



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

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June 16, 2009

County Clerk/Registrar of Voters (CC/ROV) Memorandum #09094

TO: All County Clerks/Registrars of Voters and Proponents

FROM:


Katherine Montgomery
Associate Elections Analyst

RE: Initiative: 1361, Related to Elections

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:

**LIMITS ON VOTING.
INITIATIVE STATUTE.**

The proponents of the above-named measure are:

George C. Runner, Jr.
Charles H. Bell, Jr.
c/o Bell, McAndrews & Hiltachk, LLP
455 Capitol Mall, Suite 801
Sacramento, CA 95814

(916) 442-7757

#1361

LIMITS ON VOTING.
INITIATIVE STATUTE.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required:433,971
California Constitution, Article II, Section 8(b)
2. Official Summary Date: Tuesday, 06/16/09
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elec. Code § 336) Tuesday, 06/16/09
 - 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, 11/13/09
 - 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))..... Wednesday, 11/25/09

(If the Proponent files the petition with the county on a date prior to
11/13/09, 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..... Friday, 12/04/09*
 - 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, 01/20/10

* Date varies based on the date of county receipt.

INITIATIVE #1361

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 12/04/09, 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))..... Saturday, 01/30/10*

- 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)). Tuesday, 03/16/10

(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 01/30/10, 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)..... Saturday, 03/20/10*

*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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June 16, 2009

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

JUN 16 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

Re: Initiative 09-0007, "Vote SAFE: Secure and Fair Elections Act." [V-2.] (Amdt. #1-S.)
Official Circulating Title: LIMITS ON VOTING. INITIATIVE STATUTE.

Dear Secretary Bowen:

Pursuant to Elections Code sections 9004 and 336, you are hereby notified that on this day we mailed our title and summary for Initiative 09-0007, "Vote SAFE: Secure and Fair Elections Act" [V-2.] (Amdt. #1-S.) to the respective proponents. A copy of that title and summary and text of the proposed measure is enclosed.

Please contact me if you have any questions.

Sincerely,

Handwritten signature of Krystal M. Paris in blue ink.

KRYSTAL M. PARIS
Initiative Coordinator

For EDMUND G. BROWN JR.
Attorney General

Proponents' contact information:

Senator George Runner
Charles H. Bell, Jr.
Bell, McAndrews & Hiltachk, LLP
455 Capitol Mall, Suite 801
Sacramento, CA 95814

Date: June 16, 2009
Initiative 09-0007 (Amdt. #1-S)

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

LIMITS ON VOTING. INITIATIVE STATUTE. Prohibits citizens from voting at the polls unless they present a government-issued photo-identification card. Establishes provisional voting for citizens at the polls who fail to present government-issued photo-identification. Requires that provisional ballots and mail-in ballots be deemed invalid unless the accompanying envelope is marked with the last four digits of a citizen's California driver's license, state identification card or social security number. Eliminates the right to vote for citizens on probation for a felony offense. Establishes that ballots from absent military personnel are timely if postmarked by election day. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Some increased government costs associated with voting in elections. These costs probably would not be significant. (09-0007.)

09-0007

Amdt. #1S

RECEIVED

APR 23 2009

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

April 23, 2009

Ms. Krystal Paris, Initiative Coordinator
Office of the Attorney General
1300 I St.
Sacramento, CA 95814

RE: Vote SAFE: Secure and Fair Elections Act

Dear Ms. Paris:

Pursuant to Elections Code Section 9004, we are submitting amendments to "Vote SAFE: Secure and Fair Elections Act" (Initiative #09-0007). The text of the amended measure is enclosed.

Please direct all correspondence and inquiries regarding this measure to:

Bell, McAndrews & Hiltachk, LLP
455 Capitol Mall, Suite 801
Sacramento, CA 95814
Phone: (916) 442-7757
Fax: (916) 442-7759

Sincerely,

~~George C. Runner, Jr.~~
Proponent

Charles H. Bell, Jr.
Proponent

SECTION 1. This act shall be known as Vote SAFE: Secure and Fair Elections Act.

SEC. 2. Voter ID. Section 14216.5 is added to the Elections Code to read:

14216.5. (a) Prior to receiving a ballot a voter shall present to a member of the precinct board proof of identification that meets all of the following requirements:

(1) The document shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual's voter registration record.

(2) The document shows a photograph of the individual presenting the identification.

(3) The document includes an expiration date, and the document is not expired at the time of voting or expired less than two years prior to the election.

(4) The document was issued by the United States or the State of California or is a valid tribal member ID card issued by an Indian tribe recognized by the U.S. government.

