



**DEBRA BOWEN** | SECRETARY OF STATE  
STATE OF CALIFORNIA | ELECTIONS

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December 22, 2009

County Clerk/Registrar of Voters (CC/ROV) Memorandum #09220

TO: All County Clerks/Registrars of Voters and Proponent

FROM:

  
Katherine Montgomery  
Associate Elections Analyst

RE: Initiative: 1417, Related to Constitutional Conventions

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:

**ALLOWS VOTERS TO PLACE QUESTION  
OF CALLING A CONSTITUTIONAL CONVENTION  
ON THE BALLOT. INITIATIVE CONSTITUTIONAL AMENDMENT.**

The proponent of the above-named measure is:

Jim Wunderman  
c/o Steven Miller  
Hanson Bridgett, LLP  
425 Market Street, 26<sup>th</sup> Floor  
San Francisco, CA 94105

(415) 995-5831

#1417

**ALLOWS VOTERS TO PLACE QUESTION  
OF CALLING A CONSTITUTIONAL CONVENTION  
ON THE BALLOT. INITIATIVE CONSTITUTIONAL AMENDMENT.**

**CIRCULATING AND FILING SCHEDULE**

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1. Minimum number of signatures required: .....694,354  
California Constitution, Article II, Section 8(b)
2. Official Summary Date: ..... Tuesday, 12/22/09
3. Petitions Sections:
  - a. First day Proponent can circulate Sections for  
signatures (Elec. Code § 336) ..... Tuesday, 12/22/09
  - 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)). ..... Friday, 05/21/10
  - 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, 06/03/10  
  
(If the Proponent files the petition with the county on a date prior to  
05/21/10, 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, 06/12/10\*
  - 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, 07/23/10

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

**INITIATIVE #1417**

**Circulating and Filing Schedule continued:**

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(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 06/12/10, 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, 08/02/10\*
  
- 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, 09/15/10

(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 08/02/10, 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, 09/19/10\*

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

## IMPORTANT POINTS

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- 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



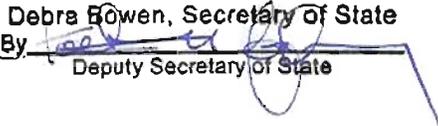
1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550  
Public: (916) 445-9555  
Telephone: (916) 445-4752  
Facsimile: (916) 324-8835  
E-Mail: Krystal.Paris@doj.ca.gov

December 22, 2009

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

DEC 22 2009

Honorable Debra Bowen  
Secretary of State of the State of California  
State of California Elections  
1500 11th Street, 5th Floor  
Sacramento, CA 95814

Debra Bowen, Secretary of State  
By   
Deputy Secretary of State

Attention: Ms. Katherine Montgomery  
Associate Elections Analyst

Dear Secretary Bowen:

Pursuant to Elections Code sections 9004 and 336, you are hereby notified that on this day we sent our title and summary for each of the following proposed initiatives to the proponent:

- 09-0066, "Citizens' Constitutional Convention Act."
- 09-0067, "The Call for a Citizens' Limited Constitutional Convention."

A copy of the title and summary and text of each of the proposed initiatives is enclosed.

Please contact me if you have any questions. Thank you.

Sincerely,



KRYSTAL M. PARIS  
Initiative Coordinator

For EDMUND G. BROWN JR.  
Attorney General

Proponent:  
Jim Wunderman  
c/o Hanson Bridgett, LLP  
425 Market Street, 26th Floor  
San Francisco, CA 94105  
Attn: Steven Miller

Date: December 22, 2009  
Initiative 09-0066

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

**ALLOWS VOTERS TO PLACE QUESTION OF CALLING A CONSTITUTIONAL CONVENTION ON THE BALLOT. INITIATIVE CONSTITUTIONAL AMENDMENT.**

Amends the Constitution to permit voters to place on the ballot the question of whether to call a convention to revise the state Constitution. Permits any ballot measure calling a convention to specify the parts of the Constitution that the convention can or cannot revise. Requires any ballot measure calling a convention to specify the process for selection of convention delegates. Repeals requirement that convention delegates be elected by voters. Permits voters to call a convention no more than once every ten years. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: No direct fiscal impact, as any effect would depend on whether and how voters used the power to call and accept the recommendations of a constitutional convention in the future. Potentially major fiscal changes in state and local governments could result. (09-0066.)

