



**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

October 17, 2011

County Clerk/Registrar of Voters (CC/ROV) Memorandum #11089

TO: All County Clerks/Registrars of Voters and Proponents

FROM:

  
Katherine Montgomery  
Initiative Program Manager

RE: Referendum: 1510, Related to Ballot Measures

Pursuant to Elections Code section 9006 (c), we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed referendum measure entitled:

**REFERENDUM TO OVERTURN  
CHANGES TO BALLOT MEASURE ELECTIONS.**

The proponent of the above-named measure is:

Charles H. Bell, Jr.  
Bell, McAndrews & Hiltachk, LLP  
455 Capitol Mall, Suite 600  
Sacramento, CA 95814

(916) 442-7757

#1510

**REFERENDUM TO OVERTURN  
CHANGES TO BALLOT MEASURE ELECTIONS.**

**CIRCULATING AND FILING SCHEDULE**

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1. Minimum number of signatures required: ..... 504,760  
Cal. Const., art. II, § 9(b)
  
2. Date of Enactment: .....Friday, 10/07/11
  
3. Official Summary Date: .....Monday, 10/17/11  
(Elections Code § 336)
  
4. Petition Sections:
  - a. First day Proponent can circulate Sections for  
signatures (Elections Code § 9014)..... Monday, 10/17/11
  
  - b. Last day Proponent can circulate and file with the county.  
All sections are to be filed at the same time  
within each county within 90 days of the  
enactment date (Elections Code § 9014). ..... Thursday, 01/05/12
  
  - c. Last day for county to determine total number of  
signatures affixed to petitions and to transmit total  
to the Secretary of State (Elections Code § 9030(b)).....Wednesday, 01/18/12  
  
(If the Proponent files the petition with the county on a date prior to  
01/05/12, 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) (Elections 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 (Elections Code § 9030(c)).....Friday, 01/27/12\*
  
  - 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  
(Elections Code §§ 9030(d) & (e)).....Tuesday, 03/13/12

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

**REFERENDUM #1510**  
**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 01/27/12, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elections Code §§ 9030(d) & (e).)

- f. If the signature count is more than 555,236 or less than 479,522 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 479,522 and 555,236 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))..... Friday, 03/23/12\*

- 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. (Elections Code §§ 9031(b) & (c))..... Friday, 05/04/12

(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 03/23/12, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elections 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 (Elections Code §§ 9031(d), 9033)... Tuesday, 05/08/12\*

\*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, referendum or recall petitions for any purpose other than to qualify the 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 § 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 §§ 100, 101, 104, 9008, 9009, 9010, 9011, 9013, 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.
- Please refer 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 or referendum 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.



**KAMALA D. HARRIS**  
**Attorney General**

**State of California**  
**DEPARTMENT OF JUSTICE**

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October 17, 2011

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

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

OCT 17 2011 *VIA EMAIL*

~~Debra Bowen, Secretary of State~~  
By: *[Signature]*  
~~Deputy Secretary of State~~

Attention: Ms. Katherine Montgomery  
Elections Analyst

Dear Secretary Bowen:

Pursuant to Elections Code section 9004, you are hereby notified that on this day we sent our title and summary for the following proposed referendum to the proponent:

- 11-0047, Referendum of SB 202

A copy of that title and summary and text of the proposed referendum is enclosed. Please contact me if you have questions.

Sincerely,

*[Handwritten Signature: Dawn McFarland]*

DAWN L. MCFARLAND  
Acting Initiative Coordinator

For KAMALA D. HARRIS  
Attorney General

DLM:

cc: Charles H. Bell, Jr.  
Bell, McAndrews & Hiltachk, LLP

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

**REFERENDUM TO OVERTURN CHANGES TO BALLOT MEASURE ELECTIONS.** If signed by the required number of registered voters and filed with the Secretary of State, this petition will place on the statewide ballot a challenge to a state law previously approved by the Legislature and Governor. The law must then be approved by a majority of voters at the next statewide election to go into effect. The law would limit statewide initiatives and referendums to November general elections or special elections, no longer including primary elections, and move the vote on proposed changes to California's budget reserves to November 2014. (11-0047)

