

Comment for Voter-Initiative 25-0007A1

NOTICE: We are now in a different world, a world of AI. No AI platform or engine has been used in the creation of this document. Consequently, there may be a few typographical errors.

In this comment we will address the language of this proposed initiative by voter petition (voter-initiative) in accordance with the purpose of the comment period -- to provide the proponent with suggestions so as to enable the proponent to improve the language without having to re-file the voter-initiative. At the end of the comment period, the proponent has a 30-day window to address those suggestions, or not, by filing an amendment with germane changes to the language.

While the proponent has loosely referred to the voter-initiative as a voter-id initiative or an election integrity initiative, the language itself does not give the voter-initiative a title. The closest thing to a title is the heading for Section 2 -- "CALIFORNIA VOTER IDENTIFICATION REFORMS" -- which contains the substantive language proposed to be added to constitution.

The claims regarding what the voter-initiative purports to accomplish precede it by years. We will compare the claims, which have been widely circulated, with the actual language.

The proponent filed an amendment one week before the comment deadline affecting paragraph (b). The cover letter explaining the amendment stated: "After feedback from stakeholders, we are amending the text to clarify one provision of the initiative." The changes are of little, if any, significance in the overall scheme of things.

Unlike many of the comments, especially those late-comers that flooded in comments on August 14th that appear to be part of campaign against this voter-initiative, these comments are especially intended for those who may support the idea of voter identification to vote and only citizens voting. As you'll learn if you read this, those who support this based on proponent claims are buying a pig in a poke. It's just not going to deliver what's claimed.

Background:

Although there are, nominally, three proponents, we will use proponent to refer to the first of the three (Assemblyman DeMaio). The proponent has filed initiatives on the same subject twice before. One in [2021](#) [California Election Integrity Initiative (21-0033)] and one in [2023](#) [California Election Integrity Initiative (23-0016)]. The substance of each of the previous voter-initiatives are nearly identical to one another consisting of four paragraphs. The provisions addressed: 1) voter identification; 2) voter roll maintenance; 3) polling place wait times; and 4) judicial review, *i.e.*, compliance.

Both of the previous filings were abandoned prior to gathering signatures.

Substantively, the language of this voter-initiative addresses three of the four issues from the previous attempts: 1) voter roll maintenance; 2) voter identification; and 3) judicial review, *i.e.*, compliance.

Claims:

It is not reasonably possible to keep track of all the claims that the proponent has made about this voter-initiative. Most of the claims are merely opinions, speculation, and puffery masquerading as fact. Many of the claims, like pledges of matching funds, are not directly related to the language of the voter-initiative. We're only going to address claims that relate to the language of the voter-initiative and the consequences of that language.

In the ever-changing claims about the substantive provisions, we'll use a post-filing set of claims that were made in an e-mail message ("CA Voter ID Initiative Officially Filed") to the proponent's list on July 18, 2025. Here's what the message stated:

Reform California Chairman Carl DeMaio has authored a statewide constitutional amendment to restore election integrity by requiring:

1. Voter ID for in-person and mail-in ballots;
2. Citizenship verification and accurate maintenance of voter lists by each county;
3. Enhanced signature review requirements on ballots;

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4. Timely counting of ballots, with penalties imposed on counties if they don't finish counting their ballots within 72 hours of the election.

We'll consider the claims that this voter-initiative enacts "voter ID," "citizenship verification," and "voter roll maintenance" in comments below. However, we'll address the other claims here, because there is no language in the measure to support the claims.

Claim: "signature review"

While there was language in the proponent's previous two voter-initiatives to this effect, there is not a word about signature review in this voter-initiative. Unless the Legislature or the courts can read minds, the existing statutes on signature review will remain in effect.

Claim: "ballot counting"

There is no language in this voter-initiative about the length of time that elapses between the closing of the polls on election day and the point at which county elections officials declare that ballot counting has been completed.

Consequently, the voter-initiative will objectively fail to accomplish two out of the five claims that the proponent makes.

There is one other relevant claim that the proponent has repeatedly made about the drafting of the language of the voter-initiative.

Claim: language written by "best election lawyers in the nation"

On July 14, 2025, in an e-mail message ("Advance Notice: Legal Filing This Week") to the proponent's list, he claimed: "We worked with the best election lawyers in the nation on this state constitutional amendment and are confident it will survive any challenge from Democrats." On both July 15th and July 17th (the day after filing), in a self-reply message ("RE: Advance Notice: Legal Filing This Week") the statement was repeated. The Reform California With Carl De Maio - Ballot Measure Committee (#1268914) filing on July 31, 2025 for the period January 1 to June 30,

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2025 shows no expenditure to any lawyers or law firms. In the category of professional services, the only payee is the campaign treasurer.

We "get" the nuance of language. The proponent doesn't expressly say that "the best" lawyers wrote the language. Nor does he expressly say that the language will accomplish what he claims. Those, however, are the implications intended for public consumption.

Comment 1: Length of Text.

