

AMENDED IN SENATE APRIL 7, 2016

**SENATE BILL**

**No. 1094**

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**Introduced by Senator Hernandez**

February 17, 2016

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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 amended, 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~~ *Whereas*, initiative petitions circulated by volunteer  
4 and 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. Notwithstanding any other provision of law, any local  
 6 initiative petition required to be signed by voters shall contain in  
 7 12-point type, prior to that portion of the petition for voters’  
 8 signatures, printed names, and residence addresses, the following  
 9 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 SEC. 3. Section 9008 of the Elections Code is amended to read:

17 9008. Each proposed initiative measure, prior to circulation,  
 18 shall have placed across the top of the petition all of the following:

19 (a) The Attorney General’s unique numeric identifier, in  
 20 12-point or larger roman boldface type, placed before the  
 21 circulating title and summary upon each page where the circulating  
 22 title and summary is to appear.

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

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

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

33 (c) The circulating title and summary prepared by the Attorney  
 34 General, as required by paragraph (2) of subdivision (b), shall be  
 35 preceded by the following statement in 12-point or larger roman  
 36 boldface type: “Initiative measure to be submitted directly to the  
 37 voters.”

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

39 9009.5. (a) A petition for a proposed initiative measure that  
 40 is circulated by a person who does not receive money or other

1 valuable consideration for the purpose of soliciting signatures of  
2 electors, for purposes of Section 9036, shall be printed on white  
3 paper in a contrasting color ink.

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

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

9 9009.6. Notwithstanding any other provision of law, a petition  
10 for a proposed initiative measure that is circulated by a person who  
11 receives money or other valuable consideration for the specific  
12 purpose of soliciting signatures of electors, except as provided by  
13 paragraph (1) of subdivision (b) of Section 9036, shall include the  
14 following statement immediately prior to the portion of the petition  
15 for voters' signatures, printed names, and residence addresses,  
16 printed in 12-point boldface type:

17  
18 “NOTICE TO THE PUBLIC: THIS PETITION IS BEING  
19 CIRCULATED BY A PERSON PAID TO OBTAIN YOUR  
20 SIGNATURE. YOU ARE ENCOURAGED TO READ THE  
21 CONTENTS OF THIS PETITION BEFORE SIGNING.”

22

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

24 9022.5. In addition to the information required by Sections  
25 104 and 9022, the declaration of a person who solicits signatures  
26 for a proposed initiative measure and does not receive money or  
27 other valuable consideration for the specific purpose of soliciting  
28 signatures of electors pursuant to Section 9036 shall declare all of  
29 the following:

30 (a) The person does not receive money or other valuable  
31 consideration for soliciting signatures of electors for purposes of  
32 subdivision (a) of Section 9036.

33 (b) To the best of his or her knowledge, the signatures on the  
34 petition sections circulated by him or her should be counted  
35 towards the requirement set forth in subdivision (a) of Section  
36 9036.

37 SEC. 7. Section 9030 of the Elections Code, as amended by  
38 Section 9 of Chapter 697 of the Statutes of 2014, is amended to  
39 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 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, 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 or, in the  
16 case of an initiative petition, the number of signatures submitted  
17 for purposes of subdivision (a) of Section 9036 is less than the  
18 total number needed to satisfy the requirement of that subdivision,  
19 the Secretary of State shall so notify the proponents and the  
20 elections officials, and no further action shall be taken with regard  
21 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 and, in the case of an initiative  
25 petition, the number of signatures submitted for purposes of  
26 subdivision (a) of Section 9036 is equal to or greater than the total  
27 number needed to satisfy the requirement of that subdivision, the  
28 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 (2) (A) If more than 500 names have been signed on sections  
37 of the petition filed with an elections official, the elections official  
38 shall use a random sampling technique for verification of  
39 signatures, as determined by the Secretary of State. The random  
40 sample of signatures to be verified shall be drawn from all petition



1 sections in such a manner that every signature filed with the  
2 elections official shall be given an equal opportunity to be included  
3 in the sample.

4 (B) For initiative petitions, a second random sample of  
5 signatures shall be drawn from all petition sections submitted to  
6 satisfy subdivision (a) of Section 9036 and verified according to  
7 the procedures set forth by the Secretary of State. The verification  
8 of signatures that are submitted for purposes of subdivision (a) of  
9 Section 9036 shall be consistent with subdivision (g) of that  
10 section.

