

3-3-2017

## Electoral Votes. Presidential and Vice-Presidential Candidates. Initiative Advisory Question.

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### Recommended Citation

Electoral Votes. Presidential and Vice-Presidential Candidates. Initiative Advisory Question. California Initiative 1796 (2017).  
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Rodrigo J. Howard

650-208-3779 rod.howard@capkeyadvisors.com

RECEIVED

December 22, 2016

DEC 28 2016

Initiative Coordinator  
Office of the Attorney General  
1300 I Street, 17th Floor  
Sacramento, CA 95814

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Re: Initiative Proposal on the Election of the President and Vice President  
of the United States in a Manner Reflecting the National Popular Vote

The undersigned hereby proposes and submits the initiative measure set forth below and requests that a circulating title and summary of the chief purpose and points of the proposed measure be prepared. The complete text of the initiative measure is as follows:

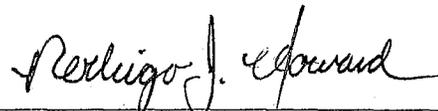
"Shall California's elected officials use all of their federal and state constitutional and legal authority to cause the President and Vice President of the United States to be elected in a manner that follows (and, until then, more closely and more consistently follows) the outcome of the national popular vote for those offices, including, but not limited to, their authority to propose and ratify one or more amendments to the United States Constitution to eliminate or modify the Electoral College process, their authority to approve and adopt interstate compacts such as the National Popular Vote Interstate Compact, and their authority to propose, adopt and pursue related legislation and litigation?"

The undersigned further hereby certifies and states, in accordance with the provisions of Sections 9001 and 9608 of the California Elections Code, as follows:

"I, Rodrigo J. Howard, declare under penalty of perjury that I am a citizen of the United States, 18 years of age or older, and a resident of the County of San Francisco, California."

"I, Rodrigo J. Howard, 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."

For reference, the full text of the proposed initiative measure, and the foregoing certifications, are reproduced on the accompanying pages. A check for the applicable fee of \$2,000, made payable to the State of California, is also enclosed. If you have any questions, please contact me by e-mail at the address above or by phone at the number above.



Rodrigo J. Howard



**ALEX PADILLA**  
California Secretary of State

**AP16:015**

**FOR IMMEDIATE RELEASE**

**March 6, 2017**

**CONTACT:**

**Sam Mahood or Jesse Melgar**

**(916) 653-6575**

## **Proposed Initiative Enters Circulation**

***Electoral Votes. Presidential and Vice-Presidential Candidates. Initiative Advisory Question.***

**SACRAMENTO** – Secretary of State Alex Padilla announced the proponent of a new initiative was cleared to begin collecting petition signatures this past Friday, March 3, 2017.

The Attorney General prepares the legal title and summary that is required to appear on initiative petitions. When the official language is complete, the Attorney General forwards it to the proponent and to the Secretary of State, and the initiative may be circulated for signatures. The Secretary of State then provides calendar deadlines to the proponent and to county elections officials. The Attorney General's official title and summary for the measure is as follows:

**ELECTORAL VOTES. PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES. INITIATIVE ADVISORY QUESTION.** Asks voters whether California's elected officials should use their authority to cause the President and Vice President of the United States to be elected according to the outcome of the national popular vote. Suggests actions such as proposal and ratification of an amendment to the federal Constitution to eliminate or modify the Electoral College process; approval and adoption of interstate compacts regarding the allocation of state electors; proposal and adoption of other related legislation; and pursuit of related litigation. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **No direct fiscal effect on state and local governments.** (16-0012.)

The Secretary of State's tracking number for this measure is 1796 and the Attorney General's tracking number is 16-0012.

The proponent of the measure, Rodrigo J. Howard, must collect the signatures of 365,880 registered voters (five percent of the total votes cast for Governor in the November 2014 general election) in order to qualify it for the ballot. The proponent has 180 days to circulate petitions for the measure, meaning the signatures must be submitted to county elections officials no later than August 30, 2017. The proponent can be reached at (650) 208-3779 or [rod.howard@capkeyadvisors.com](mailto:rod.howard@capkeyadvisors.com).