The proponent touts the minimal language of the voter initiative as part of the plan to ensure that the petition will fit on a single sheet of paper. According to the proponent there will be two versions of the petition. One version will contain the petition on one page that can be downloaded, printed, signed, and returned. This version will have room for only a couple of signatures on one side of a sheet of paper. The other version will have room for a larger number of signatures printed on the back of a single sheet of paper. This accomplishes the proponent's logistical objective of expressly limiting the petition to a single sheet of paper.

If something is worth doing, we would hope that it wouldn't be done on the cheap. If the proponent doesn't consider that it's worth doing right, why should the voters who are going to be asked to sign the voter petition, to fund and energize a campaign, and to vote for it?

For many months prior to filing, the proponent had been recruiting donors and volunteers to achieve the valid signatures needed to qualify the voter-initiative for the next general election. It is a disservice to all to cut corners to save some money. It tends to demonstrate that the product is half-baked or, perhaps, just opportunistic.

The minimal language, as we contend below, almost guarantees that the voter-initiative will accomplish neither its declared purposes nor the proponent's claims.

Comment 2: Scope.

This voter-initiative charges several persons with a duty to act ("actors"). Here is a list of those actors in the order in which they appear in the

language being added to the constitution. The trailing parenthetical letter is the paragraph in which the actor first appears.

1. Secretary of State (a)
2. county elections officials (a)
3. the voter (a.k.a., the person voting, the person) (b)
4. election officials (b)
5. eligible voter (b)
6. the state (b)
7. the Legislature (c)
8. all State and local officials (c)
9. citizens (c)
10. the State (c)
11. State Auditor (c)
12. county (c)

The Secretary of State and the State Auditor are easily determined by their office. So too are "county elections officials" and the Legislature. "Elections officials" is a term defined in the Elections Code. The rest of the designated actors are likely too vague for anyone, but especially a judge, to determine to whom the designation applies or doesn't apply. For example, who precisely is meant by the language "the state shall provide" in paragraph (b). The "state" cannot act except through individual officials with offices. Similar examples of vagueness are numerous. In general, a statute or constitutional provision needs to be precise. Consequently, the language of this voter-initiative is sloppy. One of the proponent's claims in the puffery category is that the "best election lawyers in the nation" wrote the language. That's just not credible.

We note that the Secretary of State has duties related to elections, but it is not an elections official. Neither is the Secretary of State the boss of the county election officials. That office, generally, provides coordination among elections officials and with guidance via memoranda that the office regularly issues. So it's not clear how that office is involved in either of the two primary issues ("voter roll maintenance" and "voter identification") that this voter-initiative addresses.

The Legislature, as the law makers, cannot be forced to act in any specific way, even by the people through a voter-initiative. On the other hand, the reserved power of the people to enact statutes through the voter-initiative procedure bypasses the Legislature. A voter-initiative could enact almost any

statutes, excepting the areas that are specifically excluded by the constitution or the courts.

In summary, this voter-initiative's two primary purposes involve existing or proposed duties of "elections officials," those who conduct elections.

Comment 3: Section 1. Findings and Purposes.

The very first clause ("To enforce existing voter qualifications, including US citizenship, established by California's Constitution,") of the first sentence of this voter-initiative makes several presumptions. One presumption is that the constitution establishes absolute voter qualifications. The other is that one of those qualifications is citizenship.

In the recent decision in *Lacy v. San Francisco* (2023), the appellate court (the supreme court denied review) held that San Francisco's charter amendment to allow non-citizens to vote in some elections did not violate the constitution.

The court in *Lacy* discussed the precise language of Article II, section 2 (a), which reads: "A United States citizen 18 years of age and resident in this State may vote." As the court pointed out, the word "may" does not limit the Legislature.

"First, the entire law-making authority of the state, except the people's right of initiative and referendum, is vested in the Legislature, and that body may exercise any and all legislative powers which are *not expressly or by necessary implication denied to it by the Constitution*."

Furthermore, *Lacy* cites the supreme court that: "It is well established that the California Legislature possesses plenary legislative authority except as specifically limited by the California Constitution."

The point of this discussion is that the Legislature can change who may vote without amending the constitution, in other words, without a vote of the people. It's the long game. Little by little things are changed without much fanfare. For example, in 1980 the Legislature referred an amendment to the constitution (Proposition 6) that changed the way that it reapportioned congressional and legislative districts by removing the requirement limiting

reapportionment to citizens only. So today citizens (depending on how many non-citizens live in a district) in some districts don't have the same voting power as citizens in other districts. In other words, citizens in districts with more non-citizens have an out-sized proportional voting weight than citizens in districts with fewer non-citizens.

As recently as 2020 (Proposition 17) amended the voter qualifications (Article II, section 2) to include felons still on parole.

This voter-initiative could put non-citizen voting beyond the power of the Legislature to change, but it doesn't. Non-citizens are already allowed to vote in San Francisco and Oakland in some elections. The Legislature could expand non-citizen voting, literally, over night.

The fact that two sitting legislators (DeMaio and Strickland), who are proponents of this voter-initiative, along with the "best election lawyers in the nation" don't know that both of these presumptions are invalid, should be enough to kick this voter-initiative to the curb. While Strickland is a newly elected state senator in Orange County, he has previously served 10 years (6 in the assembly and 4 in the senate) in Ventura County. How is it possible that such basic knowledge escapes all these people?

