

Questions to SOS

From VAAC working group: Petitions and Signatures

Date: April 16, 2025

Description of the questions: The committee is asking that the SOS provide answers to some follow-up questions regarding the requirement for a witness signature when someone other than the petition signer physically writes the signer's address on the petition due to the signer's disability.

Questions are as follows:

- 1. If a witness is required to sign a petition for a voter who cannot physically write their address, why does each petition not contain an explanation of this requirement and allow enough room for a witness signature?**

We believe the committee is aware of the current provisions of Elections Code section 100.5. As a reminder, this code section provides that, if a voter is unable to personally affix the information on a petition required by Elections Code section 100, they may request that another person print the voter's name and place of residence on the appropriate spaces of the petition. The voter must personally place his or her mark or signature on the appropriate space of the petition, which must be witnessed by one person who is required to add his or her name after the mark or signature of the signer.

We are not aware of provisions in the Elections Code that would require a petition to include (1) an explanation of Elections Code section 100.5 or (2) space for a witness signature as specified in Section 100.5.

As a reminder, the Secretary of State (SOS) has no authority to modify petition requirements. The SOS cannot require that additional information or formatting specifications be included on a petition.

Petition requirements are specified by law. It is the Legislature that provides the manner in which a petition must be circulated, presented, and certified. (Cal. Const., art. II, § 10(e).) Additionally, it is the responsibility of the proponent of a measure to prepare a petition, and it is the responsibility of the elections official tasked with receiving those petitions not to accept or file a petition that does not comply with Elections Code requirements. (Elections Code section 9015.)

In order to change existing laws related to petitions, a voter may want to contact their representatives in the Legislature. A voter may also want to consider proposing an initiative measure that would change those laws. The people of California have the power to propose statutes and to propose amendments to the California Constitution through the initiative process.

(Cal. Const., art. II, § 8(a).) A proponent may seek the assistance of their own private counsel to help draft the text of a measure or they may write the text themselves. A proponent may also obtain assistance from the Office of Legislative Counsel in drafting the language of the proposed law.

An advocate is also free to request that a proponent include additional information on a petition. We are not aware of a prohibition against the inclusion of additional information or elements on a petition as long as an elections official who must receive and file that petition determines that the petition complies with all statutory requirements.

2. Is it acceptable for a voter to use an address stamp in lieu of hand-writing the address on a petition?

As a reminder, Elections Code section 100(b) provides that a petition signer must, at the time of signing, personally affix on the petition his or her signature, printed name, and place of residence, including the street and number of the place of residence, and if no street or number for the place of residence exists, then a designation of the place of residence that will enable the location to be readily ascertained. Elections Code section 100.5 provides the manner in which a petition signer who is unable to personally affix the required information on a petition may have that information entered for them.

3. If a petition circulator is not permitted to act as a witness if they assist a voter by handwriting the address on the petition, can you identify the location of information which clearly explains this rule?

We are not aware of a provision in the Elections Code that prohibits a petition circulator from acting as a witness as specified in Elections Code section 100.5.

4. How do elections officials know if the address is not hand-written by the voter who signed the petition, given that most voters now register online?

It may be helpful to review the general provisions regarding voter registration by affidavit, which can be found in [Elections Code sections 2100-2198](#). Requirements related to online voter registration are included in sections [2196-2198](#).

As noted previously, if the signer of a petition is unable to print their name and residence address on that petition, they may request the assistance of another person to do so on their behalf. That assistance must be witnessed by one person who must subscribe their signature immediately thereon in order for the petition signature to be valid. (Elections Code section 100.5.)

Regulations related to the verification of petition signatures and residence addresses include those described in [California Code of Regulations, Title 2, Sections 20930-20931](#). The complete regulations related to signature verification and signature verification training can be found in [California Code of Regulations, Title 2, Sections 20910-20993](#).

Additionally, whenever a petition is submitted to the elections official, each petition section must include a declaration signed by the petition circulator setting forth, in the circulator's own hand, that they circulated the petition, that they witnessed the appended signatures being written, and that they certify, under penalty of perjury, that the content of the declaration is truthful and correct. Further, petitions so verified shall be prima facie evidence that the signatures are genuine and that the persons signing are qualified voters unless and until otherwise proven upon official investigation. (Elections Code sections 104, 9022.)

5. How does a disabled voter know that their signature on a petition has been rejected due to lack of a witness signature?

There is no provision in the Elections Code that requires a person to be notified if their signature on a petition was rejected for any reason.

Please note, however, that the proponents 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 paid or volunteer, receives instruction on the requirements and prohibitions imposed by state law regarding the circulation of petitions and the gathering of signatures. (Elections Code section 9607.)

Reasons for these questions: Some of the responses from the SOS to our previous questions in 2024 were either unclear or generated more questions from the group about how to address this concern.

Where the committee believes that the questions should be sent to or updated at (i.e., SOS webpage or sent to counties as a voluntary survey)

Responses to these questions should be sent to the State VAAC, with special attention to the petitions/signatures working group in order to continue gathering information.

Proposed timeline for the response to the questions to be implemented: within 4 weeks after receipt of questions from committee, presented at April 16 meeting, allowing working group to meet and continue its work before the June State VAAC meeting.