

## INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

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

**CALLS A CONVENTION TO DRAFT NEW STATE CONSTITUTION. INITIATIVE CONSTITUTIONAL AMENDMENT. Requires special election to elect 400 convention delegates. Close convention to public and prohibits all outside contact with delegates. Allows simple majority of convention delegates to propose changes to any part of Constitution. Requires a special election to adopt or reject convention's proposed new constitution, and requires a special election of new constitutional officers after adoption. Requires use of public money for campaigning financing for all convention delegate candidates, convention fees, compensation for delegates and staff, and new statewide voting systems for three elections. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure would have the following major fiscal effects: Direct, one time increase of state and local government spending on the hundreds of millions of dollars related to the constitutional convention. Potentially major fiscal changes in state and local governments if voters approve the convention's recommendations, including higher or lower taxes or greater or less spending on particular public programs. (Initiative 09-0019)**

### 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 a 37th Amendment to the Constitution of California, in which the voters call for a Constitutional Convention by initiative, 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 full text of the constitutional amendment reads as follows:

#### CALIFORNIA CONSTITUTION INITIATIVE CONSTITUTIONAL AMENDMENT

#### ARTICLE 37 ELECTORS CALL A CONSTITUTIONAL CONVENTION

SEC. 1. In Order to form a more perfect union, by simple majority vote of the Electors of the State of California, the People of California hereby call for the State Constitutional Convention, empowered by Article 36.

SEC. 1. (a), Article 36 must pass concurrently with this Initiative, for this Article 37 to come into full force.

SEC. 1. (b) The Electors of the State of California specify that, State Constitutional Convention conform to all of Article 36.

SEC. 1. (c), The Electors of the State of California further specify that a State Constitutional Convention be fully empowered as specified in all the following Sections and sub sections of this Article 37.

#### SEC. 2. Participants and Powers:

SEC. 2. (a), In accordance with Article 36 (Sec 1)(b)(i) and (ii), the electors specify a Constitutional Convention Convene with 400 Duly Elected Voting Delegates.

SEC. 2. (a)(i), Each Assembly District shall elect five (5) Qualified Candidates in each of the eighty (80) State Assembly Districts, as they exist now, to serve the People of California as Delegates to the Constitutional Convention.

SEC. 2. (a)(ii), All four hundred (400) Constitutional Convention Delegate positions will be filled by special election now called for, and specified in this Article, so as to elect Convention Delegates to represent the People of California, for the sole purpose to create a new Constitution for the State of California.

SEC. 2. (a)(iii), Only those four hundred (400) Duly Elected Voting Delegates will possess the right to vote on the decisions of the Constitutional Convention.

SEC. 2. (a)(iv), In accordance with Article 36 (Sec 1)(c)(iv), all decisions made by the Elected Delegates at Constitutional Convention shall be made by simple majority vote.

SEC. 2. (a)(v), In accordance with Article 36 (Sec 1)(d), each Convention Delegate may vote as their

conscience dictates in all matters of deliberation and decision before the Convention, and that right of decision may not be infringed in any and all matters pertaining to the creation of a new Constitution of the State of California.

SEC. 2. (a)(vi), In accordance with Article 36 (Sec 1)(b)(xii), ALL THIRTY FIVE (35) ARTICLES OF THE CONSTITUTION OF THE STATE CALIFORNIA SHALL BE OPENED AT THE CONSTITUTIONAL CONVENTION BY THE DELEGATES FOR THE PURPOSES TO AMEND, REVISE, REPEAL, and ADD TO, BY SIMPLE MAJORITY VOTE OF THE CONVENTION DELEGATES.

SEC. 2. (b), In accordance with Article 36 (Sec 1)(b)(xi), the electors specify the Constitutional Convention Convene with the required attendance of all members of the California Supreme Court, who possess the capacity to participate. If any member of the California Supreme Court does not possess the capacity to participate, the Convention will convene and proceed, regardless of the absent member or members.

SEC. 2. (c), In accordance with Article 36 (Sec 1)(b)(xi)(1), the electors specify that all members of the California Supreme Court who possess a capacity to participate, serve the Convention Assembly of Delegates as the lead team of legal advisors. Further, no member of the Supreme Court may vote in the decisions of the Convention Assembly of Delegates.

SEC. 2. (d), In accordance with Article 36 (Sec 1)(b)(xi)(2), the electors specify that all members of the California Supreme Court shall meet upon the electors acceptance of this Article, and draft proposed Convention Rules and Protocols for the Convention to present to the Delegates of the Convention, for their consideration for adoption by elected Delegates, upon the opening of the Constitutional Convention called for in this Article 37, in the interests of the People of the State of California.

SEC. 2. (e), In accordance with Article 36 (Sec 1)(b)(xi)(3), the electors specify the Justices of the Supreme Court provide legal advise and counsel to the Convention, in the best interests of the People of the State of California, to assist the Convention Delegates create the new State Constitution in accord with the tenth (Amendment X) amendment of the Constitution of the United States of America.

SEC. 2. (e)(i), It is the will of the electors of California that the new State Constitution reserve all powers not delegated to the United States of America by the Constitution of the United States of America, nor prohibited by the Federal Constitution, remain reserved to the People of California, and the State of California, in that order, in

accord with the tenth amendment of the Constitution of the United States of America.

SEC. 2. (f), In accordance with Article 36 (Sec 1)(b)(xi)(4), the electors specify that upon the passage of this Initiative, the Justices of the Supreme Court shall hire the legal staff the Supreme Court deems necessary, to assist the Constitutional Convention Delegates in all Convention deliberations, votes, and record keeping of the Convention proceedings necessary to create a new Constitution of the State of California.

SEC. 2. (f)(i), Further, it is the will of the electors of California that:

SEC. 2. (f)(i)(1), No Lawyer be paid more than one thousand dollars (\$1,000) per diem.

SEC. 2. (f)(i)(2), No Legal staff be paid more than five hundred dollars (\$500) per diem.

SEC. 2. (f)(i)(3), A copy service be hired to provide for the copy and distribution services necessary for the work of the Convention, and be located on site.

SEC. 2. (f)(i)(4), A shredding service be provided on the Convention Site, so that the privacy and security of the Convention be maintained, until the work of the Convention is complete.

