
Secretary
of
State

2017 Statewide Initiative Guide



www.sos.ca.gov

(800) 345-VOTE

Statewide Initiative Guide

Preface

The Secretary of State has prepared this Statewide Initiative Guide, as required by Elections Code section 9018, to provide an understanding of the procedures and requirements for preparing and circulating initiatives, for filing sections of the petition, and describing the procedure of verifying signatures on the petition. This guide is for general information only and does not have the force and effect of law, regulation, or rule. In case of conflict, the law, regulation, or rule will apply. Interested persons should obtain the most up-to-date information available because of possible changes in law or procedure since the publication of this guide.

Background

In a special election held on October 10, 1911, California became the 10th state to adopt the initiative process. That year, Governor Hiram Johnson began his term by promising to give citizens a tool they could use to adopt laws and constitutional amendments without the support of the Governor or the Legislature. The new Legislature put a package of constitutional amendments on the ballot that placed more control of California politics directly into the hands of the people. This package included the ability to recall elected officials, the right to repeal laws by referendum, and the ability to enact state laws by initiative.

The initiative is the power of the people of California to propose statutes and to propose amendments to the California Constitution. (Cal. Const., art. II, § 8(a).) Generally, any matter that is a proper subject of legislation can become an initiative measure; however, no initiative measure addressing more than one subject area may be submitted to the voters or have any effect. (Cal. Const., art. II, §§ 8(d), 12.) An initiative measure is placed on the ballot after its proponents successfully satisfy the requirements described in this guide and it is certified by the Secretary of State on the 131st day before a statewide general election.

For historical information regarding initiative measures, please refer to *The History of California Initiatives*, which is produced by the Secretary of State. For current information about proposed initiative measures that are in circulation or initiative measures eligible for the next statewide ballot, please refer to our website at: <http://www.sos.ca.gov/elections/ballot-measures/initiative-and-referendum-status/> or contact the Elections Division at (916) 657-2166.

Please note: This guide is intended for statewide initiative measures only. For information regarding the qualification of local initiative measures, please contact your [local elections official](#).

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Chapter I

The Initiative Process

Step One - Writing the Proposed Initiative Measure (Text of the Law)

The first step in the process of qualifying an initiative measure is to write the text of the proposed law.

Proponent(s) may seek the assistance of their own private counsel to help draft the text of the proposed law, or they may choose to write the text themselves. The proposed initiative measure's proponent(s) may also obtain assistance from the Office of the Legislative Counsel in drafting the language of the proposed law. Proponent(s) must obtain the signatures of 25 or more electors on a request for a draft of the proposed law; proponent(s) must then present the idea for the law to the Legislative Counsel. If the Legislative Counsel determines that there is a reasonable probability the proposed initiative measure will eventually be submitted to the voters, the Legislative Counsel will draft the proposed law. (Government Code § 10243.)

Additionally, the proponent(s) can request the Secretary of State to review the provisions of the proposed initiative measure after it is prepared and prior to its circulation. Upon this request, the Secretary of State will review the measure with respect to form and language clarity and will request and obtain a statement of fiscal impact from the Legislative Analyst's Office. (Government Code § 12172.)

For more information contact:

Office of the Legislative Counsel
State Capitol, Room 3021
Sacramento, CA 95814

(916) 341-8000 / www.legislativecounsel.ca.gov

Secretary of State
1500 11th Street, 5th Floor
Sacramento, CA 95814

(916) 657-2166 / www.sos.ca.gov

Step Two - Request for Circulating Title and Summary

Written Request, Fee, Statement, and Certificate

Once the proposed initiative measure has been written, the proponent(s) must submit a draft of the proposed initiative measure to the Attorney General with a written request that a circulating title and summary of the chief purpose and points of the proposed initiative measure be prepared. (Elections Code § 9001(a).) At the time of submitting the draft to the Attorney General, the proponent(s) must pay a fee of \$2,000. The \$2,000 fee is placed in a trust fund in the Office of the State Treasurer and is refunded if the initiative measure qualifies for the ballot within two years after the summary has been issued to the proponent(s). If the proposed initiative measure fails to qualify within that period, the fee is put into the General Fund of the State. (Elections Code § 9001(c).)

At the time the request for a circulating title and summary is submitted, the proponent(s) must provide public contact information and an original signed certification that reads as follows (Elections Code § 9001(b)):

I, _____, declare under penalty of perjury that I am a citizen of the United States, 18 years of age or older, and a resident of _____ county, California.

Additionally, at the time the request for a circulating title and summary is submitted, the proponent(s) must also execute and submit a signed statement that reads as follows (Elections Code § 9608):

I, _____, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

(Signature of Proponent)

Dated this _____ day of _____, 20____

This statement shall be kept on file at the Attorney General's Office for not less than eight months after the certification of the results of the election for which the measure qualified or, if the measure did not qualify, eight months after the deadline for submission of the petition to elections officials. (Elections Code § 9608(b).)

Once a request for a circulating title and summary has been submitted, the Attorney General's Office will post the text of the proposed initiative measure on their website and facilitate a 30-day public review process during which any member of the public may submit written public comment to the Attorney General's Office via their website. The Attorney General's Office will provide any written public comments received during the public review period to the proponent(s). (Elections Code § 9002(a).)

During the public review period, an amendment signed by all of the proponents may be submitted to the Attorney General's Office. Any amendments to the proposed initiative measure must be reasonably germane to the theme, purpose, or subject of the initiative measure as originally proposed. An amendment shall not be accepted more than five days after the public review period is concluded. (Elections Code § 9002(b).)

