



# NEWS RELEASE

CALIFORNIA SECRETARY OF STATE **BRUCE MCPHERSON**

05:067

## \* MEDIA RELEASE \*

FOR PLANNING PURPOSES  
Thursday, July 7, 2005

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### **Secretary of State McPherson Intends to Place All Eight (8) Initiatives on Nov. 8 Ballot**

Sacramento - Secretary of State Bruce McPherson tells Attorney General he intends to put all qualified initiatives on the November 8 Special Statewide Election, including Proposition 77, Reapportionment. Initiative Constitutional Amendment. Attached is the letter.

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July 7, 2005

The Honorable Bill Lockyer  
Attorney General  
State of California  
1300 I Street  
Sacramento, CA 95814

Dear Attorney General Lockyer:

The California Constitution declares, "All political power is inherent in the people." And further, "Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require it." The initiative is "the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them." So states the Constitution of California, Article II, sections 1 and 8, respectively.

As Secretary of State, I have the constitutional duty to present to the voters of California the measures that have qualified to appear on the ballot by the signatures of the people. I intend to do so unless directed to do otherwise by a court.

I firmly believe, as Secretary of State, that qualified measures must be put on public display and presented to the voters of California on the November 8<sup>th</sup> Special Election ballot. My responsibility in that regard is clearly stated in the California Constitution, Article II, section 8(c). As the Chief Elections Officer of the State of California it is my obligation to ensure that qualified measures are submitted to the people so that every eligible voter in the state has the choice to cast a ballot on those qualified initiatives.

As you know, an apparently unprecedented situation came to the attention of my office concerning an initiative that was qualified for the November 8, 2005 Special Statewide Election ballot with 951,776 signatures. The initiative in question has been given the title "Reapportionment. Initiative Constitutional Amendment" by your office. We were informed by the proponent that the text printed on the circulated petitions for this initiative differs from the text that was submitted to your office for the preparation of the Attorney General's title and summary.

The proponent's attorney suggested that the Secretary of State has the ministerial duty to submit to the voters the text that appeared on the petitions circulated to and signed by the voters. By letter on July 1, 2005 we requested your guidance whether the Secretary of State has the authority to make a determination which version of the text of a measure should be placed before the voters. Your staff met with my staff yesterday to discuss this matter concerning the

reapportionment measure that has qualified for the November 8, 2005, Special Statewide Election ballot.

At that meeting your staff responded to two issues. First, your office has determined that you cannot represent the Secretary of State's office in this matter, and therefore, as of yesterday, we have no attorney-client relationship with respect to this issue.

Secondly, because you will not be representing us in this matter, you are not going to respond to our request for advice as set forth in my July 1, 2005 letter. Furthermore, your staff indicated that you might seek a judicial resolution of issues related to your responsibilities in the preparation of initiative materials.

While I respect your views in this matter, as my staff indicated yesterday I believe that any judicial resolution sought by your office should occur immediately. It is in the best interests of the people for a speedy, certain, and final judicial resolution of the questions in this matter. Time is of the essence. The ballot pamphlet containing the text of the measure is scheduled to go on public display July 26, 2005.

In conclusion, as I stated earlier, my constitutional duty as Secretary of State is to present to the voters of California measures that have qualified to appear on the ballot.

Respectfully,

A handwritten signature in black ink, appearing to read "Bruce A. McPherson". The signature is written in a cursive, flowing style.

BRUCE A. McPHERSON  
Secretary of State