



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

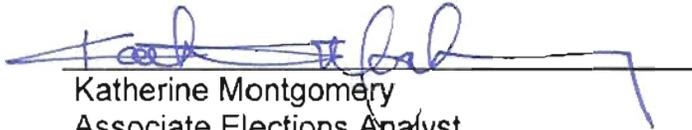
1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

November 16, 2009

County Clerk/Registrar of Voters (CC/ROV) Memorandum #09178

TO: All County Clerks/Registrars of Voters and Proponent

FROM:


Katherine Montgomery
Associate Elections Analyst

RE: Initiative: 1386, Related to Budget Vote Requirement

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:

**CHANGES LEGISLATIVE VOTE REQUIREMENT
TO PASS A BUDGET OR RAISE TAXES FROM TWO-THIRDS
TO A SIMPLE MAJORITY. INITIATIVE CONSTITUTIONAL AMENDMENT.**

The proponent of the above-named measure is:

George Lakoff
1435 Euclid Avenue
Berkeley, CA 94708

(510) 848-7465

#1386

**CHANGES LEGISLATIVE VOTE REQUIREMENT
TO PASS A BUDGET OR RAISE TAXES FROM TWO-THIRDS
TO A SIMPLE MAJORITY. INITIATIVE 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:Friday, 11/13/09
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elec. Code § 336) Friday, 11/13/09
 - 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)) Monday, 04/12/10
 - 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, 04/22/10

(If the Proponent files the petition with the county on a date prior to
04/12/10, 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, 05/01/10*
 - 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)).....Monday, 06/14/10

* Date varies based on the date of county receipt.

INITIATIVE #1386

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 05/01/10, 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))Thursday, 06/24/10*
- 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)). Thursday, 08/05/10

(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 06/24/10, 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).....Monday, 08/09/10*

*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



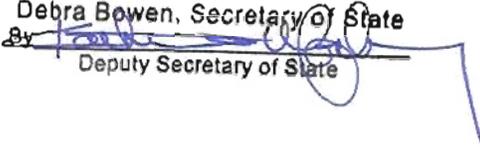
1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555
Telephone: (916) 445-4752
Facsimile: (916) 324-8835
E-Mail: Krystal.Paris@doj.ca.gov

November 13, 2009

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

NOV 16 2009

Debra Bowen, Secretary of State
By 
Deputy Secretary of State

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

Attention: Ms. Katherine Montgomery
Associate Elections Analyst

Re: Initiative 09-0037, "California Democracy Act."

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 the above-referenced proposed initiative to the proponent. 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

Proponent:
George Lakoff
1435 Euclid Avenue
Berkeley, CA 94708
lakoff@berkeley.edu

Date: November 13, 2009
Initiative 09-0037

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

CHANGES LEGISLATIVE VOTE REQUIREMENT TO PASS A BUDGET OR RAISE TAXES FROM TWO-THIRDS TO A SIMPLE MAJORITY. INITIATIVE

CONSTITUTIONAL AMENDMENT. Changes the legislative vote requirement necessary to pass the state budget, and to raise taxes, from two-thirds to a simple majority. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Unknown state fiscal impacts from lowering the legislative vote requirement for spending and tax increases. In some cases, the content of the annual state budget could change and/or state tax revenues could increase. Fiscal impact would depend on the composition and actions of future Legislatures. (09-0037.)

09-0037

September 23, 2009

Office of the Attorney General
Initiative Coordinator
1300 I Street
P.O. Box 944255
Sacramento, CA 94244-2550

RECEIVED

SEP 24 2009

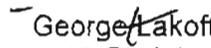
INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

RE: Request for Title and Summary – Initiative Constitutional Amendment

The undersigned hereby requests preparation of a title and summary of the Chief purpose and points of the proposed initiative measure known as the "California Democracy Act" pursuant to Article II, Section 10(d), of the California Constitution. Enclosed is the text of the proposed initiative, the required signed statement pursuant to California Elections Code section 9608 and a check in the amount of \$200.

Please direct any questions to the proponent at the address provided below.

Sincerely,


George Lakoff
1435 Euclid Avenue
Berkeley, CA
510-848-7465
lakoff@berkeley.edu

AN INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS**SECTION 1. Title**

This measure shall be known and cited as "The California Democracy Act"

SECTION 2. Findings and Declarations.

All legislative actions on revenue and budget must be determined by a majority vote.

SECTION 3. CALIFORNIA CONSTITUTION ARTICLE 4, Section 12, subdiv. (d) is amended to read (change in italics):

No bill except the budget bill may contain more than one item of appropriation and that for one certain express purpose. Appropriation from the General Fund of the State, except appropriations for the public school, are void unless passed by each house by rollcall vote entered in the journal, ~~two-thirds~~ *a majority* of the membership concurring.

SECTION 4. CALIFORNIA CONSTITUTION ARTICLE 13A, Sec. 3, is amended to read (change in italics):

From and after the effective date of this article, any changes in state taxes enacted for the purpose on increasing revenues collected pursuant thereto whether by increased rates or changes in the methods of computation must be imposed by Act passed by not less than ~~two-thirds~~ *a majority* of all members elected to each of the two houses of the Legislature, except that no new ad valorem taxes on real property, or sales or transaction taxes on the sale of new property may be imposed.

SECTION 5. Severability

If any of the provisions of this measure or the applicability of any of this measure to any person or circumstances shall be found to be unconstitutional or otherwise invalid, such finding shall not effect the remaining provisions or circumstances, and to that extent the provisions of this measure are deemed to be severable.

SECTION 6. Conflicting Initiatives

In the event that this measure and another measure or measures relating to their legislative votes required to pass the state budget, increase taxes, or enact or increase fees shall appear on the 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.

SECTION 7. Conflicting Law

If, and to the extent, any other provision of California Law is in conflict with this amendment, this amendment shall prevail.