The actual purposes -- (A), (B), and (C) -- are just wishful thinking. It all sounds good, but this voter-initiative, if passed, objectively accomplishes none of its purposes.

To expressly limit the power of the Legislature (and charter cities), this voter-initiative might amend Article II, section 2 to read "Only an individual who is a citizen of the United States and of this state and who has attained the age of 18 years is eligible to vote in this state."

Comment 4: Section 2. California Voter Identification Reforms, paragraph (a).

In one long (44-word) sentence, this language purports to accomplish three things: 1) that the named officials have a duty to maintain "accurate" voter rolls; 2) that the named officials have a duty to verify citizen status for every voter; and 3) that the named officials must report what percentage of voters have been verified as citizens at some time each year. That's a lot of work for one sentence.

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Voter roll maintenance is a function of county elections officials under current law.

As alluded to above, what does "accurate" mean in relation to voter rolls? This voter-initiative doesn't say. Does it mean the person's name is a legal name? ... the address is where the person lives? ... the birth date is correct? ... the political party choice is correct? Or does it just mean that there are no data entry errors in transcribing paper forms? What about all the other tidbits of information found in a voter roll record? How would the named officials make determinations on the accuracy of any of those properties?

What about citizenship verification? For how many years can a voter's citizenship remain unverified? What does "best efforts" mean? For that matter, what does "verify" mean? What about "attestations?" If the person states or checks a box that he's a citizen, is that an attestation? What does "government data" mean? Does the government data have to be accurate? Is the source of the data ISO 9000 compliant? Are there any standards at all? Does this verification require a new form to fill out to get on the voter rolls? Are there new statuses that need to be kept track of? What about a date for a status? What about who is authorized to access systems? Must all new or changed registrations be verified? Are all registrations dumped into a single database called the voter rolls, regardless of status? Again, the questions just keep coming?

And what about reporting? What should the report contain? "65.42% of the voters on the rolls of Alameda County have been verified as citizens as of November 4, 2025." Is that all that's required for the report? Does anyone aggregate the reports for each county? Are all counties required to provide reports in the same format? Who determines the format?

For all three of the purposes, do all of the questions need to be answered? Probably not, but at least some of them need answers, or at least some protocol. Notably missing is a report about accuracy. Can a county elections official just make a statement that the county voter rolls are accurate?

Finally, what happens if county elections officials just decide to ignore any or all of the three directives? What happens if they have excuses, like no money, no time, or no expertise? Can they outsource the tasks to a third-party vendor? Are there any sanctions or penalties against the officials or their deputies, or their agents? Who is going to enforce any of this? What is the "remedy?" Is there any sanction or penalty against the voter? Can voters

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who complete new forms or registrations vote before the election officials have performed their duties? Are there presumptions in favor of the voter that make all this meaningless?

To these and all the other obvious and not-so-obvious questions, this voter-initiative is silent.

Notwithstanding the self-serving statement in paragraph (c), could a judge or anyone legitimately call this sentence self-executing?

It's interesting to read the circulating (not ballot) [title and summary](#) provided for the proponent's earlier voter-initiative filing: "Require counties to maintain accurate voter registration lists (as already required by state and federal law)." If the petition has similar statements, and if signers actually read the title and summary before signing, won't statements like that influence whether people sign the petition or vote in favor?

Voter Registration

The word "registration" is used only three times in the entirety of Section 2. No other form of the word, like "register," is used anywhere.

Here are the contexts:

"maintain accurate voter registration lists," (a)

"for their voter registration." (b)

"in their voter registration record" (b)

Somehow, on the backs of three word usages, this voter-initiative will magically transform voter registration in California. Obviously, we don't have the benefit of listening to the proponent work his word magic. All we, the people, have, and all the public officials will have, and all the courts will have are the scant 304 words that are written as the new Section 3.1. Does anyone else find the proponent's claims incredulous?

Let's think this through. Voters register either on-line, somewhere on the cloud, at <http://covr.sos.ca.gov/>, or by checking a box (so we've been told) when doing business with the DMV, or through a paper form (either the federal form or the state form called a Voter Registration Card [VRC] form).

We're not going to address the five-page on-line form at the "covr" forth-level domain which has an IP address of 199.83.131.209, which is different than the IP address for sos.ca.gov (45.60.121.111). "covr" could be anywhere, maybe even on Hillary Clinton's home server. However, comparing the first two pages of the on-line form to the federal form will give you a glimpse of how widely one can interpret current law.

We do have a note about the on-line form at covr. If you go to the link (above) directly, you get to see page 1 of the form. Some links used by county registrars, such as <http://registertovote.ca.gov/>, send you to a page where, when you click "Register to Vote Now," you end up at page 2, where the first statement is "I am a U.S. citizen ..." We'll leave it at that.

And boy oh boy is it used. If you have almost any in-person or by-mail dealings with the federal government, you will likely get a copy of the federal form. The federal form is printed with a serial number. You would think that the serial numbers are unique nationwide and that they are only printed by a federal agency, like the Government Printing Office. But who knows? They're printed on card stock so that they can be folded and sent through the mail, so we're guessing that anyone with a knowledge of printing could forge them. It's not like they're federal reserve notes.

