



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

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November 18, 2009

County Clerk/Registrar of Voters (CC/ROV) Memorandum #09184

TO: All County Clerks/Registrars of Voters and Proponent

FROM:


Katherine Montgomery
Associate Elections Analyst

RE: Initiative: 1392, Related to Religion

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:

**CREATES SPECIAL CONSTITUTIONAL
RULE FOR SPEECH BASED ON THE BIBLE.
INITIATIVE CONSTITUTIONAL AMENDMENT.**

The proponent of the above-named measure is:

Allan Esses
5319 University Ave., Suite 133
Irvine, CA 92612

#1392

**CREATES SPECIAL CONSTITUTIONAL
RULE FOR SPEECH BASED ON THE BIBLE.
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:Wednesday, 11/18/09
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elec. Code § 336) Wednesday, 11/18/09
 - 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, 04/19/10*
 - 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, 04/29/10

(If the Proponent files the petition with the county on a date prior to
04/19/10, 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, 05/08/10**
 - 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, 06/21/10

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

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

INITIATIVE #1392
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 05/08/10, 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, 07/01/10*
- 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, 08/12/10

(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 07/01/10, 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, 08/16/10*

*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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E-Mail: Krystal.Paris@doj.ca.gov

November 18, 2009

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

NOV 18 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

Initiative 09-0033, "Religious Freedom." (Amdt. #1-S.)

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:
Allan Esses
YesJesusisLord.org
5319 University Ave., Ste. 133
Irvine, CA 92612

Date: November 18, 2009
Initiative 09-0033 (Amtd. # 1-S.)

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

CREATES SPECIAL CONSTITUTIONAL RULE FOR SPEECH BASED ON THE BIBLE. INITIATIVE CONSTITUTIONAL AMENDMENT. Exempts speech based on biblical authority from existing constitutional and statutory restrictions applicable to all other speech, including restrictions against discrimination and hate crimes. Repeals constitutional provision denying protection to acts of religious expression inconsistent with the peace or safety of the State. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Potentially minor increased costs to state and local governments to resolve legal issues pertaining to the effect of the measure. (09-0033.)

Yes Jesus Is Lord.Org

Jesus Christ is Lord, to the glory of God the Father - Phil 2:11 KJV
5319 University Ave., Ste. 133
Irvine, Ca. 92612

09 - 0033

September 24, 2009
The Honorable Jerry Brown
Attorney General
State of California
1300 I Street
Sacramento, Ca. 95814

Amdt. #1S

RECEIVED

SEP 29 2009

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Attention: Ms. Krystal Paris, Initiative Coordinator

Re: Change of Proposed Amendment and Request for Title and Summary – Initiative
Statutory Amendment: **“RELIGIOUS FREEDOM” – 09-0033**

Dear Attorney General Brown,

As the proponent of **“RELIGIOUS FREEDOM” – 09-0033**, I request a change to the proposed amendment.

The amendment wording is attached.

In addition, Ms. Paris wrote in her September 15, 2009 letter, "If you would like to submit a list of what you consider to be the chief purposes and points of your proposed measure, or if you have suggestions concerning the wording of the title and summary, the Attorney General will be pleased to consider them".

If I may, I would like to explain the reason for the wording of the Title and Summary of the amendment and why I believe it is important to be included.

The Preamble of the "CALIFORNIA CONSTITUTION" states:

"We, the People of the State of California, grateful to Almighty God for our freedom, in order to secure and perpetuate its blessings, do establish this Constitution."

We believe the purposes of all amendments to the California Constitution should encompass the same desires of the founders of our Constitution, who acknowledged and were grateful for the place of Almighty God in all our lives, and for our freedom and blessings.

Acknowledging and thankfulness to Almighty God is essential in order to achieve this purpose. If we exclude this, we would be inconsistent with the spirit and purpose of the amendment and the Constitution.

So we ask that the summary of our amendment reflect the fact that our chief purpose is to mention Almighty God, and our desire to secure and perpetuate His blessings upon the People of the State of California.

We should never want to take Almighty God out of the equation. Our founding Fathers of this great Nation and great State understood God's place, and His importance for its

blessings. They understood that the blessings of the People of California emanate from Almighty God.

We accomplish this by our Constitutional right to freely being able to use His Word, the Bible, without fear of persecution, prosecution, etc.

With this in mind, below is the recommended Title and Summary that we ask to be included and submitted to the electorate.

Title: "THE FREE EXERCISE OF RELIGION"

- Grateful to Almighty God for our freedom, this amendment is to secure and perpetuate the blessings of Almighty God for the People of California.
- Provides that a person using any part of the Bible's content as authority may freely communicate any view about, for or against various actions and principles at public or private gatherings, or in other places and circumstances or in any communicative medium.
- Therefore, it is not a crime, hate crime or unlawful for a person to use any part of the Bible's content as authority.
- Amends Section 4 of Article I of the California Constitution.

Again, thank you for all your help.

Very truly yours,

Allan Esses

Yes Jesus Is Lord.Org

Jesus Christ is Lord, to the glory of God the Father - Phil 2:11 KJV

Jesus saith unto him, I am the way, the truth, and the life: no man cometh unto the Father, but by me. - John 14:6 KJV

Initiative Constitutional Amendment: THE FREE EXERCISE OF RELIGION

This amendment would amend Section 4 of Article I of the California Constitution. Language proposed to be added is underlined. Existing language proposed to be deleted has a ~~strike through line through it~~.

That Section 4 of Article I of the California Constitution is amended to read:

CALIFORNIA CONSTITUTION
ARTICLE I DECLARATION OF RIGHTS

RELIGIOUS FREEDOM

Sec. 4. (a) Free exercise and enjoyment of religion without discrimination or preference are guaranteed. ~~This liberty of conscience does not excuse acts that are licentious or inconsistent with the peace or safety of the State.~~ The Legislature shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

A person is not incompetent to be a witness or juror because of his or her opinions on religious beliefs.

(b) We, the People of the State of California, grateful to Almighty God for our freedom, in order to perpetuate His blessings do submit that a person using any part of the Bible's content as authority may freely speak, pray, write, discuss, publish, preach, teach, hear, share his or her faith, engage in street witnessing, distribute written material or otherwise communicate any views at any public or private gathering, school, church, or other place of worship, Bible Study group or sidewalk or in any communicative medium, the internet, satellite, television, film, theater, radio, videos, recording, newspapers, magazines, music, and periodicals or by means of a telephone, cell phone or fax machine. These provisions shall not be construed to authorize actions prohibited by Section 302, Section 602.11 and Section 11412 of the Penal Code.