## BELL, McANDREWS &amp; HILTACHK, LLP

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October 7, 2011

BY HAND DELIVERYHonorable Kamela Harris  
Attorney General  
ATTN: Initiative Coordinator  
Department of Justice  
1300 I Street, 17<sup>th</sup> Floor  
Sacramento, CA 95814Re: Referendum of SB 202

Dear Attorney General Harris:

This is to request that the Attorney General prepare a circulating Title and Summary for the proposed referendum of Senate Bill 202, which was signed into law today by Governor Brown, pursuant to Section 9 of Article II and Section 2(i) of Article XXI of the California Constitution.

Please find attached the statements pursuant to Elections Code sections 9001 and 9608, the name and residence address of the proponent, and our check for \$200.

The public contact information for the proponent is as follows:

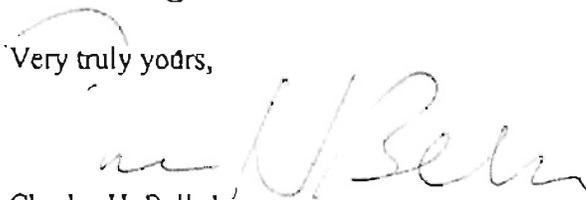
Charles H. Bell, Jr.  
Bell, McAndrews & Hiltachk, LLP  
455 Capitol Mall, Suite 600  
Sacramento, CA 95814  
Phone (916) 442-7757  
Email: cbell@bmhlaw.com

RECEIVED

OCT 07 2011

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Very truly yours,

  
Charles H. Bell, Jr.

## CHAPTER \_\_\_\_\_

An act to amend Section 9016 of the Elections Code, and to repeal Section 1 of Chapter 732 of the Statutes of 2010, relating to elections.

## LEGISLATIVE COUNSEL'S DIGEST

SB 202, Hancock. Elections: ballot measures.

Existing law permits the voters to propose and adopt a statute or constitutional amendment through the power of the initiative, and to approve or reject a statute or a part of a statute through the power of the referendum, by presenting to the Secretary of State a petition that sets forth the text of the proposed measure and is certified to have been signed by a specified number of electors.

Existing law requires the Secretary of State to submit a certified initiative measure at the next general election held at least 131 days after the measure qualifies for the ballot or at any statewide special election that is held prior to that general election and is held at least 131 days after the measure qualifies for the ballot, and further requires the Secretary of State to submit a certified referendum measure at the next general election held at least 31 days after the measure qualifies for the ballot or at any statewide special election that is held prior to that general election. Under existing law, "general election" is defined to mean either the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year or any statewide election held on a regular election date, as specified.

This bill would provide that, notwithstanding the above definition of "general election," that term means, for purposes of submitting to the voters an initiative or referendum measure that is certified for the ballot on or after July 1, 2011, only the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year.

Existing law requires the Secretary of State to submit ACA 4 of the 2009–10 Regular Session, a proposed legislative constitutional amendment relating to state finance, to the voters at the 2012 statewide presidential primary election, as specified.

This bill would repeal those provisions and would, instead, require the Secretary of State to submit ACA 4 to the voters at the November 4, 2014, statewide general election.

*The people of the State of California do enact as follows:*

SECTION 1. Section 9016 of the Elections Code is amended to read:

9016. (a) Notwithstanding Section 324, for purposes of subdivision (c) of Section 8 of, and subdivision (c) of Section 9 of, Article II of the California Constitution, “general election” means only the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year with respect to an initiative or referendum measure that is certified for the ballot on or after July 1, 2011.

(b) Notwithstanding any other provision of law, an initiative measure shall not be submitted to the voters at a statewide special election held less than 131 days after the date the measure is certified for the ballot.

SEC. 2. Section 1 of Chapter 732 of the Statutes of 2010 is repealed.

SEC. 3. Notwithstanding Section 9040 of the Elections Code or any other provision of law, the Secretary of State shall submit Assembly Constitutional Amendment 4 of the 2009–10 Regular Session to the voters at the November 4, 2014, statewide general election.