

2-2-2011

Presidential Electors. Political Party Nomination and Election by Congressional District. Initiative Statute.

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Presidential Electors. Political Party Nomination and Election by Congressional District. Initiative Statute. California Initiative 1477 (2011).

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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

July 18, 2011

County Clerk/Registrar of Voters (CC/ROV) Memorandum #11047

TO: All County Clerks/Registrars of Voters and Proponent

FROM:


Katherine Montgomery
Initiative Program Manager

RE: Initiative: Failure of #1477, Related to the Electoral College

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures for the hereinafter named initiative statute 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: PRESIDENTIAL ELECTORS. POLITICAL PARTY NOMINATION
AND ELECTION BY CONGRESSIONAL DISTRICT. INITIATIVE
STATUTE.

SUMMARY DATE: February 2, 2011

PROPONENT: Edward "Ted" Costa



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February 2, 2011

County Clerk/Registrar of Voters (CC/ROV) Memorandum #11008

TO: All County Clerks/Registrars of Voters and Proponent

FROM:


Katherine Montgomery
Initiative Program Manager

RE: Initiative: 1477, Related to the Electoral College

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:

**PRESIDENTIAL ELECTORS.
POLITICAL PARTY NOMINATION AND ELECTION
BY CONGRESSIONAL DISTRICT. INITIATIVE STATUTE.**

The proponent of the above-named measure is:

Edward "Ted" Costa
3407 Arden Way
Sacramento, CA 95825

(916) 482-6175

#1477

**PRESIDENTIAL ELECTORS.
POLITICAL PARTY NOMINATION AND ELECTION
BY CONGRESSIONAL DISTRICT. INITIATIVE STATUTE.**

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 504,760
California Constitution, Article II, Section 8(b)
2. Official Summary Date: Wednesday, 02/02/11
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elec. Code § 336)..... Wednesday, 02/02/11
 - b. Last day Proponent can circulate and file with the county.
All sections are to be filed at the same time within each
county. (Elec. Codes §§ 336, 9030(a))..... Tuesday, 07/05/11*
 - 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))..... Friday, 07/15/11

(If the Proponent files the petition with the county on a date prior to
07/05/11, 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..... Sunday, 07/24/11**
 - 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))..... Friday, 09/02/11

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

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

INITIATIVE #1477
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 07/24/11, 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 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)) Monday, 09/12/11*

- 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))..... Tuesday, 10/25/11

(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 09/12/11, 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) Saturday, 10/29/11*

*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.



KAMALA D. HARRIS
Attorney General

State of California
DEPARTMENT OF JUSTICE

1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

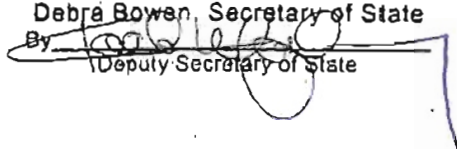
Public: (916) 445-9555
Telephone: (916) 445-4752
Facsimile: (916) 324-8835
E-Mail: Krystal.Paris@doj.ca.gov

February 2, 2011

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

FEB 02 2011

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

Debra Bowen, Secretary of State
By 
Deputy Secretary of State

Attention: Ms. Katherine Montgomery
Associate 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 initiative to the proponent:

- Initiative 10-0024, "Electoral College Reform Act"

A copy of that title and summary and text of the proposed initiative is enclosed. Thank you.

Sincerely,


KRYSTAL M. PARIS
Initiative Coordinator

For KAMALA D. HARRIS
Attorney General

Proponent:
Edward "Ted" Costa
People's Advocate
3407 Arden Way
Sacramento, CA 95825

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

PRESIDENTIAL ELECTORS. POLITICAL PARTY NOMINATION AND ELECTION BY CONGRESSIONAL DISTRICT. INITIATIVE STATUTE. Requires California to join

two other states in selecting electors for president by the plurality vote in each congressional district. Two at-large electors to be selected based on plurality of statewide vote for president.

Provides for political party nomination of electors pledged to vote for that party's candidate.

Mandates that electors vote for candidate for whom they are pledged. Independent electors to be chosen by independent presidential candidates and also elected by congressional district.

Eliminates \$10 compensation and 5 cents per mile reimbursement of electors. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local

government: **Reduced state expenses of less than \$10,000 every four years.** (10-0024.)

ELECTORAL REFORM CALIFORNIA.com

A Special Project of the People's Advocate

3407 Arden Way, Sacramento, CA 95825

916-482-6175

10-0024

December 7, 2010

Via Personal Delivery

The Honorable Edmund G. Brown, Jr.
Attorney General, State of California
1300 I Street, Suite 125 P. O. Box
944255
Sacramento, CA 94244-2550

RECEIVED

DEC 07 2010

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Attention: Ms. Krystal Paris, Initiative Coordinator, Office of the Attorney General.
916-445-4752, Fax 916-324-8835, krystal.paris@doj.ca.gov

Re: Proposed Statutory Initiative: ELECTORAL COLLEGE REFORM ACT

Dear General Brown:

Pursuant to the California Elections Code, Section 9002, I respectfully request that the Attorney General prepare an unbiased title and summary for the attached measure. Enclosed is the \$200 filing fee as required by Section 9002.

I am registered to vote in Sacramento County, State of California. Attached Exhibit A. Attached Exhibit B is the acknowledgement of the proponent as required of the Election Code, Section 9608.

Attached C is suggested Title and Summary.

Please direct all correspondence and inquiries regarding this initiative to Electoral Reform California, 3407 Arden Way, Sacramento, CA, 95825, 916-482-6175, Fax 916-482-2045

If there is any further information I can provide please do not hesitate to call.

