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## SB-1337 Elections: form of petitions. (2023-2024)

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CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

### SENATE BILL

**NO. 1337**

Introduced by Senator Gonzalez

February 16, 2024

An act to amend Sections 101, 104, 107, and 9020 of, and to repeal and add Section 9010 of, the Elections Code, relating to elections.

### LEGISLATIVE COUNSEL'S DIGEST

SB 1337, Gonzalez. Elections: form of petitions.

(1) Existing law requires a committee, as defined, that pays for the circulation of a state or local initiative, referendum, or recall petition to create an Official Top Funders sheet, as specified. Existing law authorizes such a committee to create a page on an internet website that includes a link to the Official Top Funders sheet and a link to the full text of the initiative or referendum. Existing law also requires this committee to submit the Official Top Funders sheet to the Secretary of State. Existing law requires a state or local initiative, referendum, or recall petition that requires voter signatures and that a committee pays to circulate either to include a disclosure statement on the petition, as specified, or for the circulator for the petition to present as a separate document the Official Top Funders sheet to a prospective signer of the petition.

This bill would remove the requirement that a committee that pays for the circulation of a state referendum create an Official Top Funders sheet and submit the Official Top Funders sheet to the Secretary of State. The bill would also remove the requirement for a state referendum petition that requires voter signatures and that a committee pays to circulate either to include a disclosure statement on the petition, as specified, or for the circulator to present as a separate document the Official Top Funders sheet to a

prospective signer of the petition. The bill would instead require such a state referendum petition to include a different disclosure statement, as specified, on the first page of each section of the referendum petition.

(2) Existing law requires the top of each page of a state referendum petition to contain, in 12-point boldface type, the following text: "Referendum Against an Act Passed by the Legislature."

This bill would substantially revise the required form and contents of a statewide referendum petition by mandating, among other things, the petition to contain an official title and summary of the law proposed to be overturned, as prepared by the Attorney General. Among other things, the bill would require a committee, as defined, that circulates a statewide referendum petition to submit to the Secretary of State the first page of the petition and any updates required to reflect a change in the top contributors to the committee. The bill would require the Secretary of State to post the first page of the petition on the Secretary of State's internet website along with previous versions submitted by the committee.

(3) Existing law requires a petition for a state initiative or referendum to contain, among other things, each signer's signature, printed name, residence address, and the name of the signer's incorporated city or unincorporated community.

This bill would require a petition for a statewide referendum measure to include, in addition to the information above, before the space for the signer's printed name, a box preceding the following statement: "BY CHECKING THIS BOX, I confirm that I have reviewed the Official Top Funders listed on this page."

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

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

**SECTION 1.** Section 101 of the Elections Code is amended to read:

**101.** (a) Notwithstanding any other law, a state or local initiative or recall petition, or a local referendum petition, required to be signed by voters shall contain in 11-point type, before that portion of the petition for voters' signatures, printed names, and residence addresses, the following language, in order:

(1) "NOTICE TO THE PUBLIC:". This text shall be in a boldface type.

(2) If the petition includes the disclosure statement described by subdivision (b) of Section 107, the text "SIGN ONLY IF IT IS THE SAME MONTH SHOWN IN THE OFFICIAL TOP FUNDERS STATEMENT OR YOU SAW AN "OFFICIAL TOP FUNDERS" SHEET FOR THIS MONTH." This text shall be in a boldface type.

(3) "THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK." This text shall be in a non-boldface type.

(b) A statewide initiative petition shall contain, in the same location and type size described in subdivision (a), the following language in a non-boldface type: "THE PROPONENTS OF THIS PROPOSED INITIATIVE MEASURE HAVE THE RIGHT TO WITHDRAW THIS PETITION AT ANY TIME BEFORE THE MEASURE QUALIFIES FOR THE BALLOT."

**SEC. 2.** Section 104 of the Elections Code is amended to read:

**104.** (a) Wherever any petition or paper is submitted to the elections official, each section of the petition or paper shall have attached to it a declaration signed by the circulator of the petition or paper, setting forth, in the circulator's own hand, the following:

(1) The printed name of the circulator.

(2) The residence address of the circulator, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.

(3) The dates between which all the signatures to the petition or paper were obtained.

(b) Each declaration submitted pursuant to this section shall also set forth the following:

(1) That the circulator circulated that section and witnessed the appended signatures being written.

(2) That according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.

(3) That the circulator is 18 years of age or older.

(4) Except for statewide referendum petitions, if the petition does not include the disclosure statement described by subdivision (b) of Section 107, that the circulator showed each signer a valid and unfalsified "Official Top Funders" sheet, as required by Section 107.

