

Paul Talcott Currier

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JUN 24 2009

**INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE**

June 23, 2009,

Office of the Attorney General

ATTN: Initiative Coordinator

1300 I Street Sacramento, CA 95814

(916) 445-4752 / www.ag.ca.gov

RE: Constitutional Amendment Article 36

In accordance with (Section 9608):

I, Paul Talcott Currier, 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. This statement shall be kept on file at the Attorney General's Office for not less than eight months after the certification of the results of the election for which the petition qualified or, if the measure did not qualify, eight months after the deadline for submission of the petition to elections officials.

I request both Title & Summary for my proposed constitutional measure "Article 36"

Paul Talcott Currier

CALIFORNIA CONSTITUTION
INITIATIVE CONSTITUTIONAL AMENDMENT

09-0018

ARTICLE 36 ELECTORS RIGHT TO CALL FOR A
 CONSTITUTIONAL CONVENTION

SEC. 1. (a) In Order to form a more perfect union, a simple majority vote of the electors of the State of California may call for State Constitutional Convention by initiative measure.

SEC. 1. (b) The initiative measure that calls for that State Constitutional Convention:

SEC. 1. (b)(i) may specify the exact number of Delegates to be elected to attend the Constitutional Convention, with a equal number of Delegates allocated to each of the eighty Assembly Districts California;

SEC. 1. (b)(ii) may further specify the process for the Qualification for Candidate for Constitutional Convention Delegate, and may additionally specify the election process of all Convention Delegates, thru special procedures, which may include a Statewide Special Election, between all Qualified Candidates for Convention Delegate for each Convention Delegate position specified, and may further specify the special procedures unique to, and limited to the election of all Convention Delegates to a Constitutional Convention and may further specify the processes and procedures of a Statewide Special Election to be held subsequent to the Convention, for the purpose of Ratification of the New California State Constitution by the electors.

SEC. 1. (b)(ii)(1) The schedule of the Special Election of Qualified Candidates for Delegate to the Constitutional Convention may be set by the electors in the Initiative that calls for the Constitutional Convention.

SEC. 1. (b)(ii)(2) The Special Election of Qualified Candidates for Delegates to the Constitutional Convention, that the electors may require by initiative, may further require be conducted by all County Election Officials of each County in California,

within and according to the precinct boundaries, which comprise each of all eighty (80) existing Assembly Districts in California, so as to achieve equal representation of all electors in California by their Elected Delegates to the Convention;

SEC. 1. (b)(iii) may further specify the Process and Schedule of the Statewide Special Election of Candidates for Delegate to the Constitutional Convention, and so require the Secretary of State of California certify the Election of all Delegates to the Constitutional Convention may include:

SEC. 1. (b)(iii)(1) The qualification rules of all Candidates for Delegate to the Convention, and may direct all 58 County Local Departments of Elections to conduct the Special Election of Convention Delegates by listing all qualified Candidates for Delegate thru legal voting systems, for a vote according to Assembly District, upon verification of a certain reasonable number of signatures of registered electors within each existing Assembly District.

SEC. 1. (b)(iii)(2) The qualification of Candidates for Delegate to the Convention may required to be certified by the Secretary of State, within a reasonable amount of time after the a Local County Department of Elections may be required to qualify each Candidate for Delegate, and all Local County Departments of Elections may further be required to notify the Secretary of State, as to the qualification of each and all Candidates for Delegate to the Convention, who satisfied the qualification requirements by a set and reasonable deadline, may be set by the Initiative.

SEC. 1. (b)(iii)(3) The qualification process by use the of publicly circulated petitions of endorsement, to gather a reasonable number of signatures of electors, so as to qualify a Candidate for Delegate to the Convention, may be ordered by the Initiative that calls for a Constitutional Convention.

SEC. 1. (b)(iii)(4) A reasonable schedule for the qualification time period of all Candidates for

Delegate to the Convention may be set by Initiative.

SEC. 1. (b)(iii)(5) A reasonable schedule of the time period of the campaign of all Candidates for Delegate to the Convention may be set by Initiative.

SEC. 1. (b)(iii)(6) A reasonable schedule may be set by Initiative to establish a deadline by which the 58 Local County Departments of Elections may be required to tabulate, certify and seal the record of the electors vote totals for all Candidates for Delegate to the Constitutional Convention, and deliver those sealed electors vote tabulation results to the Office of the California Secretary of State, for State Certification and seal of the complete list of Elected Convention Delegates.