For more information contact:

Office of the Attorney General
ATTN: Initiative Coordinator
P.O. Box 944255
Sacramento, CA 94244-2550
(916) 445-4752 / www.oag.ca.gov

Circulating Title and Summary and Fiscal Estimate or Opinion

Upon receipt of the fee and request, and after the public review period, the Attorney General will prepare a circulating title and summary, which will be the official summary of the proposed initiative measure. (Elections Code § 9004(a).)

The Attorney General, in preparing a circulating title and summary shall in boldface print, include either the estimate of the amount of any increase or decrease in revenues or costs to the state or local government or an opinion as to whether or not a substantial net change in state or local finances would result. (Elections Code § 9005(a).) The Department of Finance and the Legislative Analyst are required to jointly prepare this estimate within 50 days of the date of receipt of the proposed initiative measure by the Attorney General. If, in the opinion of both the Department of Finance and the Legislative Analyst, a reasonable estimate of the net impact of the proposed initiative measure cannot be prepared within the 50-day period, the Department of Finance and the Legislative Analyst shall, within the 50-day period, give the Attorney General their opinion as to whether or not a substantial net change in state or local finances would result if the proposed initiative measure is adopted. (Elections Code §§ 9005(b),(c).)

The Attorney General shall provide a copy of the circulating title and summary and its unique numeric identifier to the Secretary of State and the proponent(s) within 15 days after receipt of the fiscal estimate or opinion prepared by the Department of Finance and the Legislative Analyst. (Elections Code § 9004(b).) The date the copy is delivered or mailed to the proponent(s) is the “official summary date.” (Elections Code §§ 336, 9004(b).)

When the official circulating title and summary is complete, the Attorney General will send it and the text of the measure to the Senate and the Assembly. The Legislature may conduct public hearings on the proposed initiative measure but cannot amend it or prevent it from appearing on the ballot. (Elections Code § 9007.)

Official Summary Date

The official summary date, the date the circulating title and summary is sent to the proponent(s) by the Attorney General, is the date the Secretary of State uses to calculate calendar deadlines provided to the proponent(s) and elections officials. (Elections Code §§ 336, 9004.) **No petition may be circulated prior to the official summary date.** (Elections Code § 9014.)

Step Three – Format of Petitions

The format for the initiative petition is specified by law. County elections officials will not accept or file petitions which do not comply with the Elections Code. (Elections Code § 9015.) A petition may have several sections. Each section of the petition must contain the Attorney General's circulating title and summary and the full text of the proposed initiative measure. (Elections Code § 9012.) The Attorney General's circulating title and summary shall be in at least 12-point Roman boldface type and the full text of the proposed initiative measure shall be in at least 8-point type. Each page on which signatures are to appear must contain a copy of the Attorney General's circulating title and summary and the unique numeric identifier provided by the Attorney General. (Elections Code §§ 9008, 9009, 9012.)

Heading

The heading of each section of a proposed initiative petition shall be in substantially the following form and must be printed in 12-point or larger Roman boldface type (Elections Code §§ 9008, 9009):

“Initiative Measure to Be Submitted Directly to the Voters”

Circulating Title and Summary

Immediately after the heading, insert the following statement:

“The Attorney General of California has prepared the following circulating title and summary of the chief purpose and points of the proposed measure.”

Next set forth the unique numeric identifier provided by the Attorney General and the circulating title and summary prepared by the Attorney General. The unique numeric identifier and title and summary must also be printed across the top of each page of the petition whereon signatures are to appear in 12-point or larger Roman boldface type. (Elections Code §§ 9008, 9009.)

Text of the Proposed Initiative Measure

The text of the proposed initiative measure must be inserted immediately following the unique numeric identifier and circulating title and summary prepared by the Attorney General, preceded by the following statement (Elections Code §§ 9008, 9009):

“To the Honorable Secretary of State of California

We, the undersigned, registered, qualified voters of California, residents of _____ County (or City and County), hereby propose amendments to [(the Constitution of California) (the _____ Code, relating to _____)] and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or as otherwise provided by law. The proposed [(constitutional) (statutory)] amendments read as follows:”

[Insert full circulating title and summary and text of the measure.]

Signature Section

Above the portion of the petition where voters are to sign, a notice in 12-point type must appear containing the following statements (Elections Code § 101):

“NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.

THE PROPONENTS OF THIS PROPOSED INITIATIVE MEASURE HAVE THE RIGHT TO WITHDRAW THIS PETITION AT ANY TIME BEFORE THE MEASURE QUALIFIES FOR THE BALLOT.”

The petition must have room for the signature of each petition signer as well as his or her printed name, residence address, and city or unincorporated community name. Signature spaces must be consecutively numbered commencing with the number 1 for each petition section. A minimum one-inch space shall be left at the top of each page and after each name for use by the county elections official. (Elections Code §§ 100, 9013.)

Pursuant to the California Supreme Court's decision in *Assembly v. Deukmejian* (1982) 30 Cal.3d 638, 180 Cal.Rptr. 297, the petition form must direct signers to include their "residence address" rather than "address as registered" or other address. Each section of the petition must also contain the name of the county (or city and county) in which it was circulated. Each section shall be circulated among voters of only one county. See Appendix D for a sample petition.

Step Four – Circulating Petitions and Gathering Signatures

Calendar

Based on the official summary date, the Secretary of State will prepare a calendar of filing deadlines. The Secretary of State will send a copy of the calendar to the proponent(s) and the county elections officials within one business day of receiving the circulating title and summary from the Attorney General's Office. (Elections Code § 9004(c).)

Circulation Period

Proponents are allowed a maximum of 180 days, from the official summary date, to circulate petitions and collect signatures. (Elections Code § 9014.) However, the initiative measure must be certified for the ballot at least **131 days** before the next general election at which it is to be submitted to the voters. (Elections Code § 9016; Cal. Const., art. II, § 8(c).) As a result, proponent(s) may want to shorten the circulation period in order to ensure that the proposed initiative measure is certified for the ballot at least 131 days before the next general election.