(c) The circulator shall certify the content of the declaration as to its truth and correctness, under penalty of perjury under the laws of the State of California, with the signature of the circulator's name. The circulator shall state the date and the place of execution on the declaration immediately preceding the circulator's signature.

**SEC. 3.** Section 107 of the Elections Code is amended to read:

**107.** (a) (1) A committee formed pursuant to Section 82013 of the Government Code that pays for the circulation of a state or local initiative or recall petition, or a local referendum petition, shall create an Official Top Funders sheet as follows, with all text in a black roman type with a type size of 14 point on a plain, contrasting background, and centered horizontally, except as described below. None of the text shall have its type condensed or have the spacing between characters reduced to be narrower than a normal roman type. Unless otherwise specified, the text shall not be boldface type.

(2) At the top of the sheet shall appear the text "OFFICIAL TOP FUNDERS. Valid only for", followed by a month and year that starts at most seven days after the date the top contributors as defined in subdivision (c) of Section 84501 of the Government Code were last confirmed. This text shall be boldface type and with a type size of at least 16 point.

(3) Next, separated by a blank horizontal line from the text in paragraph (2), shall appear the title of the initiative, local referendum, or recall as it appears on the petition, in all capital letters.

(4) (A) Next, separated by a blank horizontal line from the text in paragraph (3), shall appear a disclosure statement in a printed or drawn box with a black border.

(B) At the top of the disclosure statement shall appear the text "Petition circulation paid for by" in boldface type.

(C) Next, on a separate horizontal line, shall appear the name of the committee as it appears on the most recent Statement of Organization filed pursuant to Section 84101 of the Government Code. If the committee has any top contributors as defined in subdivision (c) of Section 84501 of the Government Code, it shall be followed by a blank horizontal line and then the underlined text "Committee major funding from:".

(D) The top contributors as defined in subdivision (c) of Section 84501 of the Government Code, if any, shall each be disclosed in boldface type on a separate horizontal line separate from any other text, in descending order, beginning with the top contributor who made the largest cumulative contributions, as defined in subdivision (b) of Section 84501 of the Government Code, on the first line.

(E) The committee, in its discretion, may include the underlined text "Endorsed by:", followed by a list, not underlined, of up to three endorsers. The text pursuant to this subparagraph shall be separated from the text above and below it by a blank horizontal line.

(F) The following line shall include the text "Latest Official Top Funders:" followed by either (i) the internet web page on the Secretary of State's internet website that lists the "Official Top Funders" statements that are reported pursuant to subdivision (f), or (ii) the internet website described in subdivision (c).

(5) If the petition is a statewide initiative petition, next, separated by at least two blank horizontal lines from the disclosures of paragraphs (4) and (5), shall appear the text "OFFICIAL TITLE AND SUMMARY (SAME AS ON PETITION)", in boldface type in all capital letters.

(6) If the petition is a statewide initiative petition, next, starting on a separate horizontal line, shall appear the text "The Attorney General of California has prepared the following circulating title and summary of the chief purpose and points of the proposed measure:", in boldface type with a type size of 11 point.

(7) If the petition is a statewide initiative petition, next, starting on a separate horizontal line, shall appear the Attorney General summary of the initiative as it appears on the initiative petition, in plain text with a type size of 11 point.

(b) (1) Notwithstanding any other law, a state or local initiative or recall petition, or a local referendum petition, that requires voter signatures and for which the circulation is paid for by a committee formed pursuant to Section 82013 of the Government Code shall either include a disclosure statement on the petition that is displayed as follows or the circulator for the petition shall present as a separate document the Official Top Funders sheet described in subdivision (a) to a prospective signer of the petition.

(2) A statewide referendum petition that requires voter signatures and that a committee formed pursuant to Section 82013 of the Government Code pays to circulate shall include the disclosure statement described in Section 9010 on the first page of each section of the referendum petition.

(3) The disclosure statement shall have a solid white background and shall be in a printed or drawn box with a black border and shall appear before that portion of the petition for voters' signatures, printed names, and residence addresses. The text in the disclosure area shall be in a black Arial equivalent type with a type size of at least 10 point, with all lines centered horizontally in the disclosure area.

(4) The top of the disclosure shall include the text "OFFICIAL TOP FUNDERS. Valid only for", followed by a month and year that starts at most seven days after the date the top contributors as defined in subdivision (c) of Section 84501 of the Government Code were last confirmed. The text of this paragraph shall be boldface.

(5) Next shall appear, on a separate horizontal line, the text "Petition circulation paid for by", followed by the name of the committee as it appears on the most recent Statement of Organization filed pursuant to Section 84101 of the Government Code. If the committee has any top contributors as defined in subdivision (c) of Section 84501 of the Government Code, it shall be followed by, on a separate horizontal line, the underlined text "Committee major funding from:".