State and local agencies likely use the VRC We were not able to find a PDF of the VRC on-line, but there is a short instructional video where you can see the form as you listen to the instructions. <http://youtube.com/?v=MEN5u1XjEI8> There is a serial number on the card, which is printed again on the tear-off stub.

It's likely that federal government agencies in California use the federal form and state and local government agencies use the VRC. But already you can see that modern-day voter registration has some complexity attached to it.

Nevertheless, the proponents want you to believe the problems of citizenship verification, identification documents, and accuracy of voter registration are all solved by one phrase in paragraph (a). Credible?

We're not going to address the methods of voter registrations or what's different about each of them, but we will address what we suspect everyone can agree are issues.

1. Each method provides for oath or affirmation of citizenship. All methods simply accept the signature.

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2. The signature can be anything, according to current California law, including, wait for it, a "mark." You know the "mark." It's what the pirates and other illiterate people of ages past used to indicate their acceptance of some written document. In ages past, however, witnesses who knew the person were required to sign as well. We guess they could have all used a mark as well.

3. Each method provides for some kind of partial identification number. NONE OF THEM require it. For BOX 6, the federal form instruction says: "If you have neither a drivers license nor a social security number, please indicate this on the form and a number will be assigned to you by your state." Later, under California-specific instructions it says: "If you do not include this information, you will be required to provide identification when you vote if it is your first time voting in a federal election."

4. On-line forms could provide all kinds of verification of what goes into fields, especially address information. The forms could also do look-ups against current voter records, DMV records, and potentially any other records that the state keeps on people. You know, records like those kept by the franchise tax board, health plans, any kind of licensing agency, retirement systems, unemployment programs, welfare programs, workmen's compensation, and on and on. Of course, none of those other sources are verified either, so there might be no point to that. After all, what's the benefit of preventing \$30 billion in fraudulent unemployment claims or perhaps even more among all the recent COVID giveaways?

5. Children can "pre" register. Public schools have access to those children for hours each day for about 180 days a year. Can you think of all the mischief that can be done? What if the teacher or the school collects paper forms and turns them in (or not)? What happens when all those children leave high school or community college and move, either within California or outside the state?

6. We contend that all registrations, regardless of source or status, are dumped into a singular database where all that separates a legitimate voter, even a legitimate non-citizen voter (San Francisco, Oakland, etc.), from an illegitimate voter is a status entry in the record. Who can change those records? Do private voter registration organizations (like Rock the Vote) have direct edit-access to those records? In some states they do. What about the infamous ERIC (Electronic Registration Information Center)?

But you need not worry about any of this. One phrase "voter registration lists" fixes everything. If you're really interested, you should check out AB-25 ("California Voter ID and Election Integrity Act of 2025"), which was initially (December 2, 2024) a joke authored by the proponent, but later amended as a serious bill.

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB25)

[bill_id=202520260AB25](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB25) It doesn't even cover a lot of the claims made by the proponent. Nevertheless, it clearly wouldn't fit on a single sheet of paper.

The point about voter registration is it's complex, perhaps unnecessarily so. This voter-initiative won't make it better, it will make it worse.

Finally, on this paragraph, if several of the directives in this voter-initiative are already required by law, does the language of the initiative create a conflict? Clearly, this voter-initiative doesn't expressly repeal or amend any existing law, so how are the actors to determine what they should do?

Those that support the policy behind this voter-initiative would be much better served by a voter-initiative that adds, amends, or repeals statutes in the Elections Code than by the language under discussion. Going about it this way might make one consider questioning the real motivation behind it.

Comment 5: Section 2. California Voter Identification Reforms, paragraph (b).

Weighing in with 172 words in five sentences, this is most detailed, and most likely to found self-executing, portion of this voter-initiative. The fourth sentence even defines the term "government-issued identification."

Nevertheless, we contend that there is a point-of-view issue with the first sentence. It takes the point of view of "the voter" as the actor. The issue is the elections official's acceptance of a ballot based on identification. The point-of-view could be changed, for example, "The elections official must require identification prior to accepting a ballot from an individual."

The whole idea of this four-digit number is very much akin to a PIN (personal identification number) which has been used commonly by financial institutions for decades. If it's ok for people's money, why not for voting. Why should any individual jeopardize their privacy by providing segments of

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government generated numbers for voter registration. This makes voter rolls a premier target of hackers and other bad actors who know that those numbers are available for the taking. Why not remove the lure for identity thieves and fraudsters by asking for individuals to provide a PIN?

The big problem with the first sentence, however, is the casual use of "voting by mail" and "mail ballot" which adds those terms to the constitution. We contend that this normalizes voting by mail from here forward and it will make it almost impossible to change. The majority of states (those that are not all mail ballots) provide some alternative mechanism for people who have legitimate reasons to vote other than in-person on election day. (Yes, there are states that still provide only for in-person, election day voting, making fraudulent voting nearly impossible, except for dead people in Chicago.) Usually the mechanism is called an absentee ballot. Based solely on use of the word "mail," we contend that this voter-initiative does much more harm than good.

The second sentence is somewhat sloppy by using identification instead of the defined term. Of course, the term could easily be redefined to be "identification" without a preceding adjective. For example, "Identification" means government-issued documentation that allows conclusive verification of an individual's identity.

