



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-1367 Improper signature-gathering tactics. (2017-2018)

SHARE THIS:  

Date Published: 10/16/2017 02:00 PM

Assembly Bill No. 1367

CHAPTER 848

An act to amend Section 18660 of the Elections Code, relating to elections.

[Approved by Governor October 15, 2017. Filed with Secretary of State October 15, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1367, Berman. Improper signature-gathering tactics.

Existing law makes it a crime punishable by a fine, imprisonment, or both a fine and imprisonment, for a person to make a false affidavit concerning any initiative, referendum, or recall petition or the signatures appended to a petition.

This bill would make it a crime punishable by a fine, imprisonment, or both a fine and imprisonment, for a person, company, organization, company official, or other organizational officer in charge of a person who circulates an initiative, referendum, or recall petition and who knowingly directs an affiant to make a false affidavit concerning the initiative, referendum, or recall petition or the signatures appended to the petition or who knows or reasonably should know that an affiant has made a false affidavit concerning the initiative, referendum, or recall petition or the signatures appended and submits the section of the petition that contains the false affidavit. By establishing a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 18660 of the Elections Code is amended to read:

18660. (a) Every person is punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years, or in a county jail not exceeding one year, or by both that fine and imprisonment, who makes any false affidavit concerning an initiative, referendum, or recall petition or the signatures appended to an initiative, referendum, or recall petition.

(b) A person, company, organization, company official, or other organizational officer in charge of a person who circulates an initiative, referendum, or recall petition and who does either of the following is punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in a county jail not exceeding one year, or by both the fine and imprisonment:

(1) Knowingly directs an affiant to make a false affidavit concerning an initiative, referendum, or recall petition or the signatures appended to an initiative, referendum, or recall petition.

(2) Knows or reasonably should know that an affiant has made a false affidavit concerning an initiative, referendum, or recall petition or the signatures appended to an initiative, referendum, or recall petition and submits the section of the petition that contains the false affidavit.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.