(b) If a voter is unable to or refuses to provide proof of identification pursuant to subdivision (a), he or she shall not be prohibited from voting but shall be required to execute a declaration, certified to be correct under penalty of perjury, declaring that he or she is registered to vote. Upon execution of the declaration, the voter shall be issued a provisional ballot pursuant to Section 14310 and an envelope to be completed in the same manner as a vote by mail envelope.

SEC. 3. Fee Waiver. Section 14902.5 is added to the Vehicle Code to read:

14902.5 The fee for an original or replacement identification card shall be waived for a person who requests the identification card for purposes of satisfying the requirement for Section 3011 or 14216.5 of the Elections Code.

SEC. 4. Military Ballots. Section 3020.5 is added to the Elections Code to read:

3020.5. Notwithstanding Section 3020. 3311, 4103, and unless additional time is authorized under state or federal law, a vote by mail ballot of an "absent uniformed services voter" as defined in 42 U.S.C. § 1973ff-6(1) shall be timely cast if postmarked or signed and dated by election day and received by the voter's election official no later than 15 days after election day.

Section 3101.5 is added to the Elections Code to read:

3101.5. Upon receipt of a valid federal Registration and Absentee Ballot Request Form, a Special Vote by Mail Ballot request or other written application from an absent uniformed services voter, the county elections official shall record the voter's uniformed services address and status and process his or her ballot(s) in accordance with Section 3020.5. The Secretary of State shall ensure that all county election officials follow procedures which comply with this section during all elections following voter approval of this Act.

SEC. 5. Felons Ineligible. Section 2101 of the Elections Code is amended to read:

2101. (a) A person entitled to register to vote shall be a United States citizen, a resident of California, not in prison or on parole or probation for the conviction of a felony, and at least 18 years of age at the time of the next election.

(b) "Conviction of a felony" for purposes of this code means conviction of a felony offense which results in incarceration in prison or parole or felony probation.

(c) Commencing January 1, 2011, the chief elections official of each county shall upon notice of the clerk of the Superior Court cancel affidavits of registration of all persons who have been convicted of a felony as defined in subdivision (b).

(d) The Legislature shall conform sections 2106, 2156, 2201, 2212, 2300 and 14240 of this code to the provisions of subdivision (a), effective no later than January 1, 2011.

SEC. 6. Vote By Mail. Section 3011 of the Elections Code is amended to read:

3011. (a) The identification envelope shall contain all of the following:

- (1) A declaration, under penalty of perjury, stating that the voter resides within the precinct in which he or she is voting and is the person whose name appears on the envelope.
- (2) *The signature of the voter and the last four digits of the voter's California Driver's License number or California ID Card number, or if the voter has neither, the last four digits of the voter's Social Security Number.*
- (3) The residence address of the voter as shown on the affidavit of registration.
- (4) The date of signing.
- (5) A notice that the envelope contains an official ballot and is to be opened only by the canvassing board *if the signature and numeric identifying information are verified.*
- (6) A warning plainly stamped or printed on it that voting twice constitutes a crime.
- (7) A warning plainly stamped or printed on it that the voter must sign the envelope in his or her own handwriting in order for the ballot to be counted.
- (8) A statement that the voter has neither applied, nor intends to apply, for a vote by mail voter's ballot from any other jurisdiction for the same election.
- (9) The name of the person authorized by the voter to return the vote by mail ballot pursuant to Section 3017.
- (10) The relationship to the voter of the person authorized to return the vote by mail ballot.

(11) The signature of the person authorized to return the vote by mail ballot.

(12) A security flap or sleeve to conceal the voter's signature and ID during mailing.

(b) An elections official shall verify that the voter's signature and numeric identification required pursuant to subdivision (a) paragraph (2) are consistent with the voter's corresponding state or federal records before the enclosed ballot may be counted.

~~(b)~~(c) Except at a primary election for partisan office, and notwithstanding any other provision of law, the vote by mail voter's party affiliation may not be stamped or printed on the identification envelope.

(d) Amendments to this section authorized by the Secure and Fair Elections Act shall apply to any election held on or after January 1, 2012.

SEC. 7. Severability: If any provision of this act, or part thereof, is for any reason held invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this act are severable.

SEC. 8. Amendment and Liberal Construction: This act shall not be amended by the Legislature except by a statute passed in each house by roll call vote entered in the journal, three-fourths of the membership of each house concurring. This act shall be broadly construed to accomplish its purpose of ensuring election integrity by verifying voter identification, ensuring that votes cast by absent uniformed services voters are counted, and preventing felons under correctional supervision from voting.