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Elections. Electronic Voting Machines. Initiative Constitutional Amendment.

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**From the Desk of
Hank Ramey**

SA2005RF0073

April 6, 2005

Ms. Tricia Knight
Initiative Coordinator
Office Of the Attorney General
State of California
1300 I St.
Sacramento, CA., 95814

RECEIVED
APR 18 2005

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Proposed Honest Voting Act of 2005.

Dear Madam:

I am the Proponent of the "Honest Voting Act of 2005". I am registered to vote at the address above. Enclosed is the Proposed "Honest Voting Act of 2005", a check for \$200, and the Declaration of myself stating that it is illegal for me and those under my control to use the signatures hereinafter circulated other than for qualifying the Proposed Initiative.

Please have your Office prepare the Title and Summary.

Thank you very much.

Sincerely,

Proponent,
Honest Voting Act of 2005

HFR11:hfr2
Enclosures

Cc: Grassroots-CA-OH-FL@yahoogleroups.com
Other Yahoogroups

To the Honorable Secretary of State of California

We, the undersigned, registered, qualified voters of California, residents of _____ County (or City and County), hereby propose amendments to the Constitution of California and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The proposed constitutional amendment reads as follows:

THE HONEST VOTING ACT OF 2005.

First-Section 4 of Article II of the Constitution of California is amended as follows:

CALIFORNIA CONSTITUTION
ARTICLE II, SECTION 4

SEC. 4. (a) This Section shall be named "The Honest Voting Act of 2005".

(b) Neither the State of California nor any County shall be allowed to purchase, operate, and authorize the use of any voting in any Federal, State, County, City, or other election by electronic means, but the Legislature shall authorize the use of paper ballots, as of the effective date the amendment of this Section is adopted by the voters. The People find and declare that all computerized touchscreen voting machines can break down, they are very expensive, and they are not easily distributed in an equal manner to all voters. This does not affect Counties that have already purchased, operate, and authorize any voting by electronic machines, but use of those machines shall be subject to subdivisions (c) through (e).

(c) In Counties that already purchased, operate, and authorize any voting by electronic machines, each vote from each of those machines shall contain a receipt of each vote made by the voter.

(d) On election day, there shall be a Precinct Board containing five Members who are in the Registrar of Voter Service defined in Subdivision (i). At least four times a day, a different Member shall count and tally at least 10 percent of the receipts from the electronic machines, but shall not disclose the results of each tally until the receipts and tallies are turned over to the Office of the Registrar of Voters.

(e) The software source code of each electronic machine shall be a public record, and shall not be exempted under Government Code Section 6254 or any other law or statute.

(f) The Legislature shall prohibit improper practices that affect elections and shall provide for the disqualification of electors while mentally incompetent or imprisoned.

(g) All persons shall be allowed to register or re-register to vote up to election day.

(h) Nothing shall prevent the voter from voting by mail, if only the voter or a relative not beyond the third degree of relationships so mails his or her vote to the Registrar of Voters of the County.

(i) All votes shall be hand-counted by registered voters who appointed in the same manner as petit jurors under the supervision of the Registrar of Voters. The master rolls shall be randomly selected from the voter registration rolls, driver's license records, and real estate records for each County. Those called for an election shall be selected in order

from a Registrar of Voters service list on paper, and filed by January 1 of the year of selection. Requests for excuses shall be in writing, which would be for (a) illness or injury, (b) financial hardship, (c) on a previously scheduled vacation, and/or (d) a temporary or permanent disability; all to the extent the previous reasons would interfere with Registrar of Voters service. Excused absences shall be granted in writing, stating the name, the excuse, and when was the excuse granted. No employer can terminate for the required performance in doing Registrar of Voters service. No counting of the votes shall be given to persons not selected for Registrar of Voters service or to private corporations.

(j) Each County shall be divided up into precincts of no more than 400 voters each.

(k) No voter shall be misled by any election official, any person engaged in Registrar of Voters service, any member of the precinct board, any member(s) of any political party, or any supporter or opponent of any candidate or any initiative or referendum as to when and/or where he or she can vote, who could vote, and any qualifications as to voting or voter registration.

(l) No voter shall be denied his or her right to vote on the basis of race, gender, orientation, religion, or previous condition of servitude or incarceration.

(m) Any voter who has previously voted at a previous address, but has moved from a prior address shall be entitled to register to vote and vote at the new precinct. All votes from voters that have moved before election day who refuse to vote at the new precinct will not have their vote counted, unless a provisional ballot is required to be given to the voter to be cast.

(n) Only the members of the precinct board or if none, the chief election officer of the County, may disqualify a voter before he or she may cast a vote, and only then, if required by law, may allow the voter to vote by provisional ballot.

(o) The voter shall not be prevented by way of arrest from voting, nor shall any peace officer shall prevent the voter from going to his or her polling place unless there is a reasonable belief or suspicion that the voter will engage in any illegal activity.

(p) All Counties, and in municipal elections, all cities, shall provide for enough absentee ballots, provisional ballots, paper ballots, and all other election materials at each polling place, provided, that each polling place shall have in excess of 125% of their supplies. If there is a need for a County, city, or a Registrar of Voters needing assistance, other Counties, cities, and Registrar of Voters may assist the County, city, or Registrar of Voters so requesting.

(q) All polling places shall be opened at 7 o'clock ante meridian and shall close at 10 o'clock post meridian, and shall not allow any more voters after that time, unless the voters are already in line at the time of closing. In each polling place in any election, there shall be two precinct boards, one operating between 7 o'clock ante meridian and 2 o'clock post meridian, and the other shall operate between 2 and 10 o'clock post meridian. Persons serving on Registrar of Voters Service shall be divided among both precinct board shifts, and the third group shall be used after hours to hand-count the ballots.

(r) Any violation of this section shall be reviewed by mandamus, quo warranto, or by way of elections contest and the court of competent jurisdiction may declare that the person receiving more elected votes to be the winner, whether any measure is approved or rejected, or may require another election. If any of the provisions of this Section is violated, or the election results were obtained by way of fraud, the costs and attorney's fees, including the costs of any recounts, shall be assessed to the County conducting the

election where the provisions of this section was violated or where the fraud occurred. This section is expressly applied to all elections for Federal and statewide offices, and for Members of the Legislature. In any proceedings regarding violations of this section, any contestants or petitioners shall have a right to secure all voting records, and all discovery under the Code of Civil Procedure and California Rules of Court shall be permitted.