SEC. 2. (g), In accordance with Article 36 (Sec 1)(b)(xi)(5), the electors specify that upon the passage New California State Constitution into law, the Justices of the Supreme Court shall hire the legal staff they deem necessary to assist in the protection of the public record of the proceedings of the Constitutional Convention.

SEC. 2. (g)(i), The Supreme Court and Convention Legal Staff shall prepare for, and record the public record of the proceedings of all Convention General Sessions, and Convention Committee Sessions held for the purpose of deliberations and votes, conducted by the Convention Delegates, in the preparation and creation of the new Constitution of the State of California.

SEC. 2. (g)(ii), Upon completion of the new State Constitution, the Supreme Court shall deliver the public record of the Constitutional Convention proceedings to a new Constitution Library to be built and maintained by the State of California, in accordance with Article 36 (Sec 1)(b)(iii)(11)(H), and in accordance with Article 36 (Sec 1)(b)(xi)(5).

SEC. 2. (g)(ii)(1), The creation and future protection of the public record of the Constitutional Convention shall endure as public treasure, and be delivered to the new State Government intact.

SEC. 2. (g)(ii)(2), All public records housed in the Constitutional Library shall further be digitized by the new Government, with orderly attention to detail and historic value, and made available to all members of the public for access and research over the Internet.

SEC. 2. (g)(ii)(3), All public record of the proceedings of the Constitutional Convention shall be kept by the Constitution Library exclusively on technology which uses open source software code, which is publicly owned.

SEC. 2. (g)(ii)(4), To set the world standard for transparency in government, translations of the public record of the Constitutional Convention, housed in the Constitution Library, shall be made available on the Internet, by the Library. Language translation into all major languages of the world, standard to global diplomatic communication, are for the benefit of the people of the world, to honor the State of California, and to honor all Nations in our global village.

SEC. 2. (h)(i), In accordance with Article 36 (Sec 1)(c)(iv), all decisions made by the Elected Delegates at the Constitutional Convention shall be made by simple majority vote.

SEC. 2. (h)(ii), In accordance with Article 36 (Sec 1)(b)(xi)(4), and Article 36 (Sec 1)(b)(xi)(5), all general and committee session proceedings shall be recorded on video, audio, and by certified court reporters of record for the future use of the People of California, the People of the United States of America, and all other Nations.

SEC. 2. (h)(ii)(1), In accordance with Article 36 (Sec 1)(b)(xi)(4), all legal notes, research and recommendations, prepared by the Legal Staff of the Convention, shall be preserved regardless, and shall be delivered to the Archivist of the California Supreme Court and the Constitution Library, upon completion of the New Constitution of the State of California.

SEC. 2. (h)(ii)(2), In accordance with Article 36 (Sec 1)(b)(xi)(4)(C) and (D), the Convention Delegates shall have free use of both document copy services and shredding services at the Convention site, so as to effective secure communications among all Delegates, and maintain the privacy and security of the Convention in the disposal and recycling of any paper garbage.

SEC. 2. (h)(iii), In accordance with Article 36 (Sec 1)(b)(xi)(5), all general and committee session proceedings recorded on video, audio, and by certified court reporters of record, shall be made public first as a public record of the California Supreme Court, and then preserved for posterity in a Constitution Library, for public research by all Citizens of all Nations.

SEC. 2. (i), In accordance with Article 36 (Sec 1)(b)(xii), the Constitutional Convention shall have the full power to open all thirty five (35) Articles of the Constitution of the State of California to review, acceptance, revision, removal, and/or add too, in any manner the Constitutional Convention decides, to create the new Constitution of the State of California.

SEC. 3. Special Election Process and Schedule. Qualification of Candidates for Delegate to the Constitutional Convention, and Selection as Constitutional Convention Delegates by Statewide Special Election:

SEC. 3. (a), In accordance with Article 36 (Sec 1)(b)(ii), and Article 36 (Sec 1)(b)(ii)(1), and Article 36 (Sec 1)(b)(ii)(2), as no other Articles in the 35 existing Articles of the California Constitution contain provision for the People of California to fairly elect representative delegates to a Constitutional Convention, according the principle of one person one vote, all Delegate Qualification and Election Procedures are limited to the black letter law contained within this Article 37.

SEC. 3. (b), In accordance with Article 2 (Sec 2), A United States citizen 18 years of age and resident in this State may register to vote as an elector in California.

SEC. 3. (b)(i), Any registered California elector, may declare their Candidacy for Delegate to the Constitutional Convention in the California Assembly District where they legally reside.

SEC. 3. (b)(ii), Any registered California elector, may declare their candidacy for Delegate to the Consti-

tutional Convention, at each County Department of Elections Office, which has voter precincts within the legal boundaries of that Assembly District, and which maintains voter registration records for that Assembly District.

SEC. 3. (c), In accordance with Article 36 (Sec 1)(b)(ii)(2), A Declaration of Candidacy for Delegate to the Constitutional Convention shall be administered by all fifty eight (58) County Department of Elections Officials, to effect a Special Statewide Election of Delegates to the Constitutional Convention in all eighty (80) Assembly Districts.

SEC. 3. (c)(i), All existing procedures to declare a Candidacy for State Assembly at the County Department of Elections, shall be used by all Candidates for Delegate to the Constitutional Convention, so as to enable the declaration of candidacy, oath, and delivery of petitions of endorsement by the County Department of Elections to the Candidates for Constitutional Convention Delegate from that Assembly District.

SEC. 3. (d), In accordance with Article 36 (Sec 1)(b)(iii)(1), Each Candidate for Convention Delegate must secure one thousand (1,000) signatures of endorsement from currently registered electors, who are registered to vote within the specific Assembly District in which the Candidate for Convention Delegate currently resides.

SEC. 3. (d)(i), Each declared Candidate for Convention Delegate, shall be solely responsible to secure signatures of endorsement from the registered electors of their Assembly District, and to return those petitions of endorsement to the correct County, where the electors of their Assembly District are properly registered as electors.

SEC. 3. (d)(ii), Caution is provided to all persons now, by this Article 37, that there are eighty (80) Assembly Districts in California, and only fifty-eight (58) County Departments of Elections. Most Assembly Districts span multiple Counties. The validation of registered electors signatures on all petitions of endorsement, must be made by the specific County Department of Elections, which keeps the Elector (Voter) Registration records of that County's precincts, which exist within the boundaries of a specific Assembly District.

