

AMENDED IN ASSEMBLY JUNE 15, 2016

AMENDED IN SENATE MAY 31, 2016

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 9008, 9030, and 9031 of, and to add Sections 9009.5, 9009.6, 9009.7, 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 10% 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 10% 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 10% 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, *as specified*, 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~~; *or is a volunteer or employee of a nonprofit organization*.

(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

1 of public support, but, instead, is often viewed as the result of a
2 special interest willing to pay the necessary amount of money to
3 qualify an initiative measure for the ballot. As a result, the integrity
4 of the initiative process is threatened by a crowded ballot with
5 confusing proposals and the perception of fraud and
6 misrepresentation in the signature gathering phase.

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

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

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

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

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

1 (1) Preserve and protect the integrity of California’s initiative
2 process.

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

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

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

9 9008. Each proposed initiative measure, prior to circulation,
10 shall have placed across the top of the petition all of the following:

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

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

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

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

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

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

31 9009.5. (a) A petition for a proposed initiative measure that
32 is circulated by a person who does not receive money or other
33 valuable consideration for the purpose of soliciting signatures of
34 electors, for purposes of Section 9036, shall be printed on white
35 paper in a contrasting color ink.

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

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

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

9
10 "NOTICE TO THE PUBLIC: THIS PETITION IS BEING
11 CIRCULATED BY A PERSON PAID TO OBTAIN YOUR
12 SIGNATURE. YOU ARE ENCOURAGED TO READ THE
13 CONTENTS OF THIS PETITION BEFORE SIGNING."

14

15 *SEC. 5. Section 9009.7 is added to the Elections Code, to read:*

16 *9009.7. Notwithstanding any other provision of law, a petition*
17 *for a proposed initiative measure that is circulated by a person*
18 *who does not receive money or other valuable consideration for*
19 *the specific purpose of soliciting signatures of electors shall include*
20 *the following statement immediately prior to the portion of the*
21 *petition for voters' signatures, printed names, and residence*
22 *addresses, printed in 12-point boldface type:*

23 *"NOTICE TO THE PUBLIC: THIS PETITION IS BEING*
24 *CIRCULATED BY A VOLUNTEER OR AN EMPLOYEE OF A*
25 *NONPROFIT ORGANIZATION. YOU ARE ENCOURAGED TO*
26 *READ THE CONTENTS OF THIS PETITION BEFORE*
27 *SIGNING."*

28 ~~SEC. 5.~~

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

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

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

39 (b) To the best of his or her knowledge, the signatures on the
40 petition sections circulated by him or her should be counted

1 towards the requirement set forth in subdivision (a) of Section
2 9036.

3 ~~SEC. 6.~~

4 *SEC. 7.* Section 9030 of the Elections Code, as amended by
5 Section 9 of Chapter 697 of the Statutes of 2014, is amended to
6 read:

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

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

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

36 (d) (1) Within 35 days after this notification, excluding
37 Saturdays, Sundays, and holidays, the elections official shall
38 determine the number of qualified voters who have signed the
39 petition and the number of qualified voters who have signed a

1 section of the petition that satisfies the requirement of subdivision
2 (a) of Section 9036.

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

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

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

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

27 (e) The elections official, upon the completion of the
28 examination, shall immediately attach to the petition, except the
29 signatures thereto appended, a properly dated certificate showing
30 the result of the examination and shall immediately transmit the
31 petition and the certificate to the Secretary of State. A copy of this
32 certificate shall be filed in the elections 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 or, in the case of an initiative petition,
37 that the number of valid signatures submitted for purposes of
38 subdivision (a) of Section 9036 does not equal 95 percent of the
39 number of qualified voters needed to satisfy the requirement of
40 that subdivision, the petition shall be deemed to have failed to

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

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

22 ~~SEC. 7.~~

23 *SEC. 8.* Section 9030 of the Elections Code, as amended by
24 Section 76 of Chapter 728 of the Statutes of 2015, is amended to
25 read:

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

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

1 case of an initiative petition, the number of signatures submitted
2 for purposes of subdivision (a) of Section 9036 is less than the
3 total number needed to satisfy the requirement of that subdivision,
4 the Secretary of State shall so notify the proponents and the
5 elections officials, and no further action shall be taken with regard
6 to the petition.

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

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

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

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

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

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

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

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

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

34 (h) The Secretary of State shall adopt regulations consistent
35 with this section. The initial regulations may be adopted as
36 emergency regulations in accordance with Chapter 3.5
37 (commencing with Section 11340) of Part 1 of Division 3 of Title
38 2 of the Government Code, and shall be deemed necessary for the
39 immediate preservation of the public peace, health, safety, or
40 general welfare.

1 ~~SEC. 8.~~

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

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

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

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

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

37 (c) (1) During the examination and verification of the signatures
38 filed, the elections official or registrar of voters shall submit one
39 or more reports to the Secretary of State showing the number of
40 signatures of qualified voters that have been verified as of that

1 date. The Secretary of State shall determine the number of reports
2 required to be submitted and the manner of their submission.

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

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

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

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

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

37 ~~SEC. 9.~~

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

39 9036. (a) At least 10 percent of the signatures required under
40 Section 9035 shall be presented on a petition or section of a petition

1 that was circulated by a person who does not receive money or
2 other valuable consideration exclusively or primarily for the
3 specific purpose of soliciting signatures of electors on the petition.

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

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

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

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

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

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

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

37 (5) For purposes of this subdivision, whether an organization,
38 or a member or employee of an organization, has the primary
39 purpose of soliciting signatures on an initiative petition shall be
40 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. 10.~~

9 *SEC. 11.* 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, or
22 a city attorney of a city with a population greater than 750,000.
23 The signatures on a petition section shall be invalidated only upon
24 a showing, by clear and convincing evidence, that the person who
25 solicited or obtained the signatures did so through intentional fraud,
26 misrepresentation, or other conduct described in Sections 18600,
27 18601, and 18602, or that the person falsely claims to have not
28 received money or other valuable consideration for the specific
29 purpose of soliciting signatures of electors pursuant to Section
30 9036. Any civil action brought pursuant to this section shall have
31 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. 11.~~

4 *SEC. 12.* 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. 12.~~

8 *SEC. 13.* 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. 13.~~

14 *SEC. 14.* 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.).