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

15 (3) In determining from the records of registration the number  
16 of qualified voters who have signed the petition, the elections  
17 official may use the duplicate file of affidavits of registered voters  
18 or the facsimiles of voters' signatures provided that the method of  
19 preparing and displaying the facsimiles complies with law.

20 (e) The elections official, upon the completion of the  
21 examination, shall immediately attach to the petition, except the  
22 signatures thereto appended, a properly dated certificate showing  
23 the result of the examination and shall immediately transmit the  
24 petition and the certificate to the Secretary of State. A copy of this  
25 certificate shall be filed in the elections official's office.

26 (f) If the certificates received from all elections officials by the  
27 Secretary of State establish that the number of valid signatures  
28 does not equal 95 percent of the number of qualified voters needed  
29 to find the petition sufficient or, in the case of an initiative petition,  
30 that the number of valid signatures submitted for purposes of  
31 subdivision (a) of Section 9036 does not equal 95 percent of the  
32 number of qualified voters needed to satisfy the requirement of  
33 that subdivision, the petition shall be deemed to have failed to  
34 qualify, and the Secretary of State shall immediately so notify the  
35 proponents and the elections officials.

36 (g) If the certificates received from all elections officials by the  
37 Secretary of State total more than 110 percent of the number of  
38 qualified voters needed to find the petition sufficient and, in the  
39 case of an initiative petition, the number of valid signatures  
40 submitted for purposes of subdivision (a) of Section 9036 total

1 more than 110 percent of the number of qualified voters needed  
2 to satisfy the requirement of that subdivision, the petition shall be  
3 deemed to qualify as of the date of receipt of certificates by the  
4 Secretary of State showing the petition received more than 110  
5 percent of the qualified voters needed, and the Secretary of State  
6 shall immediately so notify the proponents and the elections  
7 officials.

8 (h) The Secretary of State shall adopt regulations consistent  
9 with this section. The initial regulations may be adopted as  
10 emergency regulations in accordance with Chapter 3.5  
11 (commencing with Section 11340) of Part 1 of Division 3 of Title  
12 2 of the Government Code, and shall be deemed necessary for the  
13 immediate preservation of the public peace, health, safety, or  
14 general welfare.

15 SEC. 8. Section 9030 of the Elections Code, as amended by  
16 Section 76 of Chapter 728 of the Statutes of 2015, is amended to  
17 read:

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

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

39 (c) If the number of signatures filed with all elections officials  
40 is 100 percent or more of the number of qualified voters needed

1 to declare the petition sufficient and, in the case of an initiative  
2 petition, the number of signatures submitted for purposes of  
3 subdivision (a) of Section 9036 is equal to or greater than the total  
4 number needed to satisfy the requirement of that subdivision, the  
5 Secretary of State shall immediately so notify the elections  
6 officials.

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

13 (2) (A) If more than 500 names have been signed on sections  
14 of the petition filed with an elections official, the elections official  
15 shall use a random sampling technique for verification of  
16 signatures, as determined by the Secretary of State. The random  
17 sample of signatures to be verified shall be drawn from all petition  
18 sections in such a manner that every signature filed with the  
19 elections official shall be given an equal opportunity to be included  
20 in the sample.

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

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

32 (3) In determining from the records of registration the number  
33 of qualified voters who have signed the petition, the elections  
34 official may use any facsimiles of voters' signatures, provided that  
35 the method of preparing and displaying the facsimiles complies  
36 with law.

37 (e) The elections official, upon the completion of the  
38 examination, shall immediately attach to the petition, except the  
39 signatures thereto appended, a properly dated certificate showing  
40 the result of the examination and shall immediately transmit the

1 petition and the certificate to the Secretary of State. A copy of this  
2 certificate shall be filed in the elections official’s office.

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

13 (g) If the certificates received from all elections officials by the  
14 Secretary of State total more than 110 percent of the number of  
15 qualified voters needed to find the petition sufficient and, in the  
16 case of an initiative petition, the number of valid signatures  
17 submitted for purposes of subdivision (a) of Section 9036 total  
18 more than 110 percent of the number of qualified voters needed  
19 to satisfy the requirement of that subdivision, the petition shall be  
20 deemed to qualify as of the date of receipt of certificates by the  
21 Secretary of State showing the petition received more than 110  
22 percent of the qualified voters needed, and the Secretary of State  
23 shall immediately so notify the proponents and the elections  
24 officials.

