



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

1500 11th Street, 5th Floor, Sacramento, CA 95814 | Tel 916.657.2166 | Fax 916.653.3214 | www.sos.ca.gov

September 21, 2020

County Clerk/Registrar of Voters (CC/ROV) Memorandum #20217

TO: All County Clerks/Registrars of Voters and Proponents

FROM: /s/ Jordan Kaku
Initiative and Referendum Coordinator

RE: Initiative: Second Court Order Related to Deadlines for Initiative
1886, Related to Gambling

On September 14, 2020, the Sacramento County Superior Court issued an order in *Macarro v. Padilla*, Case No. 34-2020-80003404, extending the circulation deadline for the proponents of Initiative #1886 (19-0029A1), "Authorizes New Types of Gambling. Initiative Constitutional and Statutory Amendment." See attached order from Judge James P. Arguelles.

The deadline for proponents to submit petitions to county elections officials is now December 14, 2020.

An Amended Circulating and Filing Schedule is attached.

Additionally, Judge Arguelles indicated that he would allow either party to seek additional relief, should the circumstances warrant such relief.

Should you have any questions, please feel free to contact me at petitions@sos.ca.gov, or call (916) 657-2166.

#1886
AUTHORIZES NEW TYPES OF GAMBLING.
INITIATIVE CONSTITUTIONAL AND
STATUTORY AMENDMENT.

AMENDED CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required.....997,139
(California Constitution, Article II, Section 8(b), Elections Code § 9035)
2. Official Summary Date.....Tuesday, January 21, 2020
3. Petitions Sections:
 - a. First day Proponent can circulate sections for signatures
(Elections Code §§ 336, 9014(a))..... Tuesday, January 21, 2020
 - 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, 12/14/20***
 - 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, 01/15/21**

~~(If the Proponent files the petition with the county on a date prior to 01/15/21,
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)).....Friday, 01/22/21
 - 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), (e)).....Tuesday, 03/09/21

* On September 14, 2020, the Sacramento County Superior Court issued an order extending the circulation deadline from October 12, 2020, to December 14, 2020.

** On August 26, 2020, the Governor of California issued Executive Order N-76-20, extending the deadline for counties to determine the total number of petitions received between August 1, 2020, and December 31, 2020, to the Secretary of State to January 15, 2021.

INITIATIVE #1886

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 01/22/21, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elections Code § 9030(d), (e).)

- f. If the signature count is more than 1,096,853 or less than 947,283 then the Secretary of State certifies the petition as qualified or failed and notifies the counties. If the signature count is between 947,283 and 1,096,853 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), (g), 9031(a)).....Monday, 03/15/21

- 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), (d)).....Tuesday, 04/27/21

(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 03/15/21, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elections Code § 9031(b), (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)).....Monday, 05/03/21

IMPORTANT POINTS

- **Top Funders Disclosure Requirement:** Please see Elections Code sections 101, 104, 107, and 18600 for Official Top Funders disclosure requirements effective January 1, 2020.
- 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 sections 100, 101, 104, 107, 108, 9008, 9009, 9012, 9013, 9020, 9021, 9022, and 9203 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 section 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's use.
- Please refer to the California Secretary of State's Statewide Initiative Guide at <https://elections.cdn.sos.ca.gov/ballot-measures/pdf/statewide-initiative-guide.pdf> for the procedures and requirements for qualifying a statewide initiative measure.

1 Deborah B. Caplan [SBN 196606]
Lance H. Olson [SBN 077634]
2 OLSON REMCHO LLP
555 Capitol Mall, Suite 400
3 Sacramento, CA 95814
Telephone: (916) 442-2952
4 Facsimile: (916) 442-1280
Email: dcaplan@olsonremcho.com

5 James C. Harrison [SBN 161958]
6 OLSON REMCHO, LLP
1901 Harrison Street, Suite 1550
7 Oakland, CA 94612
Phone: (510) 346-6200
8 Fax: (510) 574-7061
Email: harrison@olsonremcho.com

9 Attorneys for Petitioners Mark Macarro,
10 Edwin "Thorpe" Romero, Anthony Roberts,
11 Jeff L. Grubbe, and Coalition to Authorize
Regulated Sports Wagering

12 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF SACRAMENTO
14 (UNLIMITED JURISDICTION)

15 MARK MACARRO, EDWIN "THORPE"
16 ROMERO, ANTHONY ROBERTS, JEFF L.
GRUBBE and COALITION TO AUTHORIZE
17 REGULATED SPORTS WAGERING,
SPONSORED BY CALIFORNIA INDIAN
18 GAMING TRIBES,

19 Petitioners,

20 vs.

