

CURE
 (Californians United to Reform Elections)
 162 Lakeshore Court
 Richmond, CA 94804
 (510) 867-5725

August 26, 2007

Ms. Patricia Galvan
 Initiative Coordinator
 Office of the Attorney General
 State of California
 PO Box 994255
 Sacramento, CA 94244-25550

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INITIATIVE COORDINATOR
 ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary for Proposed Initiative: The Proportional Representation in Presidential Elections Act

Dear Ms. Galvan:

Pursuant to Article II, Section 10(d) of the California Constitution, we are submitting the attached proposed statewide ballot measure to your office and request that you prepare a title and summary of the measure as provided by law.

CURE sponsored Proposition 105, passed by California's voters in 1988, which required meaningful disclosure on state initiatives ads of their contributors, along with other disclosures. **CURE** is an independent, non-partisan group (e.g. the signers of this letter are one Republican, one Democrat, one independent). We believe that our non-partisan approach, if passed in trend-setting California, can be the model to kick-start a broad based non-partisan national movement to adopt proportional representation in electing the President of the United States.

The Proportional Representation in Presidential Elections Act implements proportional voting in Presidential elections in California, once a majority of the other states have adopted proportional voting.

Other initiatives being proposed to address this topic have significant merits and flaws, and also both have the fatal flaw of being seen as purely partisan efforts, which will prevent them from being adopted on a wide-spread national basis.

Included with this submission is the required proponent affidavit signed by us pursuant to Section 9608 of the California Elections Code. We have also included a check to cover the \$200 filing fee. Our addresses as registered to vote are provided on Attachment 'A' to this letter.

Thank you for your time and attention to this important matter. If you require additional information or have any questions, please contact us.

Sincerely,

Leo McElroy

Jim Rogers

George Schmidt

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS
THE PROPORTIONAL REPRESENTATION IN PRESIDENTIAL ELECTIONS ACT

Section 1. Findings and Declaration of Purposes

- (a) California, and most other states, are largely taken for granted by Presidential candidates because of their "winner-take-all" system of awarding their electoral votes. In recent elections, Presidential candidates have routinely visited and paid attention to a few states while ignoring huge sections of our country.
- (b) Our "winner-take-all" system of awarding electoral votes does not reflect the vast diversity of our state and the regional differences of our citizenry.
- (c) Further, a "winner-take-all" system impedes credible third party or independent candidacies for President.
- (d) Two states do not have a "winner-take-all" system of awarding electoral votes. Those states award their electoral votes to the candidate winning the popular vote in each of the state's congressional districts with two additional electoral votes being awarded to the candidate who wins the popular vote in the state.
- (e) If California eliminated its "winner-take-all" system of awarding its electoral votes, Presidential candidates would have an incentive to campaign in California and to address the unique problems faced by Californians. Many geographic areas of the State would be as important to a candidate's chance for victory as many of the smaller states.
- (f) By adopting proportional representation in California, once a majority of other states have adopted proportional representation, this Act avoids the fatal flaw of other proposals of being seen as purely partisan efforts, which will prevent them from being adopted on a widespread national basis. This Act's non-partisan approach, if adopted in trend-setting California, can kick-start a broad based, non-partisan national movement to adopt proportional representation in Presidential elections.
- (g) Therefore, the people, exercising their reserved legislative power guaranteed by Article II of the California Constitution, hereby enact the Proportional Representation In Presidential Elections Act.

Section 2. The Proportional Representation In Presidential Elections Act

(Text added is denoted in underline type. Text deleted is denoted in ~~strikeout type~~.

Chapter 1 of Part 2 of Division 6 of the Elections Code (commencing with Section 6900) is amended to read:

- (a) 6900(a) The term "elector" or "presidential elector" as used in this chapter means an elector of President and Vice President of the United States, and not an elector as defined in Section 321.
- (b) A political party nominating a candidate for President of the United States and a candidate for Vice President of the United States shall submit to the Secretary of State a certified list of presidential elector nominees who have pledged to vote for the candidates of that political party

as follows:

(i) the number of presidential elector nominees shall be equal to the total number of presidential electors of the State pursuant to Section 1 of Article II of the United States Constitution;

(ii) one presidential elector nominee shall reside in each congressional district in the state and the remaining presidential elector nominees shall reside in the state;

(iii) the manner of choosing presidential elector nominees shall be established by each political party, but in the event a party has no rules for choosing nominees, the candidate for President shall choose the nominees pursuant to subdivision (b)(i) and (ii).

