

October 28, 2009

VIA PERSONAL DELIVERY

The Honorable Edmund G. Brown, Jr.  
Attorney General  
1300 I Street  
Sacramento, CA 95814

Attention: Krystal Paris, Initiative Coordinator

09-0066  
**RECEIVED**

OCT 28 2009

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary - Initiative Constitutional Amendment

Dear Mr. Brown:

Pursuant to Article II, Section 10(d) of the California Constitution and Section 9002 of the Elections Code, I hereby request that a title and summary be prepared for the attached initiative entitled the "Citizens' Constitutional Convention Act." Included with this submission is the required proponent affidavit signed by me as proponent of this measure pursuant to section 9608 of the California Elections Code. My address as a registered voter is provided and attached to this letter, along with \$200.00.

All inquiries or correspondence relative to this initiative should be directed to Hanson Bridgett, LLP, 425 Market Street, 26<sup>th</sup> Floor, San Francisco, CA 94105, Attention: Steven Miller, (415) 995-5831.

Thank you for your assistance.

Sincerely,  
Jim Wunderman, Proponent

Enclosure: Proposed Initiative

# Citizens' Constitutional Convention Act

## Section 1. Title

This measure shall be named the "Citizens' Constitutional Convention Act."

## Section 2. Findings and Declaration

The People of the State of California find and declare that:

1. The California Constitution should be a document that facilitates a functional government for the State, dedicated to the longstanding proposition that government must be responsive to the needs of its people.
2. State government is in a state of paralysis, caused by systemic problems in the governance structure of the State.
3. The current Constitution was drafted over one hundred years ago, and has been amended more than 500 times to a point where its original intent is no longer recognizable, and its implementation is no longer feasible.
4. The twenty-first century requires a twenty-first century constitution, one that allows for reform of the legislature in order to reduce the influence of special interest groups, provides for needed limits on budgeting and spending, ensures reduced bureaucracy, and restores the balance of power between the state and local governments.
5. There needs to be a constitutional convention to revise the Constitution in order to facilitate a functional government for our State.
6. The Constitution derives its power from the people and the people must be able to call for a convention to revise the Constitution. If the legislature will not act, the people shall.

## Section 3. Purpose and Intent

The people enact this measure in order to allow the citizens of California to call for a constitutional convention. The people intend that this measure be effective so that the question of whether to call a constitutional convention may be decided at the same election as the one at which this measure is considered.

## Section 4. Article 18, Section 2 of the California Constitution is amended to read:

Section 2. (a) The Legislature by rollcall vote entered in the journal, two-thirds of the membership of each house concurring, may submit at a general election the question whether to call a convention to revise the Constitution. If the majority vote yes on that question, within 6

months the Legislature shall provide for the convention. ~~Delegates to a constitutional convention shall be voters elected from districts as nearly equal in population as may be practicable.~~

(b) The question of whether to call a convention to revise the Constitution may be placed on the ballot for any state-wide election by the same process set forth in Article 2, Section 8 for a statutory initiative measure, so long as no convention has convened within ten years of such an election.

(c) Whether submitted as set forth in paragraph (a) or (b), the question of whether to call a convention to revise the Constitution (1) may prescribe judicially enforceable limits on the areas of the Constitution to be considered for revision, and the manner in which the convention is to be provided for if a majority of voters vote yes on the question, (2) may authorize the convention to propose both a revision and a series of separate amendments to the Constitution; and (3) shall specify a fair method for selecting or electing citizens to be delegates to a constitutional convention.

### **Section 5. Severability**

If any of the provisions of this measure or the applicability of any provision of this measure to any person or circumstances shall be found to be unconstitutional or otherwise invalid, such finding shall not affect the remaining provision or applications of this measure to other persons or circumstances, and to that extent the provisions of this measure are deemed to be severable. In particular, the purpose of this Act is to permit the people to call for a convention to propose a revision or series of separate amendments to the Constitution; the severing of any measure found to be invalid shall be accomplished to further such purpose.

### **Section 6. Effective Date and Application**

This measure, if passed, shall be deemed operative and in effect on the entire day of the election at which it is passed, and shall allow the people to consider the question of whether to call for a constitutional convention at the same election as the one at which the people vote on this measure.

### **Section 7. Conflicting Initiatives**

Except as set forth below, in the event that this measure and another measure or measures relating to a Constitutional Convention shall appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the other measure shall be null and void. Notwithstanding the foregoing, another measure or measures that does not amend Article 18, section 2 of the Constitution but presents the question of whether to call a convention to revise the Constitution shall not be deemed to be in conflict with this measure.