October 28, 2009

VIA PERSONAL DELIVERY

The Honorable Edmund G. Brown, Jr.  
Attorney General  
1300 I Street  
Sacramento, CA 95814

Attention: Krystal Paris, Initiative Coordinator

09-0066  
**RECEIVED**  
OCT 28 2009

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary - Initiative Constitutional Amendment

Dear Mr. Brown:

Pursuant to Article II, Section 10(d) of the California Constitution and Section 9002 of the Elections Code, I hereby request that a title and summary be prepared for the attached initiative entitled the "Citizens' Constitutional Convention Act." Included with this submission is the required proponent affidavit signed by me as proponent of this measure pursuant to section 9608 of the California Elections Code. My address as a registered voter is provided and attached to this letter, along with \$200.00.

All inquiries or correspondence relative to this initiative should be directed to Hanson Bridgett, LLP, 425 Market Street, 26<sup>th</sup> Floor, San Francisco, CA 94105, Attention: Steven Miller, (415) 995-5831.

Thank you for your assistance.

Sincerely,

Enclosure: Proposed Initiative

## **Citizens' Constitutional Convention Act**

### **Section 1. Title**

This measure shall be named the "Citizens' Constitutional Convention Act."

### **Section 2. Findings and Declaration**

The People of the State of California find and declare that:

1. The California Constitution should be a document that facilitates a functional government for the State, dedicated to the longstanding proposition that government must be responsive to the needs of its people.
2. State government is in a state of paralysis, caused by systemic problems in the governance structure of the State.
3. The current Constitution was drafted over one hundred years ago, and has been amended more than 500 times to a point where its original intent is no longer recognizable, and its implementation is no longer feasible.
4. The twenty-first century requires a twenty-first century constitution, one that allows for reform of the legislature in order to reduce the influence of special interest groups, provides for needed limits on budgeting and spending, ensures reduced bureaucracy, and restores the balance of power between the state and local governments.
5. There needs to be a constitutional convention to revise the Constitution in order to facilitate a functional government for our State.
6. The Constitution derives its power from the people and the people must be able to call for a convention to revise the Constitution. If the legislature will not act, the people shall.

### **Section 3. Purpose and Intent**

The people enact this measure in order to allow the citizens of California to call for a constitutional convention. The people intend that this measure be effective so that the question of whether to call a constitutional convention may be decided at the same election as the one at which this measure is considered.

### **Section 4. Article 18, Section 2 of the California Constitution is amended to read:**

Section 2. (a) The Legislature by rollcall vote entered in the journal, two-thirds of the membership of each house concurring, may submit at a general election the question whether to call a convention to revise the Constitution. If the majority vote yes on that question, within 6

months the Legislature shall provide for the convention. ~~Delegates to a constitutional convention shall be voters elected from districts as nearly equal in population as may be practicable.~~

(b) The question of whether to call a convention to revise the Constitution may be placed on the ballot for any state-wide election by the same process set forth in Article 2, Section 8 for a statutory initiative measure, so long as no convention has convened within ten years of such an election.

(c) Whether submitted as set forth in paragraph (a) or (b), the question of whether to call a convention to revise the Constitution (1) may prescribe judicially enforceable limits on the areas of the Constitution to be considered for revision, and the manner in which the convention is to be provided for if a majority of voters vote yes on the question, (2) may authorize the convention to propose both a revision and a series of separate amendments to the Constitution; and (3) shall specify a fair method for selecting or electing citizens to be delegates to a constitutional convention.

### **Section 5. Severability**

If any of the provisions of this measure or the applicability of any provision of this measure to any person or circumstances shall be found to be unconstitutional or otherwise invalid, such finding shall not affect the remaining provision or applications of this measure to other persons or circumstances, and to that extent the provisions of this measure are deemed to be severable. In particular, the purpose of this Act is to permit the people to call for a convention to propose a revision or series of separate amendments to the Constitution; the severing of any measure found to be invalid shall be accomplished to further such purpose.

### **Section 6. Effective Date and Application**

This measure, if passed, shall be deemed operative and in effect on the entire day of the election at which it is passed, and shall allow the people to consider the question of whether to call for a constitutional convention at the same election as the one at which the people vote on this measure.

### **Section 7. Conflicting Initiatives**

Except as set forth below, in the event that this measure and another measure or measures relating to a Constitutional Convention shall appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the other measure shall be null and void. Notwithstanding the foregoing, another measure or measures that does not amend Article 18, section 2 of the Constitution but presents the question of whether to call a convention to revise the Constitution shall not be deemed to be in conflict with this measure.