SEC. 1. (b)(iii)(7) A reasonable schedule may be set by Initiative to further establish a deadline by which the Secretary of State may be required to certify and seal the final results of the election of all Delegates to the Constitutional Convention, to prepare a notification of the Governor of California, may be set by Initiative, and may not exceed 30 calendar days of the closing of the polls.

SEC. 1. (b)(iii)(8) Upon certification of the election of Delegates to the Constitutional Convention, the Secretary of State may be required to notify the Governor of California by sealed communications, of the list of the duly Elected Convention Delegates, may be set by the Initiative.

SEC. 1. (b)(iii)(9) Upon sealed notice by the Secretary of State, of the certification of the election of all Delegates to the Constitutional Convention, the Initiative may require the Governor of California to order the California State Highway Patrol to immediately sequester the duly Elected Convention Delegates at a specific Convention location, until completion of the new Constitution.

SEC. 1. (b)(iii)(10) The Initiative may further require the Governor of California to publicly release the results of the Constitutional Convention Delegates

Election to the People of California, upon completion of sequestration of all Elected Delegates at a specific Convention site.

SEC. 1. (b)(iii)(11) The Initiative may further require:

SEC. 1. (b)(iii)(11)(A) That all 58 Counties in California may only use non-proprietary Voting Equipment Systems;

SEC. 1. (b)(iii)(11)(B) That all Voting Equipment Systems use and operate only open-source software that is publicly owned;

SEC. 1. (b)(iii)(11)(C) That all Voting Systems used 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. 1. (b)(iii)(11)(D) That all paper ballots submitted as votes cast, be electronically tabulated first, at the polling place by duly sworn Election Department Officials only;

SEC. 1. (b)(iii)(11)(E) That the voted paper ballots generated at each polling place 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 then be delivered directly to that Local County's Election Department;

SEC. 1. (b)(iii)(11)(F) That each Local County's Election Department 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 to generate

County totals of votes cast in each Assembly District within each County;

SEC. 1. (b)(iii)(11)(G) That all paper ballots cast and electronic tabulation record of votes, from each polling place, in every precinct, of every County, 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, and once the Delegates Convene, each and all 58 Local County Department of Election Officials shall prepare and deliver under seal, all cast ballots, to the Secretary of State for future permanent custody or a Constitution Library;

SEC. 1. (b)(iii)(11)(H) Upon County Certification of the final vote tabulation, that all tabulated vote totals from each County in California be immediately delivered under seal, to the California Secretary of State, in Sacramento for initial State Determination of the Election of Convention Delegates, and subsequent determination of each Candidate's compliance with all campaign finance rules, that may be included in the Initiative process, necessary for final determination of the Election of Constitutional Convention Delegates, in each of all eighty (80) Assembly Districts, and Certification of the Election of Convention Delegates, and the future permanent custody of a Constitution Library;

SEC. 1. (b)(iii)(11)(I) Specific to a Statewide Election held for the purpose of Ratification of the New California Constitution by the electors, Each County Department of Elections may publicly release the record of votes cast in each County, as the ballot tabulation is tallied. Upon County Certification of the final vote tabulation, the tabulated vote totals and all ballots from each County in California must be immediately delivered under seal, to the California Secretary of State, in Sacramento for State Certification of the Ratification of the New California Constitution, and for the future permanent custody of all ballots in a Constitution Library;

SEC. 1. (b)(iv) may further specify that in each existing California Assembly District, the Qualified Candidate(s) for Delegate, with the next highest number of votes cast in a Special Statewide Election of Delegates, may fully participate in the Constitutional Convention, as the replacement Elected Delegate(s), in the event of:

SEC. 1. (b)(iv)(1) The inability, or loss of capacity to attend the Convention occurs, with regard to any duly elected and certified Constitutional Convention Delegate for personal or medical reasons;

SEC. 1. (b)(iv)(2) The disqualification of a duly qualified and elected Constitutional Convention Delegate for violation of any campaign finance law component to the Initiative.

SEC. 1. (b)(v) may further specify and allocate a set publicly provided amount of money from the State Treasury, to exclusively publicly finance the campaigns of each and all qualified Candidates for Delegate to the Constitutional Convention.

SEC. 1. (b)(v)(1) The Initiative that calls for a Constitutional Convention may further limit all campaign expenditures made directly by each Candidate for Delegate's Campaign Committee, to that specifically allocated and set publicly financed amount, prior to, during, and after completion of the campaign for Delegates to a Constitutional Convention. No limit shall be allowed on Independent Expenditures made by third parties, which are made without the knowledge and control of a Candidate for Delegate, or the knowledge and control of a Campaign Committee of a Candidate for Delegate to the Constitutional Convention.