21 ALEX PADILLA, in his official capacity as
Secretary of State of the State of California,

22 Respondent.

CASE NO.: 34-2020-80003404-CU-WM-GDS

Action Filed: June 9, 2020

**STIPULATION REQUESTING THAT
JULY 17, 2020 JUDGMENT BE AMENDED
TO EXTEND DEADLINE FOR FILING
PETITION SIGNATURES; [~~PROPOSED~~]
ORDER**

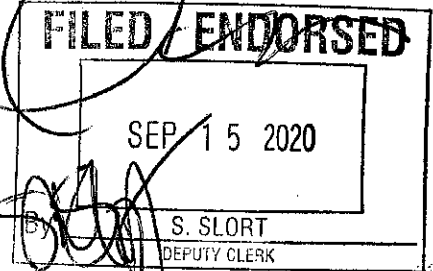
Hearing:

Date: October 9, 2020

Time: 11:00 a.m.

Dept.: 17

Judge: The Honorable James P. Arguelles



1 Petitioners Mark Macarro, Edwin “Thorpe” Romero, Anthony Roberts, Jeff L. Grubbe,
2 and Coalition to Authorize Regulated Sports Wagering and respondent Alex Padilla, through their
3 counsel of record, agree and stipulate to the following:

4 1. On July 17, 2020, this Court entered judgment extending the deadline for
5 proponents of the California Sports Wagering Regulation and Unlawful Gambling Act to file petition
6 signatures to October 12, 2020 in light of significant restrictions on petitioners’ First Amendment
7 rights caused by the issuance of various COVID-19 stay-at-home orders. The Court specifically
8 retained jurisdiction to consider further relief should a request be made in the future.

9 2. On July 1, 2020, because of continuing and increased community spread of
10 COVID-19, the California Department of Public Health (CDPH) directed the suspension of indoor
11 operations in various sectors including restaurants, entertainment venues and all bars for those counties
12 on the County Monitoring List. There were 19 counties on the list on that date.

13 3. By July 13, 2020, the number of counties on the Monitoring List increased to 32
14 counties. As a result, on that date, CDPH expanded its July 1 directive to apply statewide and
15 implemented additional restrictions for counties on the Monitoring List related to gyms, places of
16 worship, personal care salons and malls. ([https://www.cdph.ca.gov/Programs/CID/DCDC/
17 CDPH%20Document%20Library/COVID-19/SHO%20Order%20Dimming%20Entire%20State%207-
18 13-2020.pdf](https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/SHO%20Order%20Dimming%20Entire%20State%207-13-2020.pdf) [superseded by August 28, 2020 order].)

19 4. On August 26, 2020, in recognition of continuing challenges presented by
20 statewide fires, the proximity to the November 3, 2020 election, and COVID-19, Governor Newsom
21 signed an Executive Order extending the statutory deadlines for the county elections officials to
22 perform signature verification for any initiatives filed in the coming months. ([https://www.gov.ca.gov/
23 wp-content/uploads/2020/08/8.26.20-EO-N-76-20.pdf](https://www.gov.ca.gov/wp-content/uploads/2020/08/8.26.20-EO-N-76-20.pdf).) If petitioners were able to obtain sufficient
24 signatures, this Order would allow county elections officials additional time to verify those signatures
25 so as not to interfere with the November, 2020 General Election.

26 5. On August 28, 2020, Governor Newsom announced a new four-tier “Blueprint
27 for a Safer Economy” to replace the County Monitoring List. ([https://www.cdph.ca.gov/
28](https://www.cdph.ca.gov/)

1 [Programs/CID/DCDC/Pages/COVID-19/COVID19CountyMonitoringOverview.aspx](#) [last updated
2 September 10, 2020].) At the time of his announcement, approximately 87% of the State’s population
3 was in “Tier 1,” the tier with the most widespread incidence of COVID-19 and the most restrictions on
4 activities.

5 6. The restrictions described above have continued to make it extremely difficult
6 for petitioners to engage in signature-gathering activities for their proposed initiative. Petitioners
7 represent that the State-imposed restrictions since the date of the Court’s previous order have
8 continued to interfere with their ability to exercise their First Amendment rights in the same ways
9 identified by the Court in its July 17, 2020 judgment and order.

10 7. Petitioners represent that they have made substantial efforts to increase their
11 signature-gathering efforts, but they estimate that between June 18, 2020 (the date of the Paparella
12 Declaration and the end-date for the Court’s previous determination) and August 31, 2020, petitioners
13 have only been able to increase the number of signatures from approximately 10% of the signatures
14 they would normally be able to obtain (and were obtaining prior to the State’s COVID-19 stay-at-home
15 order in March, 2020) to approximately 16% of the signatures they would normally be able to obtain
16 (and were obtaining prior to the State’s COVID-19 stay-at-home order in March, 2020).

