



**DEBRA BOWEN | SECRETARY OF STATE**  
**STATE OF CALIFORNIA | ELECTIONS**

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October 30, 2009

County Clerk/Registrar of Voters (CC/ROV) Memorandum #09170

TO: All County Clerks/Registrars of Voters and Proponents

FROM:

  
Katherine Montgomery  
Associate Elections Analyst

RE: Initiative: 1383, Related to Education

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**REQUIRES PUBLIC SCHOOLS TO OFFER CHRISTMAS MUSIC.  
INITIATIVE STATUTE.**

The proponents of the above-named measure are:

Merry Susan Hyatt  
David Joseph Hyatt

#1383

**REQUIRES PUBLIC SCHOOLS TO OFFER CHRISTMAS MUSIC.  
INITIATIVE STATUTE.**

**CIRCULATING AND FILING SCHEDULE**

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1. Minimum number of signatures required: .....433,971  
California Constitution, Article II, Section 8(b)
  
2. Official Summary Date: .....Friday, 10/30/09
  
3. Petitions Sections:
  - a. First day Proponent can circulate Sections for  
signatures (Elec. Code § 336) ..... Friday, 10/30/09
  
  - b. Last day Proponent can circulate and file with the county.  
All sections are to be filed at the same time within each  
county. (Elec. Codes §§ 336, 9030(a)).....Monday, 03/29/10
  
  - c. Last day for county to determine total number of  
signatures affixed to petitions and to transmit total  
to the Secretary of State (Elec. Code § 9030(b)).....Friday, 04/09/10  
  
(If the Proponent files the petition with the county on a date prior to  
03/29/10, the county has eight working days from the filing of the petition  
to determine the total number of signatures affixed to the petition and to  
transmit the total to the Secretary of State) (Elec. Code § 9030(b)).
  
  - d. Secretary of State determines whether the total number  
of signatures filed with all county clerks/registrars of  
voters meets the minimum number of required signatures  
and notifies the counties.....Sunday, 04/18/10\*
  
  - e. Last day for county to determine total number of qualified  
voters who signed the petition, and to transmit certificate  
with a blank copy of the petition to the Secretary of State  
(Elec. Code § 9030(d)(e)).....Friday, 05/28/10

\* Date varies based on the date of county receipt.

**INITIATIVE #1383**

**Circulating and Filing Schedule continued:**

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(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 04/18/10, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elec. Code § 9030(d)(e)).

- f. If the signature count is more than 477,369 or less than 412,273 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 412,273 and 477,369 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures (EC §9030(f)(g); 9031(a))..... Monday, 06/07/10\*
  
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (Elec. Code § 9031(b)(c)). ..... Monday, 07/19/10

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 06/07/10, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elec. Code § 9031(b)(c).)

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (Elec. Code §§ 9031(d), 9033).....Friday, 07/23/10\*

\*Date varies based on the date of county receipt.

## IMPORTANT POINTS

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- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal.App.3d 825, 177 Cal.Rptr. 621; 63 Ops.Cal.Atty.Gen. 37 (1980).
- Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

EDMUND G. BROWN JR.  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



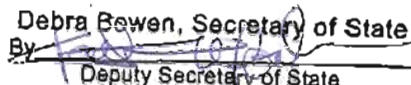
1300 I STREET, SUITE 125  
P.O. BOX 944253  
SACRAMENTO, CA 94244-2550  
Public: (916) 445-9555  
Telephone: (916) 445-4752  
Facsimile: (916) 324-8835  
E-Mail: Krystal.Paris@doj.ca.gov

October 30, 2009

**FILED**  
In the office of the Secretary of State  
of the State of California

OCT 30 2009

Honorable Debra Bowen  
Secretary of State of the State of California  
State of California Elections  
1500 11th Street, 5th Floor  
Sacramento, CA 95814

Debra Bowen, Secretary of State  
By   
Deputy Secretary of State

Attention: Ms. Katherine Montgomery  
Associate Elections Analyst

Initiative 09-0030, "Freedom to Present Christmas Music in Public School Classrooms and Assemblies."

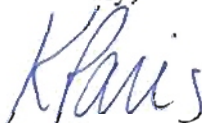
Official Circulating Title: REQUIRES PUBLIC SCHOOLS TO OFFER CHRISTMAS MUSIC.  
INITIATIVE STATUTE.

