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**AB-459 Initiatives: qualification: electronic signatures.** (2025-2026)

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

**ASSEMBLY BILL**

**NO. 459**

Introduced by Assembly Member DeMaio

February 06, 2025

An act to add Sections 109, 9023, 9036, 9107.5, 9118.1, 9206.5, 9215.1, 9304.7, 9311.5, 11042.1, 11108.5, and 11228 to the Elections Code, relating to elections.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 459, as amended, DeMaio. Initiatives: qualification: electronic signatures.

Existing law prescribes the procedures for circulating an initiative, referendum, or recall petition for signature by voters.

This bill would require the Secretary of State to develop a system that allows a proponent of a state or local initiative, referendum, or recall petition to have the petition posted on the Secretary of State's internet website where a voter can electronically sign the petition. The bill would require the Secretary of State and elections officials to perform specified tasks in connection with the electronic circulation of petitions, including verifying the electronic signatures, as specified. By imposing additional duties on elections officials, this 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

**SECTION 1.** Section 109 is added to the Elections Code, to read:

**109.** (a) The Secretary of State shall develop a system on the Secretary of State's internet website that allows a voter to do all of the following:

(1) View an initiative, referendum, or recall petition that is required to be signed by voters of the state or the applicable county, city, school district, or special district.

(2) (A) For an initiative or referendum petition, view the arguments for and against the petition that are submitted by a proponent or opponent of the measure.

(B) For a recall petition, view the statement of the reasons for recall and the answer to that statement.

(3) Enable a voter to provide necessary identifying information and electronically sign the petition on the Secretary of State's internet website.

(b) The Secretary of State shall post on its internet website an ongoing tally of the total number of electronic signatures for each petition electronically circulated pursuant to this section.

*(c) Notwithstanding any other law, the total number of electronic signatures for a petition electronically circulated pursuant to this section shall be added to the total number of written signatures affixed to a hard copy section of the same petition for purposes of determining whether the total number of registered voters who have signed the petition meets or exceeds the minimum number necessary for the measure to qualify for the ballot.*

~~(e)~~

*(d) (1)* The system developed pursuant to this section shall enable the Secretary of State to verify the authenticity of an electronic signature.

~~(e)~~

*(2)* Notwithstanding Section 16.5 of the Government Code, an electronic signature submitted pursuant to this section may be used to sign an initiative, referendum, or recall petition. The signature and information obtained pursuant to this section shall be deemed to be personally affixed to the petition, and the signature shall be treated as a "signature" as defined in Section 354.5.

~~(e)~~

*(3)* Notwithstanding Section 104 or any other law, an electronic signature submitted pursuant to this section is not required to be accompanied by an affidavit or declaration signed by the circulator.

**SEC. 2.** Section 9023 is added to the Elections Code, to read:

**9023.** (a) An initiative or referendum petition that is cleared for circulation may be circulated pursuant to the system established under Section 109.

(b) If a proponent informs the Secretary of State that the proponent elects to have a petition circulated pursuant to Section 109, the Secretary of State shall do all of the following:

(1) Post the text of the petition on the Secretary of State's internet website.

(2) Post the arguments described in paragraph (2) of subdivision (a) of Section 109 on the Secretary of State's internet website.

(3) Enable a voter to provide necessary identifying information and electronically sign the petition on the Secretary of State's internet website.

(4) Post an ongoing tally of the total number of electronic signatures received by the petition pursuant to this section on the Secretary of State's internet website.

*(5) On an ongoing basis during the circulation period for the petition, provide the proponent with a list of individuals who signed the petition electronically.*

(c) Notwithstanding Section 9022 or any other law, an electronic signature submitted pursuant to this section is not required to be accompanied by an affidavit or declaration signed by the circulator.

**SEC. 3.** Section 9036 is added to the Elections Code, to read:

**9036.** (a) Upon the close of the circulation period for a petition circulated pursuant to Section 9023, the Secretary of State shall verify the signatures and determine the total number of valid signatures submitted by voters who electronically signed the petition.

