

Introduced by Senator HernandezFebruary 17, 2016

An act to amend Sections 101, 9008, 9030, and 9031 of, and to add Sections 9009.5, 9009.6, 9022.5, 9036, and 9037 to, the Elections Code relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1094, as introduced, Hernandez. Initiatives: petition circulators.

(1) The California Constitution and existing statutory law provide for the electors to propose statutes or amendments to the Constitution by initiative. Existing law authorizes a person who is a voter or who is qualified to register to vote in California to circulate an initiative or referendum petition anywhere within the state. Existing law requires that each section of a petition for an initiative or referendum measure have attached thereto the declaration of the person soliciting the signatures that includes specified information.

This bill would require a person who solicits signatures for a proposed initiative measure and does not receive money or other valuable consideration for the specific purpose of soliciting signatures of electors to make additional declarations, as specified.

(2) Existing law requires local elections officials to perform various duties with respect to statewide initiative petitions including, within 8 days after the filing of a petition, determining the total number of signatures affixed to the petition. Existing law also requires an elections official, within 30 days of notification from the Secretary of State that a petition has received 100% or more of the signatures needed to declare the petition sufficient, to determine the number of qualified voters who signed the petition. Upon order of the Secretary of State, existing law

requires an elections official, within 30 days, to verify each signature on a petition, as specified.

This bill would extend the time a local elections official is required to determine the total number of signatures affixed to a petition to 10 days, and would extend the time a local elections official is required to determine the number of qualified voters who signed the petition to 35 days after receiving notice from the Secretary of State that the petition has received the signatures needed to declare the petition sufficient. The bill also would extend the time that an elections official is required to verify the signatures on a petition to 35 days.

This bill would require at least 15% of the signatures that are required to qualify an initiative measure to be solicited by a person who does not receive money or other valuable consideration for the specific purpose of soliciting signatures of electors, and would require that the declaration of such a person include additional content, as specified. The bill would require an elections official who determines the total number of signatures affixed to a petition and an elections official or registrar of voters who verifies signatures on petitions to also determine the total number of signatures submitted by persons who do not receive money or other valuable consideration for the specific purpose of soliciting signatures of electors, as specified.

The bill would include specified findings and declarations of the Legislature in support of these policies.

(3) Existing law requires that, if the statistical sampling shows that the number of valid signatures on a petition is within 95 to 110% of the number of signatures of qualified voters needed to declare the petition sufficient, the Secretary of State shall order the examination and verification of each signature filed, and shall so notify the elections officials.

This bill, with regard to an initiative petition for which the statistical sampling shows that the number of valid signatures for all signatures submitted is more than 110% of the number of qualified voters needed to find the petition sufficient, but the number of valid signatures submitted for purposes of the 15% requirement described above is within 95 to 110% of the number of signatures needed to satisfy that requirement, would require the Secretary of State to only order an examination and verification of each signature filed that would satisfy the 15% requirement.

(4) Existing law requires every proposed initiative measure, prior to circulation, to include on the petition, among other things, the circulating

title and summary prepared by the Attorney General and a heading for the initiative measure, as specified. Existing law also requires a petition for a proposed initiative or referendum measure to be presented in sections, as specified.

This bill would provide that its provisions do not apply to any initiative petition for which the Attorney General issued a circulating title and summary before January 1, 2017, and would require a petition for a proposed initiative measure to have printed in the one-inch space across the top of the first page of each section of the petition, in 18-point roman boldface type, the circulating title for the measure prepared by the Attorney General. The bill would additionally require a petition for a proposed initiative measure that is circulated by persons who do not receive money or other valuable consideration for the purpose of obtaining signatures of electors to be printed on white paper in a contrasting color ink. The bill also would require a petition for a proposed initiative measure that is circulated by persons who do receive money or other valuable consideration for the purpose of obtaining signatures of electors to be printed on paper of a color other than white in a contrasting color ink.

(5) Under existing law, an initiative petition must contain specified language advising the public of its right to ask whether the person circulating the petition is a paid signature gatherer or a volunteer.

This bill would additionally require a statewide initiative, referendum, or recall petition to include a disclosure notifying the public that the petition circulator is receiving money or other valuable consideration for the specific purpose of soliciting signatures of electors, as specified.

(6) Existing law provides that a person who engages in specified conduct in connection with the collection of signatures on any statewide initiative or referendum petition is guilty of a misdemeanor.

