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AB-1188 Elections: statewide initiative and referendum petitions: disclosures. (2025-2026)

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AMENDED IN ASSEMBLY MAY 05, 2025

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 1188

Introduced by Assembly Member Ortega

February 21, 2025

An act to amend Sections 101, 9020, and 9051 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1188, as amended, Ortega. Elections: statewide initiative and referendum petitions: disclosures.

Existing law requires the inclusion of an Official Top Funders disclosure with any petition proposing certain types of ballot measures, including a state initiative or referendum, for which the circulation is paid for by a committee, as defined. Existing law requires a petition to include a notice informing a person to sign only if it is the same month for which the Official Top Funders disclosure is applicable or if the person has seen the disclosure for that month.

This bill would require a state initiative or referendum petition to also include a notice informing a person to sign only if they have reviewed the Official Top Funders disclosure. The bill would require each section of a state initiative or referendum petition to include a space for signers to ~~initial~~ *check a box* to confirm that they have read the Official Top Funders disclosure.

Under existing law, the ballot label for a statewide measure contains a condensed version of the ballot title and summary prepared by the Attorney General, including a fiscal impact summary prepared by the Legislative Analyst, followed by a listing of the names of the measure's supporters and opponents. *Existing law requires a committee primarily formed to support or oppose a state ballot measure or state candidate that raises \$1,000,000 or more for an election to disclose the committee's top 10 contributors on the Fair Political Practices Commission's website, until the Secretary of State certifies a particular online filing and disclosure system, at which point the contributors would be disclosed on the Secretary of State's website.*

~~This bill would require certain additional information to be printed on the ballot immediately following the names of the measure's supporters and opponents, including the names of any committee that paid for the circulation of the petition or formed to advocate in support of, or opposition to, the measure, the names of top contributors, and a QR code or web address that provides access to the Official Top Funders disclosure.~~

This bill would require the 3 largest contributors to all committees formed in support of a statewide initiative or referendum measure, the 3 largest contributors to all committees formed in opposition to the measure, and the address for the website identifying committees' top 10 contributors to also be printed on the ballot immediately following the names of the measure's supporters and opponents. The Secretary of State would be required to make a copy of the top contributors available for public examination prior to printing that information on ballots, and voters would be authorized to seek a writ of mandate requiring the identified contributors to be amended or deleted.

The bill would apply its provisions only to proposed statewide initiative or statewide referendum measures for which the Attorney General delivers a circulating title and summary to the proponents on or after the effective date of the bill. To the extent the bill would increase the duties of county elections officials relative to examining initiative and referendum petitions and printing ballots, it 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 101 of the Elections Code is amended to read:

101. (a) Notwithstanding any other law, a state or local initiative, referendum, or recall 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 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 state 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."

(c) Notwithstanding any other law, a state initiative or referendum petition shall contain, immediately following the language described in paragraph (2) of subdivision (a), the following language, in order:

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

(2) Next shall appear, on a separate horizontal line, the text "SIGN ONLY IF YOU REVIEWED THE OFFICIAL TOP FUNDERS ~~BOX ON THIS PAGE.~~ DISCLOSURE FOR THIS PETITION." This text shall be in a boldface type.

SEC. 2. Section 9020 of the Elections Code is amended to read:

9020. (a) (1) The petition sections shall be designed so that each signer shall personally affix all of the following:

(A) The signer's signature.

(B) The signer's printed name.

(C) 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.

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

(E) 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.

(2) For a statewide initiative or statewide referendum measure, in addition to the requirements of paragraph (1), the petition sections shall be designed so that ~~each signer shall personally affix both of the following:~~ *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 disclosure associated with this petition."*

~~(A) The date the petition is signed.~~

~~(B) The signer's initials immediately preceding the following statement: "BY INITIALING HERE, I confirm that I have reviewed the Official Top Funders included with this petition."~~

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

(c) The number of signatures attached to each section shall be at the pleasure of the person soliciting the signatures.

SEC. 3. Section 9051 of the Elections Code is amended to read:

9051. (a) (1) The ballot title and summary may differ from the legislative, circulating, or other title and summary of the measure and shall not exceed 100 words, not including the fiscal impact statement.

(2) The ballot title and summary shall include a summary of the Legislative Analyst's estimate of the net state and local government fiscal impact prepared pursuant to Section 9087 of this code and Section 88003 of the Government Code.

(b) (1) The condensed ballot title and summary for a statewide initiative measure, or measure proposed by the Legislature, shall not contain more than 75 words and shall be a condensed version of the ballot title and summary including the financial impact summary prepared pursuant to Section 9087 of this code and Section 88003 of the Government Code.

