

5-12-2004

MARRIAGE. CALL FOR NATIONAL
CONSTITUTIONAL CONVENTION.
INITIATIVE CONSTITUTIONAL
AMENDMENT.

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MARRIAGE. CALL FOR NATIONAL CONSTITUTIONAL CONVENTION. INITIATIVE CONSTITUTIONAL
AMENDMENT. California Initiative 1055 (2004).
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SECRETARY OF STATE
KEVIN SHELLEY
STATE OF CALIFORNIA

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December 15, 2004

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND
PROPOSERS (04408)

FROM:


JOANNA SOUTHARD, PROGRAM MANAGER
BALLOT PAMPHLET & INITIATIVES

SUBJECT: FAILURE OF INITIATIVE #1055

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: MARRIAGE. CALL FOR NATIONAL CONSTITUTIONAL
CONVENTION.

SUMMARY DATE: 05/12/04

PROPOSER: Brenda Smart





SECRETARY OF STATE
KEVIN SHELLEY
STATE OF CALIFORNIA

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May 12, 2004

TO: ALL REGISTRARS OF VOTERS/COUNTY CLERKS AND PROPONENTS
(04160)

FROM: *Brianna Lierman*
Brianna Lierman
Elections Analyst

SUBJECT: **INITIATIVE #1055**

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:

**MARRIAGE.
CALL FOR NATIONAL CONSTITUTIONAL CONVENTION.
INITIATIVE CONSTITUTIONAL AMENDMENT.**

The proponent of the above-named measure is:

Brenda Smart
13642 Derby Downs Court
San Diego, CA 92130

#1055

**MARRIAGE.
CALL FOR NATIONAL CONSTITUTIONAL CONVENTION.
INITIATIVE CONSTITUTIONAL AMENDMENT.**

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 598,105
California Constitution, Article II, Section 8(b)
2. Official Summary Date:..... Wednesday, 05/12/04
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336) Wednesday, 05/12/04
 - 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))..... Tuesday, 10/12/04*
 - 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)).....Friday, 10/22/04**

(If the Proponent files the petition with the county on a date prior to 10/12/04,
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..... Sunday, 10/31/04
 - 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)) Wednesday, 12/15/04

* Date adjusted for official deadline, which falls on a Saturday/Holiday (EC §15)

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

INITIATIVE #1055

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 10/31/04, the last day is no later than the thirtieth working 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)) Saturday, 12/25/04

- 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)).Monday, 02/07/05

(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 12/25/04, 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) Friday, 02/11/05*

*Date varies based on receipt of county certification.

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 100,101,101.5,104,9001, 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

FILED

May 12, 2004 in the office of the Secretary of State
of the State of California

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

MAY 12 2004

KEVIN SHELLEY, Secretary of State

By Brianna Kierman
Deputy Secretary of State

RE: Initiative Title and Summary
SUBJECT: MARRIAGE. CALL FOR NATIONAL CONSTITUTIONAL CONVENTION.
INITIATIVE CONSTITUTIONAL AMENDMENT.
FILE NO: SA2004RF0016

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,

Tricia Knight

TRICIA KNIGHT
Initiative Coordinator

For BILL LOCKYER
Attorney General

TK/cw
Enclosures

Date: May 12, 2004
File No.: SA2004RF0016

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

MARRIAGE. CALL FOR NATIONAL CONSTITUTIONAL CONVENTION. INITIATIVE
CONSTITUTIONAL AMENDMENT. Amends California Constitution to require that until Congress proposes an amendment to United States Constitution that either: (a) defines marriage as between a man and a woman; or (b) ensures each State's right to define marriage, the California Legislature shall, before passing any new legislation, call for a United States Constitutional Convention. Requires the Legislature to facilitate California's participation in the Constitutional Convention. Provides that legislative mandate continues until the described Constitutional amendment is adopted. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure would have potentially minor one-time state costs.

SA2004RF0016

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MAR 19 2004

March 17, 2004

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Honorable Bill Lockyer
Attorney General, State of California
c/o Tricia Knight, Initiative Coordinator
1300 I St.
Sacramento, CA 95814

**RE: Request for Title and Summary - Defense of Marriage Convention Call
Initiative to Amend the Constitution of California**

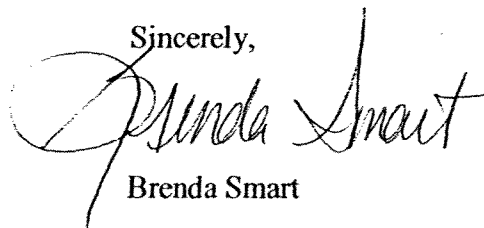
Dear Attorney General Lockyer:

I am the proponent of a proposed amendment to the California Constitution entitled the "California Defense of Marriage Convention Call", a copy of which is attached hereto. Pursuant to Article II, Section 10(d) of the California Constitution and California Elections Code Section 9002, I request that a title and summary be prepared for the attached proposed measure. Enclosed is a check for \$200.

I am a registered voter in the State of California. My address as registered to vote is set forth above. I request that this address be used to verify my status as a registered voter, but otherwise to be kept confidential pursuant to your policy. I have signed and attached to this letter the Declaration required by Elections Code Section 9608. You are hereby authorized to direct all inquiries to me.

Thank you for your assistance in this matter.

Sincerely,



Brenda Smart

Encs.

SA2004RF0016

Uniform Defense of Marriage
Convention Call
to
Amend the United States Constitution

Until the Congress of the United States of America shall have proposed an amendment to the United States Constitution that only (a) defines marriage as between a man and a woman or (b) ensures to each state the right to decide for itself the definition of marriage for all its residents, then, the Legislature of each session of this State shall, prior to the passage of any new legislation by the Legislature, call for the convening of a United States Constitutional Convention. Such call shall be for a Convention with the same authority and rules as the original founding Convention and shall be valid for a period of seven years once made. The Legislature shall take all such additional acts as necessary, including the appointment of representatives, to call, attend and fully participate in such a Convention. Such representatives shall meet at a place designated by the sponsors of this law no later than May 14 of each year, and shall as one of their first items of business determine whether there is adequate participation so that a Convention has authority to proceed. When, in consequence of such a Convention, any Constitutional amendment adopted shall either (a) define marriage as only between a man and a woman or (b) ensure to each state the right to decide for itself the definition of marriage for all its residents, then the Legislature of this State shall thereafter have no further obligation to issue a new call for a Convention.