This bill would require a statewide initiative or referendum petition section to be deemed invalid, and would prohibit use of the petition section for the purpose of determining whether the initiative or referendum measure qualifies for the ballot, if the signatures are solicited and submitted by a person who engages in fraud, misrepresentation, or any of the specified conduct for which he or she may be found guilty of a misdemeanor. The bill would authorize specified persons to enforce this provision by a civil action upon a showing of clear and convincing evidence.

(7) Because this bill would impose new requirements on local elections officials relative to calculating and verifying signatures on a petition, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(8) This bill would provide that specified provisions shall become operative only if the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.).

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) The power of the initiative is a fundamental right reserved
4 for the voters of California and must be protected as a means of
5 governing through direct democracy.

6 (2) The voters amended the California Constitution to reserve
7 for themselves the power of the initiative because financially
8 powerful interests, including railroad companies, exercised a
9 corrupting influence over state politics.

10 (3) The purpose of reserving the initiative power was to provide
11 individuals, communities, and coalitions a means to protect the
12 general interests of the State of California.

13 (4) For the past 30 years, a disturbing trend in the state’s political
14 process has undermined the original intent of the initiative power.

15 (5) The presence of an initiative measure on the ballot is no
16 longer necessarily viewed as an expression of a minimum amount
17 of public support, but, instead, is often viewed as the result of a
18 special interest willing to pay the necessary amount of money to
19 qualify an initiative measure for the ballot. As a result, the integrity
20 of the initiative process is threatened by a crowded ballot with

1 confusing proposals and the perception of fraud and
2 misrepresentation in the signature gathering phase.

3 (6) Whereas initiative petitions circulated by volunteer and
4 grassroots organizations demonstrate significant public support
5 for a proposed law, well-funded individuals and organizations that
6 promote narrow interests may rely exclusively on paid circulators
7 to qualify an initiative measure that does not have broad community
8 support. In many cases, the individuals and organizations
9 supporting an initiative petition do not reside in the state and will
10 not be subject to the laws that they propose.

11 (7) As has been the case since the initiative power was created,
12 initiatives that have broad public support continue to qualify for
13 the ballot through the efforts of volunteers and grassroots
14 organizations, but the availability of paid circulators has led to an
15 excess of complex proposals that lack a broad level of public
16 support. Paid circulators gather as many signatures as possible in
17 the least amount of time, and may not provide electors with a full
18 explanation of the true purpose and effect of the proposed initiative
19 measure. Without a better measure of public support, special
20 interests may qualify an initiative measure for the ballot regardless
21 of the actual content of the proposal.

22 (8) Improving the measure of public support for a proposed
23 initiative measure will increase the public's confidence and protect
24 the integrity of the initiative process. A volunteer and grassroots
25 effort to qualify an initiative measure for the ballot demonstrates
26 a significant level of public support.

27 (9) The Legislature is responsible for providing the manner in
28 which initiative petitions are circulated, presented, and certified.
29 Consistent with this constitutional duty, the Legislature must
30 provide for laws that are consistent with the intent of the voters in
31 reserving the power of the initiative; protect the integrity of the
32 initiative process; and prevent the occurrence of fraud and
33 misrepresentation in the circulation, presentation, and certification
34 of initiative petitions.

35 (b) Therefore, it is the intent of the Legislature to do all of the
36 following:

37 (1) Preserve and protect the integrity of California's initiative
38 process.

39 (2) Ensure that initiative petitions have sufficient public support
40 from informed voters to be placed on the ballot.

1 (3) Protect access to the initiative process and preserve the
2 constitutional right of voters in California to engage in direct
3 democracy.

4 SEC. 2. Section 101 of the Elections Code is amended to read:

5 101. ~~(a)~~ Notwithstanding any other law, a state or provision
6 of law, any local initiative petition required to be signed by voters
7 shall contain in 12-point type, ~~before~~ prior to that portion of the
8 petition for voters’ signatures, printed names, and residence
9 addresses, the following language:

10
11 “NOTICE TO THE PUBLIC
12
13 THIS PETITION MAY BE CIRCULATED BY A PAID
14 SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE
15 THE RIGHT TO ASK.”

16
17 ~~(b)~~ A state initiative petition shall contain, in the same location
18 and type size described in subdivision (a), the following language:

19
20 “THE PROPONENTS OF THIS PROPOSED INITIATIVE
21 MEASURE HAVE THE RIGHT TO WITHDRAW THIS
22 PETITION AT ANY TIME BEFORE THE MEASURE
23 QUALIFIES FOR THE BALLOT.”
24

25 SEC. 3. Section 9008 of the Elections Code is amended to read:

26 9008. ~~Every~~ Each proposed initiative measure, prior to
27 circulation, shall have placed across the top of the petition in
28 12-point or larger roman boldface type, all of the following:

29 (a) The Attorney General’s unique numeric identifier ~~identifier~~,
30 in 12-point or larger roman boldface type, placed before the
31 circulating title and summary upon each page where the circulating
32 title and summary is to appear.

