

AMENDED IN SENATE APRIL 18, 2016

AMENDED IN SENATE APRIL 7, 2016

SENATE BILL

No. 1094

Introduced by Senator Hernandez

February 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 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, 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. 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.~~

17 ~~SEC. 2. Section 9008 of the Elections Code is amended to read:~~

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

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

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

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

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

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

39 ~~SEC. 4.~~

40 ~~SEC. 3. Section 9009.5 is added to the Elections Code, to read:~~

1 9009.5. (a) A petition for a proposed initiative measure that
2 is circulated by a person who does not receive money or other
3 valuable consideration for the purpose of soliciting signatures of
4 electors, for purposes of Section 9036, shall be printed on white
5 paper in a contrasting color ink.

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

10 ~~SEC. 5.~~

11 *SEC. 4.* Section 9009.6 is added to the Elections Code, to read:

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

20

21 "NOTICE TO THE PUBLIC: THIS PETITION IS BEING
22 CIRCULATED BY A PERSON PAID TO OBTAIN YOUR
23 SIGNATURE. YOU ARE ENCOURAGED TO READ THE
24 CONTENTS OF THIS PETITION BEFORE SIGNING."

25

26 ~~SEC. 6.~~

27 *SEC. 5.* Section 9022.5 is added to the Elections Code, to read:

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

34 (a) The person does not receive money or other valuable
35 consideration for soliciting signatures of electors for purposes of
36 subdivision (a) of Section 9036.

37 (b) To the best of his or her knowledge, the signatures on the
38 petition sections circulated by him or her should be counted
39 towards the requirement set forth in subdivision (a) of Section
40 9036.

1 ~~SEC. 7.~~

2 *SEC. 6.* Section 9030 of the Elections Code, as amended by
3 Section 9 of Chapter 697 of the Statutes of 2014, is amended to
4 read:

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

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

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

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

1 (2) (A) If more than 500 names have been signed on sections
2 of the petition filed with an elections official, the elections official
3 shall use a random sampling technique for verification of
4 signatures, as determined by the Secretary of State. The random
5 sample of signatures to be verified shall be drawn from all petition
6 sections in such a manner that every signature filed with the
7 elections official shall be given an equal opportunity to be included
8 in the sample.

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

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

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

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

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

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

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

20 ~~SEC. 8:~~

21 *SEC. 7.* Section 9030 of the Elections Code, as amended by
 22 Section 76 of Chapter 728 of the Statutes of 2015, is amended to
 23 read:

24 9030. (a) Each section of the petition shall be filed with the
 25 elections official of the county or city and county in which it was
 26 circulated, but all sections circulated in any county or city and
 27 county shall be filed at the same time. Once filed, no petition
 28 section shall be amended except by order of a court of competent
 29 jurisdiction.

30 (b) Within 10 days after the filing of the petition, excluding
 31 Saturdays, Sundays, and holidays, the elections official shall
 32 determine the total number of signatures affixed to the petition
 33 and, in the case of an initiative petition, the total number of
 34 signatures submitted for purposes of subdivision (a) of Section
 35 9036. The elections official shall transmit this information to the
 36 Secretary of State. If the total number of signatures filed with all
 37 elections officials is less than 100 percent of the number of
 38 qualified voters required to find the petition sufficient or, in the
 39 case of an initiative petition, the number of signatures submitted
 40 for purposes of subdivision (a) of Section 9036 is less than the

1 total number needed to satisfy the requirement of that subdivision,
2 the Secretary of State shall so notify the proponents and the
3 elections officials, and no further action shall be taken with regard
4 to the petition.

5 (c) If the number of signatures filed with all elections officials
6 is 100 percent or more of the number of qualified voters needed
7 to declare the petition sufficient and, in the case of an initiative
8 petition, the number of signatures submitted for purposes of
9 subdivision (a) of Section 9036 is equal to or greater than the total
10 number needed to satisfy the requirement of that subdivision, the
11 Secretary of State shall immediately so notify the elections
12 officials.

13 (d) (1) Within 35 days after this notification, excluding
14 Saturdays, Sundays, and holidays, the elections official shall
15 determine the number of qualified voters who have signed the
16 petition and the number of qualified voters who have signed a
17 section of the petition that satisfies the requirement of subdivision
18 (a) of Section 9036.

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

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

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

38 (3) In determining from the records of registration the number
39 of qualified voters who have signed the petition, the elections
40 official may use any facsimiles of voters' signatures, provided that

1 the method of preparing and displaying the facsimiles complies
2 with law.

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

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

19 (g) If the certificates received from all elections officials by the
20 Secretary of State total more than 110 percent of the number of
21 qualified voters needed to find the petition sufficient and, in the
22 case of an initiative petition, the number of valid signatures
23 submitted for purposes of subdivision (a) of Section 9036 total
24 more than 110 percent of the number of qualified voters needed
25 to satisfy the requirement of that subdivision, the petition shall be
26 deemed to qualify as of the date of receipt of certificates by the
27 Secretary of State showing the petition received more than 110
28 percent of the qualified voters needed, and the Secretary of State
29 shall immediately so notify the proponents and the elections
30 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. 9.~~

39 *SEC. 8.* Section 9031 of the Elections Code is amended to read:

1 9031. (a) (1) If the statistical sampling shows that the number
2 of valid signatures on all petition sections, including those
3 submitted to satisfy subdivision (a) of Section 9036, is within 95
4 to 110 percent of the number of signatures of qualified voters
5 needed to declare the petition sufficient, the Secretary of State
6 shall order the examination and verification of each signature filed,
7 and shall so notify the elections officials.

