

SA2005RF0026

January 11, 2005

Law Offices of

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HAGEL &

FISHBURN

LLP

VIA MESSENGER

Ms. Tricia Knight
Initiative Coordinator
Attorney General's Office
1300 I Street, Suite 125
Sacramento, California 94244-2550

RECEIVED

JAN 12 2005

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary

Dear Ms. Knight:

I hereby request that the Attorney General prepare a title and summary for the enclosed proposed initiative. Enclosed is a check for \$200. My residence address is attached to this letter.

Very truly yours,

OLSON HAGEL & FISHBURN LLP

~~LANCE H. OLSON~~

LHO:all
Enclosures

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Section 1. Declarations and Intent

(a) People who propose ballot measures that require more than a majority (50%) vote should live by their own rules.

(b) If someone wants to propose a ballot proposition that requires a greater than majority vote for voters or their representatives to approve a law or governmental action, the proposed measure should be passed by the same vote requirement. For example, a ballot measure that proposes a new two-thirds vote requirement should itself be approved by two-thirds of the voters.

(c) This measure does not prohibit enactment of new "super-majority" vote requirements. It simply closes a loophole that currently allows ballot measures imposing new "super-majority" vote requirements to pass with a bare majority of just 50%.

(d) In order to prevent any last minute attempts to take advantage of this loophole before it is closed, this measure applies to all ballot propositions appearing on the same ballot as this measure and to all subsequent ballot propositions.

Section 2. Constitutional Amendments

Section 10 of Article II of the California Constitution shall be amended to add the following provision:

(f) Any initiative statute or constitutional amendment that includes any provision that increases or creates new requirements for voters or their representatives to approve a law or governmental action by a greater than majority vote must itself be approved by the same percent of the vote set forth in the measure, notwithstanding the provisions of this section or of section 4 of Article XVIII. For purposes of this section, the term "initiative" shall include any measures placed on the ballot by the Legislature.

Section 10(b) of Article II of the California Constitution shall be amended to add the following language:

(b) If provisions of 2 or more measures approved at the same election conflict, those of the measure receiving the highest number of affirmative votes shall prevail. A greater than majority vote requirement pursuant to (f) of this section shall not be deemed to conflict with any measures on the same ballot for purposes of this section or section 4 of Article XVIII solely by virtue of the greater than majority vote requirement.

Section 10(c) of Article II of the California Constitution shall be amended to add the following language:

(c) The Legislature may amend or repeal referendum statutes. It may amend or repeal an initiative statute by another statute that becomes effective only when approved by the electors unless the initiative statute permits amendment or repeal without their approval.

Section (f) shall not apply to a requirement imposed upon the Legislature by the voters pursuant to this paragraph.

Section 3. Effective Date

The amendments to Section 10 set forth in Section 2 above shall take effect immediately upon approval by the voters and shall become operative on the day it is presented to the voters for approval and shall apply to all ballot measures appearing on the ballot for that election and all subsequent ballot measures.

Section 4. Severability

The provisions of this measure are severable. If any provision of this measure or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect in the absence of the invalid provision or application.