33 (b) (1) The circulating title and summary prepared by the
34 Attorney General ~~General~~, in 12-point or larger roman boldface
35 type, upon each page of the petition on which signatures are to
36 appear.

37 ~~(c)~~

38 (2) The circulating title and summary prepared by the Attorney
39 General ~~General~~, in 12-point or larger roman boldface type, upon
40 each section of the petition preceding the text of the measure.

1 (3) *Notwithstanding Section 9013, on the first page of each*
2 *section of the petition, the circulating title prepared by the Attorney*
3 *General shall be placed in the one-inch space across the top of*
4 *the page in 18-point roman boldface type.*

5 ~~(d)~~

6 (c) The circulating title and summary prepared by the Attorney
7 ~~General~~ *General*, as required by ~~subdivision (c) paragraph (2) of~~
8 *subdivision (b)*, shall be preceded by the following ~~statement:~~
9 *statement in 12-point or larger roman boldface type: “Initiative*
10 *measure to be submitted directly to the voters.”*

11 SEC. 4. Section 9009.5 is added to the Elections Code, to read:

12 9009.5. (a) A petition for a proposed initiative measure that
13 is circulated by a person who does not receive money or other
14 valuable consideration for the purpose of soliciting signatures of
15 electors, for purposes of Section 9036, shall be printed on white
16 paper in a contrasting color ink.

17 (b) A petition for a proposed initiative measure that is circulated
18 by a person who receives money or other valuable consideration
19 for the purpose of soliciting signatures of electors shall be printed
20 on paper of a color other than white in a contrasting color ink.

21 SEC. 5. Section 9009.6 is added to the Elections Code, to read:

22 9009.6. Notwithstanding any other provision of law, a petition
23 for a proposed initiative measure that is circulated by a person who
24 receives money or other valuable consideration for the specific
25 purpose of soliciting signatures of electors, except as provided by
26 paragraph (1) of subdivision (b) of Section 9036, shall include the
27 following statement immediately prior to the portion of the petition
28 for voters’ signatures, printed names, and residence addresses,
29 printed in 12-point boldface type:

30

31 “NOTICE TO THE PUBLIC: THIS PETITION IS BEING
32 CIRCULATED BY A PERSON PAID TO OBTAIN YOUR
33 SIGNATURE. YOU ARE ENCOURAGED TO READ THE
34 CONTENTS OF THIS PETITION BEFORE SIGNING.”

35

36 SEC. 6. Section 9022.5 is added to the Elections Code, to read:

37 9022.5. In addition to the information required by Sections
38 104 and 9022, the declaration of a person who solicits signatures
39 for a proposed initiative measure and does not receive money or
40 other valuable consideration for the specific purpose of soliciting

1 signatures of electors pursuant to Section 9036 shall declare all of
2 the following:

3 (a) The person does not receive money or other valuable
4 consideration for soliciting signatures of electors for purposes of
5 subdivision (a) of Section 9036.

6 (b) To the best of his or her knowledge, the signatures on the
7 petition sections circulated by him or her should be counted
8 towards the requirement set forth in subdivision (a) of Section
9 9036.

10 SEC. 7. Section 9030 of the Elections Code, as amended by
11 Section 9 of Chapter 697 of the Statutes of 2014, is amended to
12 read:

13 9030. (a) Each section of the petition shall be filed with the
14 elections official of the county or city and county in which it was
15 circulated, but all sections circulated in any county or city and
16 county shall be filed at the same time. Once filed, no petition
17 section shall be amended except by order of a court of competent
18 jurisdiction.

19 (b) Within ~~eight~~ 10 days after the filing of the petition, excluding
20 Saturdays, Sundays, and holidays, the elections official shall
21 determine the total number of signatures affixed to the petition
22 ~~and~~ *and, in the case of an initiative petition, the total number of*
23 *signatures submitted for purposes of subdivision (a) of Section*
24 *9036. The elections official shall transmit this information to the*
25 *Secretary of State. If the total number of signatures filed with all*
26 *elections officials is less than 100 percent of the number of*
27 *qualified voters required to find the petition*~~sufficient~~, *sufficient*
28 *or, in the case of an initiative petition, the number of signatures*
29 *submitted for purposes of subdivision (a) of Section 9036 is less*
30 *than the total number needed to satisfy the requirement of that*
31 *subdivision, the Secretary of State shall so notify the proponents*
32 *and the elections officials, and no further action shall be taken with*
33 *regard to the petition.*

34 (c) If the number of signatures filed with all elections officials
35 is 100 percent or more of the number of qualified voters needed
36 to declare the petition~~sufficient~~, *sufficient and, in the case of an*
37 *initiative petition, the number of signatures submitted for purposes*
38 *of subdivision (a) of Section 9036 is equal to or greater than the*
39 *total number needed to satisfy the requirement of that subdivision,*

1 the Secretary of State shall immediately so notify the elections
2 officials.