25 (h) The Secretary of State shall adopt regulations consistent  
26 with this section. The initial regulations may be adopted as  
27 emergency regulations in accordance with Chapter 3.5  
28 (commencing with Section 11340) of Part 1 of Division 3 of Title  
29 2 of the Government Code, and shall be deemed necessary for the  
30 immediate preservation of the public peace, health, safety, or  
31 general welfare.

32 SEC. 9. Section 9031 of the Elections Code is amended to read:  
33 9031. (a) (1) If the statistical sampling shows that the number  
34 of valid signatures on all petition sections, including those  
35 submitted to satisfy subdivision (a) of Section 9036, is within 95  
36 to 110 percent of the number of signatures of qualified voters  
37 needed to declare the petition sufficient, the Secretary of State  
38 shall order the examination and verification of each signature filed,  
39 and shall so notify the elections officials.

1 (2) In the case of an initiative petition, if the statistical sampling  
2 shows that the number of valid signatures for all signatures  
3 submitted is more than 110 percent of the number of qualified  
4 voters needed to find the petition sufficient, but the number of  
5 valid signatures submitted for purposes of subdivision (a) of  
6 Section 9036 is within 95 to 110 percent of the number of  
7 signatures needed to satisfy the requirement of that subdivision,  
8 the Secretary of State shall only order an examination and  
9 verification of each signature filed to satisfy the requirement of  
10 subdivision (a) of Section 9036.

11 (b) (1) Within 35 days, excluding Saturdays, Sundays, and  
12 holidays, after receipt of the order, the elections official or registrar  
13 of voters shall determine from the records of registration the  
14 number of qualified voters who have signed a section of the petition  
15 that is subject to examination under subdivision (a) and, if  
16 necessary, the board of supervisors shall allow the elections official  
17 or registrar additional assistance for the purpose of examining the  
18 petition and provide for their compensation. In determining from  
19 the records of registration the number of qualified voters who have  
20 signed the petition, the elections official or registrar of voters may  
21 use any file or list of registered voters maintained by his or her  
22 office, or the facsimiles of voters' signatures, provided that the  
23 method of preparing and displaying the facsimiles complies with  
24 law.

25 (2) The examination of signatures that are submitted to satisfy  
26 subdivision (a) of Section 9036 shall be made pursuant to  
27 subdivision (g) of that section.

28 (c) (1) *During the examination and verification of the signatures*  
29 *filed, the elections official or registrar of voters shall submit one*  
30 *or more reports to the Secretary of State showing the number of*  
31 *signatures of qualified voters that have been verified as of that*  
32 *date. The Secretary of State shall determine the number of reports*  
33 *required to be submitted and the manner of their submission.*

34 (2) *The Secretary of State shall maintain a list indicating the*  
35 *number of verified signatures of qualified voters who have signed*  
36 *the petition based on the most recent reports submitted pursuant*  
37 *to paragraph (1). If the Secretary of State determines, prior to*  
38 *each county's completing the examination of each signature filed,*  
39 *that based on the list the petition is signed by the requisite number*  
40 *of voters needed to declare the petition sufficient, the Secretary of*

1 *State shall immediately notify the elections official or registrar of*  
2 *voters of every county or city and county in the state of this fact.*  
3 *Immediately after receipt of this notification, the elections official*  
4 *or registrar of voters may suspend signature verification until*  
5 *receipt of a certificate pursuant to Section 9033 or until otherwise*  
6 *instructed by the Secretary of State.*

7 ~~(e)~~

8 (d) The elections official or registrar, upon the completion of  
9 the examination, shall immediately attach to the petition, except  
10 the signatures thereto appended, an amended certificate properly  
11 dated, showing the result of the examination and shall immediately  
12 transmit the petition, together with the amended certificate, to the  
13 Secretary of State. A copy of the amended certificate shall be filed  
14 in the elections official's office.

15 ~~(e)~~

16 (e) (1) If the amended certificates establish the petition's  
17 sufficiency, the petition shall be deemed to be filed as of the date  
18 of receipt of certificates by the Secretary of State showing the  
19 petition to be signed by the requisite number of voters of the state.

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

24 ~~(e)~~

25 (f) The Secretary of State shall adopt regulations consistent with  
26 this section. The initial regulations may be adopted as emergency  
27 regulations in accordance with Chapter 3.5 (commencing with  
28 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
29 Code, and shall be deemed necessary for the immediate  
30 preservation of the public peace, health, safety, or general welfare.