SEC. 3. (e), In accordance with Article 36 (Sec 1)(b)(iii), The scheduled calendar period for all Candidates for Convention Delegate to file their Declaration of Candidacy for Convention Delegate, will commence on the first Monday, that falls at least 15 calendar Days after the date, the Secretary of State issues the certification of the passage of both Article 36 and Article 37. This start date for the filing of all Declarations of Candidacy for Convention Delegate, shall trigger the schedule of all following events specified herein, in Article 37 forward, and will consummate in the delivery to the people, of our new Constitution and our new government of our Great State of California for ratification and implementation.

SEC. 3. (f), In accordance with Article 36 (Sec 1)(b)(iii) and (iii)(1), and Article 37 (Sec. 3)(e) above, Each Candidate for Constitutional Convention Delegate, shall have 30 calendar days from the date the Secretary of State sets for the commencement of the circulation of petitions of endorsement, to circulate their petitions of endorsement to the electors of their specific Assembly Districts, and to file their petitions of endorsement with the specific various counties, wherein their elector-endorsers are registered to vote, in both that County and Assembly District.

SEC. 3. (f)(i), This Article 37 specifies an abundance of caution to all Candidates for Constitutional Convention Delegate positions:

SEC. 3. (f)(i)(1), THE EIGHTY (80) ASSEMBLY DISTRICTS OF CALIFORNIA ARE SPREAD OVER 58 COUNTIES. CALIFORNIA HAS MANY ASSEMBLY DISTRICTS WHICH IN FACT INCLUDE MORE THAN ONE COUNTY.

SEC. 3. (f)(i)(2), ARTICLE 37 EMPOWERS ONLY LEGAL CITIZEN RESIDENTS OF ONE ASSEMBLY DISTRICT TO RUN FOR ELECTION FOR CONVENTION DELEGATE WITHIN THEIR ASSEMBLY DISTRICT OF RESIDENCE. THIS FACT MAY REQUIRE CANDIDATES FOR CONVENTION DELEGATE TO FILE THE REQUIRED DECLARA-

TIONS OF CANDIDACY FOR CONVENTION DELEGATE, IN MULTIPLE COUNTIES, TO BE DETERMINED BY THE SECRETARY OF STATE AND SHALL BE NOTICED TO ALL CANDIDATES FOR DELEGATE, IN THE CANDIDATE GUIDE THAT THE SECRETARY OF STATE SHALL WRITE AND ISSUE STATEWIDE, AT LEAST FIVE (5) DAYS BEFORE THE OPENING DATE OF CANDIDATES FOR CONVENTION DELEGATE TO DECLARE THEIR CANDIDACY FOR THE PURPOSE QUALIFICATION FOR INCLUSION ON THE BALLOT, AS A QUALIFIED CANDIDATE, SET TO ALLOW CANDIDATES FOR DELEGATE TO DECLARE THEIR CANDIDACIES.

SEC. 3. (f)(i)(3), ARTICLE 37 CAUTIONS ALL INTERESTED CANDIDATES TO TAKE GREAT CAUTION TO FILE THEIR VARIOUS DECLARATIONS OF CANDIDACY WITH THE CORRECT COUNTY DEPARTMENTS OF ELECTIONS, WITH PRECINCTS THAT ARE WITHIN THEIR ASSEMBLY DISTRICT OF RESIDENCE.

SEC. 3. (f)(i)(4), ARTICLE 37 CAUTIONS GREAT CAUTION TO CIRCULATE PETITIONS OF ENDORSEMENT ONLY IN THE COUNTY PRECINCTS WHERE THAT ASSEMBLY DISTRICT EXISTS.

SEC. 3. (f)(i)(5), ONLY REGISTERED ELECTORS WHO RESIDE IN BOTH THE ASSEMBLY DISTRICT AND COUNTY THAT GOVERNS THEIR RESIDENTIAL PRECINCT MAY SUCCESSFULLY SIGN PETITIONS OF ENDORSEMENT FOR CANDIDATES FROM THAT ASSEMBLY DISTRICT. ALL SIGNATURES OF ENDORSEMENT WILL BE VERIFIED BY EACH LOCAL COUNTY DEPARTMENT OF ELECTIONS, WHERE THAT ASSEMBLY DISTRICT HAS PRECINCTS.

SEC. 3. (f)(i)(6), EACH COUNTY MAINTAINS CURRENT MAPS WHICH SPECIFY THE BOUNDARIES OF THE MULTIPLE ASSEMBLY DISTRICTS WITHIN THAT COUNTY.

SEC. 3. (g), In accordance with Article 37 Sec. 3 (f) above, If the thirtieth (30) calendar day to file their petitions of endorsement falls on a Saturday or Sunday, the Declared Candidates for Convention Delegate, shall have until the following Monday to file their petitions of endorsement with their County Department(s) of Elections. The specific deadline to file petitions of endorsement for all Candidates for Delegate to the Constitutional Convention, shall be set by the Secretary of State, at the same time the Secretary of State declares the first date a Candidate for Delegate may file their declarations of Candidacy for Convention Delegate.

SEC. 3. (h), In accordance with Article 36 (Sec 1)(b)(iii)(1), and in accordance with Article 37 (Sec. 3)(d) above, and in accordance with Article 37 (Sec. 3)(c)(1) above, the rules for qualification of any Declared Candidate for Convention Delegate to qualify their candidacy, shall consist only of the declaration and oath of office, issuance of petitions of endorsement by the various County Election Officials, and collection of at least one thousand (1,000) valid signatures of registered electors (voters), and the subsequent legal filing of the signed petitions of endorsement, with each respective and required County Department of Elections Office, by the filing deadline.

SEC. 3. (h)(i), Each County Department of Elections shall have no more than fifteen (15) calendar days after the Declared Candidates filing deadline of all petitions of endorsement, to qualify the list of Candidates for Convention Delegate from each County, according to Assembly Districts.

