

**CALIFORNIA NONPARTISAN INDEPENDENT COMMITTEE**

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14 May, 2007

**RECEIVED**

**MAY 21 2007**

State of California, Office of the Attorney General  
Ms. Patricia Galvan, Initiative Coordinator  
1300 "I" Street  
Sacramento, CA 95814  
F: 916-324-8835

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Dear Ms Galvan:

RE: NonPartisan Independent Candidate Initiative Proposition

Pursuant to California Elections Code, Section 9002, I respectfully request that the Attorney General prepare official title and summary for the attached measure number RN200700536-29 Version-12 that was first drafted by assigned staff in the office of California Legislative Counsel based on petition request of California voter signatures and subsequently unofficially reviewed by staff at California Legislative Analyst's Office. Additionally, this measure has been examined by multiple California county Election Officials and several California nonpartisan independent advocacy organizations.

The complete codified text of California NonPartisan Candidate Qualification Act Initiative Measure is included with a financial instrument for the \$200.00 filing fee as specified in California Election Code.

Attached is the proponent information as specified in Election Code, Section 9608.

Sincerely,

Mr. Connor Vlakancic, Advocate  
California NonPartisan Independent Committee  
[Independent@NonPartisanPatriot.com](mailto:Independent@NonPartisanPatriot.com)

05/14/07 5:00PM

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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:

(Here set forth the title and summary prepared by the Attorney General. This title and summary must be printed across the top of each page of the petition whereon signatures are to appear.)

## 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 amendments to the Elections Code, relating to nonpartisan candidates, 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 statutory amendments (full title and text of the measure) read as follows:

**SECTION 1. *Title*** This Initiative Measure shall be known and may be cited as the:

**“California NonPartisan Candidate Qualification Act”**

**SECTION 2. *Findings***

The people of the state of California do hereby declare their no confidence frustration with: (1) partisan political malfeasance and (2) duopoly polarized partisan political party failure to produce desirable visionary candidates of viable eclectic-pragmatic leadership competence.

**SECTION 3. *Purpose***

This California statute disenfranchises or eliminates existing multiple incongruent Election Code procedures of Signatures-in-Lieu, Nomination Signatures and Write-in Candidate Qualification Signatures for nonpartisan General Election candidates, and, creates a new aligned signature gathering process for state wide and district nonpartisan candidates, including a default write-in candidate qualification means.

**SECTION 4. *New Statutes***

Part 2.5 (commencing with Section 8560) is added to Division 8 of the Elections Code, to read:

**PART 2.5. NONPARTISAN CANDIDATES QUALIFICATION MEANS FOR STATE OR FEDERAL ELECTIVE OFFICE.**

8560. (a) A candidate for state or federal elective office who is unaffiliated with a political party shall qualify as a nonpartisan candidate for public office pursuant to this part as the sole means to qualifying as a nonpartisan candidate instead of under Part 2 (commencing with Section 8300 inclusive up to but not including Section 8500).

(b) A candidate who qualifies pursuant to this part is exempt from Sections 8060, 8061, 8062, 8067, 8103, 8104, 8105, 8106, and all of Part 3 (commencing with Section 8600).

(c) A candidate for whom a nomination paper has been filed as a partisan candidate at the most recent previous primary election, and who is defeated for their party nomination at said primary election, is ineligible for nomination as a nonpartisan candidate.

(d) A person may not be a candidate under this section unless all provisions in Section 8550 have been complied with.

8562. (a) A candidate qualifies under this part as a nonpartisan candidate if they submit nomination paper(s) for which signatures are gathered in accordance with subdivision (b) from voters registered in the following locations, as applicable:

(1) In each (every) county in the state, in case of a candidate for any state wide: United States Federal Office, state constitutional office, or Insurance Commissioner.

(2) In each (every) United States Postal Service ZIP Code in the district from which votes may be cast for the office for which the candidate is competing, in the case of a candidate for any other state district or federal district elective office.

(b) In each county in the state or in each ZIP Code in a district within that county, as applicable, a candidate seeking to qualify under this part as a nonpartisan candidate shall obtain signatures on their nomination paper(s) in compliance with any of the following:

(1) Personally gather at least 11 valid signatures from voters registered in the county, or at least 0.30 % (minimum of 11) valid signatures from voters registered in each whole ZIP Code in the district.

(2) Organize unpaid signature-gathering volunteers to gather at least 110 valid signatures from voters registered in the county, or at least 0.70 % (minimum of 22) valid signatures from voters registered in each whole ZIP Code in the district. Unpaid signature-gathering volunteers must certify their volunteer status, in writing, as however required by each county Registrar of Voters. The affidavit of any volunteer circulator obtaining signatures shall be verified by a county election officer authorized to administer oaths. A candidate may comply with this paragraph by gathering some of the required signatures.

(3) Organize paid signature-gathering workers to gather at least 1,100 valid signatures from voters registered in the county, or at least 1.50 % (minimum of 44) valid signatures from voters registered in each whole ZIP Code in the district. A candidate may comply with this paragraph by gathering some of the required signatures.

(4) A candidate who achieves less than the full requirement of all counties, but at least 34% will be recognized as an official write-in candidate for that statewide office no later than the same day that the Secretary of State does or would qualify any nonpartisan candidates on the general election ballot.

(5) A candidate who achieves less than the full requirement of all ZIP Codes, but at least 34% will be recognized as an official write-in candidate for that district office no later than the same day that the Secretary of State does or would qualify any nonpartisan candidates on the general election ballot.

