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December 4, 2006

Office of the Attorney General
ATTN: Initiative Coordinator
1300 I Street
Sacramento, CA 95814

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DEC - 8 2006

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: California Tangible Ballot Act of 2008
Request For Preparation of Title and Summary of Chief Purposes and
Points of Proposed Initiative Measure (Election Code §9002)

Dear Coordinator:

Please find enclosed a draft of our proposed initiative measure entitled "California Tangible Ballot Act of 2008." It is submitted pursuant to Election Code §9002, and we hereby request the preparation of a "Title" and a "Summary of Chief Purposes and Points."

By way of explanation for preparation of the "Summary," this initiative measure seeks to limit voting to the use of tangible ballots only, and therefore to eliminate the use of purely electronic ballots and all of their attendant risks, notwithstanding the paper audit trail provisions now in place. Given the special circumstances of disabled voters and the federal Help America Vote Act ("HAVA") 42 U.S.C. § 15481 et seq., this proposed initiative measure allows continued use of "electronic voting equipment" for disabled persons, so long as a tangible ballot results.

The required check for \$200 is also enclosed, along with an Elections Code §9608 Statement.

Please provide us with the Official Summary date and Calendar of Deadlines when those dates are established.

Thank you for your assistance.

Very truly yours,

Harry V. Lehmann

enclosures

State Initiative - as submitted to the Attorney General on December 4, 2006

Title and Text of Proposed Law: -California Tangible Ballot Act of 2008-

The Purpose of the proposed law is to Amend Elections Code §301 as follows:

(*Italics* denote deleted portions, underline denotes added text)

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.

(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, so long as a tangible ballot, printed on paper or otherwise tangible, results from the use of the 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: (e) A tangible physical object which may be marked, punched, written upon or otherwise indelibly affected by the physical action of the individual voter or the voters 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, mechanical, optical, or other legally approved methods of reading or counting tangible ballots. Nothing in this subsection is intended to prohibit or limit the use of electronic devices by disabled voters, including electronic touchscreen devices, so long as a tangible ballot, printed on paper or otherwise tangible, results from use of such electronic, or electronic and mechanical devices, and such tangible ballot is retained for vote counting and vote verification purposes.