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GOVERNMENT CODE - GOV

TITLE 1. GENERAL [100 - 7931.000] (Title 1 enacted by Stats. 1943, Ch. 134.)

DIVISION 10. ACCESS TO PUBLIC RECORDS [7920.000 - 7931.000] (Division 10 added by Stats. 2021, Ch. 614, Sec. 2.)

PART 5. SPECIFIC TYPES OF PUBLIC RECORDS [7923.600 - 7929.610] (Part 5 added by Stats. 2021, Ch. 614, Sec. 2.)

CHAPTER 2. Election Materials and Petitions [7924.000 - 7924.110] (Chapter 2 added by Stats. 2021, Ch. 614, Sec. 2.)

ARTICLE 2. Initiative, Referendum, Recall, and Other Petitions and Related Materials [7924.100 - 7924.110] (Article 2 added by Stats. 2021, Ch. 614, Sec. 2.)

7924.100. As used in this article, "petition" means any petition to which a registered voter has affixed the voter's own signature.
(Added by Stats. 2021, Ch. 614, Sec. 2. (AB 473) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 7931.000.)

7924.105. As used in this article, "proponent of the petition" means the following:

- (a) For a statewide initiative or referendum measure, the person who submits a draft of a petition proposing the measure to the Attorney General with a request that the Attorney General prepare a title and summary of the chief purpose and points of the proposed measure.
- (b) For other initiative and referendum measures, the person who publishes a notice of intention to circulate a petition, or, where publication is not required, who files the petition with an elections official.
- (c) For a recall measure, the person defined in Section 343 of the Elections Code.
- (d) For a petition circulated pursuant to Section 5091 of the Education Code, the person having charge of the petition who submits the petition to the county superintendent of schools.
- (e) For a petition circulated pursuant to Article 1 (commencing with Section 35700) of Chapter 4 of Part 21 of Division 3 of Title 2 of the Education Code, the person designated as chief petitioner under Section 35701 of the Education Code.
- (f) For a petition circulated pursuant to Part 46 (commencing with Section 74000) of Division 7 of Title 3 of the Education Code, the person designated as chief petitioner under Section 74102, 74133, or 74152 of the Education Code.

(Added by Stats. 2021, Ch. 614, Sec. 2. (AB 473) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 7931.000.)

7924.110. (a) Notwithstanding Sections 7920.510, 7920.515, 7920.520, 7920.530, 7920.540, 7920.545, 7922.545, subdivision (a) of Section 7920.525, subdivision (b) of Section 7922.540, and Sections 7922.500 to 7922.535, inclusive, the following are not public records:

- (1) A statewide, county, city, or district initiative, referendum, or recall petition.
- (2) A petition circulated pursuant to Section 5091 of the Education Code.
- (3) A petition for reorganization of school districts submitted pursuant to Article 1 (commencing with Section 35700) of Chapter 4 of Part 21 of Division 3 of Title 2 of the Education Code.
- (4) A petition for reorganization of community college districts submitted pursuant to Part 46 (commencing with Section 74000) of Division 7 of Title 3 of the Education Code.
- (5) A memorandum prepared by a county elections official in the examination of a petition, indicating which registered voters signed that particular petition.

(b) The materials described in subdivision (a) shall not be open to inspection except by the following persons:

(1) A public officer or public employee who has the duty of receiving, examining, or preserving the petition, or who is responsible for preparation of the memorandum.

(2) If a petition is found to be insufficient, by the proponent of the petition and a representative of the proponent as may be designated by the proponent in writing, in order to determine which signatures were disqualified and the reasons therefor.

(c) Notwithstanding subdivisions (a) and (b), the Attorney General, the Secretary of State, the Fair Political Practices Commission, a district attorney, a city attorney, a school district attorney, and a community college district attorney shall be permitted to examine the materials described in subdivision (a) upon approval of the appropriate superior court.

(d) If the proponent of a petition is permitted to examine a petition and a memorandum pursuant to subdivision (b), all of the following shall apply:

(1) The examination shall commence not later than 21 days after certification of insufficiency and shall conclude no later than 60 days from the date that the examination commenced, and the county elections official shall retain the documents as prescribed in Section 17200 of the Elections Code.

(2) The elections official may establish reasonable guidelines for the examination and shall provide reasonable resources as necessary for the examination to proceed in a timely manner.

(3) If the examination is not concluded within 5 business days from the date that the examination begins, any costs incurred by the county elections official to continue the examination shall be reimbursed by the proponents. Nothing in this paragraph shall be construed to permit a county elections official to delay or obstruct the examination.

(4) Before the examination may continue pursuant to paragraph (3), the elections official shall estimate the costs necessary to support the examination. A new estimate of costs shall take place at the beginning of each day of examination following the fifth day. The proponent of a petition who requests to examine a petition and a memorandum shall deposit with the elections official a sum as required by the elections official necessary to support the examination for that day. The proponent shall be entitled to the return of any money deposited in excess of the cost of the examination. Money not required to be refunded shall be deposited in the appropriate public treasury. The elections official is not bound by any estimate of cost provided to the proponent or required to be deposited by the proponent and may, on a pro rata basis, bill the proponent for additional actual expense or refund any excess paid depending on the final actual cost.

(5) "Cost" for purposes of this subdivision means any cost incurred by a county elections official that is in addition to or greater than general operating costs.

(Amended by Stats. 2024, Ch. 479, Sec. 1. (SB 1441) Effective January 1, 2025.)