(6) The top contributors as defined in subdivision (c) of Section 84501 of the Government Code, if any, shall each be disclosed in boldface type on a separate horizontal line separate from any other text, in descending order, beginning with the top contributor who made the largest cumulative contributions, as defined in subdivision (b) of Section 84501 of the Government Code, on the first line.

(7) The committee, in its discretion, may include the underlined text "Endorsed by:", followed by a list, not underlined, of up to three endorsers. The text in this paragraph shall be separated from the text above and below it by a blank horizontal line.

(8) The following line shall include the text "Latest info:" followed by the URL for either (A) the internet web page on the Secretary of State's internet website that lists the "Official Top Funders" statements that are reported pursuant to subdivision (f), or (B) the internet website described in subdivision (c). The text specified in this paragraph shall be underlined.

(c) Any committee formed pursuant to Section 82013 of the Government Code that pays for the circulation of a state or local initiative or recall petition, or a local referendum petition, may create a page on an internet website that includes both of the following:

(1) A prominent link to the most recent Official Top Funders sheet as described in subdivision (a). The Official Top Funders sheet that the page links to shall be in a format that allows it to be viewed on an internet website and printed out on a single page of paper.

(2) A prominent link to the full text of the initiative or referendum.

(d) The disclosure of a top contributor or endorser pursuant to this section need not include terms such as "incorporated," "committee," "political action committee," or "corporation," or abbreviations of these terms, unless the term is part of the contributor's or endorser's name in common usage or parlance.

(e) If this section requires the disclosure of the name of a top contributor that is a committee pursuant to subdivision (a) of Section 82013 of the Government Code and is a sponsored committee pursuant to Section 82048.7 of the Government Code with a single sponsor, only the name of the single sponsoring organization shall be disclosed.

(f) A committee that circulates a state initiative or recall petition shall submit the Official Top Funders sheet required by subdivision (a), and any updates to that statement, to the Secretary of State, who shall post that statement on the Secretary of State's internet website along with the previous versions the committee submitted.

(g) This section does not require a local elections official to verify the accuracy of the information required by this section or to reapprove the petition upon any updates the committee makes.

(h) Signatures collected on an initiative, referendum, or recall petition, are not invalid solely because the information required by this section was absent or inaccurate.

(i) For purposes of this section, "endorser" means:

(1) A business that has been in existence for at least two years and has had at least one full-time staffer during that period.

(2) A nonprofit organization that was not originally created for the purposes of serving as a committee, that has been in existence for at least two years, and either has received contributions from more than 50 donors in that period or has had at least one full-time staffer during that period.

(3) A political party.

(4) An individual, whose name may include their title if they are an elected official or represent one of the organizations described in paragraph (1), (2), or (3).

**SEC. 4.** Section 9010 of the Elections Code is repealed.

**SEC. 5.** Section 9010 is added to the Elections Code, to read:

**9010.** (a) For a proposed statewide referendum measure, the first page of the petition shall be in substantially the following form and in sans serif type font unless otherwise specified:

(1) At the top of the page, include the following, in at least 11-point type:

REFERENDUM AGAINST AN ACT PASSED BY THE LEGISLATURE

OFFICIAL TITLE AND SUMMARY

The Attorney General of California has prepared the following circulating title and summary of the chief purpose and points of the law proposed to be overturned:

[Here set forth the Attorney General's unique numeric identifier placed before the circulating title and summary prepared by the Attorney General.]

(2) (A) For a proposed statewide referendum petition that a committee formed pursuant to Section 82013 of the Government Code pays to circulate, next shall appear, separated by a blank horizontal line from the text in paragraph (1), the text "TOP FUNDERS OF PETITION TO OVERTURN THE LAW. Updated:" followed by the month, date, and year of the last change to the committee's top contributors as defined in subdivision (c) of Section 84501 of the Government Code as of the date the petition is printed. This text shall be centered in at least 16-point boldface type.

(B) If a new contributor qualifies as a top contributor during petition circulation, the first page of each section of the petition shall, within five business days, be reprinted to show the revised validity date of the top contributors as provided in subparagraph (A). If a committee has no top contributors, this paragraph does not apply.

(3) (A) For a proposed statewide referendum petition that a committee formed pursuant to Section 82013 of the Government Code pays to circulate, next shall appear, separated by a blank horizontal line from the text in paragraph (2), a disclosure statement in a printed box with a black border.

(B) At the top of the disclosure statement shall appear the text "Petition circulation paid for by" centered in at least 14-point boldface type.

