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**AB-698 Elections: initiative and referendum petitions: signature verification.** (2019-2020)

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**Assembly Bill No. 698**

**CHAPTER 14**

An act to amend Sections 9030, 9031, 9114, 9115, 9308, and 9309 of, the Elections Code, relating to elections.

[ Approved by Governor June 26, 2019. Filed with Secretary of State June 26, 2019. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 698, Obernolte. Elections: initiative and referendum petitions: signature verification.

Existing law sets forth procedures for the verification of signatures on initiative and referendum petitions by elections officials.

This bill would prohibit the invalidation of a signature on an initiative or referendum petition because of a variation of the signature caused by the substitution of initials for the first or middle name, or both, of the person signing the petition.

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

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

**SECTION 1.** Section 9030 of the Elections Code is amended to read:

**9030.** (a) Each section of the petition shall be filed with the elections official of the county or city and county in which it was circulated, but all sections circulated in any county or city and county shall be filed at the same time. Once filed, no petition section shall be amended except by order of a court of competent jurisdiction.

(b) Within eight days after the filing of the petition, excluding Saturdays, Sundays, and holidays, the elections official shall determine the total number of signatures affixed to the petition and shall transmit this information to the Secretary of State. If the total number of signatures filed with all elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient, the Secretary of State shall so notify the proponents and the elections officials, and no further action shall be taken with regard to the petition.

(c) If the number of signatures filed with all elections officials is 100 percent or more of the number of qualified voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the elections officials.

(d) Within 30 days after this notification, excluding Saturdays, Sundays, and holidays, the elections official shall determine the number of qualified voters who have signed the petition. If more than 500 names have been signed on sections of the petition filed with an elections official, the elections official shall use a random sampling technique for verification of signatures, as determined by the Secretary of State. The random sample of signatures to be verified shall be drawn in such a manner that every signature filed with the elections official shall be given an equal opportunity to be included in the sample. The random sampling shall include an examination of at least 500 or 3 percent of the signatures, whichever is greater. In determining from the records

of registration what number of qualified voters have signed the petition, the elections official may use any facsimiles of voters' signatures provided that the method of preparing and displaying the facsimiles complies with law. A signature shall not be invalidated because of a variation of the signature caused by the substitution of initials for the first or middle name, or both, of the person signing the petition.

(e) The elections official, upon the completion of the examination, shall immediately attach to the petition, except the signatures thereto appended, a properly dated certificate, showing the result of the examination, and shall immediately transmit the petition and the certificate to the Secretary of State. A copy of this certificate shall be filed in the elections official's office.

(f) If the certificates received from all elections officials by the Secretary of State establish that the number of valid signatures does not equal 95 percent of the number of qualified voters needed to find the petition sufficient, the petition shall be deemed to have failed to qualify, and the Secretary of State shall immediately so notify the proponents and the elections officials.

(g) If the certificates received from all elections officials by the Secretary of State total more than 110 percent of the number of qualified voters needed to find the petition sufficient, the Secretary of State shall certify that the measure is qualified for the ballot as provided in Section 9033.

**SEC. 2.** Section 9031 of the Elections Code is amended to read:

**9031.** (a) If the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the Secretary of State shall order the examination and verification of the signatures filed, and shall so notify the elections officials. A signature shall not be invalidated because of a variation of the signature caused by the substitution of initials for the first or middle name, or both, of the person signing the petition.

(b) Within 30 days, excluding Saturdays, Sundays, and holidays, after receipt of the order, the elections official or registrar of voters shall determine from the records of registration what number of qualified voters have signed the petition and if necessary the board of supervisors shall allow the elections official or registrar additional assistance for the purpose of examining the petition and provide for their compensation. In determining from the records of registration what number of qualified voters have signed the petition, the elections official or registrar of voters may use any file or list of registered voters maintained by their office, or the facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(c) (1) During the examination and verification of the signatures filed, the elections official or registrar of voters shall submit one or more reports to the Secretary of State showing the number of signatures of qualified voters that have been verified as of that date. The Secretary of State shall determine the number of reports required to be submitted and the manner of their submission.

(2) The Secretary of State shall maintain a list indicating the number of verified signatures of qualified voters who have signed the petition based on the most recent reports submitted pursuant to paragraph (1). If the Secretary of State determines, prior to each county's completing the examination of each signature filed, that based on the list the petition is signed by the requisite number of voters needed to declare the petition sufficient, the Secretary of State shall immediately notify the elections official or registrar of voters of every county or city and county in the state of this fact. Immediately after receipt of this notification, the elections official or registrar of voters may suspend signature verification until receipt of a certificate pursuant to Section 9033 or until otherwise instructed by the Secretary of State.

(d) The elections official or registrar, upon the completion of the examination or notification pursuant to paragraph (2) of subdivision (c), shall immediately attach to the petition, except the signatures thereto appended, an amended certificate properly dated, showing the result of the examination and shall immediately transmit the petition, together with the amended certificate, to the Secretary of State. A copy of the amended certificate shall be filed in the elections official's office.