*(b) For purposes of determining whether the total number of registered voters who have signed the petition meets or exceeds the minimum number necessary for the measure to qualify for the ballot, the Secretary of State shall add the total number of valid electronic signatures determined pursuant to subdivision (a) to the total number of written signatures affixed to a hard copy section of the same petition determined pursuant to Section 9030.*

~~(b)~~

*(c)* (1) If the total number of valid signatures 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 Secretary of State shall take no further action with regard to the petition.

(2) If the total number of valid signatures is 100 percent or more of the number of qualified voters needed to declare the petition sufficient, the Secretary of State shall certify pursuant to Section 9033 that the measure is qualified for the ballot.

**SEC. 4.** Section 9107.5 is added to the Elections Code, to read:

**9107.5.** (a) An initiative or referendum petition that is cleared for circulation may be circulated pursuant to the system established under Section 109.

(b) If a proponent informs the county elections official that the proponent elects to have a petition circulated pursuant to Section 109, the county elections official shall notify the Secretary of State, who shall do all of the following:

(1) Post the text of the petition on the Secretary of State's internet website.

(2) Post the arguments described in paragraph (2) of subdivision (a) of Section 109 on the Secretary of State's internet website.

(3) Enable a voter to provide necessary identifying information and electronically sign the petition on the Secretary of State's internet website.

(4) Post an ongoing tally of the total number of signatures received pursuant to this section on the Secretary of State's internet website.

*(5) On an ongoing basis during the circulation period for the petition, provide the proponent with a list of individuals who signed the petition electronically.*

(c) Notwithstanding Section 9109 or any other law, an electronic signature submitted pursuant to this section is not required to be accompanied by an affidavit signed by the circulator.

**SEC. 5.** Section 9118.1 is added to the Elections Code, to read:

**9118.1.** (a) Upon the close of the circulation period for a petition circulated pursuant to Section 9107.5, the county elections official shall do both of the following:

(1) Request the electronic signature data from the Secretary of State.

(2) Examine the signatures and determine the total number of valid signatures submitted by voters who electronically signed the petition.

*(b) For purposes of determining whether the total number of registered voters who have signed the petition meets or exceeds the minimum number necessary for the measure to qualify for the ballot, the county elections official shall add the total number of valid electronic signatures determined pursuant to subdivision (a) to the total number of written signatures affixed to a hard copy section of the same petition determined pursuant to Section 9113.*

~~(b)~~

*(c)* (1) If the county elections official finds the petition to be insufficient, the county elections official shall take no further action on the petition.

(2) If the county elections official finds the petition to be sufficient, the county elections official shall certify the results of the examination to the board of supervisors at the next regular meeting of the board.

**SEC. 6.** Section 9206.5 is added to the Elections Code, to read:

**9206.5.** (a) An initiative or referendum petition that is cleared for circulation may be circulated pursuant to the system established under Section 109.

(b) If a proponent informs the elections official that the proponent elects to have a petition circulated pursuant to Section 109, the elections official shall notify the Secretary of State, who shall do all of the following:

- (1) Post the text of the petition on the Secretary of State's internet website.
- (2) Post the arguments described in paragraph (2) of subdivision (a) of Section 109 on the Secretary of State's internet website.
- (3) Enable a voter to provide necessary identifying information and electronically sign the petition on the Secretary of State's internet website.
- (4) Post an ongoing tally of the total number of signatures received pursuant to this section on the Secretary of State's internet website.
- (5) On an ongoing basis during the circulation period for the petition, provide the proponent with a list of individuals who signed the petition electronically.*

(c) Notwithstanding Section 9209 or any other law, an electronic signature submitted pursuant to this section is not required to be accompanied by an affidavit or declaration signed by the circulator.

**SEC. 7.** Section 9215.1 is added to the Elections Code, to read:

**9215.1.** Upon the close of the circulation period for a petition circulated pursuant to Section 9206.5, the elections official shall examine the petition in the same manner as county petitions are examined in accordance with Section 9118.1, except that for the purposes of this section, references to the board of supervisors shall be treated as references to the legislative body of the city.

**SEC. 8.** Section 9304.7 is added to the Elections Code, to read:

**9304.7.** (a) An initiative or referendum petition that is cleared for circulation may be circulated pursuant to the system established under Section 109.