Required Number of Signatures

In order to qualify for the ballot, the initiative petition must be signed by a specified number of registered voters depending on the type of proposed initiative measure submitted.

Initiative Statute: Petitions proposing initiative statutes must be signed by registered voters. The number of signatures must be equal to at least 5% of the total votes cast for Governor at the last gubernatorial election. (Cal. Const., art. II, § 8(b); Elections Code § 9035.) The total number of signatures required for initiative statutes is 365,880.

Initiative Constitutional Amendment: Petitions proposing initiative constitutional amendments must be signed by registered voters. The number of signatures must be equal to at least 8% of the total votes cast for Governor at the last gubernatorial election. (Cal. Const., art. II, § 8(b); Elections Code § 9035.) The total number of signatures required for such petitions is 585,407.

Once proponents have gathered 25% of the number of signatures required (91,470 for an initiative statute and 146,352 for an initiative constitutional amendment) proponents(s) must immediately certify they have done so under penalty of perjury to the Secretary of State. Upon receipt of the certification, the Secretary of State will provide copies of the proposed initiative measure and the circulating title and summary to the Senate and the Assembly. Each house is required to assign the proposed initiative measure to its appropriate committees and hold joint public hearings, at least 131 days before the date of the election at which the measure is to be voted on. However, the Legislature cannot amend the proposed initiative measure or prevent it from appearing on the ballot. (Elections Code § 9034.) See Appendix E for an example of the certification to be sent from the proponent(s) to the Secretary of State.

Referendum

Pursuant to article II, section 9, of the California Constitution, the referendum is the power of the electors to approve or reject statutes enacted by the Legislature. However, the referendum cannot be used on urgency statutes, statutes calling elections, or statutes providing for tax levies or appropriations for current expenses of the State.

Referenda on the ballot are not as common as initiative measures. The signature requirements are the same for a referendum as an initiative statute; however, the referendum circulation calendar, verification, timing, and form of the petition have different requirements. For example on the timing, a proponent only has 90 days from the date of the enactment of a bill (or in the case of a redistricting map, the date a final map is certified to the Secretary of State) to request and receive a circulating title and summary from the Attorney General (Elections Code § 9006(b) allows 10 days for the preparation of the circulating title and summary), print petitions, gather the required number of valid signatures, and file the petitions with the county elections officials.

For more referendum information, you can go to the following page entitled, Referendum www.sos.ca.gov/elections/ballot-measures/referendum/

Declaration of Circulator

A circulator of a state initiative must be 18 years of age or older. Each section shall have attached thereto a declaration by the circulator of the petition setting forth, in the circulator's own hand, the following (Elections Code §§ 102,104, 9022):

- The printed name of the circulator.
- The residence address of the circulator, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.
- The dates between which all the signatures affixed to the petition were obtained.

Each declaration submitted pursuant to this section shall also set forth the following (Elections Code §§ 104, 9022):

- That the circulator is 18 years of age or older.
- That the circulator circulated the petition section and witnessed the appended signatures being written.
- That according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.
- That the declaration is true and correct under penalty of perjury under the laws of the State of California.

The declaration must be signed under penalty of perjury. The declaration does not need to be sworn before a notary public or other officer authorized to administer oaths, but must include the circulator's signature, date, and place of signing preceding the circulator's signature. (Elections Code §§ 104, 9022; Code Civ. Proc. § 2015.5.)

Petition Circulators

The proponent(s) of a proposed initiative measure are required to ensure that any person, company, or other organization who solicits signatures to qualify the initiative measure, whether they are paid or volunteer, receives instruction on the requirements and prohibitions imposed by

state law with respect to the circulation of petitions and the gathering of signatures. Such instructions must emphasize the prohibition of the use of signatures on an initiative petition for a purpose other than qualification of the proposed measure for the ballot. (Elections Code § 9607.)

The petition may be circulated by a number of individuals carrying separate, identical parts of the petition called sections. Each petition circulator who obtains signatures must complete the attached declaration to the petition. Preprinted dates or generalized dates, other than the particular range of dates during which the petition section was actually circulated, are not allowed. (*Assembly v. Deukmejian* (1982) 30 Cal.3d 638, 180 Cal.Rptr. 297.)

Prior to allowing a person to circulate an initiative petition for signatures, **the person, company official, or other organizational officer who is in charge of signature gathering shall execute and submit** to the proponent(s) a signed statement that reads as follows (Elections Code § 9609):

I, _____, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

(Signature of Official)

Dated this _____ day of _____, 20____

This statement shall be kept on file by the proponent(s) for not less than eight months after the certification of the results of the election for which the petition qualified or, if the measure did not qualify, eight months after the deadline for submission of the petition to elections officials. (Elections Code § 9609(b).)

In addition, **all paid circulators shall execute and submit** to the person, company official, or other organizational officer who is in charge of signature gathering a signed statement, prior to soliciting signatures on an initiative petition, that reads as follows (Elections Code § 9610):

I, _____, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

(Signature of Circulator)

Dated this _____ day of _____, 20____

This statement shall be kept on file by the person, company official, or other organizational officer who is in charge of signature gathering for not less than eight months after the certification of the results of the election for which the petition qualified or, if the measure did not qualify, eight months after the deadline for submission of the petition to elections officials. Unpaid circulators do not need to provide a signed statement. (Elections Code §§ 9610(b), (c).)