17 8. Petitioners are seeking to qualify for the November 2022 election ballot. Based
18 on these circumstances and the Court’s previous ruling, the parties agree that it would be appropriate
19 for the Court to amend the July 17, 2020 judgment to extend the October 12, 2020 deadline for
20 signatures therein by 62 days. This represents adding 84% to the 74 days between June 18, 2020 and
21 August 31, 2020 during which petitioners were only able to obtain 16% of normal signatures. A 62-
22 day extension would require petitioners to file their signatures on or before December 13, 2020. Since
23 that date is a Sunday, the Court will require signatures to be filed on or before December 14, 2020.

24 9. In light of the ever-changing circumstances relating to COVID-19, the parties
25 request that the Court retain jurisdiction over this matter for the purpose of considering additional or
26 different relief.

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Dated: September 14, 2020

Respectfully submitted,


OLSON REMCHO, LLP

By: 
Deborah B. Caplan

Attorney for Petitioners Mark Macarro,
Edwin "Thorpe" Romero, Anthony Roberts,
Jeff L. Grubbe, and Coalition to Authorize Regulated
Sports Wager, Sponsored by California Indian Gaming
Tribes

Dated: September 14, 2020

OFFICE OF THE ATTORNEY GENERAL

By: 
Ryan A. Hanley
Deputy Attorney General

Attorney for Respondent Secretary of State
Alex Padilla

1 **[PROPOSED] ORDER**

2 Based on the foregoing, it is hereby ORDERED:


3 The Court finds that petitioners have made a sufficient showing that the COVID-19
4 restrictions imposed by the State continue to significantly interfere with petitioners ability to engage in
5 signature-gathering activities for their proposed initiative in the same manner identified by the Court in
6 its July 17, 2020 judgment and order;

7 Based on the representations of the parties, the Court finds that since petitioners have
8 only been able to obtain 16% of the signatures they would normally be able to obtain and were
9 obtaining prior to the State's stay-at-home orders and related restrictions, it is reasonable to extend the
10 74 days that have intervened since the Court's judgment by 84%, or 62 days;

11 The Court therefore orders that its July 17, 2020 judgment should be amended to reflect
12 the additional time. The deadline for signatures imposed by the Court in its July 17, 2020 judgment is
13 hereby extended from October 12, 2020 to December 14, 2020.

14 The Court retains jurisdiction over this matter to allow either party to seek additional
15 relief should circumstances warrant such relief.




HON. JAMES P. ARGUELLES
JUDGE OF THE SUPERIOR COURT

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PROOF OF SERVICE

I, the undersigned, declare under penalty of perjury that:

I am a citizen of the United States, over the age of 18, and not a party to the within cause of action. My business address is 1901 Harrison Street, Suite 1550, Oakland, CA 94612.

On September 14, 2020, I served a true copy of the following document(s):

STIPULATION REQUESTING THAT JULY 17, 2020 JUDGMENT BE AMENDED TO EXTEND DEADLINE FOR FILING PETITION SIGNATURES; [PROPOSED] ORDER

on the following party(ies) in said action:

Ryan A. Hanley
Deputy Attorney General
Office of the Attorney General
1300 I Street
Sacramento, CA 95814
Phone: (916) 210-6486
Email: Ryan.Hanley@doj.ca.gov

*Attorney for Respondent Secretary of State
Alex Padilla*

- BY UNITED STATES MAIL:** By enclosing the document(s) in a sealed envelope or package addressed to the person(s) at the address above and
- depositing the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- placing the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, located in Oakland, California, in a sealed envelope with postage fully prepaid.
- BY OVERNIGHT DELIVERY:** By enclosing the document(s) in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- BY MESSENGER SERVICE:** By placing the document(s) in an envelope or package addressed to the persons at the addresses listed and providing them to a professional messenger service for service.
- BY FACSIMILE TRANSMISSION:** By faxing the document(s) to the persons at the fax numbers listed based on an agreement of the parties to accept service by fax transmission. No error was reported by the fax machine used. A copy of the fax transmission is maintained in our files.

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BY EMAIL TRANSMISSION: By emailing the document(s) to the persons at the email addresses listed based on a court order or an agreement of the parties to accept service by email. No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission.

I declare, under penalty of perjury, that the foregoing is true and correct. Executed on, September 14, 2020 in Piedmont, California.

Alex Harrison

(00420095)