

1-20-2004

RIGHT TO KEEP AND BEAR ARMS.  
INITIATIVE CONSTITUTIONAL  
AMENDMENT.

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SECRETARY OF STATE  
**KEVIN SHELLEY**  
STATE OF CALIFORNIA

August 18, 2004

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND  
PROponents (04264)

FROM: *Brianna Lierman*  
BRIANNA LIERMAN  
ELECTIONS ANALYST

RECEIVED

AUG 23 2004

LIBRARY  
HASTINGS COLLEGE OF THE LAW

SUBJECT: FAILURE OF INITIATIVE #1026

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures to the hereinafter named INITIATIVE CONSTITUTIONAL AMENDMENT filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has **failed**.

TITLE: RIGHT TO KEEP AND BEAR ARMS.

SUMMARY DATE: 01/20/04

PROponent: Donald Kilmer





SECRETARY OF STATE  
**KEVIN SHELLEY**  
STATE OF CALIFORNIA

January 20, 2004

TO: ALL REGISTRARS OF VOTERS OR COUNTY CLERKS AND PROPONENTS  
(04027)

FROM: *Brianna Lierman*  
BRIANNA LIERMAN  
ELECTIONS ANALYST

RECEIVED

JAN 26 2004

LIBRARY  
HASTINGS COLLEGE OF THE LAW

SUBJECT: **Initiative #1026**

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:

**RIGHT TO KEEP AND BEAR ARMS.  
INITIATIVE CONSTITUTIONAL AMENDMENT.**

The proponent of the above-named measure is:

Donald Kilmer  
Law Office of Donald Kilmer  
1261 Lincoln Avenue, Ste. 111  
San Jose, CA 95125-3030

(408) 998-8489

ELECTIONS DIVISION

1500 11<sup>TH</sup> STREET - 5<sup>TH</sup> FLOOR • SACRAMENTO, CA 95814 • (916) 657-2166 • WWW.SS.CA.GOV

**#1026  
RIGHT TO KEEP AND BEAR ARMS.  
INITIATIVE CONSTITUTIONAL AMENDMENT.**

**CIRCULATING AND FILING SCHEDULE**

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1. Minimum number of signatures required: ..... 598,105  
California Constitution, Article II, Section 8(b)
  
2. Official Summary Date:..... Tuesday, 01/20/04
  
3. Petitions Sections:
  - a. First day Proponent can circulate Sections for  
signatures (EC §336) .....Tuesday, 01/20/04
  
  - b. Last day Proponent can circulate and file  
with the county. All sections are to be filed at the  
same time within each county (EC §336, 9030(a))..... Friday, 06/18/04
  
  - c. Last day for county to determine total number of  
signatures affixed to petitions and to transmit total  
to the Secretary of State (EC §9030(b))..... Wednesday, 06/30/04  
  
(If the Proponent files the petition with the county on a date prior to 06/18/04,  
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) (EC §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, 07/09/04\*
  
  - 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  
(EC §9030(d)(e)) ..... Friday, 08/20/04

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

**INITIATIVE #1026**  
**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 07/09/04, the last day is no later than the thirtieth day after the county's receipt of notification). (EC §9030(d)(e)).

- f. If the signature count is more than 657,916 or less than 568,200 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 568,200 and 657,916 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)) ..... Monday, 08/30/04\*
  
- 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. (EC §9031(b)(c)). ..... Thursday, 10/14/04

(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 08/30/04, the last day is no later than the thirtieth working day after the county's receipt of notification) (EC §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 (EC §9031(d); 9033) ..... Monday, 10/18/04\*

\*Date varies based on receipt of county certification.

## 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 constitute 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.

Enclosures

**BILL LOCKYER**  
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

Facsimile: (916) 324-8835  
Phone: (916) 324-5464

January 20, 2004

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

JAN 20 2004

Kevin Shelley  
Secretary of State  
1500 - 11<sup>th</sup> Street, 5<sup>th</sup> Floor  
Sacramento, California 95814

KEVIN SHELLEY, Secretary of State

By Brianna Herman  
Deputy Secretary of State

RE: Initiative Title and Summary  
SUBJECT: RIGHT TO KEEP AND BEAR ARMS.  
INITIATIVE CONSTITUTIONAL AMENDMENT.  
FILE NO: SA2003RF0061

Dear Mr. Shelley:

Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed our title and summary to the proponent of the above-identified proposed initiative.