Petition Signatures

Only persons who are registered, qualified voters at the time of signing are entitled to sign the petition. A person can only sign a petition that is being circulated in his or her county of registration. If a petition circulator is a registered voter, he or she may sign the petition he or she is circulating. (Elections Code §§ 105, 9020, 9021.) Each signer must personally place on the petition his or her signature, printed name, residence address (or physical description of the location if there is no street address), and the name of the incorporated city or unincorporated community. (Elections Code § 100.) None of the above may be preprinted on the petition. Each signer may sign an initiative petition only once. (Elections Code § 18612.)

Withdrawal of Signatures

Any voter who has signed an initiative petition may withdraw his or her name by filing a written request for the withdrawal with the appropriate county elections official prior to the date the petition is filed by the proponent(s). (Elections Code §§ 103, 9602.)

Withdrawal of Initiative Measure

The proponent(s) of an initiative may withdraw their measure at any time before the initiative qualifies for the ballot on the 131st day before the general statewide election. (Elections Code §§ 9033, 9604.)

Criminal Penalties

The Elections Code imposes certain criminal penalties for abuses related to the circulation of initiative petitions. It prohibits circulators from misrepresenting the purpose or contents of the petition to potential petition signers, intentionally making a false statement in response to a voter's inquiry as to whether the circulator is a paid signature gatherer or a volunteer, and from refusing to allow prospective signers to read the proposed initiative measure or petition or Attorney General's summary. (Elections Code §§ 18600 - 18602.) No person may offer or give payment or anything of value to another in exchange for signing an initiative petition. (Elections Code § 18603.) The Code also makes circulators, signers, and others criminally liable for signing or soliciting to sign false, forged, fictitious, or ineligible signatures and names. (Elections Code §§ 18610 - 18614.) The law provides criminal penalties for persons, including public officials, who make false affidavits (for example, the circulator's declaration is an affidavit), returns, or certifications concerning any proposed initiative measure. (Elections Code §§ 18660, 18661.)

Circulating petitions within 100 feet of a polling place or an elections official's office on election day is prohibited. (Elections Code § 18370(a).) The law prohibits any person from soliciting or obtaining money or anything of value to aid in unlawfully stopping circulation or the filing of a proposed initiative measure or for withdrawing a proposed initiative measure after filing it with an elections official. (Elections Code §§ 18620 - 18622.) It also prohibits any person from stealing petitions and from threatening petition circulators or circulators' relatives with the intent to dissuade them from circulating the petition. (Elections Code §§ 18630, 18631.) Any person who is paid by the proponent(s) to obtain signatures on any initiative petition is subject to severe

penalties for failing to surrender the petition to the proponent(s) for filing. (Elections Code § 18640.)

It should be noted that the petition or list of signatures may be used for no purpose other than the qualification of the initiative measure. (Elections Code § 18650.) This requirement prohibits using the names and addresses on petition sections for a mailing list for fundraising or other purposes.

Step Five – Turning in Signatures

Once the requisite number of signatures has been collected, the petition is filed with the appropriate county elections official(s). Petitions may be submitted in sections; however, all the sections submitted in a single county must be filed at the same time and must contain signatures of registered voters in that particular county. Once filed, petitions may not be amended except by order of a court of competent jurisdiction. (Elections Code § 9030.)

To prevent unauthorized petitions from circulating, and unauthorized persons from filing petitions, only the proponent(s) of a proposed initiative measure, and persons authorized in writing by one or more of the proponents, may file initiative petitions. Any other petitions submitted will be disregarded by the county elections official of the county (or city and county) in which it was circulated. (Elections Code §§ 9032, 18671.)

Recommendations

In previous years, some proponents have experienced problems in submitting initiative petitions by the statutory deadline to qualify the initiative measure for a particular election. The proponent(s) are encouraged to begin the process as early as possible to ensure that all deadlines are met. The following points, previously mentioned in this guide, should be emphasized:

- In addition to statutory deadlines, allowances must be made for transmittal of information since many of the time limitations begin when the proposed initiative measure is received by the office and not when sent. Therefore, transmittal time could add several days to the process.
- The Legislative Analyst and the Department of Finance are allowed a total of 50 days from the date of receipt by the Attorney General of the proposed initiative measure in order to prepare a fiscal estimate or opinion.
- The Attorney General is then allowed 15 days after receipt of the fiscal estimate or opinion prepared by the Legislative Analyst and the Department of Finance to transmit a copy of the circulating title and summary.
- Proponent(s) have a maximum of 180 days from the official summary date to file the completed and signed petition sections with the appropriate county elections officials.
- An eligible initiative measure will be qualified by the Secretary of State on the 131st day prior to the next statewide general election unless the proposed initiative measure is withdrawn by the proponent(s).

- Please see Appendix A – Suggested Deadlines to Qualify Initiatives, for a better idea of the timelines involved in qualifying an initiative for a specific statewide general election.

Chapter II

Verification of Signatures

Raw Count

Within eight working days (excluding weekends and holidays) after the filing of the petition, the county elections officials will determine the total number of signatures on the petition sections submitted in their county and report the total to the Secretary of State. If the Secretary of State determines that the *raw count* of signatures on petitions submitted throughout the state lacks 100 percent of the signatures required, the Secretary of State shall notify the proponent(s) and the county elections officials of the failure of the proposed initiative measure, and no further action will be taken on that petition. If the raw count equals 100 percent or more of the total number of signatures needed to qualify the initiative measure, the Secretary of State will immediately notify the county elections officials that a *random sample* will be necessary. (Elections Code § 9030(b), (c).)

Random Sample

If a random sample is necessary, within 30 working days of receipt of the Secretary of State's random sample notification, the county elections officials will verify the validity of the signatures filed with their office using a random sampling technique of verification. (Cal. Admin. Code § 20521.) The elections official is required to verify at least 500 signatures or three percent of the number of signatures filed in their county, whichever is greater. Counties receiving less than 500 petition signatures are required to verify all the signatures filed in their office. (Elections Code § 9030(d).)

