

Harry Vere Lehmann, Principal Attorney
Timothy J. Tomlin, of Counsel
Attorneys At Law

LEHMANN LAW OFFICE

1450 Grant Avenue, Suite 205
P. O. Box 1846
Novato, California 94948-1846

Area Code 415
Telephone: 897-2121
Facsimile: 898-6959

September 28, 2007

Ms. Patricia Galvan
Statewide Initiative and Ballot Coordinator
State of California, Department of Justice
1300 "I" Street, Suite 125
Sacramento, CA 94244-2550

Secretary of State
Elections Division
Attn: Ms. Joanna Southard
1500 11th Street, Fifth Floor
Sacramento, CA 95814

RECEIVED

OCT - 2 2007

Re: California Tangible Ballot Act of 2008

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Ms. Galvan and Ms. Southard:

This letter constitutes my written request that a title and summary of the chief purpose and points of a proposed initiative measure, **proposed for the November 2008 elections**, be prepared pursuant to Elections Code section 9002. Enclosed is a new Elections Code §9608 Statement and a check for \$200.

We would appreciate receipt of the new "Title and Summary" and thus our new schedule of deadlines, as soon as possible. We have hereby met the earliest submission deadline for the 2008 elections, October 1, 2007. Enclosed, on a separate sheet of even date, is proposed language for the Title and Summary. The language now submitted is straightforward, and seeks to outlaw DRE voting, due to fraud risks, including the risks in electronic voting, as such risks have been copiously documented of late, including through the offices of the Secretary of State (http://www.sos.ca.gov/elections_vsr.htm). For your edification and context, further information about the dangers of electronic voting can be found in *Hacking Democracy*, possibly via www.youtube.com, or other web site, or on via www.amazon.com, and through other sources such search for "computer voting Princeton," on www.youtube.com, and on www.bradblog.com, and www.blackboxvoting.org, and in the report of the Blue Ribbon Panel which recently studied the security of voting machines in Riverside County, and in many other places. I am not affiliated with any political website other than www.tangibleballot.org, nor is this project endorsed or sponsored by those other sites; they are merely resources to assist in understanding of this letter.

Rather than our original intention, as reflected in prior correspondence, and previously issued Title(s), which sought placement of the proposed Tangible Ballot Act of 2008 measure on the June 2008 ballot, our citizens group (Tangible Ballot Initiative, Inc., www.tangibleballot.org), now supports the placement of the proposed measure to require tangible ballots on the November, 2008, presidential election ballot. Therefore, the submission here made, the enclosed California Tangible Ballot Act of 2008, is separate and distinct from Initiative (07-0021). No petition issued under the previously issued title (07-0021) has been circulated, and the previously issued title (07-0021) is hereby also withdrawn.

Very truly yours,

Harry V. Lehmann

enclosures

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TANGIBLE BALLOT INITIATIVE

-Election Code Changes Proposed for Submission to the Voters for the November 2008 Election-
Submitted to the Attorney General's Office on September 28, 2007

TITLE AND TEXT OF PROPOSED LAW: CALIFORNIA TANGIBLE BALLOT ACT OF 2008

The purpose of initiative is to amend California Elections Code §301 as follows:

Elections Code §301

A "ballot" means any of the following:

- (a) A single card with prescored, number positions that is marked by the voter with a punching device and the accompanying reference page or pages containing the names of candidates and the ballot titles of measures to be voted on with numbered positions corresponding to the numbers on the card.
- (b) One or more cards upon which are printed the names of the candidates and the ballot titles of measures to be voted on by punching or marking in the designated area.
- (c) One or more sheets of paper upon which are printed the names of candidates and the ballot titles of measures to be voted on by marking the designated area and that are tabulated manually or by optical scanning equipment.

Current subsection to be deleted: *(d) A large sheet of paper upon which is printed the names of candidates and ballot titles of measures to be voted on by pressing the designated area on a direct-recording electronic device.*

Current subsection to be deleted: *(e) An electronic touchscreen upon which appears the names of candidates and ballot titles of measures to be voted on by touching the designated area on the screen of a direct-recording electronic device.*

Proposed New Subsection:

(d) A tangible physical object which may be written upon, punched, or otherwise indelibly marked by the physical action of the individual voter or the voter's aide, which is ultimately susceptible to content recognition for vote counting purposes by a human being through the use of ordinary human physical senses. Nothing in this subsection is intended to prohibit or limit the use of electronic and/or mechanical devices, including electronic touchscreen devices, so long as a tangible ballot, printed on paper or otherwise tangible, results from use of such electronic and/or mechanical devices, and such tangible ballot is then used for all vote counting purposes, and each voter shall have the opportunity to physically possess such marked ballot for personal examination prior to its being cast into a ballot box to be counted.

Proposed New Subsection:

(e) Nothing in this section shall prohibit the use of electronic and/or mechanical equipment, including touchscreen electronic equipment, for the purpose of assisting individuals with disabilities to vote, so long as a tangible ballot, printed on paper or otherwise tangible, results from the use of such electronic and/or mechanical equipment, and each such ballot is available to the voter for his or her optional examination through means appropriate for that person's disability, prior to its being cast into a ballot box to be counted, so as to provide the same opportunity for access and participation (including privacy and independence) as for other voters.