3 *(d) (1) Within 35 days after this notification, excluding*
4 *Saturdays, Sundays, and holidays, the elections official shall*
5 *determine the number of qualified voters who have signed the*
6 *petition and the number of qualified voters who have signed a*
7 *section of the petition that satisfies the requirement of subdivision*
8 *(a) of Section 9036.*

9 ~~*(d) Within 30 days after this notification, excluding Saturdays,*~~
10 ~~*Sundays, and holidays, the elections official shall determine the*~~
11 ~~*number of qualified voters who have signed the petition. If*~~

12 *(2) (A) If more than 500 names have been signed on sections*
13 *of the petition filed with an elections official, the elections official*
14 *shall use a random sampling technique for verification of*
15 *signatures, as determined by the Secretary of State. The random*
16 *sample of signatures to be verified shall be drawn from all petition*
17 *sections in such a manner that every signature filed with the*
18 *elections official shall be given an equal opportunity to be included*
19 *in the sample. The random sampling shall include an examination*
20 *of at least 500 or 3 percent of the signatures, whichever is greater.*
21 ~~*In determining from the records of registration what number of*~~
22 ~~*qualified voters have signed the petition, the elections official may*~~
23 ~~*use the duplicate file of affidavits of registered voters or the*~~
24 ~~*facsimiles of voters' signatures, provided that the method of*~~
25 ~~*preparing and displaying the facsimiles complies with law.*~~

26 *(B) For initiative petitions, a second random sample of*
27 *signatures shall be drawn from all petition sections submitted to*
28 *satisfy subdivision (a) of Section 9036 and verified according to*
29 *the procedures set forth by the Secretary of State. The verification*
30 *of signatures that are submitted for purposes of subdivision (a) of*
31 *Section 9036 shall be consistent with subdivision (g) of that section.*

32 *(C) In each case, the random sampling shall include an*
33 *examination of at least 500 or 3 percent of the signatures on the*
34 *respective petitions or sections of petitions, whichever is greater.*

35 *(3) In determining from the records of registration the number*
36 *of qualified voters who have signed the petition, the elections*
37 *official may use the duplicate file of affidavits of registered voters*
38 *or the facsimiles of voters' signatures provided that the method of*
39 *preparing and displaying the facsimiles complies with law.*

1 (e) The elections official, upon the completion of the
2 examination, shall immediately attach to the petition, except the
3 signatures thereto appended, a properly dated ~~certificate~~, *certificate*
4 showing the result of the ~~examination~~, *examination* and shall
5 immediately transmit the petition and the certificate to the Secretary
6 of State. A copy of this certificate shall be filed in the elections
7 official's office.

8 (f) If the certificates received from all elections officials by the
9 Secretary of State establish that the number of valid signatures
10 does not equal 95 percent of the number of qualified voters needed
11 to find the petition ~~sufficient~~, *sufficient or, in the case of an*
12 *initiative petition, that the number of valid signatures submitted*
13 *for purposes of subdivision (a) of Section 9036 does not equal 95*
14 *percent of the number of qualified voters needed to satisfy the*
15 *requirement of that subdivision, the petition shall be deemed to*
16 *have failed to qualify, and the Secretary of State shall immediately*
17 *so notify the proponents and the elections officials.*

18 (g) If the certificates received from all elections officials by the
19 Secretary of State total more than 110 percent of the number of
20 qualified voters needed to find the petition ~~sufficient~~, *sufficient*
21 *and, in the case of an initiative petition, the number of valid*
22 *signatures submitted for purposes of subdivision (a) of Section*
23 *9036 total more than 110 percent of the number of qualified voters*
24 *needed to satisfy the requirement of that subdivision, the petition*
25 *shall be deemed to qualify as of the date of receipt of certificates*
26 *by the Secretary of State shall certify that the measure is qualified*
27 *for the ballot as provided in Section 9033. showing the petition*
28 *received more than 110 percent of the qualified voters needed,*
29 *and the Secretary of State shall immediately so notify the*
30 *proponents and the elections officials.*