Upon completion of a random sample, the county elections officials will immediately certify to the Secretary of State the number of valid signatures appearing on the petitions in their counties. The Secretary of State then applies a formula to determine the statewide total of valid signatures. (Elections Code § 9030; Cal. Admin. Code §§ 20530-20532, 20540.)

Under 95 Percent

If the total number of valid signatures is **less than 95 percent** of the number of signatures required to qualify the initiative measure, the proposed initiative measure will fail to qualify for the ballot. The Secretary of State will generate a failure notice and mail a copy to the proponent(s) and county elections officials. (Elections Code § 9030(f).)

Over 110 Percent

If the number of valid signatures is **greater than 110 percent** of the required number of signatures, the Secretary of State will be able to certify that the initiative measure is qualified 131 days before the next general statewide election. (Elections Code §§ 9030(g), 9033.) Once the required number of signatures has been validated by county elections officials, making the proposed initiative measure eligible for qualification, the Secretary of State will immediately notify the proponents and county elections officials that signature verification be terminated. (Elections Code § 9033(a).)

Between 95 Percent and 110 Percent

If the result of the random sample indicates that the number of valid signatures represents between **95 percent and 110 percent** of the required number of signatures to qualify the initiative measure for the ballot, the Secretary of State directs the county elections officials to verify every signature on the petition. This process is referred to as a “*full check*.” (Elections Code § 9031(a).)

Full Check

If a full check is necessary, within 30 working days of receipt of the Secretary of State’s full check notification, the county elections officials determine the total number of qualified signatures and transmit this information to the Secretary of State. (Elections Code § 9031.) If the proposed initiative measure fails to reach the required amount of valid signatures, the initiative will fail to qualify for the ballot, and the Secretary of State must so notify the proponent(s) and county elections officials. (Elections Code § 9031.) If it is determined that the proposed initiative measure has the required amount of valid signatures, it is eligible for the next statewide general election ballot.

Chapter III

Qualification

Qualifying for the Ballot: Eligible vs. Qualified

Eligible for the Ballot

The proposed initiative measure is eligible for the ballot on the date the Secretary of State receives certificates from one or more of the county elections officials showing the petition has been signed by the requisite number of voters. (Elections Code § 9033(a).)

Once the proposed initiative measure is eligible for the ballot, the Secretary of State will notify the proponent(s) and each county elections official that the signature requirement has been met and signature verification can be terminated. (Elections Code § 9033(a).)

Proponents may withdraw the proposed initiative measure at any time prior to its qualification for the ballot on the 131st day before the next statewide general election.

Qualified for the Ballot

Once the petition signatures have been verified and the initiative is eligible for the ballot, the Secretary of State will issue a certificate of qualification 131 days before the statewide general election certifying that the initiative measure, as of that date, is qualified for the ballot. (Elections Code § 9033.)

Chapter IV

Additional Information

Initiative Effective Date if Approved by Voters

An initiative measure approved by a majority vote takes effect the day after the election, unless the initiative measure provides otherwise. (Cal. Const., art. II, § 10(a).) If the provisions of two or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail. (Cal. Const., art. II, § 10(b).) The Legislature may amend or repeal an initiative statute by another statute; however, any proposed statute becomes effective only when approved by the voters, unless the initiative statute permits amendment or repeal without voter approval. (Cal. Const., art. II, § 10(c).)

Preservation of Signatures

The county elections officials must preserve initiative petitions until eight months after the certification of the results of the election for which the initiative measure qualified or attempted to qualify for placement on the ballot. The petitions may then be destroyed unless legal action or a government investigation regarding the petitions is pending. (Elections Code § 17200.) As a general rule, initiative petitions, once filed with the county elections officials, are not public records and are not open to the general public for inspection. (Government Code § 6253.5.)

Chapter V

Political Reform Act, Forming Committees and Reporting Requirements

Recipient Committees

Any person or combination of persons is considered to be a “*recipient committee*” if contributions totaling \$1,000 or more have been received in a calendar year. (Government Code § 82013(a).) A recipient committee becomes “qualified” and must file the original Statement of Organization (Form 410) with the Secretary of State's Political Reform Division within ten days of reaching the \$1,000 threshold. (Government Code § 84101(a).) In addition, recipient committees must also file a copy of the Statement of Organization with the local filing officer, if any, with whom it is required to file the originals of its campaign reports.

Qualified recipient committees are subject to a \$50 annual fee, payable within 15 days of filing the Statement of Organization (Form 410). After paying the initial fee, the committee must pay the fee, thereafter, on or before January 15 of each year, in every year that the committee remains active until the committee terminates. (Government Code § 84101.5.)

Use of Measure Committee Funds

Persons or committees receiving money for promoting or defeating an initiative, referendum, or recall petition, or any measure that has qualified for the ballot, must hold the money in trust and may spend the money only for the purpose for which it was entrusted to them. (Elections Code § 18680.)

Campaign Disclosure Form 460

The Recipient Committee Campaign Disclosure Statement (Form 460) is the proper disclosure form for use by all ballot measure committees in disclosing most of their financial activities.

Measure Committee Reporting Duties

Committees formed or existing primarily to support or oppose the qualification, passage, or defeat of a ballot measure and proponent(s) of a state ballot measure who control a committee formed to support the qualification of a measure must file semi-annual statements, pre-election statements, quarterly ballot measure statements, and 24-hour online reports of contributions totaling \$1,000 or more, as well as 10-business-day reports of contributions totaling \$5,000 or more, when required.