(C) Next, centered on a separate horizontal line in at least 14-point type, shall appear the name of the committee as it appears on the most recent statement of organization filed pursuant to Section 84101 of the Government Code or, if the proposed measure is circulated by a committee pursuant to subdivision (b) or (c) of Section 82013 of the Government Code, the name that the committee is required to use on campaign statements pursuant to subdivision (o) of Section 84211 of the Government Code. The committee's name shall be followed by a blank horizontal line and then, if the committee has top contributors as defined in subdivision (c) of Section 84501 of the Government Code, the underlined text "Committee major funding from:" shall appear centered in at least 14-point type.

(D) (i) The top contributors as defined in subdivision (c) of Section 84501 of the Government Code, if any, shall each be centered in at least 14-point boldface type on a separate horizontal line separate from any other text, in descending order, beginning with the top contributor who made the largest cumulative contributions, as defined in subdivision (b) of Section 84501 of the Government Code, on the first line.

(ii) If a new contributor qualifies as a top contributor during petition circulation, the first page of each section of the petition shall, within five business days, be reprinted to list the new contributors in the order specified in clause (i).

(E) The following line shall include the text, centered in at least 14-point type, "Latest Official Top Funders:" followed by a Uniform Resource Locator to one of the following:

(i) The internet web page on the Secretary of State's internet website that lists the "Official Top Funders" statement.

(ii) An internet website created or maintained by the committee that prominently includes the information required by this section and a prominent link to the full text of the proposed referendum measure as submitted to the Attorney General's office by the proponent with a request for a circulating title and summary pursuant to subdivision (a) of Section 9006 of the Elections Code.

(4) Next, separated by a blank horizontal line from the bottom of the border, the following language, in order, in at least 11-point type:

(A) "NOTICE TO THE PUBLIC:". This text shall be in boldface type.

(B) "THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK." This text shall be in a non-boldface type.

(5) Next, separated by a blank horizontal line from the text in paragraph (4), the portion of the petition for voters' signatures, printed names, and residence addresses, and the declaration of circulator shall be printed as provided in Sections 100, 104, and 9020 in at least 8-point type.

(b) Notwithstanding any other law, the portion of the petition for voters' signatures, printed names, and residence addresses, shall appear only on the first page of a section of a petition for a proposed statewide referendum measure.

(c) A committee formed pursuant to Section 82013 of the Government Code that circulates a state referendum petition shall submit the first page of the petition and any reprinting of the list of top contributors to the Secretary of State, who shall post the page on the Secretary of State's internet website along with the previous versions the committee submitted.

(d) If this section requires the disclosure of the name of a top contributor that is a committee pursuant to subdivision (a) of Section 82013 of the Government Code and is a sponsored committee pursuant to Section 82048.7 of the Government Code with a single sponsor, only the name of the single sponsor shall be disclosed.

(e) If complying with the formatting specifications contained in this section causes the required content to exceed the first page of the section of the petition with a minimum of one signature space for each petition section, the specifications may be modified by eliminating blank horizontal lines or, if doing so is insufficient to ensure space for at least one signature space on the first page of the petition, by reducing the size of disclosures required to be included in 14-point text to a minimum of 10-point text.

**SEC. 6.** Section 9020 of the Elections Code is amended to read:

**9020.** (a) The petition sections shall be designed so that each signer shall personally affix all of the following:

(1) The signer's signature.

(2) The signer's printed name.

(3) The signer's residence address, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained. An incomplete or inaccurate apartment or unit number in the signer's residence address shall not invalidate their signature pursuant to Section 105.

(4) The name of the signer's incorporated city or unincorporated community.

(5) Except for statewide referendum petitions, if the petition does not include the disclosure statement described by subdivision (b) of Section 107, the following text on a separate horizontal line below the signer's printed name and above the signer's signature: "DO NOT SIGN UNLESS you have seen Official Top Funders sheet and its month is still valid." The text "DO NOT SIGN UNLESS" shall be in all capitals and in boldface. The other text shall be capitalized as shown and shall not be in boldface.

(b) For a statewide referendum measure, in addition to the requirements of paragraphs (1) to (4), inclusive, of subdivision (a), the petition sections shall be designed so that before the space for each signer's printed name, there is a box preceding the following statement: "BY CHECKING THIS BOX, I confirm that I have reviewed the Official Top Funders listed on this page."

(c) Only a person who is a qualified registered voter at the time of signing the petition is entitled to sign it.

(d) The number of signatures attached to each section shall be at the pleasure of the person soliciting the signatures, except that for a statewide referendum measure, the portion of the petition for voters' signatures, printed names, and residence addresses shall appear only on the first page of any section of the petition.