork gaming compact to help bring jobs and business to Madera, Fresno, and the entire San Joaquin Valley." - Central California Hispanic Chamber of Commerce

VOTE YES - SUPPORT LOCAL CONTROL, PUBLIC SAFETY, AND OPPORTUNITY FOR THE CENTRAL VALLEY

Voting YES provides crucial funding for public safety, schools, parks, roads and other public services.

"This project will fund local sheriff, police, fire, and other first responders." - Sheriff John Anderson, Madera County

"Our region will benefit economically from this project. We can't allow New York hedge-fund operators with financial ties to a competing casino to determine our economic future. Vote YES to protect local control." - Tom Wheeler, Chairman, Madera County Board of Supervisors

VOTE YES - PROMOTE TRIBAL SELF-SUFFICIENCY

Vote YES helps California's tribes help themselves - without costing state taxpayers anything. It strengthens the State's budget by providing hundreds of millions of dollars in revenue sharing funds for non-gaming tribes, thereby reducing the State's potential financial liability/

"Tribes throughout California support these agreements. They provide the state with much-needed revenues and provide smaller, non-gaming tribes funding to help Native people become self-reliant." - Will Micklin, Executive Director, California Association of Tribal Governments

VOTE YES - PROTECT CALIFORNIA'S MOST SCENIC WILDLIFE AREAS

A YES vote avoids potential casino contraction in the Sierra foothills near Yosemite and near the Humboldt Bay National Wildlife Refuge.

"A yes vote on Proposition 48 protects two of California's most environmentally precious areas." - Dan Cunning, Yosemite Sierra Visitors Bureau^[2]

—Gov. Jerry Brown, Tom Wheeler and Robbie Hunter,^[7]

Maryann McGovran, vice chair of the North Fork Rancheria of Mono Indians, said the referendum would "rights a historical wrong at no cost to taxpayers." She argued:

“ Voting Yes on Proposition 48 and reaffirming Gov. Jerry Brown's tribal gaming compacts — already ratified by the Legislature, including every San Francisco delegation member — is not just vital for job creation and local control in one of California's poorest regions, but it also rights a historical wrong at no cost to taxpayers.

The North Fork Rancheria of Mono Indians near Yosemite — with nearly 2,000 citizens, one of the largest federally recognized tribes in California — has been striving for decades to restore its tribal status and reclaim a fraction of their rightful lands.

Similarly, the Wiyot Tribe near Humboldt Bay has been working to achieve economic self-sufficiency while protecting environmentally sensitive coastal lands from development.



Prop. 48 accomplishes both. It creates thousands of good jobs in high-employment areas and provides hundreds of millions of dollars in new revenues to state and local governments, law enforcement, schools and non-gaming tribes.^[2]

—Maryann McGovran^[8]

Donors

One ballot measure campaign committee registered in support of the measure as of August 21, 2014:^[9]

Committee	Amount raised	Amount spent
Yes on Prop. 48. Voters for Central Valley Jobs & Environment (http://cal-access.ss.ca.gov/Campaign/Committees/Detail.aspx?id=1359411&session=2013)	\$328,658	\$0
Total	\$328,658	\$0

Total campaign cash	
as of August 21, 2014	
 Support:	\$328,658
 Opposition:	\$4,074,369

The following are the donors to the campaign fighting to uphold AB 277 as of August 21, 2014:^[9]

Donor	Amount
Station Casinos, LLC and North Fork Rancheria of Mono Indians	\$325,000
Democratic State Central Committee of California	\$3,658

Opposition to "yes" vote

Note: Opponents are those campaigning to overturn AB 277.

The organization leading the campaign against of the referendum is *Stop Reservation Shopping*.^[10]

Opponents

- Stand Up for California^[11]

Arguments

Henry Pera, Fresno County Supervisor, **Manuel Cunha, Jr**, president of Nisei Farmers League, and **Gary Archuleta**, tribal chairman of Mooretown Rancheria, wrote the argument against found in the state's official voter information guide:

“ VOTE NO ON PROP 48. Keep Indian gaming on tribal reservation land only. ”

Years ago, California Indian Tribes asked voters to approve limited casino gaming on Indian reservation land. They promised Indian casinos would ONLY be located on the tribes' original reservation land. PROP 48 BREAKS THIS PROMISE.