(c) A candidate for state or federal elective office in a statewide general election may begin to gather signatures pursuant to this part on the first Tuesday following the second Monday in January in the year of the statewide general election that becomes qualified under SECTION 1. Part 2.5: and every such year thereafter. The deadline for submitting nomination paper(s) to the Secretary of State or the applicable county elections official for verification shall be the first Tuesday following the second Monday in July in the year of the statewide general election that becomes qualified under SECTION 1. Part 2.5: and every such year thereafter.

(d) The candidate shall submit signatures all at once, to the Secretary of State or the applicable county elections official, for each completed county or ZIP Code. The total number of submitted signatures must be equal to, or greater than, the minimum number required or they will be rejected and returned to the candidate. Nothing precludes their submission later, with additional new nomination signatures, but all must be before the deadline in Section 8562(c).

(1) Upon receiving the nomination paper(s) if, from examination pursuant to Section 8562(b), the number of valid signatures is less than 110% of the minimum number of signatures of qualified voters needed to declare the nomination paper(s) sufficient, the elections official shall examine and verify each signature filed except as provided in Section 8562(d)2 or Section 8562(e).

(2) Upon receiving the nomination paper(s) if, from examination pursuant to Section 8562(b), more than 500 signatures have been signed on the nomination paper(s), the elections official may use a random sampling technique for verification of signatures. The random sample of signatures to be verified shall be performed in such a manner that every signature filed with the elections official shall be given an equal opportunity to be included in the sample.

(e) When nomination paper(s) have been received which contain the number of valid signatures required for a candidate, the county election officer with whom those papers are required to be left may reject additional nomination paper(s) with additional signatures. However, each county election officer has the discretionary authority to accept additional signatures if it is determined by the county election official that validating additional voter signatures will promote healthy competition between multiple candidates actively campaigning to demonstrate their elevated level of recognition and support among the voter electorate. Signatures shall be verified within 24 days. Supplemental signatures may be submitted to make-up invalid signatures, only up to the deadline date.

(f) If a district falls within two or more counties, the county elections official shall within 7 days report in writing to the Secretary of State the total number of signatures submitted.

(g) The deadline for the Secretary of State to certify the qualifications of a candidate shall be within 45 days following the first Tuesday following the second Monday in July.

8564. (a) Signature gatherers of a nomination paper shall be registered voters in each applicable county. Signers of a nomination paper shall be registered voters in each applicable county and ZIP Code.

(b) Each signer of a nomination paper shall sign but one paper for the same office. The signer shall state their city and ZIP Code as registered, with their street and number, if any.

(c) A county elections official verified nomination paper is prima facie evidence that the signatures are of Registered Voters unless it is otherwise proven by comparison of the signatures with the affidavits of registration in the office of the county elections official.

(d) Each candidate shall submit a nomination paper that shall be generally in the form prescribed for Primary Election partisan candidates but with nonpartisan indicated. Any such nomination paper may be in sections, but each section shall contain the name of the candidate and the name of the office for which they are a candidate. For state wide candidates, each section shall bear the name of the county in which it is circulated. For district candidates, each section shall bear the name of the county and ZIP Code in which it is circulated and ZIP Codes may not be mixed in nomination paper or section.

8566 (a) A candidate for office in a special election who elects to gather signatures pursuant to this part shall submit their nomination papers to the county elections official, and may begin gathering signatures for their nomination papers as soon as the date is set for the election pursuant to Section 1400. Deadlines for submitting signatures shall be consistent with partisan candidates.

**SECTION. 5. Existing Statutes.**

Section 8502 in Division 8 of the Elections Code is amended, to read:

8502. Nomination papers shall be left with the county elections official for examination and filed by the candidate pursuant to the time limitations set forth in ~~Section 8403.~~ relevant Election Code.

Section 15450 in Division 15 of the Elections Code is amended, to read:

15450. ~~A plurality~~ (a) Fifty percent or more of the votes given at any election shall constitute a choice where not otherwise directed in the California Constitution; ~~provided that.~~ However, it shall be competent in all charters of cities, counties, or cities and counties framed under ~~the authority~~ Section 3 of Article XI of the California Constitution to provide the manner in which their respective elective officers may be elected and to prescribe a higher proportion of the vote thereof.

(b) If no candidate at an election with one or more nonpartisan candidate(s) printed on the ballot for state or federal elective office receives the percentage of votes for that office required pursuant to subdivision (a), the Secretary of State shall call for a special runoff election on the date set pursuant to Section 1400 between the two candidates who received the most votes. This section shall be rendered harmless in the event that Instant Runoff Voting (IRV) or other form of candidates ranked voting procedures are implemented by any appropriate state or county legislation.

Section 15452 in Division 15 of the Elections Code is amended, to read:

15452. The person who receives ~~a plurality~~ 50 percent or more of the votes cast for any office is elected or nominated to that office in any election, except for the following:

(a) An election for which different provision is made by any city or county charter.

(b) A municipal election for which different provision is made by the laws under which the city is organized.

(c) The election of local officials in primary elections as specified in Article 8 (commencing with Section 8140) of Part 1 of Division 8.

If any section of this California Initiative Proposition is found unconstitutional or challenged by any entity or political party within California or within U.S. Federal regulations as they mandate California State compliance, all other provisions and stipulations shall be given full effect.