



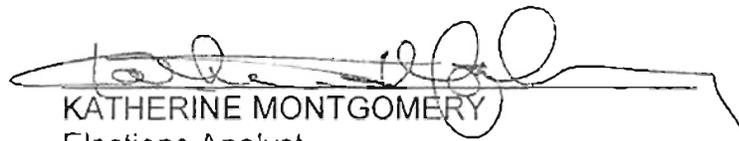
DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

July 11, 2007

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS/PROPONENT
(07092)

FROM:


KATHERINE MONTGOMERY
Elections Analyst

SUBJECT: INITIATIVE #1252

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**CANDIDATE VOTE REQUIREMENT AND RUNOFF ELECTIONS.
QUALIFICATION OF UNAFFILIATED CANDIDATES.
STATUTORY AMENDMENT.**

The proponent of the above-named measure is:

Connor Vlakancic
55 N. Third Street, Suite 202
Campbell, CA 95008

(202) 558-7077

#1252

CANDIDATE VOTE REQUIREMENT AND RUNOFF ELECTIONS.
QUALIFICATION OF UNAFFILIATED CANDIDATES.
STATUTORY AMENDMENT.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 433,971
California Constitution, Article II, Section 8(b)
2. Official Summary Date: Wednesday, 07/11/07
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elec. Code § 336) Wednesday, 07/11/07
 - b. Last day Proponent can circulate and file with the county.
All sections are to be filed at the same time within each
county. (Elec. Codes §§ 336, 9030(a)) Monday, 12/10/07*
 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (Elec. Code § 9030(b))..... Thursday, 12/20/07

(If the Proponent files the petition with the county on a date prior to
12/10/07, the county has eight working days from the filing of the petition
to determine the total number of signatures affixed to the petition and to
transmit the total to the Secretary of State) (Elec. Code § 9030(b)).
 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures
and notifies the counties Saturday, 12/29/07**
 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(Elec. Code § 9030(d)(e)) Wednesday, 02/13/08

* Date adjusted for official deadline, which falls on a Weekend (EC § 15).

**Date varies based on the date of county receipt

INITIATIVE #1252
Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 12/29/07, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elec. Code § 9030(d)(e)).

- f. If the signature count is more than 477,369 or less than 412,273 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 412,273 and 477,369 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures (Elec. Code §§ 9030(f)(g), 9031(a)) Saturday, 02/23/08*

- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (Elec. Code § 9031(b)(c)). Monday, 04/07/08

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 02/23/08, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elec. Code § 9031(b)(c).)

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (Elec. Code §§ 9031(d), 9033) Friday, 04/11/08*

*Date varies based on the date of county receipt.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal.App.3d 825, 177 Cal.Rptr. 621; 63 Ops.Cal.Atty.Gen. 37 (1980).
- Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

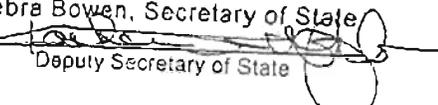
Public: (916) 445-9555
Telephone: (916) 445-1968
Facsimile: (916) 324-8835
E-Mail: Toni.Melton@doj.ca.gov

July 11, 2007

FILED
In the office of the Secretary of State
of the State of California

JUL 11 2007

Debra Bowen
Secretary of State
1500 - 11th Street, 5th Floor
Sacramento, CA 95814

Debra Bowen, Secretary of State
By: 
Deputy Secretary of State

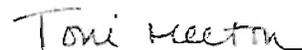
RE: Title and Summary for Initiative No. 07-0019
TITLE: CANDIDATE VOTE REQUIREMENT AND RUNOFF ELECTIONS.
QUALIFICATION OF UNAFFILIATED CANDIDATES. STATUTORY
AMENDMENT.

Dear Ms. Bowen:

Pursuant to the provisions in sections 336 and 9004 of the Elections Code, enclosed please find a copy of the Title and Summary issued for Initiative Number 07-0019 and text of the proposed measure.

Should you have any questions regarding the above, please do not hesitate to contact me.