As to the definition in the fourth sentence, it's somewhat surprising that the word "photo" or "photograph" is not in the definition. It also describes the identification as documentation as opposed to "voter ID card" which is used in the fifth sentence. Nevertheless, the definition is inadequate because the first sentence implies a requirement of documentation that contains some kind of number longer than four digits.

As to the fifth sentence, besides the actor being "the state," it's somewhat curious that any state agency should be tasked with providing another form of identification. Wouldn't the county registrars be better suited to that task? Oh, do you remember? The county registrars used to print voter registration cards. What happened to that? The point is that the complexity, besides being undefined, is pretty outrageous.

The self-executing status of the paragraph is jeopardized by the lack of specifics as to what government-issued means and what kinds of documentation an elections official can accept. This is exactly the kind of situation where a voter-initiative would use statutory enactments, rather

than constitutional provisions, so as to give the Legislature at least some leeway to further define what is meant, without having to resort to a constitutional amendment to make a change to language. This was done with great success in the Political Reform Act of 1974 which was a huge set of statutes enacted through a voter-initiative. In that case, the proponents gave the Legislature different levels of leeway, depending on the policy, where the Legislature, via super majority vote could make beneficial changes to individual statutes without have to amend the constitution.

This paragraph was amended on August 8, 2025. The end of the first sentence was changed from "by the voter in their voter registration record." to "by the voter for their voter registration." The last clause of the second sentence was changed from "noted on a mail ballot provided" to "noted on the mail ballot envelope provided." We don't see that the change clarifies anything. Instead the addition of the word "envelope" actually raises the issue of which envelope -- the envelope transmitting the ballot to the voter or the envelope transmitting the ballot to the elections official. What happens if the voter has lost the return envelope and mails the voted ballot in an unofficial envelope? This insignificant tweak highlights the ineptitude of the proponent, or his "best election lawyers."

Comment 6: Section 2. California Voter Identification Reforms, paragraph (c).

Paragraph (c) (94 word, 4 sentences) has one important contradiction.

The first sentence (5 words) makes a very simple statement that the section (Article II, section 3.1) is self-executing. Self-executing in this context means that the language of the section is detailed enough to provide the intended actors direction with respect to some duty or prohibition. Usually such detail is provided by statute, although many voter-initiatives try to do it strictly through amending the constitution.

The sentence is a conclusion of law. While individual actors could interpret that the language of this voter-initiative and they might come to that conclusion, ultimately only judges have the authority to make such a determination. In other words, the sentence is meaningless. It cannot bind anyone, including judges.

To bring attention to the meaninglessness of that statement, the very next sentence completely contradicts it. In 39 words, it instructs the Legislature to "promptly enact laws to implement this section" along with other instructions related to the section. Once again, California courts have repeatedly held that a voter-initiative cannot compel a legislative body to do anything, as that would usurp and infringe upon its authority. A voter-initiative can enact the statutes themselves (like the Political Reform Act of 1974), but it can't compel a legislative body to write the statutes (or ordinances for local voter-initiatives).

This contradiction is likely the result of the proponent's overriding concern to create a single-page voter-initiative petition for convenience and cost-savings. While the petition for the Political Reform Act of 1974 was the thickness of a book, but still got its required signatures, the proponent wants to accomplish a "game-changer" on the cheap. This is also laziness. It takes a lot of work to write statutes that actually implement someone's intent. That's why legislative bodies have a process that can take weeks, months, or years and include input from proponents, opponents, experts, and the public at large. The fact that the proponent is widely promoting the voter-initiative as accomplishing great things, knowing that it won't, might even be considered fraud. It's like a modern-day snake oil salesman who has the cure for everything that ails you.

The third sentence has a grammar problem with the word 'and,' but that's not its main problem.

We suspect that "Citizens" were made the actors, as opposed to "Persons," to conform to the presumption that "only" citizens can vote. That limitation is likely to be found unconstitutional if were challenged, but that's insignificant compared to the complete lack of the type of "review" and the nature of the "remedy." The proponent doesn't even hint at what's intended. Both the Code of Civil Procedure, the Penal Code, and the Elections Code itself describe various types of review and remedies. What is a "citizen" or his lawyer supposed to do? Would a court even let anyone file a case that is not supported by some existing statute? The voter-initiative describes several actors and several duties or prohibitions. Are the review and the remedy the same for all of them? Who knows? Is that sentence self-implementing? Likely not.

The fourth and last sentence (33 words) commands the State Auditor to conduct biennial audits. Does the initiative describe what the "State" or

"each county" must do or what compliance means? How is the State Auditor required to audit? Does the "State" or "county" have to respond to the report. What kind of audit is required? Are there any auditing standards that should apply? Although the sentence has a bunch of words are those enough to cover such a broad topic? Is there an enforceable sanction for failing the audit? Is there even a rubric by which passing or failing can be measured against? Again, likely not self-implementing. But even if it were, what would it accomplish except creating at least 59 reports that would be the equivalent to an electronic version of a doorstep?

We can't conceive of anything that this paragraph is likely to accomplish except add bloat to an already bloated constitution.