(For further reference, the Fair Political Practices Commission publishes online filing schedules specific to each election cycle and specific to each type of committee at www.fppc.ca.gov under the heading “**Campaign Rules, Forms & Manuals**”.)

Semi-annual Statements

Committees must file semi-annual statements for each half of every year, regardless of the amount of contributions or level of activity. The closing dates for reporting activity on such semi-

annual statements are June 30 (with the report due July 31) and December 31 (with the report due January 31). (Government Code § 84200(a).)

Note: All state filers whose cumulative receipts or expenditures total \$25,000 or more are subject to electronic filing requirements. The period for calculating whether the committee has reached the cumulative \$25,000 electronic filing threshold began on 1/1/2000. For a committee that is subject to this title after 1/1/2000, the beginning date for calculating cumulative totals is the date that the committee is first subject to this title.

Pre-election Statements

Two pre-election statements must be filed during the six-month period prior to the election at which the measure will appear on the ballot. Reporting periods correspond to activity occurring from the ending date of the last reporting period (usually a semi-annual report) through 45 days before an election (with the report due 40 days before the election), and activity occurring from the ending date of the last reporting period (usually the first pre-election report) through 17 days before the election (with reports due 12 days before the election). (Government Code §§ 84200.5, 84200.7, 84200.8.)

Quarterly Ballot Measure Statements

Committees primarily formed to support the qualification, passage, or defeat of a ballot measure are required to file quarterly ballot measure statements before the election. However, quarterly statements are not required during any semi-annual period in which the committee is already required to file pre-election statements. Following the election, such committees that do not terminate are only required to file semi-annual statements, unless they make contributions or expenditures to qualify, support, or oppose other ballot measures, in which case they would have an ongoing duty to file quarterly statements. (Government Code § 84202.3.)

10-Business-Day and 24-hour Reports

There are two types of expedited contribution reports that must be filed. Both must be filed electronically only – even if the filer has not reached the \$25,000 threshold of activity requiring electronic filing of other (quarterly and semi-annual) reports. No paper copy of these electronic reports must be filed.

Each report is triggered by a distinct threshold of total contributions (\$5,000 or \$1,000) given during a distinct period of time (before or during a 90-day period before or on Election Day), and each has a distinct deadline for filing the report (10 business days, or 24 hours).

The first type of expedited contribution report (Form 497) must be filed within 10 business days of the date on which a committee receives contributions totaling \$5,000 or more from a single source at any time during the year, **unless** the contribution or contributions are received during the 90 days before or on the Election Day when the measure appears on the ballot. During the 90-day period before or on Election Day, the second type of expedited reporting is required. (Government Code § 85309(d).)

The second type of expedited contribution report (also using the Form 497) must be filed by the next business day of the date on which a committee makes **or** receives contributions totaling \$1,000 or more from a single source 90 days before or on Election Day, **unless** the contribution is received on the Friday or weekend day before Election Day, in which case it must be reported within 24 hours of the date on which a committee receives the contribution. (Government Code § 84203.)

Paid Spokesperson Reports

Committees are required to file Paid Spokesperson reports (Form 511) within 10 days of making payments to individuals to appear in advertisements that support or oppose the qualification, passage or defeat of a ballot measure, if the individual is paid \$5,000 or more to appear in the ad, **or** the individual is paid any amount of money to appear in an ad that states or suggests the individual is employed in an occupation that requires licensure, certification, or other specialized training as a prerequisite to be employed in the occupation represented in the ad. (Government Code § 84511.)

Termination Requirements

The Statement of Organization (Form 410) is used to terminate recipient committees. The original and one copy must be filed with the Secretary of State's Political Reform Division. In addition, a copy of the Form 410 must be filed with each filing officer who received a copy of the committee's last campaign statement as contained in Cal. Admin. Code § 18404(c).

The committee is also required to file a final, terminating campaign disclosure statement (Form 460).

For more information contact:

Secretary of State
Political Reform Division
1500 11th Street, Fourth Floor, Room #495
Sacramento, CA 95814
Public Counter: (916) 653-6224
Campaign Desk: (916) 653-7043 or (916) 653-8063
Fax: (916) 653-5045
Website: www.sos.ca.gov

Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814
Technical Assistance: (916) 322-5660
Toll-Free Helpline: 1-866-275-3772
Fax: (916) 322-3711
Website: www.fppc.ca.gov

APPENDIX A

Suggested Deadlines to Qualify Initiatives

Appendix A: Suggested Deadlines to Qualify Initiatives

The following suggested deadlines are not substitutes for California election laws, regulations, or policy. Other factors, such as amending the proposed initiative measure before circulation or the length of time for circulation, will affect the time it takes to complete the process.

Initiative and referendum measures can only qualify to appear on general election ballots. (Cal. Const., art. II, § 8(c); Elections Code § 9016(a).)

A proposed initiative measure may qualify using the “random sample” method if the projected number of valid signatures is over 110% of the required amount of signatures needed to qualify. The “full check” method must be used if the number of valid signatures falls between 95% and 110% and will add to the time it takes for the proposed initiative measure to qualify for the ballot. The time frames for both qualification methods are set forth below.

November 6, 2018, General Election Qualifying Using the Random Sample Method

If the statewide raw count total equals 100% or more of the total number of signatures needed to qualify the initiative measure, each elections official is required to verify at least 500 signatures or 3% of the number of signatures filed in their office, whichever is greater. This process is referred to as a random sample. A county receiving less than 500 petition signatures is required to verify all the signatures filed in their office. (Elections Code § 9030.)

August 22, 2017 - Suggested last day for proponent(s) to submit proposed measure to the Attorney General and request a circulating title and summary.

October 26, 2017 - Attorney General prepares and issues the circulating title and summary (includes time allotted for fiscal estimate); proponent(s) may begin circulation of the petition.