31 (h) *The Secretary of State shall adopt regulations consistent*
32 *with this section. The initial regulations may be adopted as*
33 *emergency regulations in accordance with Chapter 3.5*
34 *(commencing with Section 11340) of Part 1 of Division 3 of Title*
35 *2 of the Government Code, and shall be deemed necessary for the*
36 *immediate preservation of the public peace, health, safety, or*
37 *general welfare.*

38 SEC. 8. Section 9030 of the Elections Code, as amended by
39 Section 76 of Chapter 728 of the Statutes of 2015, is amended to
40 read:

1 9030. (a) Each section of the petition shall be filed with the
2 elections official of the county or city and county in which it was
3 circulated, but all sections circulated in any county or city and
4 county shall be filed at the same time. Once filed, no petition
5 section shall be amended except by order of a court of competent
6 jurisdiction.

7 (b) ~~Within eight~~ 10 days after the filing of the petition, excluding
8 Saturdays, Sundays, and holidays, the elections official shall
9 determine the total number of signatures affixed to the petition
10 ~~and and, in the case of an initiative petition, the total number of~~
11 ~~signatures submitted for purposes of subdivision (a) of Section~~
12 ~~9036. The elections official shall transmit this information to the~~
13 Secretary of State. If the total number of signatures filed with all
14 elections officials is less than 100 percent of the number of
15 qualified voters required to find the petition ~~sufficient~~, *sufficient*
16 ~~or, in the case of an initiative petition, the number of signatures~~
17 ~~submitted for purposes of subdivision (a) of Section 9036 is less~~
18 ~~than the total number needed to satisfy the requirement of that~~
19 ~~subdivision, the Secretary of State shall so notify the proponents~~
20 and the elections officials, and no further action shall be taken with
21 regard to the petition.

22 (c) If the number of signatures filed with all elections officials
23 is 100 percent or more of the number of qualified voters needed
24 to declare the petition ~~sufficient~~, *sufficient and, in the case of an*
25 *initiative petition, the number of signatures submitted for purposes*
26 *of subdivision (a) of Section 9036 is equal to or greater than the*
27 *total number needed to satisfy the requirement of that subdivision,*
28 the Secretary of State shall immediately so notify the elections
29 officials.

30 (d) (1) *Within 35 days after this notification, excluding*
31 *Saturdays, Sundays, and holidays, the elections official shall*
32 *determine the number of qualified voters who have signed the*
33 *petition and the number of qualified voters who have signed a*
34 *section of the petition that satisfies the requirement of subdivision*
35 *(a) of Section 9036.*

36 ~~(d) Within 30 days after this notification, excluding Saturdays,~~
37 ~~Sundays, and holidays, the elections official shall determine the~~
38 ~~number of qualified voters who have signed the petition. If~~

39 (2) (A) *If more than 500 names have been signed on sections*
40 *of the petition filed with an elections official, the elections official*

1 shall use a random sampling technique for verification of
2 signatures, as determined by the Secretary of State. The random
3 sample of signatures to be verified shall be drawn *from all petition*
4 *sections* in such a manner that every signature filed with the
5 elections official shall be given an equal opportunity to be included
6 in the sample. ~~The random sampling shall include an examination~~
7 ~~of at least 500 or 3 percent of the signatures, whichever is greater.~~
8 ~~In determining from the records of registration what number of~~
9 ~~qualified voters have signed the petition, the elections official may~~
10 ~~use any facsimiles of voters' signatures provided that the method~~
11 ~~of preparing and displaying the facsimiles complies with law.~~

12 *(B) For initiative petitions, a second random sample of*
13 *signatures shall be drawn from all petition sections submitted to*
14 *satisfy subdivision (a) of Section 9036 and verified according to*
15 *the procedures set forth by the Secretary of State. The verification*
16 *of signatures that are submitted for purposes of subdivision (a) of*
17 *Section 9036 shall be consistent with subdivision (g) of that section.*

18 *(C) In each case, the random sampling shall include an*
19 *examination of at least 500 or 3 percent of the signatures on the*
20 *respective petitions or sections of petitions, whichever is greater.*

21 *(3) In determining from the records of registration the number*
22 *of qualified voters who have signed the petition, the elections*
23 *official may use any facsimiles of voters' signatures, provided that*
24 *the method of preparing and displaying the facsimiles complies*
25 *with law.*

26 (e) The elections official, upon the completion of the
27 examination, shall immediately attach to the petition, except the
28 signatures thereto appended, a properly dated ~~certificate~~, *certificate*
29 showing the result of the ~~examination~~, *examination* and shall
30 immediately transmit the petition and the certificate to the Secretary
31 of State. A copy of this certificate shall be filed in the elections
32 official's office.