Comment 7: Section 3. Severability.

Section 3 (64 words; 2 sentences) reads like it could have been written by lawyers. It also could have just been copied from another voter-initiative that was written by lawyers. The copy-and-paste is the most likely because the language uses the word "Act" which is not used anywhere in this voter-initiative.

There's nothing wrong with this section. It addresses one potential future issue. Severability.

But what about other future issues. Two that immediately come to mind and are often found in professionally written voter-initiatives are standing and judicial interpretation.

Standing is the ability of a party to represent an issue in a civil action in a court. If this voter-initiative were to become law, the Attorney General would automatically have standing to defend the law, if he were so inclined, which he isn't. Who else would have standing? No one, because there is no section on standing. Who could sue to enforce the provisions? Likely no one. You see courts look at standing as part of their constitutional "case or controversy" jurisdiction. The person suing must have a stake in the case. They must be affected by the claimed wrong. And very importantly they must represent all the others who have a similar stake. Under that kind of analysis, even the proponents might not have standing, after it becomes law.

The other "missing" section is guidance for judicial interpretation. Most proponents want the courts to interpret their voter-initiatives in a way most favorable to their stated purposes. That's covering their bases, so to speak, in case there is a challenge based on the language of the law. This might help people with standing win the case.

If you've been paying close attention, you'll remember that paragraph (c) stated "Citizens may seek judicial review and remedy ..." So they are given to standing to enforce non-compliance (whatever that means). What we're talking about here is standing to protect the constitutional amendment itself.

There are other sections that are not part of the law that could be added. Most proponents add them as appropriate for their issue. These sections are not lengthy. Often they are just a single sentence. However, if the restriction is to keep the petition to one side of a single page, then there's no room for anything else.

What if Tolstoy had had such a restriction when he wrote *War and Peace*? Not even O. Henry, a prolific short story writer, would put up with such a restriction. Try writing *The Gift of the Magi* to fit on one page. Or better yet, what if the Framers of the United States Constitution were told that it had to fit on one page, just like the Declaration of 1776? It would have to one big page. That's absurd. Just like this teeny, tiny, micro voter-initiative.

Comment 8: Conflict of Laws

To the extent that this voter-initiative is adjudged to have changed the law, it then enters the Twilight Zone of conflict of law. The constitution says one thing and the statutes, none of which are repealed or amended, say something different.

How does this get resolved? Either by changing the statutes, or by going to court to have a judge figure out the mess, or by putting another constitutional amendment on the ballot. Does anyone believe the Legislature and Governor will line up to be the first to fix this conflict?

We're just going to briefly mention federal law, enactments of our Congress. Except for setting the day of federal elections, Congress has no jurisdiction over state election procedure, except by bribery. All the talk about compliance with federal law is a red herring. Congress has perfected the art

of bribery. All it has to do is pass any law that, on its face, violates the Constitution with respect to the several states. By simply adding the carrot of providing federal money (really just debt), it can bribe the state into complying with the unconstitutional provision voluntarily in exchange for free money. Congress doesn't really care how the money is spent. It just wants the states to do its bidding. Bribery is the ticket. If a voter-initiative prohibited the acceptance of federal money in the arena of elections, the game would be over. So, in fact, potential conflict with federal law only exists when the states (and local jurisdictions) are addicted to the federal money.

On the sole basis of these conflicts, it's arguable that passage of this voter-initiative is worse than keeping things as they are.

Comment 9: Benefits of Passage of 25-0007

While we discussed all three sections, the only operative language is in Section 2, the actual language that would be added to the constitution.

As discussed in the comments on each of the three paragraphs of Section 2, we contend that this voter-initiative will provide no benefit to anyone, except lawyers. Like the Duke brothers in the film *Trading Places*, the lawyers will make money from both sides -- the "citizens" and the government actors.

Is it worth a couple million dollars in direct costs and untold volunteer effort to get this passed? We think not.

Changing a constitution should be done only after serious thought and consideration. This voter-initiative was clearly patched together from the proponent's previous voter-initiatives on the same subject with a few more details to make it look different.

Comment 10: Proponent Experience with Voter Identification

Proponent Strickland actually has some experience with voter identification. In October 2023, when he was mayor of Huntington Beach, he proposed and supported a charter amendment (Orange County, March 5, 2025, Charter

Amendment 1) what was claimed to be a voter identification amendment to the city charter. A city charter is very similar to a constitution. It authorizes a city to do certain things, prohibits a city from doing certain things, or establishes offices and policies for a city. This is much like the way the constitution works. A charter amendment must be approved by voters.

In the 225-word amendment that added Section 705 to the city charter, the amendment accomplished four things. First, it changed the definition of "Elector" to override Article II, Section 2 of the California. It also authorized three other things, 2) verify eligibility, 3) voter locations for the disabled, and 4) monitor ballot drop boxes. While the definition of elector was self-executing, the remaining three things were authorizations -- things that the city "may" do. None of those were implemented. To our knowledge, the city council has yet to implement any of those last three things.

The implementation, if it occurs, will have to be very specific. For example, the voter identification authorization read like this: "The City may verify the eligibility of Electors by voter identification." Any implementation will require many more words than that and it will be done via adopting ordinances.