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

32 9036. (a) At least 15 percent of the signatures required under  
33 Section 9035 shall be presented on a petition or section of a petition  
34 that was circulated by a person who does not receive money or  
35 other valuable consideration exclusively or primarily for the  
36 specific purpose of soliciting signatures of electors on the petition.

37 (b) (1) A person who is an employee or member of a nonprofit  
38 organization, other than an organization with the primary purpose  
39 of soliciting signatures on initiative petitions, who receives money  
40 or other valuable consideration from the organization and as part

1 of that employment or membership solicits signatures for the  
2 qualification of an initiative measure shall be deemed to be a person  
3 who, for purposes of subdivision (a), does not receive money or  
4 other valuable consideration for the specific purpose of soliciting  
5 signatures of electors, unless the primary purpose of that  
6 employment or membership is to solicit signatures on an initiative  
7 petition.

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

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

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

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

23 (3) For purposes of this subdivision, a member of a local union  
24 is a member of any national or international union of which the  
25 local union is a part and of any federation with which the local,  
26 national, or international union is affiliated.

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

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

34 (c) Signatures that are solicited by a person who is a registered  
35 voter of a political party, a member of a political party committee  
36 as defined in Section 85205 of the Government Code, or an  
37 employee of a political party or a political party committee and  
38 who receives money or other valuable consideration for soliciting  
39 signatures on an initiative petition from the political party or

1 political party committee do not count towards the number of  
2 signatures needed to satisfy the requirement of subdivision (a).

3 (d) (1) Signatures on an initiative petition that are solicited  
4 through direct mail do not count towards the number of signatures  
5 needed to satisfy the requirement of subdivision (a) if the person  
6 soliciting the signatures through direct mail, or any other person  
7 who organizes, pays for, or arranges for the direct mail, receives  
8 money or other valuable consideration primarily for the purpose  
9 of soliciting signatures of electors, unless the person is an employee  
10 or member of a nonprofit organization as described in subdivision  
11 (b).

12 (2) This subdivision shall not be construed to preclude an  
13 organization that has a primary purpose other than soliciting  
14 signatures on initiative petitions from soliciting signatures from  
15 the organization's members through direct mail and relying on  
16 those signatures for purposes of satisfying the requirement set forth  
17 in subdivision (a).

18 (e) This section shall not be construed to preclude a person who  
19 receives nominal benefits other than money, such as food,  
20 transportation, or lodging, from qualifying under this section as a  
21 person who does not receive money or other valuable consideration  
22 exclusively or primarily for the specific purpose of soliciting  
23 signatures of electors on a petition for a proposed initiative  
24 measure.

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

28 (g) For purposes of verifying signatures under Sections 9030  
29 and 9031 and the procedures set forth by the Secretary of State, if  
30 the signature of a qualified voter appears once on a petition or  
31 section of a petition submitted to satisfy subdivision (a) of this  
32 section, and the same voter's signature appears on a petition or  
33 section of a petition that does not satisfy subdivision (a), the  
34 qualified voter's signature shall only be counted once and shall be  
35 counted towards satisfying subdivision (a).

36 (h) A person who receives money or other valuable  
37 consideration for the specific purpose of soliciting signatures on  
38 an initiative petition shall not circulate a petition or a section of a  
39 petition for purposes of satisfying the requirement of subdivision  
40 (a) for the same initiative measure.



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

2 9037. (a) The signatures on an initiative petition section shall  
3 be deemed invalid and shall not be used for the purpose of  
4 determining whether the initiative measure qualifies for the ballot  
5 if the signatures thereon were solicited by a person who, in  
6 connection with the circulation of the initiative petition,  
7 intentionally engages in fraud, misrepresentation, or any conduct  
8 described in Section 18600, 18601, or 18602, or by a person who  
9 falsely claims to have not received money or other valuable  
10 consideration for the specific purpose of soliciting signatures of  
11 electors pursuant to Section 9036.

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

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

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

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

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

37 SEC. 13. If the Commission on State Mandates determines  
38 that this act contains costs mandated by the state, reimbursement  
39 to local agencies and school districts for those costs shall be made

1 pursuant to Part 7 (commencing with Section 17500) of Division  
2 4 of Title 2 of the Government Code.  
3 SEC. 14. Section 8 shall become operative only if the Secretary  
4 of State certifies that the state has a statewide voter registration  
5 database that complies with the requirements of the federal Help  
6 America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.).

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