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

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

32 (2) The examination of signatures that are submitted to satisfy
33 subdivision (a) of Section 9036 shall be made pursuant to
34 subdivision (g) of that section.

35 (c) (1) During the examination and verification of the signatures
36 filed, the elections official or registrar of voters shall submit one
37 or more reports to the Secretary of State showing the number of
38 signatures of qualified voters that have been verified as of that
39 date. The Secretary of State shall determine the number of reports
40 required to be submitted and the manner of their submission.

1 (2) The Secretary of State shall maintain a list indicating the
2 number of verified signatures of qualified voters who have signed
3 the petition based on the most recent reports submitted pursuant
4 to paragraph (1). If the Secretary of State determines, prior to each
5 county's completing the examination of each signature filed, that
6 based on the list the petition is signed by the requisite number of
7 voters needed to declare the petition sufficient, the Secretary of
8 State shall immediately notify the elections official or registrar of
9 voters of every county or city and county in the state of this fact.
10 Immediately after receipt of this notification, the elections official
11 or registrar of voters may suspend signature verification until
12 receipt of a certificate pursuant to Section 9033 or until otherwise
13 instructed by the Secretary of State.

14 (d) The elections official or registrar, upon the completion of
15 the examination, shall immediately attach to the petition, except
16 the signatures thereto appended, an amended certificate properly
17 dated, showing the result of the examination and shall immediately
18 transmit the petition, together with the amended certificate, to the
19 Secretary of State. A copy of the amended certificate shall be filed
20 in the elections official's office.

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

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

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

35 ~~SEC. 10.~~

36 *SEC. 9.* Section 9036 is added to the Elections Code, to read:

37 9036. (a) At least 15 percent of the signatures required under
38 Section 9035 shall be presented on a petition or section of a petition
39 that was circulated by a person who does not receive money or

1 other valuable consideration exclusively or primarily for the
2 specific purpose of soliciting signatures of electors on the petition.

3 (b) (1) A person who is an employee or member of a nonprofit
4 organization, other than an organization with the primary purpose
5 of soliciting signatures on initiative petitions, who receives money
6 or other valuable consideration from the organization and as part
7 of that employment or membership solicits signatures for the
8 qualification of an initiative measure shall be deemed to be a person
9 who, for purposes of subdivision (a), does not receive money or
10 other valuable consideration for the specific purpose of soliciting
11 signatures of electors, unless the primary purpose of that
12 employment or membership is to solicit signatures on an initiative
13 petition.

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

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

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

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

29 (3) For purposes of this subdivision, a member of a local union
30 is a member of any national or international union of which the
31 local union is a part and of any federation with which the local,
32 national, or international union is affiliated.

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

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

1 (c) Signatures that are solicited by a person who is a registered
2 voter of a political party, a member of a political party committee
3 as defined in Section 85205 of the Government Code, or an
4 employee of a political party or a political party committee and
5 who receives money or other valuable consideration for soliciting
6 signatures on an initiative petition from the political party or
7 political party committee do not count towards the number of
8 signatures needed to satisfy the requirement of subdivision (a).

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

18 (2) This subdivision shall not be construed to preclude an
19 organization that has a primary purpose other than soliciting
20 signatures on initiative petitions from soliciting signatures from
21 the organization's members through direct mail and relying on
22 those signatures for purposes of satisfying the requirement set forth
23 in subdivision (a).

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

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

34 (g) For purposes of verifying signatures under Sections 9030
35 and 9031 and the procedures set forth by the Secretary of State, if
36 the signature of a qualified voter appears once on a petition or
37 section of a petition submitted to satisfy subdivision (a) of this
38 section, and the same voter's signature appears on a petition or
39 section of a petition that does not satisfy subdivision (a), the

1 qualified voter's signature shall only be counted once and shall be
2 counted towards satisfying subdivision (a).

3 (h) A person who receives money or other valuable
4 consideration for the specific purpose of soliciting signatures on
5 an initiative petition shall not circulate a petition or a section of a
6 petition for purposes of satisfying the requirement of subdivision
7 (a) for the same initiative measure.

8 ~~SEC. 11.~~

9 *SEC. 10.* Section 9037 is added to the Elections Code, to read:

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

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

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

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

38 (e) This section does not permit a local elections official who
39 is notified of or discovers any conduct described in subdivision

1 (a) to refuse to examine or to stop the examination of the petition
2 or petition sections.

3 ~~SEC. 12.~~

4 *SEC. 11.* The provisions of this act do not apply to an initiative
5 petition for which the Attorney General issued a circulating title
6 and summary before January 1, 2017.

7 ~~SEC. 13.~~

8 *SEC. 12.* If the Commission on State Mandates determines that
9 this act contains costs mandated by the state, reimbursement to
10 local agencies and school districts for those costs shall be made
11 pursuant to Part 7 (commencing with Section 17500) of Division
12 4 of Title 2 of the Government Code.

13 ~~SEC. 14.~~

14 *SEC. 13.* Section 8 shall become operative only if the Secretary
15 of State certifies that the state has a statewide voter registration
16 database that complies with the requirements of the federal Help
17 America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.).