Even such a modest change, however, only got 53.40% of the vote in an area of the state that one might consider very favorable to such changes.

The city has been able to successfully defend its amendment against several challenges in court.

We note that Huntington Beach's voter eligibility law is now at least an order of magnitude stronger than the California constitution in requiring citizenship to vote. There are 121 charter cities in California. Two of them have already authorized or implemented non-citizen voting in certain elections. The other 118 (all large) cities could go either way or a totally new way.

In the case of Huntington Beach, because its elections are currently run by the Orange County registrar, the city may not get approval to consolidate elections with county-run elections if it implements any of the three authorized provisions due to the different administration involved. So, this has yet to play out in the real world.

So what's the point?

The point is that despite a lot of political posturing funded by the taxpayers, no public agency has ever implemented any of the three areas (voter ID,

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citizenship verification, and voter roll maintenance) claimed to be accomplished by this voter-initiative. No one has polled voters on the actual language of the this voter-initiative. In other words, it's pure speculation (or snake oil) that this initiative will accomplish anything or have enough voter support to pass, even with its extremely weak language.

Comment 11: How Much Can You Trust the Lead Proponent?

If you happened to notice, this voter-initiative is designated A1. No, not the steak sauce. It means that the current version of the measure at the Attorney General's office has been amended. A1 means that it's the first amendment.

Proponents have the ability to amend a filed voter-initiative, without the additional cost of refiling it and starting the clock again, by submitting amendments. It's doesn't happen with all initiatives, but it's not uncommon for proponents to file amendments prior to the expiration of the 30-day comment period. They can continue to file amendments after the comment period for another 30 days as well.

On August 8, 2025, the proponents filed the amendment that is now the A1 version.

The following two phrases in paragraph (b) are the entirety of the changes. The original version of the language is below the amended version marked as A1.

A1 by the voter for their voter registration.
 by the voter in their voter registration record.

A1 noted on the mail ballot envelope provided
 noted on a mail ballot provided

The cover letter explaining the amendment stated: "After feedback from stakeholders, we are amending the text to clarify one provision of the initiative." There's no requirement that the proponents state reasons for filing amendments, so this statement was purely voluntary. It reminds us of the "Don't Talk to the Police" video that's been popular on YouTube for more

than a decade. The point of the "Don't Talk" video is that there is nothing good that can come from voluntarily talking to the cops.

We were puzzled by this amendment because it really did nothing that jumped out that would explain the reasoning behind an apparent innocuous change. The proponents could have waited for the comment period to end and make this change after the comment period was over and they reviewed any comments that were submitted.

Then, as we were doing research for this comment, we ran across this. "Huge Win for CA Voter ID! Plus: The Plan to Defeat Gavin Newsom." It's a video of the proponent talking about a couple of things, but what caused us to listen to it was the "Huge Win" title. The video was uploaded sometime on August 7, 2025.

Here is the transcript of the video beginning at 12:27 into it. We've emphasized the key take away.

An appeals court [Federal Court of Appeals, 5th Circuit, Texas] upheld a state law requiring voters using mail-in ballots to include a state ID number or a partial Social Security number in order to verify their identity.

This provision is absolutely the same provision that we have in our ballot initiative, the California Voter ID Initiative.

We also require not only voter ID, but we require, by the way, both in-person and mail-in ballots.

That's why this court case is such a big bounty of good news for us.

The emphasized statement wasn't true at the time it was made. It was a fib or a white lie. It's really quite inconsequential.

But the proponent made it true the next day by filing the amendment. He also told an inconsequential fib to the Attorney General's Office.

But neither fib was necessary. The proponent was puffing himself up to show how brilliant he was by already having a provision in the voter-initiative that's "absolutely the same provision," he tells us, to what the 5th Circuit just upheld. Except that his statements, both on the video and in the letter to the Attorney General's office, weren't true.

This was an unforced error. It's not even a big deal. Politicians can lie all they want. It's called free speech. The point here is that this is the kind of

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character that the proponent exhibits. It comes so easily to him that it appears to be almost ingrained.

There's a proverb about this character trait. "If you will lie about the little things, before long you'll lie about bigger things." Einstein is credited with another version. "Whoever is careless with the truth in small matters cannot be trusted with important matters."

If you have ever done any research on the proponent, you may have run across an extremely compelling account of his childhood. It's his origin story. When one repeatedly sees the proponent exhibit this character trait, it might call into question the veracity of his origin story as well.

Comment 12: Proponent Finally Abandons Two Claims

As we're still writing this just prior to the comment period expiring, we have breaking news. In an e-mail to his list on August 13, 2025 (two days before the comment period ends) with the subject "Postage Needed ASAP – Please Help," the proponent has finally abandoned two of his five claims

Here's what the proponent now claims:

WHAT THE CA VOTER ID INITIATIVE DOES

Step 1: Verify Citizenship for All Registrations:

Only U.S. citizens should determine California's future. Our law will mandate proof of citizenship when registering to vote, closing loopholes and protecting voter rolls from error or abuse.

Step 2: Require Voter ID for Every Ballot Counted:

All votes, whether cast in-person or by mail, will be counted only after verification of a government-issued identification--a trusted practice in many states and in daily activities.