While most tribes played by the rules, building on their original reservation land and respecting the voters' wishes, other tribes are looking to break these rules and build casino projects in urban areas across California. VOTE NO ON PROP 48 TO STOP RESERVATION SHOPPING. Prop 48 would approve a controversial tribal gaming compact that would allow the North Fork Tribe to build an off-reservation, Vegas-style 2,000 slot-machine casino more than an hour's drive from the tribe's established reservation land, closer to major freeways and Central Valley communities.

PROP 48 WILL START A NEW AVALANCHE OF OFF-RESERVATION CASINO PROJECTS. There are already over 60 casinos in California. Enough is enough. Vote No on Prop 48.

Newspapers called for the rejection of this controversial Indian gaming compact:

"While most casinos are still in remote locations, a new push by tribes to purchase additional land at lucrative freeway locations threatens to kick off a whole new casino boom." *Fresno Bee*, 4/21/13

"This year, it's the North Fork tribe. Others are lined up in the wings to make their bids to build casinos in urban areas." *Bakersfield Californian*, 9/4/13

"Voters were assured (their approval of gaming) wouldn't trigger a casino boom and that casinos would only be built on recognized Indian territory." *San Diego Union-Tribune*, 8/11/13

"Now, two casino proposals could open the door to a new era of Indian gaming in the state... which would make these the state's first Indian casinos located off existing reservations." *Los Angeles Times*, 8/19/12

PROP 48 IS A BAD DEAL FOR CALIFORNIA. Unlike prior Indian gaming compacts this deal provides NO money for California's schools and NO additional money for our state general fund.

PROP 48 DOESN'T CREATE NEW JOBS. The proposed new casino will simply take resources and jobs from nearby casinos and businesses.

Prop 48 is a bad deal for California, but a great deal for the wealthy Las Vegas casino operative who will run the casino. It hired high-priced lobbyists and spent heavily on trying to build off-reservation casinos in California. It has been accused of unfair labor practices and fined by the Nevada Gaming Commission and the Missouri Gaming Commission.

PROP 48 DOESN'T PROTECT THE ENVIRONMENT. It is opposed by Central Valley businesses, farmers, and community leaders because it means MORE air pollution, MORE traffic, and the loss of open space. It also creates a greater burden on an already limited water supply.

Vote No on Prop 48. STOP Vegas-style casinos in our neighborhoods and STOP the avalanche of new off-reservation casinos.^[2]

—Henry Pera, Manuel Cunha, Jr. and Gary Archuleta^[12]

Cheryl Schmit, executive director of Stand Up for California, argued, "Proposition 48 would open the floodgates for casinos in urban areas..." She elaborated:

“ Years ago, California tribes asked voters to approve limited casino gaming on Indian reservation land. They promised casinos would be located only on original reservation land. Proposition 48 would approve a controversial tribal gaming compact that would allow the North Fork Tribe to build an off-reservation, Vegas-style 2,000-slot-machine casino more than an hour's drive from the tribe's established reservation, closer to major freeways and Central Valley communities.

Proposition 48 would open the floodgates for casinos in urban areas, which is why I am opposed to this compact and urge you to vote no.

Since we approved gaming on tribal land, I know tribes who have played by the rules, building on their original reservation and respecting the voters' wishes. Now other tribes and out-of-state gaming investors are looking to break these rules.

There are already 71 operating tribal casinos. California has 70 groups petitioning for federal recognition. We anticipate 34 new tribes to be added to California's 109 tribal governments. Of those, we can anticipate 22 new casinos but this time in more urban areas, including the San Francisco Bay Area.^[2] ”

—Cheryl Schmit^[13]

Donors

One ballot measure campaign committee registered in opposition to the measure as of August 21, 2014:^[9]

Committee	Amount raised	Amount spent
No On Prop. 48 - Keep Vegas-Style Casinos Out of Neighborhoods (http://cal-access.ss.ca.gov/Campaign/Committees/Detail.aspx?id=1359207&session=2013)	\$4,074,369	\$2,957,528
Total	\$4,074,369	\$2,957,528

The following are the donors to the campaign fighting against AB 277 as of August 5, 2014:^[9]