(e) (1) If the amended certificates establish the petition's sufficiency, the Secretary of State shall certify that the measure is qualified for the ballot as provided in Section 9033.

(2) If the amended certificates received from all elections officials by the Secretary of State establish that the petition has still been found insufficient, the Secretary of State shall immediately so notify the proponents and the elections officials.

**SEC. 3.** Section 9114 of the Elections Code is amended to read:

**9114.** Except as provided in Section 9115, within 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, the elections official shall examine the petition, and from the records of registration ascertain whether or not the petition is signed by the requisite number of voters. A certificate showing the results of this examination shall be attached to the petition.

In determining the number of valid signatures, the elections official may check the signatures against facsimiles of voters' signatures provided that the method of preparing and displaying the facsimiles complies with law. A signature shall not be invalidated because of a variation of the signature caused by the substitution of initials for the first or middle name, or both, of the person signing the petition.

The elections official shall notify the proponents of the petition as to the sufficiency or insufficiency of the petition.

If the petition is found insufficient, no further action shall be taken. However, the failure to secure sufficient signatures, shall not preclude the filing of a new petition on the same subject, at a later date.

If the petition is found sufficient, the elections official shall certify the results of the examination to the board of supervisors at the next regular meeting of the board.

**SEC. 4.** Section 9115 of the Elections Code is amended to read:

**9115.** (a) Within 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, if, from the examination of petitions pursuant to Section 9114 shows that more than 500 signatures have been signed on the petition, the elections official may use a random sampling technique for verification of signatures. The random sample of signatures to be verified shall be drawn so that every signature filed with the elections official shall be given an equal opportunity to be included in the sample. The random sampling shall include an examination of at least 500, or 3 percent of the signatures, whichever is greater. A signature shall not be invalidated because of a variation of the signature caused by the substitution of initials for the first or middle name, or both, of the person signing the petition.

(b) If the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the elections official shall, within 60 days from the date of the filing of the petition, excluding Saturdays, Sundays, and holidays, examine and verify the signatures filed. If the elections official determines, prior to completing the examination of each signature filed, that the petition is signed by the requisite number of qualified voters to declare the petition sufficient, the elections official may terminate the verification of the remaining unverified signatures.

(c) In determining from the records of registration, what number of valid signatures are signed on the petition, the elections official may check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(d) The elections official shall attach to the petition a certificate showing the result of this examination and shall notify the proponents of either the sufficiency or insufficiency of the petition.

(e) If the petition is found insufficient, no action shall be taken on the petition. However, the failure to secure sufficient signatures shall not preclude the filing later of an entirely new petition to the same effect.

(f) If the petition is found to be sufficient, the elections official shall certify the results of the examination to the board of supervisors at the next regular meeting of the board.

**SEC. 5.** Section 9308 of the Elections Code is amended to read:

**9308.** (a) Except as provided in Section 9309, within 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, the district elections official shall examine the petition, and from the records of registration ascertain whether the petition is signed by the requisite number of voters. A certificate showing the results of this examination shall be attached to the petition.

(b) In determining the number of valid signatures, the district elections official may check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law. A signature shall not be invalidated because of a variation of the signature caused by the substitution of initials for the first or middle name, or both, of the person signing the petition.

(c) The district elections official shall notify the proponents of the petition as to the sufficiency or insufficiency of the petition.

(d) If the petition is found insufficient, no further action shall be taken. However, the failure to secure sufficient signatures, shall not preclude the filing of a new petition on the same subject, at a later date.

(e) If the petition is found sufficient, the district elections official shall certify the results of the examination to the governing board of the district at the next regular meeting of the board.

**SEC. 6.** Section 9309 of the Elections Code is amended to read:

**9309.** (a) Within 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, if, from the examination of petitions pursuant to Section 9308, more than 500 signatures have been signed on the petition, the district elections official may use a random sampling technique for verification of signatures. The random sample of signatures to be verified shall be drawn in such a manner that every signature filed with the elections official shall be given an equal opportunity to be included in the sample. A random sampling shall include an examination of at least 500 or 3 percent of the signatures, whichever is greater. A signature shall not be invalidated because of a variation of the signature caused by the substitution of initials for the first or middle name, or both, of the person signing the petition.

(b) If the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the district elections official, within 60 days from the date of the filing of the petition, excluding Saturdays, Sundays, and holidays, shall examine and verify each signature filed.

(c) In determining from the records of registration, what number of valid signatures are signed on the petition, the district elections official may check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(d) The district elections official shall attach to the petition, a certificate showing the result of this examination, and shall notify the proponents of either the sufficiency or insufficiency of the petition.

(e) If the petition is found insufficient, no action shall be taken on the petition. However, the failure to secure sufficient signatures shall not preclude the filing later of an entirely new petition to the same effect.

(f) If the petition is found to be sufficient, the district elections official shall certify the results of the examination to the governing board of the district at the next regular meeting of the board.