Sincerely,



TONI MELTON
Initiative Secretary

For EDMUND G. BROWN JR.
Attorney General

Enclosures

Proponent's public information:

Connor Vlakancic
California NonPartisan Independent Committee
55 N. Third Street, Suite 202
Campbell, CA 95008

Tel. (202) 558-7077

Date: July 11, 2007
Initiative No. 07-0019

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

CANDIDATE VOTE REQUIREMENT AND RUNOFF ELECTIONS. QUALIFICATION OF UNAFFILIATED CANDIDATES. STATUTORY AMENDMENT. Mandates a runoff election when no candidate in a state or federal election receives more than 50 percent of the total votes cast for that office. Allows for exceptions in local elections. Allows candidates unaffiliated with a recognized political party to qualify for specified state and federal offices by gathering signatures from the voters who would be represented by the candidate. Establishes different signature requirements for qualification depending on whether the candidate has assistance from volunteers or professionals when gathering signatures. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Potential increase of state and county election expenses in the tens of millions of dollars for every four-year election cycle. (Initiative 07-0019.)

CALIFORNIA NONPARTISAN INDEPENDENT COMMITTEE

**55 N Third Street, Suite #202,
Campbell, CA 95008
202-558-7077**

07 - 0019

14 May, 2007

RECEIVED

MAY 21 2007

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

State of California, Office of the Attorney General
Ms. Patricia Galvan, Initiative Coordinator
1300 "I" Street
Sacramento, CA 95814
F: 916-324-8835

Dear Ms Galvan:

RE: NonPartisan Independent Candidate Initiative Proposition

Pursuant to California Elections Code, Section 9002, I respectfully request that the Attorney General prepare official title and summary for the attached measure number RN200700536-29 Version-12 that was first drafted by assigned staff in the office of California Legislative Counsel based on petition request of California voter signatures and subsequently unofficially reviewed by staff at California Legislative Analyst's Office. Additionally, this measure has been examined by multiple California county Election Officials and several California nonpartisan independent advocacy organizations.

The complete codified text of California NonPartisan Candidate Qualification Act Initiative Measure is included with a financial instrument for the \$200.00 filing fee as specified in California Election Code.

Attached is the proponent information as specified in Election Code, Section 9608.

Sincerely,



Mr. Connor Vlakancic, Advocate
California NonPartisan Independent Committee
Independent@NonPartisanPatriot.com

05/14/07 5:00PM

RN200700536-29 Amended-12 PAGE 1 of 4

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

(Here set forth the title and summary prepared by the Attorney General. This title and summary must be printed across the top of each page of the petition whereon signatures are to appear.)

TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

We, the undersigned, registered, qualified voters of California, residents of County (or City and County), hereby propose amendments to the Elections Code, relating to nonpartisan candidates, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The proposed statutory amendments (full title and text of the measure) read as follows:

SECTION 1. *Title* This Initiative Measure shall be known and may be cited as the:

“California NonPartisan Candidate Qualification Act”

SECTION 2. *Findings*

The people of the state of California do hereby declare their no confidence frustration with: (1) partisan political malfeasance and (2) duopoly polarized partisan political party failure to produce desirable visionary candidates of viable eclectic-pragmatic leadership competence.

SECTION 3. *Purpose*

This California statute disenfranchises or eliminates existing multiple incongruent Election Code procedures of Signatures-in-Lieu, Nomination Signatures and Write-in Candidate Qualification Signatures for nonpartisan General Election candidates, and, creates a new aligned signature gathering process for state wide and district nonpartisan candidates, including a default write-in candidate qualification means.

SECTION 4. *New Statutes*

Part 2.5 (commencing with Section 8560) is added to Division 8 of the Elections Code, to read:

PART 2.5. NONPARTISAN CANDIDATES QUALIFICATION MEANS FOR STATE OR FEDERAL ELECTIVE OFFICE.

8560. (a) A candidate for state or federal elective office who is unaffiliated with a political party shall qualify as a nonpartisan candidate for public office pursuant to this part as the sole means to qualifying as a nonpartisan candidate instead of under Part 2 (commencing with Section 8300 inclusive up to but not including Section 8500).