Donor	Amount
Table Mountain Rancheria	\$2,028,099
Brigade Capital Management, LLC and Affiliated Entities	\$1,666,769
Riva Ridge Recovery Fund, LLC	\$226,232
DG Capital Management, LLC and Affiliated Entities	\$113,258
Chukchansi Economic Development Authority	\$25,000
Club One Casino, Inc.	\$15,000

Media editorial positions

See also: Endorsements of California ballot measures, 2014

Support

- **Los Angeles Times:** "But rather than block this project, a better solution to the problem is to demand that the federal government adopt stricter standards for land acquisitions, and that the governor use extraordinary caution when giving the state's go-ahead for off-reservation projects. California should also require more revenue-sharing agreements, like the one with the Wiyot tribe, so that that the "haves" and the "have-nots" can share in the wealth and opportunity offered by Indian gaming."^[14]
- **Monterey Herald:** "We recommend a yes vote."^[15]

Opposition

- **The Sacramento Bee:** "Worse, the North Fork precedent could open the way for more casinos, in a state that lacks a clear policy about gambling expansion. This is reason enough to vote no on Proposition 48."^[16]

Lawsuits

See also: List of ballot measure lawsuits in 2014

In March 2013, the North Fork Rancheria of Mono Indians filed a lawsuit in the Madera County Superior Court challenging the veto referendum. The petitioners are putting forward two legal arguments against the measure: (1) AB 277 is final because federal law allows tribes to own and operate casinos, as long as state law does not prohibit casino gambling. However, a compact, like AB 277, must be signed by the Governor and approved by the US Secretary of the Interior. Thus, they argue, a ratified compact can not be challenged via veto referendum because the compact has been approved by the federal government pursuant to federal law; (2) A contract between a state and a tribe may not be subject to the initiative and referendum process.^[17]

Path to the ballot

See also: Signature requirements for ballot measures in California

- Cheryl Schmit submitted a letter requesting a ballot title on July 9, 2013.
- A ballot title and summary were issued by the Attorney General of California's office on July 19, 2013.
- 504,760 valid signatures were required for qualification purposes.

- The 150-day circulation deadline for #13-0007 was October 1, 2014.
- Those seeking to overturn AB 277 filed 784,572 signatures to qualify the measure by the deadline.^[18]
- On November 20, 2013, election officials announced that the measure had received 559,174 valid signatures (a validity rate of 72.43%) versus a requirement of 504,760 signatures, and had therefore qualified for the ballot.^[18]


Cost of signatures

The Keep Vegas-Style Casinos Out of Neighborhoods, a Project of Stand Up for California campaign committee paid money to vendors to elect signatures to qualify the referendum for the ballot.

The cumulative expenditure on signatures was **\$2,636,173**. This amounted to a per-required-signature cost of \$5.22.

See also: California ballot initiative petition signature costs

Related measures

- California Proposition 1A, Gambling on Tribal Lands (2000) 

External links

Basic information

BP Suggest a link

- Letter requesting a ballot title for Referendum 13-0007 (<https://oag.ca.gov/system/files/initiatives/pdfs/13-0007%20%2813-0007%20%28Referendum%20of%20AB%20277%29%29.pdf?>)
- League of Women Voters Guide to Proposition 48 (<http://cavotes.org/vote/election/2014/november/4/ballot-measure/propotion-48>)
- Voter's Edge Guide to Proposition 48 (<http://votersedge.org/california/ballot-measures/2014/november/prop-48?jurisdictions=28.1.28-upper-ca.28.28-upper-ca&state=CA#.VC1Vrr60a5Q>)

Support

- Yes on Prop 48 (<http://www.voteeyes48.com/>)

Opposition

- Stop Reservation Shopping (<http://stopreservationshopping.com>)
- Stop Reservation Shopping Twitter (<https://twitter.com/@NoOffResCasinos/>)

Additional reading

- *New York Times*, "Tribes Clash as Casinos Move Away From Home," March 3, 2014 (<http://www.nytimes.com/2014/03/04/us/tribes-clash-as-casinos-move-away-from-home.html>)