Under Step 1, you just have to love it when he uses language like "Our law." Where's the "law" that does that anywhere in this voter-initiative's 304 operative words?

Under Step 2, what this voter-initiative says is "Election officials shall only count a regular or provisional ballot after verifying the identity of the person

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voting." One might ask, as many surely will if this gets to the ballot, how does any actor, like the county registrar, verify the identity of the voter unless he compares the document with a physical human being in their presence. That's what a notary public would do, right? If four-digits of a number match four digits of some comparison number, is that enough? Must the actual full number be verified in advance of voting against an accurate source first? Some government-issued numbers don't have photographic images associated with them. What happens in those cases? Even if the number exists in a source database, what other properties about it must be checked? Birth date? Address? That's just the tip of the iceberg regarding identity verification. And, due to its skimpy 304 words, this voter-initiative is silent on all the questions. So guess what. Any actor can legitimately state that the identity was verified under any rules they dream up. And the actors can't be held accountable to anyone, because there is no direction as to what constitutes verification.

There are a lot of ways that those two claims could be achieved. One way is to require all actors to reject outright any registration that doesn't meet a specific requirement, such as identification numbers. In other words, never let those records into the database to begin with. Does anyone have a right to have a faulty registration placed into any system? Just send it back and hope the mail isn't returned to sender for a bad address. But that's an example of a specific duty that may involve multiple actors. It requires a statute in the Election Code. From the proponent's point-of-view, that's too much work.

Comment 13: Conclusion

This voter-initiative, without a cooperative Legislature and Governor, will accomplish none of its objectives. Despite a statement in paragraph (c) that the proposed section is self-executing, objectively, most of the duties alluded to would require enactment by the Legislature. The Legislature in its current configuration is guaranteed not to implement it. That leaves the courts with the ensuing mess, if it passes.

A quote by Ronald Reagan comes to mind. "The trouble with our liberal friends is not that they're ignorant; it's just that they know so much that isn't so." It's not only liberals. It's as if the proponents truly believe that this voter-initiative will accomplish something.

Besides not being self-executing, this voter-initiative provides no sanctions for any actors who neglect or refuse to comply with provisions that lack so much detail as to be vague and ambiguous. A law without a consequence is just a suggestion.

The only people who will benefit from the passage of this voter-initiative are the lawyers who will rake in the money from all sides.

We have to ask, what's the point? Can't the proponent come up with something that actually does something?

The mania surrounding accurate voter rolls is, in large part, caused by the perpetual voter registration phenomenon. The most effective and least costly method to prevent the maladies associated with voter rolls could be solved by putting on an expiration on every voter registration. The other area of concern are the addresses connected to the registration. That could be easily solved by requiring that every address be run through a USPS CASS-certified service prior to accepting a voter registration. One of the largest such services is Melissa Data located right here in Orange County. There is nothing that prevents a county registrar from using such a service right now, but there's no statute requiring it.

As discussed earlier in the Lacy decision, "Unlike the federal Constitution, which is a grant of power to Congress, the California Constitution is a limitation or restriction on the powers of the Legislature." This voter-initiative imposes no limitations or restrictions on legislative powers. However, a constitutional amendment is a better sound-byte for marketing to the uninformed masses.

This voter-initiative is primarily directed at "elections officials." It follows that, while amending the constitution sounds like a big deal, it's really overkill, if the purpose is to limit or direct elections officials. But it neither limits the Legislature nor the elections officials, because it does not enact the statutes needed to limit or restrict the elections officials.

Almost no voters are aware that the Office of the Legislative Counsel (who works for the Legislature in California) assists voters in drafting the language for voter-initiatives. There are a few restrictions to eliminate the crazies, but we know of initiatives that were actually prepared by that office. Legislative Counsel actually helps legislators write bills that end up becoming law, so they are pros at it. There's actually a statute that requires the Legislative

Counsel to do this. It costs the proponents nothing but some effort to meet the qualifications.

Consequentially, it's especially disappointing that two proponents, who are sitting members of the Legislature, and have access to much more legislative resources than mere voter-initiative proponents, would not take advantage of this to have this voter-initiative drafted by pros. Perhaps they tried. Perhaps the single-page petition requirement put them in the crazies category.

Which brings us back to [AB-25](#) (the proponent's stunt as a brand new legislator on the first day of the session). If you go and look at what the proponent originally introduced, it was a stub -- something to get a low bill number with nothing in it but a title (see above). Eventually, it was fleshed out so that the proponent could pull another stunt and have it voted down at the committee level. AB-25 is a large bill, over 6,000 words, and effects 11 sections of the Elections Code. Could this be an admission by the proponent that this voter-initiative is also a stunt? It's going to take a lot more words, and a lot more pages on a petition, to reach the goal. The proponent knows it. AB-25 is his bill.

The bottom line is this voter-initiative represents some big ideas that have been extremely poorly implemented. Why would anyone waste their time, money, or resources for a big nothing burger like this?

For all those who support the concepts claimed by this voter-initiative, don't let yourself be hoodwinked by another stunt. Right now, the proponent has bigger fish to fry -- fighting mid-decennial reapportionment. Fear is a great fundraising motivator.

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