SEC. 3. (h)(ii), If any Assembly District spans multiple Counties, the County Election Officials in each County shall work together with the County Election Officials of their adjacent Counties, which also contain elector precincts within the boundaries of each Assembly District, to ascertain the correct total of each declared Convention Delegate Candidate's valid signatures of endorsement, so as to accurately qualify each Candidate for Convention Delegate, and enable the correct County Certification of all Qualified Candidates for the Special Election of Delegates for the Constitutional Convention.

SEC. 3. (i), Upon the qualification of all Candidates for Convention Delegate, each County Department of Elections shall certify each qualified Candidate, and

notice both the Candidate and the Secretary of State, as to each Candidate's qualification.

SEC. 3. (i)(i), Each County Department of Elections shall also immediately notice all Disqualified Candidates of their failure to qualify as Candidate for Convention Delegate, and provide each disqualified candidate with the written reason for their disqualification, to include a copy of all petitions of endorsement filed by that Declared Candidate, with each disqualified signature noted by a red mark, placed next to each disqualified signature, and note as to why that signature was disqualified by the Department of Elections.

SEC. 3. (i)(ii), AFTER the Special Statewide Election of Convention Delegates, each Qualified Candidate shall be notified of the vote total ranking of all Candidates for Convention Delegate, so as to prepare themselves for the enforcement provisions of the campaign finance rule of law provided for herein Article 37 (Sec 4)(c)(iii), and allowed in accordance with Article 36 (Sec 1)(b)(v)(2).

SEC. 3. (j), In accordance with Article 36 (Sec 1)(b)(iii)(4), within ninety (90) calendar days from the date the Secretary of State certified the passage of both Article 36 and Article 37, the Secretary of State shall issue a certified list of all Qualified Candidates for Delegate to the Constitutional Convention for each and all State of California Assembly Districts, and set the Special Election Date for a Statewide Election of Constitutional Convention Delegates, to take place on a Tuesday, not less than sixty days from the date of the public announcement of the certified list of all Candidates for Delegate to the Constitutional Convention.

SEC. 3. (k), In accordance with Article 36 (Sec 1)(b)(iii)(5), the campaign time period shall last for 60 calendar days, and end on the Monday before the date of the Special Election of all Constitutional Convention Delegates, which will be on the following Tuesday.

SEC. 3. (l), The will of the People of California is that the Campaign for Delegates to the Constitutional Convention shall be non-partisan.

SEC. 4. Campaign Finance Regulations for the Public Funding of the Campaign for Delegates to Constitutional Convention:

SEC. 4. (a), In accordance with Article 36 (Sec 1)(b)(v), Upon Certification of the list of Qualified Candidates allowed to run for Delegate to the Constitutional Convention, the Controller of the State of California shall issue a check for two hundred thousand dollars (\$200,000.00) to each Qualified Candidate for Convention Delegate, for use exclusively by each Qualified Candidate, for their direct reasonable campaign expenses only. Personal use of these public funds is disallowed.

SEC. 4. (b), In accordance with Article 36 (Sec 1)(b)(v)(1), all candidacies for Convention Delegate shall be limited exclusively to the direct public money allocated to each Candidate for Delegate to the Constitutional Convention, as set forth herein Article 37 (Sec 4)(a).

SEC. 4. (c), In accordance with Article 36 (Sec 1)(b)(v)(3), all Candidates for Convention Delegate shall provide a detailed account of all public money used for their campaigns to both the State Treasury thru the Office of Controller, and to the Office of the Secretary of State.

SEC. 4. (c)(i), In accordance with Article 36 (Sec 1)(b)(vi), all direct election finance money not used specifically for the reasonable expenses of each campaign, shall be returned to the State Treasury thru the Office of the Controller, along with each Candidate for Delegate's full detailed report of the record of that Candidate for Delegate's campaign expenditures. All non-reasonable use of the direct public funded campaign money by any Candidate shall be refunded to the California Treasury with a fifty percent (50%) penalty, and result in disqualification as a Convention Delegate.

SEC. 4. (c)(ii), In accordance with Article 36 (Sec 1)(b)(v)(3), the Secretary of State and the California State Treasurer shall use the Candidates Election Campaign Full Finance Reports for final determination

of each winning Candidate for Delegate.

SEC. 4. (c)(iii), In accordance with Article 36 (Sec 1)(b)(v)(2), If a Candidate for Delegate uses direct private funds from any source, or uses services paid in kind from any source, that violation of the public finance rules of this Article shall disqualify the violator of the terms of the public financing of this Special Election of Constitutional Convention Delegates. All violators of the restrictions on direct campaign finance included in Article 37 shall repay all public money to the State of California with a fifty percent (50%) penalty.

SEC. 4. (c)(iv), In accordance with Article 36 (Sec 1)(b)(v)(4), all Candidates for Convention Delegate are restricted completely from any use of private money to campaign for Constitutional Convention Delegate. Violation of this rule shall result in the immediate disqualification of the Candidate by the Secretary of State, and replacement with the Candidate with the next highest total votes from the electors in that Assembly District race as allowed in Article 36 (Sec 1)(b)(iv) and (iv)(2).

SEC. 4. (c)(v), In accordance with Article 36 (Sec 1)(b)(v)(5), no restriction is allowed on Independent expenditures, or money spent by any individual, business, labor union, political party, committee or association of individuals in the free exercise of their first amendment rights to political free speech, on behalf any Qualified Candidates' campaign, or group of Qualified Candidates Campaigns for Delegate to the Constitutional Convention, so long as all Independent expenditures are made without any knowledge, involvement, or control by the Qualified Candidate, or Candidates, and any and all Independent Expenditures must be without any knowledge or involvement by the Qualified Candidate(s) Campaign Committee, or Committees;

SEC. 5. Special Election of Convention Delegates, Special Election Voting Systems, Tabulation and preservation of ballots, Certification of Election under Seal, Sequestration of all Delegates, Constitutional Convention Commencement, Term, and Completion:

SEC. 5. (a), In accordance with Article 36 Sec 1 (b)(ii), the Special Election of Delegates to the Convention and the Election for Ratification of the New Constitution shall require all Counties in California to use the same process and procedures for the election of Delegates, within each County, on the same Election Day, and that Absentee Voting not be allowed in any election of Convention Delegates or election for the ratification of the New Constitution.

SEC. 5. (b), In accordance with Article 37 Sec 3 (k), the exact date of Election Tuesday, shall be set by the Secretary of State.