April 24, 2018 - Last day for proponent(s) to file the petition with county elections officials.

May 4, 2018 - Last day for county elections officials to complete raw count totals and certify raw numbers to the Secretary of State.

May 11, 2018 - Last day for Secretary of State to receive raw count totals from each county elections official, determine whether the initiative petition meets the minimum signature requirement, generate the random sample, and notify each county elections official of the results.

June 25, 2018 - Last day for county elections officials to verify and certify results of the random sampling of signatures to the Secretary of State.

June 28, 2018 (E-131) - Last day for Secretary of State to determine whether the Secretary of State will be able to certify that the measure qualifies for the ballot or 100% signature verification is necessary. At this point, if a 100% signature verification is necessary, the measure would not qualify for the November 6, 2018, General Election ballot.

November 6, 2018, General Election Qualifying Using the Full Check Method

If the result of the random sample indicates that the number of valid signatures represents between 95% and 110% of the required number of signatures to qualify the initiative measure for the ballot, the Secretary of State directs the county elections officials to verify every signature on the petition. Within 30 working days of receipt of this notification, the county elections officials determine the total number of qualified signatures and transmit this information to the Secretary of State. This process is referred to as a full check. (Elections Code § 9031.)

July 5, 2017 - Suggested last day for proponent(s) to submit proposed measure to the Attorney General and request a circulating title and summary.

September 8, 2017 - Attorney General prepares and issues the circulating title and summary (includes time allotted for fiscal estimate); and proponent(s) may begin circulation of the petition.

March 7, 2018 - Last day for proponent(s) to file the petition with county elections officials.

March 19, 2018 - Last day for county elections officials to complete raw count totals and certify raw numbers to the Secretary of State.

March 23, 2018 - Last day for Secretary of State to receive raw count totals from each county elections official, determine whether the initiative petitions meet the minimum signature requirement, generate the random sample, and notify each county elections official of the results.

May 4, 2018 - Last day for county elections officials to verify and certify results of the random sampling of signatures to the Secretary of State.

May 11, 2018 - Last day for Secretary of State to determine whether the Secretary of State will be able to certify that the measure qualifies for the ballot or 100% signature verification is necessary.

June 25, 2018 – If 100% signature verification is necessary, last day for county elections officials to certify to the Secretary of State the results of the 100% signature verification.

June 28, 2018 (E-131) - Last day for the Secretary of State to determine whether the Secretary of State will be able to certify that the measure qualifies for the ballot.

APPENDIX B

Further Contact Information

SECRETARY OF STATE

Alex Padilla, Secretary of State
1500 11th Street
Sacramento, CA 95814
Elections Division: (916) 657-2166
Political Reform Division: (916) 653-6224

www.sos.ca.gov

FAIR POLITICAL PRACTICES COMMISSION

Fair Political Practices Commission (FPPC)
428 J Street, Suite 620
Sacramento, CA 95814
(916) 322-5660

www.fppc.ca.gov

LEGISLATIVE COUNSEL

Diane F. Boyer-Vine, Legislative Counsel
Room 3021, State Capitol
Sacramento, CA 95814
(916) 341-8000

www.legislativecounsel.ca.gov

LEGISLATIVE ANALYST

Mac Taylor, Legislative Analyst
925 L Street, Suite 1000
Sacramento, CA 95814
(916) 445-4656

www.lao.ca.gov

ATTORNEY GENERAL

Xavier Becerra, Attorney General
P.O. Box 944255
Sacramento, CA 94244-2550 (916)
445-4752

www.oag.ca.gov

APPENDIX C

County Elections Officials

Alameda County
(510) 272-6973
www.acvote.org

Alpine County
(530) 694-2281
www.alpinecountyca.gov

Amador County
(209) 223-6465
www.amadorgov.org/elections

Butte County
(530) 538-7761 or (800) 894-7761
<http://buttevotes.net/>

Calaveras County
(209) 754-6376 or (209) 754-6375
<http://elections.calaverasgov.us/elections.aspx>