33 (f) If the certificates received from all elections officials by the
34 Secretary of State establish that the number of valid signatures
35 does not equal 95 percent of the number of qualified voters needed
36 to find the petition ~~sufficient~~, *sufficient or, in the case of an*
37 *initiative petition, that the number of valid signatures submitted*
38 *for purposes of subdivision (a) of Section 9036 does not equal 95*
39 *percent of the number of qualified voters needed to satisfy the*
40 *requirement of that subdivision, the petition shall be deemed to*

1 have failed to qualify, and the Secretary of State shall immediately
2 so notify the proponents and the elections officials.

3 (g) If the certificates received from all elections officials by the
4 Secretary of State total more than 110 percent of the number of
5 qualified voters needed to find the petition ~~sufficient~~, *sufficient*
6 *and, in the case of an initiative petition, the number of valid*
7 *signatures submitted for purposes of subdivision (a) of Section*
8 *9036 total more than 110 percent of the number of qualified voters*
9 *needed to satisfy the requirement of that subdivision, the petition*
10 *shall be deemed to qualify as of the date of receipt of certificates*
11 *by the Secretary of State ~~shall certify that the measure is qualified~~*
12 *for the ballot as provided in Section 9033. showing the petition*
13 *received more than 110 percent of the qualified voters needed,*
14 *and the Secretary of State shall immediately so notify the*
15 *proponents and the elections officials.*

16 (h) *The Secretary of State shall adopt regulations consistent*
17 *with this section. The initial regulations may be adopted as*
18 *emergency regulations in accordance with Chapter 3.5*
19 *(commencing with Section 11340) of Part 1 of Division 3 of Title*
20 *2 of the Government Code, and shall be deemed necessary for the*
21 *immediate preservation of the public peace, health, safety, or*
22 *general welfare.*

23 SEC. 9. Section 9031 of the Elections Code is amended to read:

24 9031. (a) (1) If the statistical sampling shows that the number
25 of valid signatures *on all petition sections, including those*
26 *submitted to satisfy subdivision (a) of Section 9036, is within 95*
27 *to 110 percent of the number of signatures of qualified voters*
28 *needed to declare the petition sufficient, the Secretary of State*
29 *shall order the examination and verification of ~~the signatures~~ each*
30 *signature filed, and shall so notify the elections officials.*

31 (2) *In the case of an initiative petition, if the statistical sampling*
32 *shows that the number of valid signatures for all signatures*
33 *submitted is more than 110 percent of the number of qualified*
34 *voters needed to find the petition sufficient, but the number of valid*
35 *signatures submitted for purposes of subdivision (a) of Section*
36 *9036 is within 95 to 110 percent of the number of signatures needed*
37 *to satisfy the requirement of that subdivision, the Secretary of State*
38 *shall only order an examination and verification of each signature*
39 *filed to satisfy the requirement of subdivision (a) of Section 9036.*

1 (b) (1) Within ~~30~~ 35 days, excluding Saturdays, Sundays, and
 2 holidays, after receipt of the order, the elections official or registrar
 3 of voters shall determine from the records of registration ~~what the~~
 4 number of qualified voters *who* have signed the petition and if
 5 necessary a section of the petition that is subject to examination
 6 under subdivision (a) and, if necessary, the board of supervisors
 7 shall allow the elections official or registrar additional assistance
 8 for the purpose of examining the petition and provide for their
 9 compensation. In determining from the records of registration ~~what~~
 10 the number of qualified voters *who* have signed the petition, the
 11 elections official or registrar of voters may use any file or list of
 12 registered voters maintained by his or her office, or the facsimiles
 13 of voters' signatures, provided that the method of preparing and
 14 displaying the facsimiles complies with law.