SEC. 5. (c), In accordance with Article 36 Sec 1 (b)(ii), (ii)(2), (b)(iii)(1), and (b)(iii)(11), the Special Election of Delegates to the Convention shall require all Counties in California to use uniform Voting Procedures, and use uniform Voting Systems Equipment, and use uniform Open Source Code Publicly Owned Software, in all precincts of all eighty (80) Assembly Districts, and voting procedures and processes must be uniform across all precincts in the State of California, which shall be paid for by the State Treasury, and consist of a set configuration of voting systems and voting software that is certified by the Secretary of State to assure that:

SEC. 5. (d), In accordance with Article 36 Sec 1 (b)(iii)(11)(A) All 58 Counties in California may only use non-proprietary Voting Equipment Systems;

SEC. 5. (e), In accordance with Article 36 Sec 1 (b)(iii)(11)(B) All Voting Equipment Systems use and operate publicly owned open-source software;

SEC. 5. (f), In accordance with Article 36 Sec 1 (b)(iii)(11)(C) All Voting Systems used in each precinct of every County must generate only one paper ballot per elector, for the advance inspection and validation by each elector, of their vote selection, choice and intent, prior to submission of that ballot, as their one legal vote, to the County local Department of Elections Officials at the polling place;

SEC. 5. (g), In accordance with Article 36 Sec 1

(b)(iii)(11)(D) All paper ballots submitted as votes cast, shall be electronically tabulated first, at each polling place, with all tabulation duties limited only to duly sworn County Election Department Officials;

SEC. 5. (h), In accordance with Article 36 Sec 1 (b)(iii)(11)(E) All paper ballots generated and voted at each polling place shall be kept exclusively in the custody of the duly sworn local Election Department Officials, with secure control of the chain of custody of all physically cast electors ballots, and secure control of the first electronic tabulation of votes at each precinct, and then both voted ballots and the electronic tabulation of each precinct in California shall then be delivered directly to that Local County's Election Department, after four Sworn Deputy Directors and Deputy Clerks have validated the electronic tabulation and physical ballots cast, and validate that all votes cast match the signatures in Roster of Voters for that Precinct;

SEC. 5. (i), In accordance with Article 36 Sec 1 (b)(iii)(11)(F) Each Local County's Election Department Officials and Staff, must electronically re-tabulate each and every physical ballot cast at each polling place, from each precinct within that County, to audit and validate the first electronic tabulation made at each polling place within that specific County, and that each Local County's Election Department Officials and Staff shall generate County totals of all votes cast in each precinct of each Assembly District within each County;

SEC. 5. (j), In accordance with Article 36 Sec 1 (b)(iii)(11)(G) All paper ballots cast and electronic tabulation record of votes, from each polling place, in every precinct, of every County, shall be kept as permanent record by all 58 Local County Department of Elections Officials, for any necessary audit or hand recount, until such time as the Constitutional Convention convenes. As soon as the Constitutional Convention convenes, each County Department of Elections must deliver all voted ballots under seal directly to the Secretary of State in Sacramento, for permanent record, to be housed in a Constitution Library as public treasure;

SEC. 5. (k), In accordance with Article 36 Sec 1 (b)(iii)(6), All 58 Local County Departments of Elections shall be required to tabulate, certify and seal the record of the electors vote totals for all Candidates for Delegate to the Constitutional Convention, within each County, and then deliver those sealed records of the electors tabulated vote results to the Office of the California Secretary of State in Sacramento, upon certification and within no more than fifteen (15) calendar days from the time of the closing of the polls, to provide the Secretary of State with all tabulated vote results from every County, required for the Secretary of State to Certify the election of 5 Delegates from each of eighty (80) Assembly Districts in California, in compliance with all campaign finance rules set forth in this Article 37 (Sec 4), and seal of the complete list of four hundred (400) Elected Convention Delegates to deliver to the Governor of California.

SEC. 5. (l), In accordance with Article 36 Sec 1 (b)(iii)(11)(H) Upon County Certification of the final vote tabulation, all tabulated vote totals from each County in California shall be immediately delivered under seal, to the California Secretary of State, in Sacramento for initial State Determination of the Elected Convention Delegates, and subsequent determination of Candidate compliance with all campaign finance rules set forth in this Article 37 (Sec 4), as component to the Initiative specified total process, necessary for final determination of the Election of all Constitutional Convention Delegates, in each of every eighty (80) State Assembly Districts, and necessary for the State Certification of the Election of Convention Delegates, and the future permanent custody of a Constitution Library;

SEC. 5. (m), In accordance with Article 36 Sec 1 (b)(iii)(7) and (8), The Secretary of State shall certify and seal the final vote results of the election of all Delegates to the Constitutional Convention, and duly notify the Governor of California under seal, of the complete list of all final elected 400 Constitutional Convention Delegates. The Secretary of State shall deliver legal notice of all duly and legally Elected Constitutional Convention Delegates to the Governor of California, within 30 calendar days of the closing of the polls of the Special Election of Constitutional Convention Delegates.

SEC. 5. (n), In accordance with Article 36 Sec 1

(b)(iii)(9), Upon sealed notice by the Secretary of State, of the certified election of all Delegates to the Constitutional Convention, the Governor of California shall order the California State Highway Patrol to immediately gather and sequester each and every one of the duly Elected Convention Delegates at the Convention location specified in this Article 37 Section 6, until completion of the new Constitution.

SEC. 5. (o), In accordance with Article 36 Sec 1 (b)(iii)(10), and in accordance with 36 Sec 1 (c)(iii), Upon completion of the sequestration of all Elected Delegates, at the specific Convention site specified in this Article 37 Section 7, the Governor of California shall publicly release the full results of the Constitutional Convention Delegates Election to the People of California, and further legally notice the People of California that their Convention Delegates are sequestered and in service to the People of California in Convention to create a New State Constitution,

SEC. 5. (p), In accordance with Article 36 Sec 1 (b)(v)(2), Upon election as Convention Delegate, and legal sequestration by the Governor of California at the Constitutional Convention Site, if any violation of the campaign limitation on campaign spending set by the electors of California in this Article 37, is discovered after the commencement of the Constitutional Convention, by the Secretary of State, or by the State Controller, or by any police authority sworn to preserve and protect the Constitution of the State of California, and the campaign finance violation by an Elected Delegate is verified by both the State Attorney General and the Secretary of State and the Office of the Governor of California, the notice of violation shall be delivered to the Governor of California so that the offending Convention Delegate shall immediately be removed as a violator of the campaign funding law provided in this Article 37 Section 4, from the Convention, thru the agency of the California State Highway Patrol. The award of that Convention Delegate or Delegates position(s) shall be immediately granted to the next highest achiever of total votes cast by the electors of that Assembly District, found on the list of Candidates for Convention Delegate for that specific Assembly District, and the California Highway Patrol shall immediately deliver any such replacement Delegate(s) to the Convention Site forthwith. The will of the electors shall not be infringed.

