



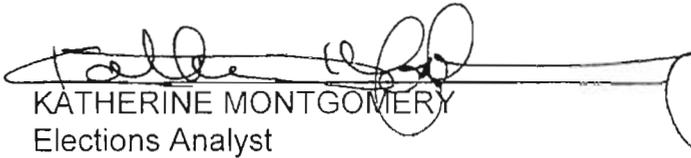
DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

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

November 26, 2007

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS/PROPONENT
(07238)

FROM:


KATHERINE MONTGOMERY
Elections Analyst

SUBJECT: **INITIATIVE #1297**

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:

**TANGIBLE BALLOTS.
DIRECT RECORDING ELECTRONIC DEVICES.
STATUTE.**

The proponent of the above-named measure is:

Harry V. Lehmann
P.O. Box 1846
Novato, CA 94948-1846

(415) 897-2121

#1297

TANGIBLE BALLOTS.
DIRECT RECORDING ELECTRONIC DEVICES.
STATUTE.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 433,971
California Constitution, Article II, Section 8(b)
2. Official Summary Date: Monday, 11/26/07
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elec. Code § 336)..... Monday, 11/26/07
 - 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))..... Thursday, 04/24/08
 - 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))..... Tuesday, 05/06/08

(If the Proponent files the petition with the county on a date prior to
04/24/08, 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..... Thursday, 05/15/08*
 - 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)) Friday, 06/27/08

*Date varies based on the date of county receipt.

INITIATIVE #1297
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 05/15/08, 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 (EC §9030(f)(g); 9031(a)) Monday, 07/07/08*

- 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, 08/18/08

(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 07/07/08, 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, 08/22/08*

*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



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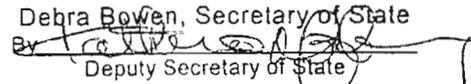
Public: (916) 445-9555
Telephone: (916) 445-4752
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E-Mail: Krystal.Paris@doj.ca.gov

November 26, 2007

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

NOV 26 2007

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

Debra Bowen, Secretary of State
By 
Deputy Secretary of State

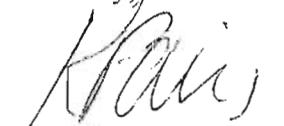
RE: Title and Summary for Initiative No. 07-0065
TITLE: TANGIBLE BALLOTS. DIRECT RECORDING ELECTRONIC DEVICES.
STATUTE.

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 07-0065, along with the text of the proposed measure.

Please feel free to contact me with any questions.

Sincerely,


KRYSTAL PARIS
Initiative Coordinator

For EDMUND G. BROWN JR.
Attorney General

Enclosures

Proponent(s) public information:

Harry V. Lehmann
1450 Grant Avenue, Suite 205
P.O. Box 1846
Novato, CA 94948-1846

Date: Nov. 26, 2007
Initiative No. 07-0065

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

TANGIBLE BALLOTS. DIRECT RECORDING ELECTRONIC DEVICES. STATUTE.

Changes the definition of "ballot" to exclude touchscreens and other ballots used with direct recording electronic devices. Expands definition of "ballot" to include physical objects that may be marked by voters' physical action and can be counted through use of ordinary physical senses. Does not prohibit use of legally approved voting methods, as long as those methods produce tangible physical objects to be used for vote counting and available for voter inspection prior to casting. Requires disabled voters to be provided means to inspect their ballots that accommodate their disabilities. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: One-time costs potentially in the tens of millions of dollars to replace or alter voting equipment. (Initiative 07-0065.)

Harry Vere Lehmann, Principal Attorney
 Timothy J. Tomlin, of Counsel
 Attorneys At Law

LEHMANN LAW OFFICE

1450 Grant Avenue, Suite 205
 P. O. Box 1846
 Novato, California 94948-1846

Area Code 415
 Telephone: 897-2121
 Facsimile: 898-6959

September 28, 2007

Ms. Patricia Galvan
 Statewide Initiative and Ballot Coordinator
 State of California, Department of Justice
 1300 "I" Street, Suite 125
 Sacramento, CA 94244-2550

Secretary of State
 Elections Division
 Attn: Ms. Joanna Southard
 1500 11th Street, Fifth Floor
 Sacramento, CA 95814

RECEIVED

OCT - 2 2007

Re: California Tangible Ballot Act of 2008

INITIATIVE COORDINATOR
 ATTORNEY GENERAL'S OFFICE

Dear Ms. Galvan and Ms. Southard:

This letter constitutes my written request that a title and summary of the chief purpose and points of a proposed initiative measure, **proposed for the November 2008 elections**, be prepared pursuant to Elections Code section 9002. Enclosed is a new Elections Code §9608 Statement and a check for \$200.