Colusa County
(530) 458-0500 or (877) 458-0501
www.countyofcolusa.org/elections

Contra Costa County
(925) 335-7800
www.contracostacore.us

Del Norte County
(707) 464-7216
www.co.del-norte.ca.us

El Dorado County
(530) 621-7480 or (800) 730-4322
www.edcgov.us/elections

Fresno County
(559) 600-8683
www.co.fresno.ca.us/elections

Glenn County
(530) 934-6414
www.countyofglenn.net/govt/departments/elections/

Humboldt County
(707) 445-7481
humboldtgov.org/

Imperial County
(442) 265-1074
www.co.imperial.ca.us/regvoters

Inyo County
(760) 878-0410 or (760) 878-0224
elections.inyocounty.us

Kern County
(661) 868-3590 or (800) 452-8683
www.co.kern.ca.us/elections/

Kings County
(559) 852-4401
www.countyofkings.com

Lake County
(707) 263-2372
www.co.lake.ca.us

Lassen County
(530) 251-8352 or (530) 251-8217
<http://www.lassencounty.org>

Los Angeles County
(800) 815-2666 or (562) 466-1310
www.lavote.net

Madera County
(559) 675-7720 or (800) 435-0509
www.votemadera.com

Marin County
(415) 473-6456
www.marinvotes.org

Mariposa County
(209) 966-2007
www.mariposacounty.org

Mendocino County
(707) 234-6819
www.co.mendocino.ca.us/acr/elections.htm

Merced County
(209) 385-7541 or (800) 561-0619
www.mercedelections.com

Modoc County
(530) 233-6205
www.co.modoc.ca.us/departments/elections

Mono County
(760) 932-5537 or (760) 932-5530
www.monocounty.ca.gov/elections

Monterey County
(831) 796-1499 or (831) 796-1480
www.montereycountyelections.us/

Napa County
(707) 253-4321
www.countyofnapa.org/elections

Nevada County
(530) 265-1298
www.mynevadacounty.com/nc/elections/

Orange County
(714) 567-7600
www.ocvote.com

Placer County
(530) 886-5650
www.placerelections.com

Plumas County
(530) 283-6256 or (530) 283-6129
www.plumascounty.us

Riverside County
(951) 486-7200
www.voteinfo.net

Sacramento County
(916) 875-6451
www.elections.saccounty.net

San Benito County
(831) 636-4016 or (877) 777-4017
www.sbcvote.us

San Bernardino County
(909) 387-8300 or (800) 881-8683
www.sbcountyelections.com

San Diego County
(858) 565-5800 or (800) 696-0136
www.sdvote.com

San Francisco County
(415) 554-4375
www.sfelections.org

San Joaquin County
(209) 468-2885
www.sjcrov.org

San Luis Obispo County
(805) 781-5228
www.slvote.com

San Mateo County
(650) 312-5222
www.shapethefuture.org

Santa Barbara County
(805) 568-2200 or (800) 722-8683
www.sbcvote.com

Santa Clara County
(408) 299-8683 or (866) 430-8683
www.sccvote.org

Santa Cruz County
(831) 454-2060
www.votescount.com

Shasta County
(530) 225-5730
www.elections.co.shasta.ca.us

Sierra County
(530) 289-3295
www.sierracounty.ca.gov

Siskiyou County
(530) 842-8084 or (888) 854-2000 ext. 8084
www.sisvotes.org

Solano County
(707) 784-6675 or (888) 933-8683
www.solanocounty.com/elections

Sonoma County
(707) 565-6800
vote.sonoma-county.org

Stanislaus County
(209) 525-5200 or (209) 525-5201
www.stanvote.com

Sutter County
(530) 822-7122
www.suttercounty.org/elections

Tehama County
(530) 527-8190 or (866) 289-5307
www.co.tehama.ca.us

Trinity County
(530) 623-1220
www.trinitycounty.org

Tulare County
(559) 624-7300
www.tularecounty.ca.gov/registrarofvoters/

Tuolumne County
(209) 533-5570
www.co.tuolumne.ca.us/elections

Ventura County
(805) 654-2664
venturavote.org

Yolo County
(530) 666-8133 or (800) 649-9943
www.yoloelections.org

Yuba County
(530) 749-7855
www.yubaelections.org

APPENDIX D

Sample Petition

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

[Here set forth the unique numeric identifier followed by the circulating title and summary prepared by the Attorney General. This unique numeric identifier and circulating title and summary must also be printed across the top of each page of the petition whereon signatures are to appear, in Roman boldface type not smaller than 12-point. (§ 9008)]

NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK. [12-point type (§ 101)]

THE PROPONENTS OF THIS PROPOSED INITIATIVE MEASURE HAVE THE RIGHT TO WITHDRAW THIS PETITION AT ANY TIME BEFORE THE MEASURE QUALIFIES FOR THE BALLOT. [12-point type (§ 101)]

This column for official use only.

REGISTERED VOTERS ONLY	1. Print Your Name: _____ Sign As Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____	
	2. Print Your Name: _____ Sign As Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____	
	3. Print Your Name: _____ Sign As Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____	
	4. Print Your Name: _____ Sign As Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____	
	5. Print Your Name: _____ Sign As Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____	
	6. Print Your Name: _____ Sign As Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____	

DECLARATION OF CIRCULATOR
(to be completed after above signatures have been obtained)

I, _____, am 18 years of age or older. My residence address is _____

(address, city, state, zip). I circulated this section of the petition and witnessed each of the appended signatures being written. Each signature on this petition is, to the best of my information and belief, the genuine signature of the person whose name it purports to be. All signatures on this document were obtained between the dates of _____ and _____.
(month, day, year) (month, day, year)

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____, _____, at _____.
(month and day) (year) (place of signing)

(complete signature indicating full name of circulator)

[Dates of circulation, printed name, and residence address must be in circulator's own hand.]

[NOTE: It is recommended that a space approximately 1/2 inch wide be left along the left margin opposite the signatures, as shown, for the clerks' use in verifying signatures.]

[A one-inch blank space must be left at the top of each page of the petition.
§100]

Initiative Measure to be Submitted Directly to the Voters

[This heading must be printed in 12-point or larger Roman boldface type. (§ 9008)]

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

[INSERT ATTORNEY GENERAL CIRCULATING TITLE AND SUMMARY]

[Roman boldface type not smaller than 12-point. (§ 9008)]

To the Honorable Secretary of State of California

We, the undersigned, registered, qualified voters of California, residents of _____ County (or City and County), hereby propose amendments to [(the Constitution of California) (the _____ Code, relating to _____)] and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or as otherwise provided by law. The proposed [(constitutional) (statutory)] amendments read as follows:

*[NOTE: Within each set of brackets in the text above, the proponent must select the information within one set of parentheses for printing on the petition.
(§ 9009)]*

[Insert full title and text of measure]

APPENDIX E

25% Signature Threshold Certification

Sample of 25% Signature Threshold Certification

Date

Secretary of State
1500 11th Street
Sacramento, CA 95814

Secretary Padilla:

In accordance with California Elections Code section 9034, I/we, [name of proponent(s)], proponent(s) of Secretary of State Initiative Number [#####], entitled [circulating title and - summary], hereby certify that at least 25 percent of the [number of required signatures] required number of signatures to qualify the initiative measure for the ballot has been obtained.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

Signature of Proponent(s)

Date

Place of Execution