(b) A candidate who qualifies pursuant to this part is exempt from Sections 8060, 8061, 8062, 8067, 8103, 8104, 8105, 8106, and all of Part 3 (commencing with Section 8600).

(c) A candidate for whom a nomination paper has been filed as a partisan candidate at the most recent previous primary election, and who is defeated for their party nomination at said primary election, is ineligible for nomination as a nonpartisan candidate.

(d) A person may not be a candidate under this section unless all provisions in Section 8550 have been complied with.

8562. (a) A candidate qualifies under this part as a nonpartisan candidate if they submit nomination paper(s) for which signatures are gathered in accordance with subdivision (b) from voters registered in the following locations, as applicable:

(1) In each (every) county in the state, in case of a candidate for any state wide: United States Federal Office, state constitutional office, or Insurance Commissioner.

(2) In each (every) United States Postal Service ZIP Code in the district from which votes may be cast for the office for which the candidate is competing, in the case of a candidate for any other state district or federal district elective office.

(b) In each county in the state or in each ZIP Code in a district within that county, as applicable, a candidate seeking to qualify under this part as a nonpartisan candidate shall obtain signatures on their nomination paper(s) in compliance with any of the following:

(1) Personally gather at least 11 valid signatures from voters registered in the county, or at least 0.30 % (minimum of 11) valid signatures from voters registered in each whole ZIP Code in the district.

(2) Organize unpaid signature-gathering volunteers to gather at least 110 valid signatures from voters registered in the county, or at least 0.70 % (minimum of 22) valid signatures from voters registered in each whole ZIP Code in the district. Unpaid signature-gathering volunteers must certify their volunteer status, in writing, as however required by each county Registrar of Voters. The affidavit of any volunteer circulator obtaining signatures shall be verified by a county election officer authorized to administer oaths. A candidate may comply with this paragraph by gathering some of the required signatures.

(3) Organize paid signature-gathering workers to gather at least 1,100 valid signatures from voters registered in the county, or at least 1.50 % (minimum of 44) valid signatures from voters registered in each whole ZIP Code in the district. A candidate may comply with this paragraph by gathering some of the required signatures.

(4) A candidate who achieves less than the full requirement of all counties, but at least 34% will be recognized as an official write-in candidate for that statewide office no later than the same day that the Secretary of State does or would qualify any nonpartisan candidates on the general election ballot.

(5) A candidate who achieves less than the full requirement of all ZIP Codes, but at least 34% will be recognized as an official write-in candidate for that district office no later than the same day that the Secretary of State does or would qualify any nonpartisan candidates on the general election ballot.

(c) A candidate for state or federal elective office in a statewide general election may begin to gather signatures pursuant to this part on the first Tuesday following the second Monday in January in the year of the statewide general election that becomes qualified under SECTION 1. Part 2.5: and every such year thereafter. The deadline for submitting nomination paper(s) to the Secretary of State or the applicable county elections official for verification shall be the first Tuesday following the second Monday in July in the year of the statewide general election that becomes qualified under SECTION 1. Part 2.5: and every such year thereafter.

(d) The candidate shall submit signatures all at once, to the Secretary of State or the applicable county elections official, for each completed county or ZIP Code. The total number of submitted signatures must be equal to, or greater than, the minimum number required or they will be rejected and returned to the candidate. Nothing precludes their submission later, with additional new nomination signatures, but all must be before the deadline in Section 8562(c).

(1) Upon receiving the nomination paper(s) if, from examination pursuant to Section 8562(b), the number of valid signatures is less than 110% of the minimum number of signatures of qualified voters needed to declare the nomination paper(s) sufficient, the elections official shall examine and verify each signature filed except as provided in Section 8562(d)2 or Section 8562(e).