SEC. 5. (q), In accordance with Article 36 Sec 1 (b)(vii), It is the will of the electors that Article 37 shall specify the date of the commencement of the Constitutional Convention called for now by the legal vote of the People of California, and that the duration of the Convention will last until a New California Constitution is delivered to the People of California for ratification. The proposed New California State Constitution shall have each signature of all Constitutional Convention Delegates affixed, and in accordance with Article 36 Sec 1 (b)(vii)(3), a delegation of Convention Officers shall deliver of one original copy of the New Constitution of the State of California to the sitting Governor, and one copy of the New Constitution to each Constitutional Officer of the State of California, and so order that the existing Constitutional Officers of the State of California prepare for ratification by vote of the people, and pending ratification by Statewide Election of the electors, prepare to execute the orderly transfer of power to the new government.

SEC. 5. (r), In accordance with Article 36 Sec 1 (c)(ii), It is the will of the electors that the Constitutional Convention mandated by the People of California in this Article 37, shall commence on the first day after the California Highway Patrol have notified the Governor of California that all Elected Convention Delegates and the Convention Legal Staff are secure and sequestered.

SEC. 5. (s), In accordance with Article 36 Sec 1 (b)(vii)(1), It is the will of the electors that the Constitutional Convention mandated by the People of California in this Article 37, shall further continue to sequester all Elected Convention Delegates, and all Legal Staff Participants, upon the certification of the Special Election Final Delegate Election Results, by the Secretary of State and the order of the Governor of California, until such time as the new Constitution is complete.

SEC. 5. (t), In accordance with Article 36 Sec 1 (b)(vii)(3), It is the will of the electors that the Constitutional Convention mandated by the People of California in this Article 37, that the work of the Constitutional Convention is not complete until the new Constitution is

created by the Convention, and delivered to the, existing Constitutional Officers of the State of California for ratification, execution and implementation.

SEC. 6. Constitutional Convention Location, Funding, Site Preparation, and Facilities Preparation:

SEC. 6. (a), In accordance with Article 36 Sec 1 (b)(viii), The will of the electors of California is the Constitutional Convention shall have a secure site, and secure facilities, and further shall use the Power of Eminent Domain to specify the site, and provide for the security of the site of the Convention, and further:

SEC. 6. (b), In accordance with Article 36 Sec 1 (b)(viii)(1), shall insure proper preparation of the Convention Site, to begin the on the day of the Special Election of Convention Delegates;

SEC. 6. (c) In accordance with Article 36 Sec 1 (b)(viii)(2), to provide for the needs the Delegates of the People of California and of the facilities staff, and the Legal Staff of the Convention of Delegates, to enable the Staff preparation for the staging of, and preparation of the legal recording of all proceedings, in the interests of the People of California;

SEC. 6. (d), In accordance with Article 36 Sec 1 (b)(viii)(3), to provide for the privacy and physical security of the Convention, the sequestered Convention Delegates shall have:

SEC. 6. (d)(i), private communications with any expert assistance the Convention Delegates may require during the Convention and;

SEC. 6. (d)(ii), secure and private technical communications protocols during the Convention and;

SEC. 6. (d)(iii), secure access to any research and information resources the Convention may require during the Convention.

SEC. 6. (e), The will of the People of California is that the Convention remain private and secure to insure free deliberations and decisions, necessary to complete the creation of the new Constitution of the State of California, without any contact, pressure or outside influence from any non elected person or persons.

SEC. 6. (f), In accordance with Article 36 Sec 1 (b)(ix), The Governor and State Controller shall provide the payment of all expenses for facilities, convention costs, meals and lodging, and hospitality expenses, and all security provisions necessary for the Constitutional Convention, at the current group rates for the complete use of the facility, so specified as the site of the Constitutional Convention in Sec. 6 (g) below.

SEC. 6. (g), This Article 37 specifies the location of the Constitutional Convention as the Asilomar Conference Center, in Monterey County, located at 800 Asilomar Avenue, in Pacific Grove California (93950).

SEC. 6. (h), In accordance with Article 36 Sec 1 (b)(ix)(1), As soon as the Secretary of State Certifies the passage of both Article 36 and Article 37, the Governor of California, and the Controller of California shall execute the will of the electors, and immediately notify the Asilomar Conference Center of the required use of the facility by the people of California for a Constitutional Convention, and order all arrangements to provide for the facilities expenses, costs and deposits required, by the Asilomar Conference Center, and by the Convention, to provide for all facilities costs and contracts necessary to stage and secure the Convention, without placement of financial hardship on the Asilomar Conference Center, in any way.

SEC. 7. Constitutional Convention Security, Funding, Privacy, Facilities Preparation:

SEC. 7. (a), It is the will of the People of California that the Governor shall provide for all police security and communications security to the Constitutional Convention required to comply with Article 37 Sec. 6.

SEC. 7. (b), In accordance with Article 36 Sec. 1 (b)(vii)(2), the Government of California shall insure the will of the electors, that all Elected Convention

Delegates and Convention Staff be isolated from all contact with any efforts by any special interest, political party, non-elected third persons, and any other outside influence from any source, for the duration of the Constitutional Convention, in the interests of the People of California.

SEC. 8. Constitutional Convention Rules, Protocols, Legal Staff, Access to Research, Briefings, and Information to facilitate deliberations and decisions:

SEC. 8. (a), In accordance with Article 36 Sec. 1 (b)(xi)(2), the Justices of the Supreme Court shall establish proposed Convention Rules and Protocols, for the consideration of the Convention Delegates, in the interests of the People of the State of California.