SEC. 1. (b)(v)(2) Upon election as Convention Delegate, any violation of the campaign limitation on campaign spending by any Candidate for Delegate's Campaign Committee, that may be set by the electors of California by Initiative, that Candidate for Delegate may be punished by the Secretary of State, by removal from the list of certified Convention Delegates, and with the award of that Convention Delegate position to

the next highest achiever of votes on the list of qualified Candidates for Convention Delegate for that specific Assembly District.

SEC. 1. (b)(v)(3) The Initiative that calls for a Constitutional Convention may further require each Qualified Candidates for Delegate provide a detailed account of all money used for their campaign to both the State Treasurer and Secretary of State, to be used for final determination of placement and certification as Convention Delegate by the Secretary of State.

SEC. 1. (b)(v)(4) The Initiative that calls for a Constitutional Convention may further restrict each Qualified Candidate for Delegate from any and all use of any private money directly given to a Candidate or directly given to a Candidate's Campaign Committee, for the purpose to assist with the finance of the campaign for Constitutional Convention Delegate;

SEC. 1. (b)(v)(5) The Initiative that calls for a Constitutional Convention may not restrict 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 Candidate, or Qualified Candidates for Delegate campaign(s) for Constitutional Convention Delegate, so long as all Independent expenditures are made without any knowledge or involvement by the Qualified Candidate, or Candidates, and all such Independent Expenditures be made without any knowledge or involvement by the Qualified Candidate(s) Campaign Committee, or Committees;

SEC. 1. (b)(vi) may further require that all direct public election finance money not used specifically for the expense of each campaign for Convention Delegate, be accounted for or returned to Treasury of the State of California, within 10 days after the election day of Convention Delegates, in accompaniment with each Candidate for Convention Delegate's full detailed report of their record of campaign expenditures;

SEC. 1. (b)(vii) may further specify the date of the

commencement, duration, and terms for the security of the Constitutional Convention so as to:

SEC. 1. (b)(vii)(1) Sequester all Elected Delegates and Staff Participants upon certification of the Special Election Final Delegate Election Results, by the Secretary of State;

SEC. 1. (b)(vii)(2) Insure the will of the electors, that all Elected Convention Delegates and Convention Staff be isolated from all lobby efforts by any special interest, political party, non-elected third persons, and any other, and all-outside influence from any source, for the duration of the Constitutional Convention, in the interests of the People of California;

SEC. 1. (b)(vii)(3) Insure the will of the electors, 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. 1. (b)(viii) may further specify the location of the Convention, and empower the People of the State of California to exercise immediate temporary eminent domain, necessary to establish security and control, preparation for, and use of the Convention site, immediately upon certification of the election of Convention Delegates by the California Secretary of State and:

SEC. 1. (b)(viii)(1) Provide for the preparation of the Convention Site, to begin the day of the Special Election of Convention Delegates.

SEC. 1. (b)(viii)(2) Provide for Legal Staff of the Convention, to prepare for the staging and legal recording of all proceedings, in the interests of the People of California.

SEC. 1. (b)(viii)(3) Provide for the privacy and physical security, to secure the privacy of all technical communications protocols of the Convention,

and secure access by the Convention Delegates to any research, expert opinion and information resources the Convention may require for their deliberations, decisions, and completion of their creation of the new Constitution of the State of California.

SEC. 1. (b)(ix) may further specify for the payment of all expenses for facilities, convention costs, meals and lodging costs, 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 the Initiative and:

SEC. 1. (b)(ix)(1) Provide for reasonable pre-paid deposit of funds to the owner of the Convention Site, so as to cover all facilities costs of the Convention without financial hardship placed on the site owners;

SEC. 1. (b)(x) may further specify adequate reasonable compensation to be paid to the delegates, in equal amounts, for their service to the People of the State of California;

SEC. 1. (b)(xi) may further specify the Presiding Officer of the Convention be the Chief Justice of the Supreme Court of the State of California, and may further require the attendance of all members of the Supreme Court of the State of California, with a capacity to participate.

SEC. 1. (b)(xi)(1) may further require that all Supreme Court Justices serve the Constitutional Convention in a non-voting and advisory capacity only.

