



**ALEX PADILLA** | SECRETARY OF STATE | STATE OF CALIFORNIA  
ELECTIONS DIVISION

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October 10, 2018

County Clerk/Registrar of Voters (CC/ROV) Memorandum #18243

**TO:** All County Clerks/Registrars of Voters and Proponent  
**FROM:** /s/ Arman Hirose-Afshari  
Initiative and Referendum Coordinator  
**RE:** Initiative: 1858, Related to Criminal Justice

Pursuant to Elections Code section 9004(c), we transmit herewith a copy of the [Title and Summary](#) prepared by the Attorney General and the [text](#) of a proposed initiative measure entitled:

**REPEALS LAW REQUIRING CERTAIN LAW ENFORCEMENT  
TO COLLECT AND REPORT SPECIFIED DATA ON STOPS AND SEARCHES.  
INITIATIVE STATUTE.**

The proponent of the above-named measure is:

Mark Averbek  
7784 Silver Buckle Rd.  
Highland, CA 92346  
(909) 478-4001  
[markaverbeck@gmail.com](mailto:markaverbeck@gmail.com)

**#1858**  
**REPEALS LAW REQUIRING CERTAIN LAW ENFORCEMENT**  
**TO COLLECT AND REPORT SPECIFIED DATA ON STOPS AND**  
**SEARCHES. INITIATIVE STATUTE.**

**CIRCULATING AND FILING SCHEDULE**

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1. Minimum number of signatures required:.....365,880  
California Constitution, Article II, Section 8(b), Elections Code § 9035
2. Official Summary Date.....Tuesday, 10/09/18
3. Petitions Sections:
  - a. First day Proponent can circulate Sections for  
signatures (Elections Code §§ 336, 9014(a)) .....Tuesday, 10/09/18
  - b. Last day Proponent can circulate and file with the county.  
All sections are to be filed at the same time within each  
county. (Elections Code §§ 9014, 9030(a)).....Monday, 04/08/19\*
  - c. Last day for county to determine total number of  
signatures affixed to petitions and to transmit total to  
the Secretary of State (Elections Code § 9030(b)).....Thursday, 04/18/19  
  
(If the Proponent files the petition with the county on a date prior to  
04/08/19, the county has eight working days from the filing of the petition  
to determine the total number of signatures affixed to the petition and to  
transmit the total to the Secretary of State) (Elections Code § 9030(b).)
  - d. Secretary of State determines whether the total number of signatures  
filed with all county clerks/registrars of voters meets the minimum  
number of required signatures and notifies the counties  
(Elections Code § 9030(c)).....Saturday, 04/27/19\*\*
  - e. Last day for county to determine total number of qualified voters who  
signed the petition, and to transmit certificate with a blank copy of the  
petition to the Secretary of State  
(Elections Code §§ 9030(d) and (e)).....Monday, 06/10/19

\* Date adjusted for official deadline, which falls on a Sunday (Elec. Code §15)

\*\* Date varies based on the date of county receipt.

**INITIATIVE #1858**

**Circulating and Filing Schedule continued:**

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(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 04/27/19, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elections Code §§ 9030(d) and (e).)

- f. If the signature count is more than 402,468 or less than 347,586 then the Secretary of State certifies the petition as qualified or failed and notifies the counties. If the signature count is between 347,586 and 402,468 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures (Elections Code §§ 9030(f) and (g); 9031(a)).....Thursday, 06/20/19\*\*
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State.  
(Elections Code §§ 9031(b) and(d)).....Friday, 08/02/19

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 06/20/19, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elections Code §§ 9031(b) and (d).)

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (Elections Code §§ 9031(e), 9033(a)).....Tuesday, 08/06/19\*\*

\*\*Date varies based on the date of county receipt.

## IMPORTANT POINTS

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- California law prohibits the use of signatures, names, and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code § 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal.App.3d 825, 177 Cal.Rptr. 621; 63 Ops.Cal.Atty.Gen. 37 (1980).
- Please refer to Elections Code §§ 100, 101, 104, 9008, 9009, 9012, 9013, 9020, 9021, and 9022 for appropriate format and type consideration in printing, typing, and otherwise preparing your initiative or referendum petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code § 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative or referendum which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent(s), the required authorization shall include the name or names of the persons filing the petition. Elections Code § 9032.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.