References

- ↑ ^{1.0} ^{1.1} ^{1.2} *Official Voter Information Guide for November 4, 2014 Election*, "Ballot Title and Summary," accessed August 11, 2014 (<https://web.archive.org/web/20140811164302/http://www.sos.ca.gov/elections/vig-public-display/110414-general-election/prop-48/prop-48-title-summary.pdf>)
- ↑ ^{2.0} ^{2.1} ^{2.2} ^{2.3} ^{2.4} ^{2.5} ^{2.6} Note: This text is quoted verbatim from the original source. Any inconsistencies are attributed to the original source.
- ↑ *Official Voter Information Guide for November 4, 2014 Election*, "Ballot Label," accessed August 11, 2014 (<https://web.archive.org/web/20140811164314/http://www.sos.ca.gov/elections/vig-public-display/110414-general-election/prop-48/prop-48-ballot-label.pdf>)
- ↑ ^{4.0} ^{4.1} ^{4.2} *California Secretary of State*, "Analysis by the Legislative Analyst," accessed August 7, 2014 (<http://www.sos.ca.gov/elections/vig-public-display/110414-general-election/prop-48/prop-48-leg-analysis.pdf>)
- ↑ *Yes on 48*, "Homepage," accessed August 11, 2014 (<http://www.voteeyes48.com>)
- ↑ *California Democratic Party*, "Recommended Positions for November 2014 Propositions," July 12, 2014 (<https://web.archive.org/web/20140811173427/http://www.cadem.org/admin/miscdocs/files/Resolutions-report-FINAL4.pdf>)
- ↑ *Official Voter Information Guide for November 4, 2014 Election*, "Argument in Favor," accessed August 7, 2014 (<https://web.archive.org/web/20140811173104/http://www.sos.ca.gov/elections/vig-public-display/110414-general-election/prop-48/prop-48-arg-in-favor.pdf>)

8. ↑ *San Francisco Chronicle*, "Vote yes on Proposition 48 tribal gaming," September 12, 2014 (<http://www.sfgate.com/opinion/article/Vote-yes-on-Proposition-48-tribal-gaming-5751941.php>)
9. ↑ ^{9.0 9.1 9.2 9.3} *California Secretary of State*, "Campaign Finance: Referendum to Overturn Indian Gaming Compacts," accessed August 5, 2014 (<http://cal-access.ss.ca.gov/Campaign/Measures/Detail.aspx?id=1359095&session=2013>)
10. ↑ *Stop Reservation Shopping*, "Homepage," accessed August 11, 2014 (<http://stopreservationsshopping.com>)
11. ↑ *Stand Up for California*, "Referendum," accessed August 11, 2014 (<http://www.standupca.org/referendum>)
12. ↑ *Official Voter Information Guide for November 4, 2014 Election*, "Argument Against," accessed August 7, 2014 (<https://web.archive.org/web/20140811165857/http://www.sos.ca.gov/elections/vig-public-display/110414-general-election/prop-48/prop-48-arg-against.pdf>)
13. ↑ *San Francisco Chronicle*, "Prop. 48 will expand tribal casinos off-reservation; vote no," September 12, 2014 (<http://www.sfgate.com/opinion/article/Prop-48-will-expand-tribal-casinos-5751929.php>)
14. ↑ *Los Angeles Times*, "Endorsement: Vote 'yes' on Prop. 48 for off-reservation casino," September 29, 2014 (<http://www.webcitation.org/6T0Dm4m3d>)
15. ↑ *Monterey Herald*, "Editorial: More recommendations on state ballot measures," September 18, 2014 (<http://www.webcitation.org/6Shv3GNda>)
16. ↑ *The Sacramento Bee*, "Endorsements: Vote No on Proposition 48, enough gambling expansion," September 7, 2014 (<http://www.sacbee.com/2014/09/07/6683079/endorsements-vote-no-on-proposition.html>)
17. ↑ *Mondaq*, "Tribe Files Suit To Block California Compact Referendum," March 11, 2014 (<http://www.mondaq.com/unitedstates/x/298764/Gaming/Breaking+News+Tribe+Files+Suit+To+Block+California+Compact+Referendum>)
18. ↑ ^{18.0 18.1} *California Secretary of State*, "Referendum to Overturn Indian Gaming Compacts," November 20, 2013 (<http://www.sos.ca.gov/elections/ccrov/pdf/2013/november/13101km.pdf>)

Categories: California 2014 ballot measures, certified | California 2014 ballot measures | Gambling, California
 | Certified, gambling, 2014 | American Indian issues, California | Certified, American Indian issues, 2014
 | Veto referendum certified for the 2014 ballot | Veto referendum, California | Veto referendum, 2014 | State ballots, 2014