SEC. 1. (b)(xi)(2) may further require the Justices of the Supreme Court 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. 1. (b)(xi)(3) may further require the Justices of the California Supreme Court provide their best legal advice and counsel to the Convention, in the best interests of the People of the State of California, so

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. 1. (b)(xi)(4) may further require the Justices of the Supreme Court be empowered to 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 and that:

SEC. 1. (b)(xi)(4)(A) No Lawyer be paid more than one thousand dollars (\$1,000) per diem.

SEC. 1. (b)(xi)(4)(B) No Legal staff be paid more than five hundred dollars (\$500) per diem.

SEC. 1. (b)(xi)(4)(C) 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. 1. (b)(xi)(4)(D) A shredding 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. 1. (b)(xi)(5) may further require that all records of the proceedings of the Constitutional Convention be made public record of the Supreme Court of California, and preserved for future legal research and international posterity.

SEC. 1. (b)(xi)(6) may further specify, that if any members of the California Supreme Court are not able to attend for any reason, that the Constitutional Convention proceed without them, and be empowered to elect its own officers, and conduct the complete work of the Constitutional Convention without regard to the

presence or absence of the Supreme Court or of any and all members of the California Supreme Court.

SEC. 1. (b)(xi)(7) may further specify, that in absentia to the participation of the California Supreme Court, the Body of the Constitutional Convention may be empowered to elect to conduct all business of the Constitutional Convention on its own, with regard to all provisions of this Article 36, that grant duties and responsibilities to the Supreme Court, that in that course of any events, the Body of the Constitutional Convention, may be vested with any and all complete authority of the People of California, granted to the Constitutional Convention by the People of California , and the Initiative that may call for a California Constitutional Convention;

SEC. 1. (b)(xii) may further specify that ALL THIRTY FIVE (35) ARTICLES OF THE CONSTITUTION OF THE STATE CALIFORNIA BE OPENED TO AMEND, REVISE, ADD TO, AND/OR REPEAL BY SIMPLE MAJORITY VOTE OF THE CONVENTION DELEGATES.

SEC. 1. (c) The initiative measure, which calls for a State Constitutional Convention must:

SEC. 1. (c)(i) specify and provide that the California State Highway Patrol immediately sequester the Elected Delegates to the Convention, and further sequester the legal staff of the Convention hired by the Supreme Court, at the site of the Convention, immediately upon sealed notice to the Governor of California, be issued by the Secretary of State, of the certification by the Secretary of State, of all duly Elected Convention Delegates. The Convention Delegates and Legal Staff must be restricted from all contact with non-elected persons other than facilities staff, until completion of the new California Constitution.

SEC. 1. (c)(ii) mandate, that a Constitutional Convention called by Initiative commence on the first day after the California Highway Patrol, as the State Police for the State of California, have notified the Governor of California that all Elected Convention Delegates and the Convention Staff are secure and

sequestered.

SEC. 1. (c)(iii) mandate the Governor of California inform the public of the names of all who were elected to serve, and are then in service to the People of California as Constitutional Convention Delegates.

SEC. 1. (c)(iv) specifically provide that all decisions made by the Elected Delegates at Constitutional Convention be made by simple majority vote.

SEC. 1. (c)(v) specify the initial first electoral process, for the election of 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, and that electoral process must include both primary and general elections, and provide for the orderly transfer of the power of the State to the new Constitutional Officers upon ratification by the electors.

SEC. 1. (c)(vi) specify 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 be by simple majority vote of the electors, and that the same equipment, software, and voting systems be used as specified for the election of Qualified Delegates to the Constitutional Convention.

SEC. 1. (d) The initiative measure, which calls for a State Constitutional Convention may not limit the scope and right of each Convention Delegate vote as their conscience dictates, in any and all matters pertaining to the creation of a new Constitution of the State of California.

SEC. 1. (e) Non-Binding Guidance and Direction Initiatives, to clarify the will of the electors, shall be allowed in the electoral process used to call the Constitutional Convention with the restrictions that:

SEC. 1. (e)(i) At the same time that a Constitutional Convention Initiative is placed before the voters, any Guidance and Direction Single Issue Initiative may also be listed on that same ballot, provided the Guidance and Direction Single Issue Initiative qualify for the ballot, and;

SEC. 1. (e)(ii) A clear written statement must lead the language of each and any Guidance and Direction Initiative, that the Initiative will have no binding effect on the Constitutional Convention Delegates, and is proposed only for guidance to the Constitution Convention Delegates, of the will of the electors of California on that single issue.