Ms. Ashley Johansson
Initiative Coordinator
Office of the Attorney General
1300 "I" Street
Sacramento, CA 95814-2919

Re: Request for Title and Summary for Proposed Initiative

Pursuant to Article II, Section 10(d) of the California Constitution, this letter respectfully requests that the Attorney General prepare a circulating title and summary of the enclosed proposed statewide initiative: "The Preservation and Modernization of California Direct Democracy Act."

Also enclosed are the required signed statements pursuant to California Elections Code sections 9001 and 9608, and a check in the amount of $200.

Please direct all inquiries and correspondence regarding this proposed initiative to:

Bart C. Gilbert
Initiatives Coordinator, Sovereign California
BartGilbert@SovereignCA.org
Sovereign California (FPPC ID: 1373550)
P.O. Box 121165
San Diego, California 92112-1165

Thank you for your time and attention to this matter.

Sincerely,

Signature of Proponent

BARTON G GILBERT
Printed Name

July 13, 2015
Date

THE PRESERVATION AND MODERNIZATION OF CALIFORNIA DIRECT DEMOCRACY ACT

CHAPTER 1. STATEMENT OF PURPOSE & TITLE.

The Preservation and Modernization of California Direct Democracy Act is an Act of the people to preserve and modernize California's direct democracy by removing barriers and innovating the system.

CHAPTER 2. INTENT & SUMMARY.

Article 1. It is the intent of the People of California to –

1. Insert subsection (f) to Section 9001 of Division 9 of the Elections Code to discourage legislators from requiring proponents to pay a fee to file a ballot measure or referendum.
2. Insert subsection (d) to Section 9006 of Division 9 of the Elections Code to allow proponents of ballot measures to circulate petitions in any language they acquire a certified translation for.
3. Amend subsection (a) of Section 9020 of Division 9 of the Elections Code to allow for the collection of digital signatures for ballot initiatives and referenda.
4. Insert subsection (d) to Section 9020 of Division 9 of the Elections Code to allow for the collection of digital signatures for ballot initiatives and referenda.
5. Insert Section 2144 (subsections a – l) to Division 2 of the Elections Code to allow for voters to store their thumbprint and/or digital signature during the voter registration process.

CHAPTER 3. FILING FEES FOR ALL.

Article 1. Section 9001 of Division 9 of the Elections Code is hereby amended as follows:

(f) Members of the Legislature shall be required to pay a fee of equal value to any ballot initiative filing fee pursuant to subsection (c) in order to propose or sponsor legislation. The fee shall be paid with the legislator's personal funds only and be placed in a trust fund in the office of the Treasurer and refunded to the legislator(s) if the legislation is signed by the Governor or otherwise enacted into law. If the legislation does not pass within the legislative session in which it was proposed, the fee shall be immediately paid into the General Fund of the state.

CHAPTER 4. TRANSLATIONS OF PETITIONS.

Article 1. Subsection (d) is hereby added to Section 9006 of Division 9 of the Elections Code as follows:

(d) A proponent may, at their own will and expense, circulate a petition for a ballot initiative or referendum in any language provided that the translated petitions are turned in to county elections officials with a notarized Certification of Translation Accuracy from a translation service provider that is EN15038- and ISO9001-certified, and complies with the ASTM F2575 standard, along with a sample of the translated petition appended to it.

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CHAPTER 5. DIGITAL SIGNATURES.

Article 1. Subsection (a) of Section 9020 of Division 9 of the Elections Code is hereby amended, and subsection (d) is added, as follows:

(a) The petition sections shall be designed so that each signer shall ~~personally affix~~ provide all of the following:
> (1) His or her signature.
> (2) His or her printed name.
> (3) His or her residence address, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained. An incomplete or inaccurate apartment or unit number in his or her residence address shall not invalidate his or her signature pursuant to Section 105.
> (4) The name of his or her incorporated city or unincorporated community.

(d) Nothing in this section shall be construed as to prohibit or otherwise disqualify signatures collected for a petition with an electronic device.

Article 2. Section 2144 is hereby added to Division 2 of the Elections Code, as follows:

(a) County elections officials shall take all necessary steps, and an appropriation from the General Fund is hereby authorized, to establish a digital platform whereby voters may scan their thumbprint in order to add their digital signature to a petition via electronic device. This digital platform shall automatically provide for the petition the information required under section 9020(a), including the digital signature on file with the county Registrar of Voters pursuant to subsection (b) of this section.

(b) When an eligible voter in California obtains or renews his or her driver license or California state identification card, he or she may request to have their thumbprint scanned and appended to their online voter registration, along with their (1) digital signature, (2) full name, (3) residence address (including city, state, and ZIP code), (4) their photograph, and (5) a Voter Personal Identification Number chosen by the registrant herein referred to as a V-PIN.