SEC. 8. (b), In accordance with Article 36 Sec. 1 (b)(xi)(4), the Justices of the Supreme Court shall hire any legal staff they deem necessary, to assist the Constitutional Convention Delegates in all deliberations, votes, and public record keeping required for the preparation of a new Constitution of the State of California.

SEC. 8. (c), In accordance with Article 36 Sec. 1 (b)(xi)(4), As soon as the Secretary of State Certifies the passage of both Article 36 and Article 37, the Governor of California, and the Controller of California shall formally notice the California Supreme Court to proceed to hire any legal staff the Court deems necessary to assist the Constitutional Convention Delegates in all deliberations, votes, and public record keeping required for the preparation of a new Constitution of the State of California and that:

SEC. 8. (c)(i), In accordance with Article 36 Sec. 1 (b)(xi)(4)(A), No Lawyer shall be paid more than one thousand dollars (\$1,000) per diem.

SEC. 8. (c)(ii), In accordance with Article 36 Sec. 1 (b)(xi)(4)(B), No Legal staff be paid more than five hundred dollars (\$500) per diem.

SEC. 8. (c)(iii), In accordance with Article 36 Sec. 1 (b)(xi)(4)(C), A digital and paper copy service be hired to provide for the copy and distribution services necessary for the work of the Convention, and be located on site.

SEC. 8. (c)(iv), In accordance with Article 36 Sec. 1 (b)(xi)(4)(D), A document shredding and recycling service be provided on the Convention Site, so that the privacy and security of the Convention not be compromised, and be maintained, until the work of the Convention is complete.

SEC. 8. (d), In accordance with Article 36 Sec. 1 (b)(xi)(3), in the best interests of the People of the State of California, the Justices of the California Supreme Court shall provide their best legal advice and counsel to the Convention, that the State of California reserve all powers not delegated to the United States of America by the Constitution of the United States of America, nor prohibited by the Federal Constitution, so that power and authority in California remain reserved to the People of California, and the State of California, in that order, in accord with the tenth amendment of the Constitution of the United States of America.

SEC. 8. (e), Any Convention Delegate or group of Delegates shall have any and all access to research, briefings, and any other information they desire, so as to assist the Convention with deliberation and decision on all topics of concern to any Delegate or the Convention.

SEC. 8. (f), Any Convention Delegate or group of Delegates shall have the power to subpoena and call any specific expert advisor, or expert legal counsel to present testimony, argument, or advice to the Convention General Assembly or Committee of the Convention without restriction.

SEC. 8. (g), The Convention shall have the authority to compensate any expert advisor, or expert legal counsel required to present before the Convention, and reasonably compensate for travel to and from the Convention Site, and any accommodations needed by any expert advisor, or expert legal counsel. In the event any expert advisor, or expert legal counsel may accommodation, secure accommodation shall be provided separate from the Convention Delegates, so as to protect the Convention from any outside influence.

SEC. 8. (h), In accordance with Article 36 Sec. 1 (b)(xi)(6), The Convention shall proceed with or without the California Supreme Court, and be empowered to elect its own officers, and conduct the complete work of the Constitutional Convention, as the single body of authority empowered to create the new Constitution of the State of California.

SEC. 8. (i), In accordance with Article 36 Sec. 1 (b)(xi)(7), the Constitutional Convention shall be empowered to elect to conduct all business of the Constitutional Convention on its own, with regard to all provisions of both Article 37 and Article 36, that grant duties and responsibilities to the Supreme Court, so that in that course of any events, the Body of the Constitutional Convention, is vested with any and all complete authority of the People of California, granted to the Constitutional Convention by the People of California, and thru this Initiative that calls for a California Constitutional Convention, so that a New Constitution is formally prepared for ratification by the electors of the State of California.

SEC. 9. Completion of the Constitutional Convention, Delivery of the New Constitution to the Existing Constitutional Officers for Ratification by the People of California and Implementation as the force of law:

SEC. 9. (a), In accordance with Article 36 Sec. 1 (b)(vii)(3), the will of the electors specifies that the work of the Constitutional Convention is not complete until the new Constitution is created by the Convention, and delivered to the, existing Constitutional Officers of the State of California for ratification, execution and implementation. Ratification must be conducted in a Special Statewide Election held exclusively for ratification by the electors, or during one re-vote only, which may be held during the next immediate normally scheduled Statewide Election. Ratification of the New Constitution shall be by a simple majority vote of the electors.

SEC. 9. (b), In accordance with Article 37 Sec. 5 (q), the will of the electors specifies that a delegation of Convention Officers shall deliver the New Constitution of the State of California to the Constitutional Officers of California to prepare to execute ratification and implementation.

SEC. 9. (c), The will of the electors specifies the New California State Constitution shall have each signature of all Constitutional Convention Delegates affixed, and delivered to the still Constitutional Officers of the State of California, and order that the existing Constitutional Officers of the State of California prepare a Special Statewide Election for Ratification, and further prepare to execute the orderly transfer of power to the newly elected State Government, upon formal administration of their oaths of office.

SEC. 9. (d), In accordance with Article 36 Sec. 1 (b)(ii), the will of the electors further specifies the following processes and procedures of a Statewide

Special Election to be held subsequent to the Convention, for the exclusive purpose of Ratification of the New California State Constitution by the electors:

SEC. 9. (d)(i), All voting systems, software, processes and procedures used for the Statewide Special Election for Ratification of the New Constitution shall conform to the authorization specified in Article 36 Sec 1 (b)(11) Subsections (A), (B), (C), (D), (E), (F), and (I), and further specified in this Article 37 Sec. 5 (c), (d), (e), (f), (g), (h), and (i).

SEC. 9. (d)(ii), According to Article 36 Sec. 1 (b)(11)(G), Upon County Certification of the vote for ratification of the New Constitution, all tabulated ballots in the Statewide Ratification Election shall be delivered under seal to the Secretary of State in Sacramento for future permanent custody in our Constitution Library specified in Sec 11 below;

SEC. 9. (d)(iii), In accordance with Article 36 SEC. 1 (c)(vi), the Secretary of State shall order that a Statewide Special Election take place on the first Tuesday of the week following 90 calendar days from the conclusion of the Constitutional Convention, and that this special Statewide Election be limited exclusively to the Ratification of the New Constitution by the electors, and that ratification shall require a simple majority vote of the electors, and that the same voting systems equipment and software be used, as specified for the election of Qualified Delegates to the Constitutional Convention, as specified in Article 37 Sec. 9 (d)(i) above.