(b) If a proponent informs the district elections official that the proponent elects to have a petition circulated pursuant to Section 109, the district elections official shall notify the Secretary of State, who shall do all of the following:

- (1) Post the text of the petition on the Secretary of State's internet website.
- (2) Post the arguments described in paragraph (2) of subdivision (a) of Section 109 on the Secretary of State's internet website.
- (3) Enable a voter to provide necessary identifying information and electronically sign the petition on the Secretary of State's internet website.
- (4) Post an ongoing tally of the total number of signatures received pursuant to this section on the Secretary of State's internet website.
- (5) On an ongoing basis during the circulation period for the petition, provide the proponent with a list of individuals who signed the petition electronically.*

(c) Notwithstanding Section 9307 or any other law, an electronic signature submitted pursuant to this section is not required to be accompanied by an affidavit signed by the circulator.

**SEC. 9.** Section 9311.5 is added to the Elections Code, to read:

**9311.5.** (a) Upon the close of the circulation period for a petition circulated pursuant to Section 9304.7, the district elections official shall do both of the following:

- (1) Request the electronic signature data from the Secretary of State.
- (2) Examine the signatures and determine the total number of valid signatures submitted by voters who electronically signed the petition.

*(b) For purposes of determining whether the total number of registered voters who have signed the petition meets or exceeds the minimum number necessary for the measure to qualify for the ballot, the district elections official shall add the total number of valid electronic signatures determined pursuant to subdivision (a) to the total number of written signatures affixed to a hard copy section of the same petition determined pursuant to Section 9308.*

(c) (1) If the district elections official finds the petition to be insufficient, the district elections official shall take no further action on the petition.

(2) If the district elections official finds the petition 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.

**SEC. 10.** Section 11042.1 is added to the Elections Code, to read:

**11042.1.** (a) A recall petition that satisfies the requirements of Section 11042 may be circulated pursuant to the system established under Section 109.

(b) If a proponent informs the Secretary of State that the proponent elects to circulate a petition pursuant to Section 109, the Secretary of State shall do all of the following:

(1) Post the text of the petition on the Secretary of State's internet website.

(2) Post the statement of the reasons for recall and the answer to that statement on the Secretary of State's internet website.

(3) Enable a voter to provide necessary identifying information and electronically sign the petition on the Secretary of State's internet website.

(4) Post an ongoing tally of the total number of signatures received pursuant to this section on the Secretary of State's internet website.

*(5) On an ongoing basis during the circulation period for the petition, provide the proponent with a list of individuals who signed the petition electronically.*

(c) Notwithstanding Section 11046 or any other law, an electronic signature submitted pursuant to this section is not required to be accompanied by an affidavit or declaration signed by the circulator.

**SEC. 11.** Section 11108.5 is added to the Elections Code, to read:

**11108.5.** (a) Immediately after the deadline for submission of all signatures for a recall petition circulated pursuant to Section 11042.1, the Secretary of State shall verify the signatures and determine the total number of valid signatures submitted by voters who ~~electrically~~ *electronically* signed the petition.

*(b) For purposes of determining whether the total number of registered voters who have signed the petition meets or exceeds the minimum number necessary for the measure to qualify for the ballot, the Secretary of State shall add the total number of valid electronic signatures determined pursuant to subdivision (a) to the total number of written signatures affixed to a hard copy section of the same petition determined pursuant to Section 11106.*

**SEC. 12.** Section 11228 is added to the Elections Code, to read:

**11228.** (a) Immediately after the deadline for submission of all signatures for a recall petition circulated pursuant to Section 11042.1, the elections official shall do both of the following:

(1) Request the electronic signature data from the Secretary of State.

(2) Examine the signatures and determine the total number of valid signatures submitted by voters who electronically signed the petition.

*(b) For purposes of determining whether the total number of registered voters who have signed the petition meets or exceeds the minimum number necessary for the measure to qualify for the ballot, the elections official shall add the total number of valid electronic signatures determined pursuant to subdivision (a) to the total number of written signatures affixed to a hard copy section of the same petition determined pursuant to Section 11222.*

~~(b)~~

(c) (1) If the elections official finds the petition to be insufficient, the elections official shall take no further action on the petition.

(2) If the elections official finds the petition to be sufficient, the elections official shall submit the elections official's certificate as to the sufficiency of the petition to the governing body at its next regular meeting.

**SEC. 13.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division