(c) The county Registrar of Voters shall store all information collected under subsection (b) including digital signatures and thumbprints voluntarily provided to them in a secure electronic database linked to the digital platform established in subsection (a).

(d) Scanned thumbprints may be used to sign a petition for a proposed ballot initiative or referendum. A thumbprint scanned and matched to a thumbprint on record with the county Registrar of Voters and a validated V-PIN shall be sufficient to authorize the county Registrar of Voters to provide the full name, residence address (including city, state, and ZIP code), as well as the digital signature of the elector on file for the petition via the digital platform.

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(e) When a petition has been signed with the digital platform established in subsection (a), the digital platform shall transmit the voter's full name, residence address (including city, state, and ZIP code), and signature pursuant to section 9020(a), to the Registrar of Voters electronic database in the county where the elector is registered to vote. The information required for a valid signature under section 9020(a) shall then be validated by a county elections official. If the county elections official deems the signature to be accurate and genuine, the transmitted signature and accompanying information shall be counted as a signature towards qualifying the petition.

(f) An elector who provides their digital signature without their thumbprint pursuant to subsection (b), may add their full name, residence address (including city, state, and ZIP code), as well as their digital signature to a petition via electronic device pursuant to subsection (a) if the elector can, via the digital platform established for this process, verify their (1) house number, (2) day, month, and year of birth, (3) ZIP Code, and (4) V-PIN on file with the county Registrar of Voters.

(g) A county Registrar of Voters shall employ reasonable security measures including employing administrative, physical, and technical safeguards to protect all information including scanned thumbprints and digital signatures collected and stored pursuant to subsections (a) and (b) of this section from unlawful disclosure and misuse.

(h) When a registered voter who has voluntarily provided their thumbprint and/or digital signature pursuant to subsection (a), he or she may request to have that thumbprint record and/or digital signature deleted from the electronic database by submitting a request in person to the county Registrar of Voters.

(i) A county elections official shall not process any request to delete a thumbprint record or digital signature from the electronic database without first having confirmed the identity of the voter requesting the deletion.

(j) A proponent of may submit handwritten signatures collected on paper petitions, digital signatures collected via the digital platform, or a combination thereof. For the purpose of verifying and counting signatures to qualify a ballot measure or referendum, county elections officials may not discriminate between, or give preference to, a handwritten or digital signature.

(k) When a proponent submits a combination of handwritten and digital signatures to qualify a ballot measure or referendum and a random sample check is performed for verification pursuant to section 9030, the random sample of signatures to be verified shall be drawn proportionally with respect to the total number of handwritten and digital signatures submitted for verification.

(k) Nothing in this section shall be construed as to require the use of a thumbprint or digital signature to register to vote or to sign a ballot initiative or referendum.

(l) Nothing in this section shall be construed as to require the submission of a thumbprint along with a digital signature. An eligible voter may provide either, or both.

CHAPTER 6. ELASTICITY.

Article 1. This Act shall be liberally construed in order to effectuate its purposes.

Article 2. The California State Legislature shall have the power to make all laws which shall be necessary and proper for carrying into execution the provisions of this Act, including the authority to appropriate necessary funds from the General Fund.

CHAPTER 7. SEVERABILITY.

Article 1. Each provision of this Act shall be severable from every other provision for the purpose of determining the legal enforceability of any specific provision.

Article 2. If any provision of this Act is found by a court of competent jurisdiction to be unconstitutional, the remainder of the code shall continue in full force and effect.

Article 3. The Legislature is hereby ordered to modify any unenforceable or unconstitutional provision to the slightest degree necessary to make it enforceable, remaining as close as possible to the original intent of the provision. If modification is not possible, the offending provision shall be stricken from the code, leaving the remainder of the code in full force and effect.

CHAPTER 8. LEGAL DEFENSE.

Article 1. If this Act is approved by the voters of California and thereafter subjected to a legal challenge alleging a violation of or conflict with existing state or federal law, and both the Governor and Attorney General refuse to defend this Act, then the following actions shall be taken:

   (a) Notwithstanding anything to the contrary contained in Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code or any other law, the Attorney General shall appoint independent counsel to faithfully and vigorously defend Section 84311 on behalf of the State of California.
   (b) Before appointing or thereafter substituting independent counsel, the Attorney General shall exercise due diligence in determining the qualifications of independent counsel and shall obtain written affirmation from independent counsel that independent counsel will faithfully and vigorously defend Section 84311. The written affirmation shall be made publicly available upon request.
   (c) A continuous appropriation is hereby made from the General Fund to the Controller, without regard to fiscal years, in an amount necessary to cover the costs of retaining independent counsel to faithfully and vigorously defend Section 84311 on behalf of the State of California.