(c) A group of candidates for nomination as a presidential elector for an independent candidate for President of the United States and for Vice President of the United States pursuant to section 8303 shall also meet the requirements of subdivision (b)(i) and (ii).

Section 6901. Whenever a political party ~~in accordance with Section 7100, 7300, 7578, or 7843,~~ submits to the Secretary of State its certified list of nominees for electors of President and Vice President of the United States, the Secretary of State shall notify each candidate for elector of his or her nomination by the party. The Secretary of State shall cause the names of the candidates for President and Vice President of the several political parties to be placed upon the ballot for the ensuing general election and any independent candidate pursuant to section 8304.

Section 6902(a) At the general election in each leap year, or at any other time as may be prescribed by the laws of the United States, there shall be chosen by the voters of the state as many electors of President and Vice President of the United States as the state is then entitled to.

(b) An elector shall be elected in each congressional district if the candidate to whom that elector has pledged to vote received a plurality of the popular vote cast in that congressional district.

(c) The remaining at-large electors not selected pursuant to Section 6902(b) shall be elected if the candidates to whom those electors have pledged to vote received a plurality of the popular vote cast in the state.

(d) Section 6902(b), and the separate congressional district residence requirement of Section 6900(b)(ii), shall only apply if a majority of the other states have adopted some form of proportional voting in the General Presidential election by July 20 of the Presidential election year. The Secretary of State shall survey the other states and determine whether, as of July 20, a majority of them have adopted a form of proportional voting for that year's Presidential election. If not, "winner-take-all" remains in place. "Proportional voting" can be based on a combination of "winner-take-all" and proportional voting (for instance, as is currently done in Maine and Nebraska), and it can be based on Congressional Districts, or on dividing up the Electoral College votes based on a percentage of the popular vote in that state.

Section 6903. On or before the day of meeting of the electors, the Governor shall deliver to the electors a list of the names of each electors elected pursuant to section 6902, and he or she shall perform any other duties relating to presidential electors which are required of him or her by the laws of the United States.

Section 6904. The electors elected pursuant to section 6902 ~~chosen~~ shall assemble at the State Capitol at 2 o'clock in the afternoon on the first Monday after the second Wednesday in

December next following their election.

Section 6905. In case of the death or absence of any elector chosen, or if the number of electors is deficient for any other reason, the electors then present shall elect, pursuant to subdivision (b) of section 6902 ~~from the citizens of the state~~, as many persons as will supply the deficiency.

Section 6906. The electors, when convened, if both candidates are alive, shall vote by ballot for that person for President and that person for Vice President of the United States, who are, respectively, the candidates of the political party or independent candidate which they represent and have pledged to vote. ~~one of whom, at least, is not an inhabitant of this state.~~

Section 6907. The electors shall name in their ballots the person voted for as President, and in separate ballots the person voted for as Vice President.

Section 6908. The electors shall make separate lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each cast pursuant to Section 6906, which lists they shall sign, certify, seal and transmit by mail to the seat of the Government of the United States, directed to the President of the Senate.

Section 6909. ~~Each presidential elector shall receive ten dollars (\$10) for his or her services, and mileage at the rate of five cents (\$0.05) per mile for each mile of travel from his or her domicile to the State Capitol and return.~~

~~Their accounts therefor shall be certified by the Secretary of State, and audited by the Controller, who shall draw his or her warrants for the same on the Treasurer, payable out of the General Fund.~~

Section 3. Severability

The provisions of this section are severable. If any provision in this section or its application is held invalid, that finding shall not affect other provisions or applications that can be given effect without the invalid provision or application.