(2) Upon receiving the nomination paper(s) if, from examination pursuant to Section 8562(b), more than 500 signatures have been signed on the nomination paper(s), the elections official may use a random sampling technique for verification of signatures. The random sample of signatures to be verified shall be performed in such a manner that every signature filed with the elections official shall be given an equal opportunity to be included in the sample.

(e) When nomination paper(s) have been received which contain the number of valid signatures required for a candidate, the county election officer with whom those papers are required to be left may reject additional nomination paper(s) with additional signatures. However, each county election officer has the discretionary authority to accept additional signatures if it is determined by the county election official that validating additional voter signatures will promote healthy competition between multiple candidates actively campaigning to demonstrate their elevated level of recognition and support among the voter electorate. Signatures shall be verified within 24 days. Supplemental signatures may be submitted to make-up invalid signatures, only up to the deadline date.

(f) If a district falls within two or more counties, the county elections official shall within 7 days report in writing to the Secretary of State the total number of signatures submitted.

(g) The deadline for the Secretary of State to certify the qualifications of a candidate shall be within 45 days following the first Tuesday following the second Monday in July.

8564. (a) Signature gatherers of a nomination paper shall be registered voters in each applicable county. Signers of a nomination paper shall be registered voters in each applicable county and ZIP Code.

(b) Each signer of a nomination paper shall sign but one paper for the same office. The signer shall state their city and ZIP Code as registered, with their street and number, if any.

(c) A county elections official verified nomination paper is prima facie evidence that the signatures are of Registered Voters unless it is otherwise proven by comparison of the signatures with the affidavits of registration in the office of the county elections official.

(d) Each candidate shall submit a nomination paper that shall be generally in the form prescribed for Primary Election partisan candidates but with nonpartisan indicated. Any such nomination paper may be in sections, but each section shall contain the name of the candidate and the name of the office for which they are a candidate. For state wide candidates, each section shall bear the name of the county in which it is circulated. For district candidates, each section shall bear the name of the county and ZIP Code in which it is circulated and ZIP Codes may not be mixed in nomination paper or section.

8566 (a) A candidate for office in a special election who elects to gather signatures pursuant to this part shall submit their nomination papers to the county elections official, and may begin gathering signatures for their nomination papers as soon as the date is set for the election pursuant to Section 1400. Deadlines for submitting signatures shall be consistent with partisan candidates.

SECTION. 5. Existing Statutes.

Section 8502 in Division 8 of the Elections Code is amended, to read:

8502. Nomination papers shall be left with the county elections official for examination and filed by the candidate pursuant to the time limitations set forth in ~~Section 8403~~; relevant Election Code.

Section 15450 in Division 15 of the Elections Code is amended, to read:

15450. ~~A plurality~~ (a) Fifty percent or more of the votes given at any election shall constitute a choice where not otherwise directed in the California Constitution; provided that. However, it shall be competent in all charters of cities, counties, or cities and counties framed under the authority Section 3 of Article XI of the California Constitution to provide the manner in which their respective elective officers may be elected and to prescribe a higher proportion of the vote thereof.

(b) If no candidate at an election with one or more nonpartisan candidate(s) printed on the ballot for state or federal elective office receives the percentage of votes for that office required pursuant to subdivision (a), the Secretary of State shall call for a special runoff election on the date set pursuant to Section 1400 between the two candidates who received the most votes. This section shall be rendered harmless in the event that Instant Runoff Voting (IRV) or other form of candidates ranked voting procedures are implemented by any appropriate state or county legislation.

Section 15452 in Division 15 of the Elections Code is amended, to read:

15452. The person who receives ~~a plurality~~ 50 percent or more of the votes cast for any office is elected or nominated to that office in any election, except for the following:

- (a) An election for which different provision is made by any city or county charter.
- (b) A municipal election for which different provision is made by the laws under which the city is organized.
- (c) The election of local officials in primary elections as specified in Article 8 (commencing with Section 8140) of Part 1 of Division 8.

If any section of this California Initiative Proposition is found unconstitutional or challenged by any entity or political party within California or within U.S. Federal regulations as they mandate California State compliance, all other provisions and stipulations shall be given full effect.