15 (c) (1) ~~During the examination and verification of the signatures~~
 16 ~~filed, the elections official or registrar of voters shall submit one~~
 17 ~~or more reports to the Secretary of State showing the number of~~
 18 ~~signatures of qualified voters that have been verified as of that~~
 19 ~~date. The Secretary of State shall determine the number of reports~~
 20 ~~required to be submitted and the manner of their submission.~~

21 (2) ~~The Secretary of State shall maintain a list indicating the~~
 22 ~~number of verified signatures of qualified voters who have signed~~
 23 ~~the petition based on the most recent reports submitted pursuant~~
 24 ~~to paragraph (1). If the Secretary of State determines, prior to each~~
 25 ~~county's completing the examination of each signature filed, that~~
 26 ~~based on the list the petition is signed by the requisite number of~~
 27 ~~voters needed to declare the petition sufficient, the Secretary of~~
 28 ~~State shall immediately notify the elections official or registrar of~~
 29 ~~voters of every county or city and county in the state of this fact.~~
 30 ~~Immediately after receipt of this notification, the elections official~~
 31 ~~or registrar of voters may suspend signature verification until~~
 32 ~~receipt of a certificate pursuant to Section 9033 or until otherwise~~
 33 ~~instructed by the Secretary of State. examination of signatures that~~
 34 ~~are submitted to satisfy subdivision (a) of Section 9036 shall be~~
 35 ~~made pursuant to subdivision (g) of that section.~~

36 (d)

37 (c) The elections official or registrar, upon the completion of
 38 the examination or notification pursuant to paragraph (2) of
 39 subdivision (c), *examination*, shall immediately attach to the
 40 petition, except the signatures thereto appended, an amended

1 certificate properly dated, showing the result of the examination
2 and shall immediately transmit the petition, together with the
3 amended certificate, to the Secretary of State. A copy of the
4 amended certificate shall be filed in the elections official's office.

5 (e)

6 (d) (1) If the amended certificates establish the petition's
7 sufficiency, the *petition shall be deemed to be filed as of the date*
8 *of receipt of certificates by the Secretary of State* ~~shall certify that~~
9 ~~the measure is qualified for the ballot as provided in Section 9033.~~
10 *showing the petition to be signed by the requisite number of voters*
11 *of the state.*

12 (2) If the amended certificates received from all elections
13 officials by the Secretary of State establish that the petition has
14 still been found insufficient, the Secretary of State shall
15 immediately so notify the proponents and the elections officials.

16 (e) *The Secretary of State shall adopt regulations consistent*
17 *with this section. The initial regulations may be adopted as*
18 *emergency regulations in accordance with Chapter 3.5*
19 *(commencing with Section 11340) of Part 1 of Division 3 of Title*
20 *2 of the Government Code, and shall be deemed necessary for the*
21 *immediate preservation of the public peace, health, safety, or*
22 *general welfare.*

23 SEC. 10. Section 9036 is added to the Elections Code, to read:

24 9036. (a) At least 15 percent of the signatures required under
25 Section 9035 shall be presented on a petition or section of a petition
26 that was circulated by a person who does not receive money or
27 other valuable consideration exclusively or primarily for the
28 specific purpose of soliciting signatures of electors on the petition.

29 (b) (1) A person who is an employee or member of a nonprofit
30 organization, other than an organization with the primary purpose
31 of soliciting signatures on initiative petitions, who receives money
32 or other valuable consideration from the organization and as part
33 of that employment or membership solicits signatures for the
34 qualification of an initiative measure shall be deemed to be a person
35 who, for purposes of subdivision (a), does not receive money or
36 other valuable consideration for the specific purpose of soliciting
37 signatures of electors, unless the primary purpose of that
38 employment or membership is to solicit signatures on an initiative
39 petition.

1 (2) For purposes of this subdivision, “member” means any of
2 the following:

3 (A) A person who, pursuant to a specific provision of an
4 organization’s articles of incorporation or bylaws, has the right to
5 vote directly or indirectly for the election of a director or directors,
6 or an officer or officers, or on a disposition of all or substantially
7 all of the assets of the organization, or on a merger or a dissolution.

8 (B) A person who is designated in an organization’s articles of
9 incorporation or bylaws as a member and, pursuant to a specific
10 provision of the articles of incorporation or bylaws, has the right
11 to vote on changes to the articles of incorporation or bylaws.

12 (C) A person who pays or has paid membership dues in an
13 amount predetermined by the organization, provided the
14 organization is tax exempt under Section 501(c) of the Internal
15 Revenue Code.

16 (3) For purposes of this subdivision, a member of a local union
17 is a member of any national or international union of which the
18 local union is a part and of any federation with which the local,
19 national, or international union is affiliated.

20 (4) For purposes of this subdivision, a person is not a member
21 of a nonprofit organization solely by virtue of being on a mailing
22 or contact list of the organization.

23 (5) For purposes of this subdivision, whether an organization,
24 or a member or employee of an organization, has the primary
25 purpose of soliciting signatures on an initiative petition shall be
26 determined based on the totality of the circumstances.