We would appreciate receipt of the new "Title and Summary" and thus our new schedule of deadlines, as soon as possible. We have hereby met the earliest submission deadline for the 2008 elections, October 1, 2007. Enclosed, on a separate sheet of even date, is proposed language for the Title and Summary. The language now submitted is straightforward, and seeks to outlaw DRE voting, due to fraud risks, including the risks in electronic voting, as such risks have been copiously documented of late, including through the offices of the Secretary of State (http://www.sos.ca.gov/elections_vsr.htm). For your edification and context, further information about the dangers of electronic voting can be found in *Hacking Democracy*, possibly via www.youtube.com, or other web site, or on via www.amazon.com, and through other sources such search for "computer voting Princeton," on www.youtube.com, and on www.bradblog.com, and www.blackboxvoting.org, and in the report of the Blue Ribbon Panel which recently studied the security of voting machines in Riverside County, and in many other places. I am not affiliated with any political website other than www.tangibleballot.org, nor is this project endorsed or sponsored by those other sites; they are merely resources to assist in understanding of this letter.

Rather than our original intention, as reflected in prior correspondence, and previously issued Title(s), which sought placement of the proposed Tangible Ballot Act of 2008 measure on the June 2008 ballot, our citizens group (Tangible Ballot Initiative, Inc., www.tangibleballot.org), now supports the placement of the proposed measure to require tangible ballots on the November, 2008, presidential election ballot. Therefore, the submission here made, the enclosed California Tangible Ballot Act of 2008, is separate and distinct from Initiative (07-0021). No petition issued under the previously issued title (07-0021) has been circulated, and the previously issued title (07-0021) is hereby also withdrawn.

Very truly yours,



Harry V. Lehmann

enclosures

Printed on recycled paper

TANGIBLE BALLOT INITIATIVE

-Election Code Changes Proposed for Submission to the Voters for the November 2008 Election-
Submitted to the Attorney General's Office on September 28, 2007

TITLE AND TEXT OF PROPOSED LAW: CALIFORNIA TANGIBLE BALLOT ACT OF 2008

The purpose of initiative is to amend California Elections Code §301 as follows:

Elections Code §301

A "ballot" means any of the following:

- (a) A single card with prescored, number positions that is marked by the voter with a punching device and the accompanying reference page or pages containing the names of candidates and the ballot titles of measures to be voted on with numbered positions corresponding to the numbers on the card.
- (b) One or more cards upon which are printed the names of the candidates and the ballot titles of measures to be voted on by punching or marking in the designated area.
- (c) One or more sheets of paper upon which are printed the names of candidates and the ballot titles of measures to be voted on by marking the designated area and that are tabulated manually or by optical scanning equipment.

Current subsection to be deleted: ~~(d) A large sheet of paper upon which is printed the names of candidates and ballot titles of measures to be voted on by pressing the designated area on a direct-recording electronic device.~~

Current subsection to be deleted: ~~(e) An electronic touchscreen upon which appears the names of candidates and ballot titles of measures to be voted on by touching the designated area on the screen of a direct-recording electronic device.~~

Proposed New Subsection:

(d) A tangible physical object which may be written upon, punched, or otherwise indelibly marked by the physical action of the individual voter or the voter's aide, which is ultimately susceptible to content recognition for vote counting purposes by a human being through the use of ordinary human physical senses. Nothing in this subsection is intended to prohibit or limit the use of electronic and/or mechanical devices, including electronic touchscreen devices, so long as a tangible ballot, printed on paper or otherwise tangible, results from use of such electronic and/or mechanical devices, and such tangible ballot is then used for all vote counting purposes, and each voter shall have the opportunity to physically possess such marked ballot for personal examination prior to its being cast into a ballot box to be counted.

Proposed New Subsection:

(e) Nothing in this section shall prohibit the use of electronic and/or mechanical equipment, including touchscreen electronic equipment, for the purpose of assisting individuals with disabilities to vote, so long as a tangible ballot, printed on paper or otherwise tangible, results from the use of such electronic and/or mechanical equipment, and each such ballot is available to the voter for his or her optional examination through means appropriate for that person's disability, prior to its being cast into a ballot box to be counted, so as to provide the same opportunity for access and participation (including privacy and independence) as for other voters.