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February 16, 2017

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FEB 16 2017

Hon. Xavier Becerra  
Attorney General  
1300 I Street, 17<sup>th</sup> Floor  
Sacramento, California 95814

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Attention: Ms. Ashley Johansson  
Initiative Coordinator

Dear Attorney General Becerra:

Pursuant to Elections Code Section 9005, we have reviewed an initiative (A.G. File No. 16-0012) that would ask voters a question related to presidential elections.

### Background

***U.S. President Elected by Electoral College.*** The U.S. Constitution specifies that the President is elected by the Electoral College. The Electoral College consists of 538 electors. Each state is assigned a certain number of electors—California has 55 electors. A candidate must receive at least 270 electoral votes to be elected President. The Constitution allows each state to determine how its electors vote. Most states—including California—award all of the state's electoral votes to the presidential candidate who wins the popular vote in that state. Under this system, a candidate can be elected President by receiving a majority of electoral votes *without* winning the popular vote nationwide.

***National Popular Vote Compact.*** Ten states—including California in 2011—and the District of Columbia have passed legislation to join the National Popular Vote Compact. When a state passes legislation to join the compact, it pledges that all of that state's electoral votes will be given to whichever presidential candidate wins the popular vote nationwide. Before the compact can go into effect, the total number of electoral votes across the participating states must exceed 270 electoral votes. The compact currently is not in effect because the ten states that have passed legislation to join the compact represent 165 electoral votes.

***Two-Step Process to Change the Constitution.*** The U.S. Constitution may be changed through a two-step "amendment" process. Under this process, only the U.S. Congress, state legislatures, and—if called by the Congress—constitutional conventions have a role in changing the Constitution.

### Proposal

This measure asks if California's elected officials should use all of their constitutional authority—including, but not limited to, amending the U.S. Constitution or approving the

**Legislative Analyst's Office**  
California Legislature  
Mac Taylor • Legislative Analyst  
925 L Street, Suite 1000 • Sacramento CA 95814  
(916) 445-4656 • FAX 324-4281

National Popular Vote Compact—to require a candidate to receive the national popular vote in order to be elected President. This measure appears to be an advisory measure only. It does not appear to require any particular action by Members of Congress or the California Legislature.

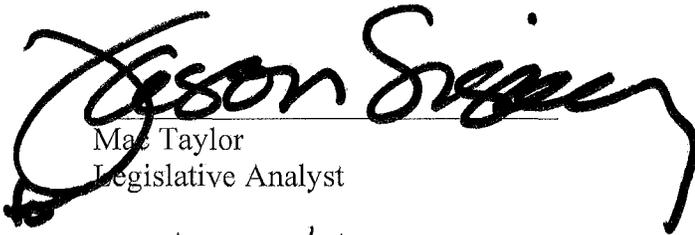
**Fiscal Effects**

Because this measure appears to be advisory only, it would have no direct fiscal effect on state and local governments.

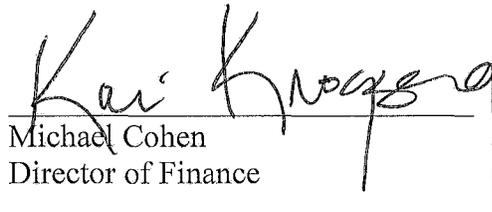
*Summary of Fiscal Effects.* This measure would have the following fiscal effects:

- No direct fiscal effect on state and local governments.

Sincerely,



Mac Taylor  
Legislative Analyst

for   
Michael Cohen  
Director of Finance

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

**ELECTORAL VOTES. PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES.**

**INITIATIVE ADVISORY QUESTION.** Asks voters whether California's elected officials should use their authority to cause the President and Vice President of the United States to be elected according to the outcome of the national popular vote. Suggests actions such as proposal and ratification of an amendment to the federal Constitution to eliminate or modify the Electoral College process; approval and adoption of interstate compacts regarding the allocation of state electors; proposal and adoption of other related legislation; and pursuit of related litigation.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **No direct fiscal effect on state and local governments.** (16-0012.)