27 (c) Signatures that are solicited by a person who is a registered
28 voter of a political party, a member of a political party committee
29 as defined in Section 85205 of the Government Code, or an
30 employee of a political party or a political party committee and
31 who receives money or other valuable consideration for soliciting
32 signatures on an initiative petition from the political party or
33 political party committee do not count towards the number of
34 signatures needed to satisfy the requirement of subdivision (a).

35 (d) (1) Signatures on an initiative petition that are solicited
36 through direct mail do not count towards the number of signatures
37 needed to satisfy the requirement of subdivision (a) if the person
38 soliciting the signatures through direct mail, or any other person
39 who organizes, pays for, or arranges for the direct mail, receives
40 money or other valuable consideration primarily for the purpose

1 of soliciting signatures of electors, unless the person is an employee
2 or member of a nonprofit organization as described in subdivision
3 (b).

4 (2) This subdivision shall not be construed to preclude an
5 organization that has a primary purpose other than soliciting
6 signatures on initiative petitions from soliciting signatures from
7 the organization's members through direct mail and relying on
8 those signatures for purposes of satisfying the requirement set forth
9 in subdivision (a).

10 (e) This section shall not be construed to preclude a person who
11 receives nominal benefits other than money, such as food,
12 transportation, or lodging, from qualifying under this section as a
13 person who does not receive money or other valuable consideration
14 exclusively or primarily for the specific purpose of soliciting
15 signatures of electors on a petition for a proposed initiative
16 measure.

17 (f) Verification of a petition that contains a declaration pursuant
18 to Section 9022.5 shall be prima facie evidence that the signatures
19 thereon satisfy the requirement of subdivision (a).

20 (g) For purposes of verifying signatures under Sections 9030
21 and 9031 and the procedures set forth by the Secretary of State, if
22 the signature of a qualified voter appears once on a petition or
23 section of a petition submitted to satisfy subdivision (a) of this
24 section, and the same voter's signature appears on a petition or
25 section of a petition that does not satisfy subdivision (a), the
26 qualified voter's signature shall only be counted once and shall be
27 counted towards satisfying subdivision (a).

28 (h) A person who receives money or other valuable
29 consideration for the specific purpose of soliciting signatures on
30 an initiative petition shall not circulate a petition or a section of a
31 petition for purposes of satisfying the requirement of subdivision
32 (a) for the same initiative measure.

33 SEC. 11. Section 9037 is added to the Elections Code, to read:

34 9037. (a) The signatures on an initiative petition section shall
35 be deemed invalid and shall not be used for the purpose of
36 determining whether the initiative measure qualifies for the ballot
37 if the signatures thereon were solicited by a person who, in
38 connection with the circulation of the initiative petition,
39 intentionally engages in fraud, misrepresentation, or any conduct
40 described in Section 18600, 18601, or 18602, or by a person who

1 falsely claims to have not received money or other valuable
2 consideration for the specific purpose of soliciting signatures of
3 electors pursuant to Section 9036.

4 (b) This section may be enforced by a civil action brought by
5 the Secretary of State, the Attorney General, a district attorney, a
6 city attorney of a city with a population greater than 750,000, or
7 any elector. The signatures on a petition section shall be invalidated
8 only upon a showing, by clear and convincing evidence, that the
9 person who solicited or obtained the signatures did so through
10 intentional fraud, misrepresentation, or other conduct described
11 in Sections 18600, 18601, and 18602, or that the person falsely
12 claims to have not received money or other valuable consideration
13 for the specific purpose of soliciting signatures of electors pursuant
14 to Section 9036. Any civil action brought pursuant to this section
15 shall have priority over all other civil matters.

16 (c) The relief provided for in subdivision (a) shall not be
17 available after the Secretary of State has certified that an initiative
18 petition has qualified for the ballot.

19 (d) If a local elections official is notified of or discovers any
20 conduct described in subdivision (a), the local elections official
21 shall promptly notify the Secretary of State.

22 (e) This section does not permit a local elections official who
23 is notified of or discovers any conduct described in subdivision
24 (a) to refuse to examine or to stop the examination of the petition
25 or petition sections.

26 SEC. 12. The provisions of this act do not apply to an initiative
27 petition for which the Attorney General issued a circulating title
28 and summary before January 1, 2017.

29 SEC. 13. If the Commission on State Mandates determines
30 that this act contains costs mandated by the state, reimbursement
31 to local agencies and school districts for those costs shall be made
32 pursuant to Part 7 (commencing with Section 17500) of Division
33 4 of Title 2 of the Government Code.

34 SEC. 14. Section 8 shall become operative only if the Secretary
35 of State certifies that the state has a statewide voter registration
36 database that complies with the requirements of the federal Help
37 America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.).