Dear Secretary Bowen:

Pursuant to Elections Code sections 9004 and 336, you are hereby notified that on this day we mailed our title and summary for initiative 09-0030, "*Freedom to Present Christmas Music in Public School Classrooms and Assemblies*" to the proponents. A copy of that title and summary and text of the proposed measure is enclosed.

Please contact me if you have any questions.

Sincerely,



KRYSTAL M. PARIS  
Initiative Coordinator

For EDMUND G. BROWN JR.  
Attorney General

Proponents:  
Merry Susan Hyatt  
David Joseph Hyatt

Date: October 30, 2009  
Initiative 09-0030

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

**REQUIRES PUBLIC SCHOOLS TO OFFER CHRISTMAS MUSIC. INITIATIVE**

**STATUTE.** Requires public schools to offer an opportunity for students to listen to or perform Christmas music during the holiday season. Requires schools to notify students' parents or guardians twenty-one days before the music will be played or performed so that students can opt-out of listening to or performing the music. Provides that a civil lawsuit may be brought to enforce these requirements. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Probably minor annual costs to school districts. (09-0030.)

August 28, 2009

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

09 - 0030  
**RECEIVED**  
SEP 08 2009  
INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Dear Ladies and Gentlemen

Here is a draft of our proposed initiative statute allowing for Christmas music in the public schools. Mark Terry of the California Legislative Counsel wrote the draft.

I am requesting that a title and summary of the chief purpose and points of the proposed initiative measure be prepared by your office. Please find a money order for \$200.00 enclosed.

I, Merry Hyatt, am a proponent for this measure. Since, there are many signatures to get I have asked my brother, David Joseph Hyatt, to also be a proponent. His address is \_\_\_\_\_  
\_\_\_\_\_ He is registered in Shasta County.

I have moved to Redding but I will keep my registration in Riverside County.

Yours Truly,

Ms. Merry Susan Hyatt

## INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

12-point  
Boldface  
Type

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

(Here set forth the title and summary prepared by the Attorney General. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

## TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

Type: Roman  
Boldface not  
smaller than  
12-point

We, the undersigned, registered, qualified voters of California, residents of \_\_\_\_\_ County (or City and County), hereby propose amendments to the Education Code, relating to public schools, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The proposed statutory amendments (full title and text of measure) read as follows:



SECTION 1. Article 1.5 (commencing with Section 52710) is added to Chapter 11 of Part 28 of Division 4 of Title 2 of the Education Code, to read:

Article 1.5. Freedom to Present Christmas Music in Public School Classrooms or  
Assemblies

52710. The people of California find and declare both of the following:

(a) Listening to, or performing, Christmas music during the holiday season is a longstanding American tradition and a significant element of our cultural heritage as Americans.

(b) The parents and guardians of public school children should have the right to decide whether or not their children may hear Christmas music in the classrooms and assemblies at those schools.

52711. As used in this article, "Christmas music" includes, but is not necessarily limited to, carols, songs, and instrumental works whose subject matter relates to the celebration of the Christmas holiday or to the season during which that holiday is observed.

52712. (a) Each public elementary and secondary school shall provide opportunities to its pupils for listening to or performing Christmas music at an appropriate time of year. The appreciation or performance of the Christmas music may be incorporated into the subject matter of an arts or social studies class, presented for cultural enrichment during a school assembly, or both.

(b) Each public elementary and secondary school shall provide the parent or guardian of a pupil with written notice of the presentation or performance of Christmas music in a classroom or assembly at least 21 calendar days before that pupil would be required to be present for the presentation or performance of the Christmas music. The written notice provided to the parent or guardian shall include a tear-off slip or other method for the parent or guardian to inform the school if he or she chooses that the pupil not be present for the presentation or performance of the Christmas music.

(c) A pupil who is not present for the appreciation or performance of Christmas music pursuant to the expressed choice of his or her parent or guardian shall be provided with an appropriate alternative to the arts or social studies subject matter served by the Christmas music in the classroom or the cultural enrichment served by the Christmas music in a school assembly.

52713. (a) Notwithstanding the Tort Claims Act or any other provision of law, this article may be enforced by a civil action brought in superior court by any of the following:

(1) A parent or guardian of an affected public school pupil either on his or her own behalf or on behalf of that pupil.

(2) An adult resident of an affected school district.

(3) The governing board of an affected school district.

(b) The superior court may issue an injunction, or award money damages or attorney's fees, or may order any or all of these remedies, as it finds appropriate in handling a civil action brought under this section.