Enclosed is a copy of our transmittal letter to the proponent, a copy of our title and summary, a declaration of service thereof, and a copy of the proposed measure.

According to information available in our records, the name and address of the proponent is as stated on the declaration of service.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle L. Levy".

MICHELLE L. LEVY  
Senior Legal Analyst

For BILL LOCKYER  
Attorney General

MLL  
Enclosures



Date: January 20, 2004  
File No.: SA2003RF0061

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

**RIGHT TO KEEP AND BEAR ARMS. INITIATIVE CONSTITUTIONAL AMENDMENT.**

Amends the California Constitution to add a personal right to acquire and possess arms for defense of self, family, and home. Requires state to prove a compelling government interest for any action regulating the keeping and bearing of arms. Provides that all county, city, and local government action on this subject is preempted by state law and this amendment. Allows the state to continue regulating the acquisition or possession of arms by felons, minors, mentally incompetent persons, or persons subject to restraining orders based on their violent conduct.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure would result in unknown, potential costs to the state and unknown net fiscal effects on local governments.

**BILL LOCKYER**  
*Attorney General*

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



1300 I STREET, SUITE 125  
P.O. BOX 944255  
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Facsimile: (916) 324-8835  
Phone: (916) 324-5464

January 20, 2004

Donald Kilmer  
LAW OFFICES OF DONALD KILMER  
1261 Lincoln Avenue, Suite 111  
San Jose, CA 95125-3030

RE: Initiative Title and Summary  
SUBJECT: RIGHT TO KEEP AND BEAR ARMS.  
INITIATIVE CONSTITUTIONAL AMENDMENT.  
FILE NO: SA2003RF0061

Dear Mr. Kilmer:

Pursuant to your request, we have prepared the enclosed title and summary of the chief purpose and points of the referenced proposed initiative. Enclosed is a copy of our letter to the Secretary of State, as required by Elections Code sections 9004 and 336, our declaration of service, the title and summary, and the text of your proposed initiative. Enclosed also is a copy of the fiscal estimate prepared by the Department of Finance and the Joint Legislative Budget Committee pursuant to Elections Code section 9005.

The Secretary of State will be sending a copy of the circulating and filing schedule for the proposed initiative shortly. After you have your petitions printed for this measure, please provide us a copy, not for our review or approval, but to supplement our file in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle L. Levy".

MICHELLE L. LEVY  
Senior Legal Analyst

For **BILL LOCKYER**  
Attorney General

MLL  
Enclosures

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030  
Phone: 408/998-8489  
Fax: 408/998-8487

November 25, 2003

SA2003RF0061

Via: U.S. Mail

Attorney General Bill Lockyer  
**ATTN: INITIATIVE COORDINATOR**  
Office of the Attorney General  
1300 I Street  
Sacramento, CA 95814

**RECEIVED**  
DEC 01 2003

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

**SUBJECT: California Constitutional Amendment**

Dear Attorney General Lockyer:

This letter is to replace/update my November 3, 2003 letter. Enclosed is a check made out to the State of California to replace the one you think is defective.

You already have the referral for a California Constitutional Amendment. I understand "If signed by the required number of electors and filed with the Secretary of State by a date to be specified" this petition will qualify as a ballot initiative in the November 2004 election.

You also already have the Title and Summary from the last attempt to qualify the exact same amendment, along with the budget analysis performed by the Joint Legislative Budget Committee for that previous attempt. As there should be no changes to analysis, we sincerely hope that this process can be expedited. Thank you.

As a registered California voter, I hereby request title and summary in order to prepare petitions for circulation to collect signatures. The proponent of this Initiative is: Donald Kilmer

Business Address:

1261 Lincoln Avenue, Suite 111  
San Jose, CA 95125-3030

Registered to vote at:

I, Donald Kilmer, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Date: November 25, 2003

Donald Kilmer

enc: Check # 307

Amendment to California Constitution

The Self-defense Initiative

The inalienable right to defend life and liberty as set forth in Article I, Section 1 of the California Constitution includes the fundamental right of each person to keep and bear arms for the defense of self, family and home. This right shall not be infringed.

- A. All State government action regulating the right of law-abiding persons to acquire and possess arms for the defense of self, family and home, shall be subject to strict scrutiny, in the same respect as the freedoms of speech and of the press. All county, city and local government action on this subject is preempted by state law and this Amendment.
  
- B. This Amendment does not limit the State from regulating the acquisition and possession of arms by: felons, minors, the mentally incompetent, and any person subject to restraining orders based upon their own violent conduct.

