



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

January 31, 2008

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS/PROPONENT
(08050)

FROM:


KATHERINE MONTGOMERY
Elections Analyst

SUBJECT: **INITIATIVE #1322**

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:

**MARRIAGE. ELIMINATION OF DOMESTIC
PARTNERSHIP RIGHTS. CONSTITUTIONAL AMENDMENT.**

The proponents of the above-named measure are:

Larry Bowler
Randy Thomasson
P.O. Box 1978
Sacramento, CA 95812

**MARRIAGE. ELIMINATION OF DOMESTIC
PARTNERSHIP RIGHTS. CONSTITUTIONAL AMENDMENT.**

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 694,354
California Constitution, Article II, Section 8(b)

2. Official Summary Date: Thursday, 01/31/08

3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elec. Code § 336) Thursday, 01/31/08

 - 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, 06/30/08*

 - 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)).....Friday, 07/11/08

(If the Proponent files the petition with the county on a date prior to
06/30/08, 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/registrar of
voters meets the minimum number of required signatures
and notifies the counties.....Sunday, 07/20/08**

 - 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, 08/29/08

* Date adjusted for official deadline, which falls on a weekend (Elec. Code § 15).

**Date varies based on the date of county receipt.

INITIATIVE #1322

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 07/20/08, 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 763,790 or less than 659,637 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 659,637 and 763,790 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))Monday, 09/08/08*
- 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)).Wednesday, 10/22/08

(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 09/08/08, 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) Sunday, 10/26/08*

*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) 445-4752
Facsimile: (916) 324-8835
E-Mail: Krystal.Paris@doj.ca.gov

January 31, 2008

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

JAN 31 2008

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. 07-0098

TITLE: MARRIAGE. ELIMINATION OF DOMESTIC PARTNERSHIP RIGHTS.
CONSTITUTIONAL 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 07-0098, 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:

Larry Bowler
Randy Thomasson
VoteYesMarriage.com
P.O. Box 1978
Sacramento, CA 95812

Date: January 31, 2008
Initiative No. 07-0098

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

MARRIAGE. ELIMINATION OF DOMESTIC PARTNERSHIP RIGHTS.

CONSTITUTIONAL AMENDMENT. Provides that only marriage between one man and one woman is valid or recognized in California. Prohibits decreasing marriage rights shared by one man and one woman. Defines man and woman. Voids or makes unenforceable certain rights and obligations conferred by California law on same-sex and opposite-sex couples registered as domestic partners, concerning subject areas including, but not limited to, community property, intestate succession, stepparent adoption, child custody, child support, hospital visitation, health care decisions for an incapacitated partner, insurance benefits, death benefits, and recovery for wrongful death. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Unknown, but potential increased costs for state and local governments. The impact would depend in large part on future court interpretations.

(Initiative 07-0098.)

07-0098

Dec. 10, 2007

Ms. Toni Melton
Initiative Secretary
Office of the Attorney General
State of California
P.O. Box 944255
Sacramento, CA 94244-2550

RECEIVED

DEC 11 2007

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary for Proposed Initiative

Dear Ms. Melton,

Pursuant to Article 11, Section 10(d) of the California Constitution, we are submitting to your office the attached proposed statewide Constitutional Amendment, entitled "The Voters' Right to Protect Marriage Initiative," and cordially request that you prepare an unbiased Title and Summary of the measure as provided by law. We have also included with this letter the required signed statement under California Elections Code, Section 9608, our voter registration addresses, and payment in the amount of \$200.

Thank you very much for your time and service. Should you have any questions or require additional information, you can contact us through VoteYesMarriage.com, P.O. Box 1978, Sacramento, CA 95812.

Sincerely,


Larry Bowler

Randy Thomasson

INITIATIVE MEASURE TO BE SUMMITTED DIRECTLY TO VOTERS

Section 1: Title

This measure is The Voters' Right to Protect Marriage Initiative.

Section 2: Marriage for One Man and One Woman Benefits Children, Families, and Society

The People of California have a compelling responsibility to protect the essence of marriage by ensuring that the civil institution of marriage between one man and one woman is not redefined, abolished, or diminished. The People find that marriage between one man and one woman is diminished when government decreases statutory rights, incidents, or employee benefits of marriage shared by one man and one woman, or when government requires private entities to offer or provide rights, incidents, or benefits of marriage to unmarried individuals, or when government bestows statutory rights, incidents, or employee benefits of marriage on unmarried individuals. The People further find and declare that it is in a child's best interest to have both a father and a mother, and that marriage rights for one man and one woman must be protected for the well-being of children, families, and society.

Section 3: Vote Yes to Protect Marriage from Being Redefined, Abolished, or Diminished

Section 1.1 of Article I of the Constitution is added to read:

SEC. 1.1. Only marriage between one man and one woman is valid or recognized in California, whether contracted in this state or elsewhere. A man is an adult male human being who possesses at least one inherited Y chromosome, and a woman is an adult female human being who does not possess an inherited Y chromosome. Neither the Legislature nor any court, government institution, government agency, initiative statute, local government, or government official shall abolish the civil institution of marriage between one man and one woman, or decrease statutory rights, incidents, or employee benefits of marriage shared by one man and one woman, or require private entities to offer or provide rights, incidents, or benefits of marriage to unmarried individuals, or bestow statutory rights, incidents, or employee benefits of marriage on unmarried individuals. Any public act, record, or judicial proceeding, from within this state or another jurisdiction, that violates this section is void and unenforceable.