SEC. 9. (d)(iv), In the event the electors do not ratify the New Constitution in the Special Election specified in Sec. 9 (d)(ii) above, the ratification question shall be re-voted once only, and that re-vote shall be in the next normally scheduled Statewide Election, as set by the Secretary of State.

SEC. 9. (d)(v), In the event of ratification by simple majority of the electors, the New Constitution immediately becomes the force of law in the State of California.

SEC. 10. Specification of the Initial First Electoral Process Required for the Democratic Transfer of Power to the New Government: Executive, Legislative, and Judicial:

SEC. 10. (a), In accordance with Article 36 Sec. 1 (c)(v), the new California State Constitution shall specify for an initial first electoral process, to elect all new Constitutional Officers of the State of California, who will serve the People of California in the newly constituted Government: Executive, Legislative, and Judicial

SEC. 10. (b), In accordance with Article 36 Sec. 1 (c)(v), the initial electoral process of the electors shall include a schedule for both primary and general elections to provide for the orderly transfer of the power of the electors of the State of California to the Constitutional Officers of the new government of the State of California.

SEC. 11. Public Record of the Constitutional Convention, Constitution Library:

SEC. 11. (a), In accordance with Article 36 Sec. 1 (b)(iii)(11)(H), the will of the electors is that all records of the Special Election of Delegates, specified in Article 36 and Article 37 be housed and preserved for posterity as public treasure. To house and preserve the records of the Special Election of Delegates, the electors authorize the construction of a Constitution Library, to be maintained Sacramento, the State Capitol of California.

SEC. 11. (b), In accordance with Article 36 Sec. 1 (b)(xi)(5), the California Supreme Court shall preserve all records of the Constitutional Convention, until such time as the new Constitution Library is constructed and the Librarian of the Constitution Library notifies the California Supreme Court to transfer all Convention Records, recordings, and memorabilia.

SEC. 11. (c), The Constitution Library shall translate the work of the Constitutional Convention in digital form, to be placed on the Internet for the benefit of students of government all over the world. It is the will of the electors that these records be translated into the major languages use for International Diplomacy.

SEC. 11. (d), The requirements of Article 37 Section 2 above, are specifically noted here, including: (SEC. 2)(g)(ii), (SEC. 2)(g)(ii)(1), (SEC. 2)(g)(ii)(2), (SEC. 2)(g)(ii)(3), and (SEC. 2)(g)(ii)(4), as guidance and direction to both the Constitutional Convention, and to the transition government of the State of California, pending the election and inauguration of the Constitutional Officers of the new Government of the State of California.

SEC. 12. Provision of Compensation to the Elected Constitutional Convention Delegates:

SEC. 12. (a), In accordance with Article 36 Sec. 1 (b)(x), The Elected Delegates of the Constitutional Convention called for and specified in this Initiative shall be compensated at the rate of five hundred dollars (\$500) per diem, for their time and service to the People of California.

SEC. 12. (a)(i), The per diem rate of compensation due the Elected Delegates of the Constitutional Convention shall commence on the day that each was requested to accompany the California Highway Patrol Officer to the Convention Site, and end on the day that the California State Highway Patrol returns each Delegate to their home, upon completion of all duties specified herein this Article 37.

SEC. 12. (a)(ii), The per diem rate specified in Sec 12(a) above shall be paid by the State Controller through the process of direct deposit of the personal bank account of each Delegate on the last day of each calendar month, wherein the Delegates are due a per diem compensation for their service to the People of the Great State of California.

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**INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS**

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

**CALLS A CONVENTION TO DRAFT NEW STATE CONSTITUTION. INITIATIVE CONSTITUTIONAL AMENDMENT. Requires special election to elect 400 convention delegates. Close convention to public and prohibits all outside contact with delegates. Allows simple majority of convention delegates to propose changes to any part of Constitution. Requires a special election to adopt or reject convention's proposed new constitution, and requires a special election of new constitutional officers after adoption. Requires use of public money for campaigning financing for all convention delegate candidates, convention fees, compensation for delegates and staff, and new statewide voting systems for three elections. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure would have the following major fiscal effects: Direct, one time increase of state and local government spending on the hundreds of millions of dollars related to the constitutional convention. Potentially major fiscal changes in state and local governments if voters approve the convention's recommendations, including higher or lower taxes or greater or less spending on particular public programs. (Initiative 09-0019)**

**NOTICE TO THE PUBLIC: THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.**

All signers of this petition must be registered in \_\_\_\_\_ County

This column for official use only

ONLY REGISTERED VOTERS	1. Print Your Name: _____ Residence Address ONLY: _____  Sign As Registered To Vote: _____ City: _____ Zip: _____	
	2. Print Your Name: _____ Residence Address ONLY: _____  Sign As Registered To Vote: _____ City: _____ Zip: _____	
	3. Print Your Name: _____ Residence Address ONLY: _____  Sign As Registered To Vote: _____ City: _____ Zip: _____	
	4. Print Your Name: _____ Residence Address ONLY: _____  Sign As Registered To Vote: _____ City: _____ Zip: _____	
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	9. Print Your Name: _____ Residence Address ONLY: _____  Sign As Registered To Vote: _____ City: _____ Zip: _____	
	10. Print Your Name: _____ Residence Address ONLY: _____  Sign As Registered To Vote: _____ City: _____ Zip: _____	

**DECLARATION OF CIRCULATOR ( To be completed after the above signatures have been obtained.)**

I, \_\_\_\_\_, am registered to vote in the County (or City and County) of \_\_\_\_\_ or am qualified to register to vote in California. My residence address is \_\_\_\_\_.

I circulated this section of the petition and witnessed each of the appended signatures being written. Each signature on this petition is, to the best of my information and belief, the genuine signature of the person whose name it purports to be. All signatures on this document were obtained between the dates of \_\_\_\_\_ and \_\_\_\_\_. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, California

*Complete Signature of Circulator (May be repeat of name on petition -- include middle initial*