Thank you for your cooperation.

Edward (Ted) Costa
Proponent

Electoral College Reform Act.

Section 1. Findings and Declaration of Purpose

- California is largely taken for granted by Presidential Candidates because of its “winner-take-all” system of awarding its electoral votes. In recent elections, Presidential candidates ignored voters in California and have spent more time and money trying to win votes in smaller states with just a few electoral votes.
- Our “winner take all” system of awarding electoral votes does not reflect the vast diversity of our state, the regional differences of our citizenry, and the unique problems faced by Californians
- Further, a “winner take all” system impedes credible third party or independent candidacies for President.
- Maine and Nebraska do not have a “winner take all” system of awarding electoral votes.
- Mega urban areas dominate the process. Los Angeles County voters determines whom California votes for President.
- Independent, rural and non-urban areas are discriminated under “winner take all”.

The initiative will amend the Election Code: Chapter 1 of Part 2 of Division 6, Sections 6900, 6901, 6903, and 6909.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS
FOLLOWS:

SEC 1. Section 6900 of the Elections Code is amended to read:

6900. (a) The term "elector" or "presidential elector" as used in this chapter means an elector of President and Vice President of the United States, and not an elector as defined in Section 321.

(b) An elector shall be nominated in each congressional district and two electors on a statewide basis in accordance with the rules of the political party with which the elector is affiliated, subject to the following requirements:

(1) An elector selected on the basis of a congressional district must be a resident of that district.

(2) An elector selected on a statewide basis shall be a resident of the state.

(3) An elector shall be a member of the political party that nominated the elector at the time of nomination and shall have been a member of that political party for the preceding four years, unless the political party was not qualified under Division 5, during that four-year period.

(4) An elector shall sign a pledge that he or she shall cast his or her ballot for the candidates for President and Vice President of the United States who receive the plurality of votes in the congressional district in which the elector is nominated, or who receive the plurality of votes in the state in the case of an electors elected on a statewide basis, provided that those candidates are alive at the time the vote is cast.

(5) If an elector is disqualified to serve as an elector because of his or her failure to meet the applicable requirements of paragraphs (1) to (4), inclusive, or if the elector expresses a intent to violate his or her pledge signed pursuant to paragraph (4), the political party that nominated the elector may replace the elector with a person who meets these requirements.

(6) If a political party does not have rules concerning the procedure for selecting electors by the time that electors are required to be selected, the presidential candidate for that political party shall select the electors.

SEC. 2. Section 6901 of the Elections Code is amended to read:

6901. When a political party nominates electors for President and Vice President of the United States in accordance with Section 7100, 7300, 7578, or 7843, submits 6900, the party shall submit to the Secretary of State its a certified list of nominees. ~~for electors of President and Vice President of the United States, the~~ The Secretary of State shall notify each candidate for elector of his or her nomination by the party. The Secretary of State shall cause the names of the candidates for President and Vice President of the several political parties to be placed

upon the ballot for the ensuing general election and any independent candidate pursuant to section 8304.

§ 6902(a) At the general election in each leap year, or at any other time as may be prescribed by the laws of the United States, there shall be chosen by the voters of the state as many electors of President and Vice President of the United States as the state is then entitled to.

(b) An elector shall be elected in each congressional district if the candidate to whom that elector has pledged to vote received a plurality of the popular vote cast in that congressional district. The two at-large electors shall be elected if the candidates to whom those electors have pledged to vote received a plurality of the popular vote cast in the state.

SEC. 3. Section 6903 of the Elections Code is amended to read:

§6903. On or before the day of meeting of the elector, the ~~Governor~~ Secretary of State shall deliver to the electors a list of the names of each electors elected pursuant to section 6902, and he or she shall perform any other duties relating to presidential electors which are required of him or her by the laws of the United States.

6904. The electors elected pursuant to section 6902 ~~chosen~~ shall assemble at the State Capitol at 2 o'clock in the afternoon on the first Monday after the second Wednesday in December next following their election.

§ 6905. In case of the death or absence of any elector chosen, or if the number of electors is deficient for any other reason, the electors then present shall elect, pursuant to subdivision (b) of section 6902 ~~from the citizens of the state~~, as many persons as will supply the deficiency.

§ 6906. The electors, when convened, if both candidates are alive, shall vote by ballot for that person for President and that person for Vice President of the United States, who are, respectively, the candidates of the political party or independent candidate which they represent and have pledged to vote. ~~one of whom, at least, is not an inhabitant of this state.~~

§ 6907. The electors shall name in their ballots the person voted for as President, and in separate ballots the person voted for as Vice President.

§ 6908. The electors shall make separate lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each cast pursuant to Section 6906, which lists they shall sign, certify, seal, and transmit by mail to the seat of the Government of the United States, directed to the President of the Senate.

SEC. 4. Section 6909 of the Elections Code is amended to read:

6909. ~~Each presidential elector shall receive ten dollars (\$10) for his or her services, and mileage at the rate of five cents (\$0.05) per mile for each mile of travel from his or her domicile to the State Capitol and return.~~

~~Their accounts therefore shall be certified by the Secretary of State, and audited by the Controller, who shall draw his or her warrants for the same on the Treasurer, payable out of the General Fund. Presidential electors shall not receive compensation for their services, nor shall electors be reimbursed for travel or other expenses incurred in the performance of their duties as electors.~~

SEC. 5. Severability: If any provisions of this Act, or part of thereof is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable.

END