(2) The condensed title and summary for a statewide referendum measure shall not contain more than 75 words, including the ballot title that shall be in the form of a question as specified in Section 303.1.

(c) (1) The ballot label for a statewide initiative measure, or measure proposed by the Legislature, shall include the condensed ballot title and summary described in paragraph (1) of subdivision (b), followed by the following:

(A) After the text "Supporters:", a listing of nonprofit organizations, businesses, or individuals taken from the signers or the text of the argument in favor of the ballot measure printed in the state voter information guide. The list of supporters shall not exceed 125 characters in length. Each supporter shall be separated by a semicolon. A nonprofit organization, business, or individual shall not be listed unless they support the ballot measure.

(B) After the text "Opponents:", a listing of nonprofit organizations, businesses, or individuals taken from the signers or the text of the argument against the ballot measure printed in the state voter information guide. The list of opponents shall not exceed 125 characters in length. Each opponent shall be separated by a semicolon. A nonprofit organization, business, or individual shall not be listed unless they oppose the ballot measure.

(C) A supporter or opponent shall not be listed pursuant to subparagraph (A) or (B) unless it is one of the following:

(i) A nonprofit organization that was not originally created as a committee described in Section 82013 of the Government Code, that has been in existence for at least four years, and that, during the four-year period prior to the time that the organization is listed pursuant to subparagraph (A) or (B), either has received contributions from more than 500 donors or has had at least one full-time employee.

(ii) A business that has been in existence for at least four years and that has had at least one full-time employee during the four-year period prior to the time that the organization is listed pursuant to subparagraph (A) or (B).

(iii) A current or former elected official, who may be listed with the official's title (e.g., "State Senator Mary Smith," "Assembly Member Carlos Garcia," or "former Eureka City Council Member Amy Lee"). These titles may be shortened (e.g. "Senator" or "Sen." for "State Senator" or "Asm." for "Assembly Member").

(iv) An individual who is not a current or former elected official may be listed only with the individual's first and last name and an honorific (e.g., "Dr.," "M.D.," "Ph.D.," or "Esquire"), with no other title or designation, unless it is a title

representing a nonprofit organization or business that meets the requirements of clause (i) or (ii) and that is eligible to be listed under subparagraph (A) if the individual supports the ballot measure or under subparagraph (B) if the individual opposes the ballot measure.

(D) Spaces, commas, semicolons, and any other characters count towards the 125-character limit in subparagraphs (A) and (B).

(E) A supporter or opponent shall not be listed pursuant to subparagraph (A) or (B) if the supporter or opponent is a political party or is representing a political party.

(F) The name of a nonprofit organization or business included in the list of supporters and opponents as required by this subdivision may be shortened by the proponents or opponents who submit it using acronyms, abbreviations, or by leaving out words in the entity's name, as long as doing so would not confuse voters with another well-known organization or business that did not take the same position on the ballot measure (e.g., "Hot Air Balloon Flyers of Montana Education Fund" may be shortened to "Hot Air Balloons Montana").

(G) Supporters and opponents listed on the ballot label pursuant to subparagraph (A) or (B) shall be added as text after the condensed ballot title and summary and shall be separated by semicolons. Supporters and opponents need not be displayed on separate horizontal lines on the ballot. If no list of supporters is provided by the proponents or there are none that meet the requirements of this section, then "Supporters:" shall be followed by "None submitted." If no list of opponents is provided by the opponents or there are none that meet the requirements of this section, then "Opponents:" shall be followed by "None submitted."

(H) If the ballot emphasizes the text "Supporters:" or "Opponents:" by use of boldface font, underlining, or any other method that differentiates that text from the list of supporters or opponents that follow, the text "Supporters:" or "Opponents:" may be displayed with only the initial letter capitalized. If that text is not emphasized, then each letter of that text shall be capitalized.

(I) If including the list of Supporters and Opponents in the ballot labels as required by this section would necessitate the printing of an extra ballot card compared to the ballot labels not including them, the type size of the part of all of the ballot labels starting with "Supporters:" may be reduced by the minimal amount needed to stop them from necessitating an extra ballot card, as long as the type size is no smaller than 8-point and as long as the type size is reduced by the same amount for all ballot measures.

(2) (A) The proponents of a statewide initiative measure or measure proposed by the Legislature, or, commencing January 1, 2025, the supporters of the statute subject to a statewide referendum, shall provide the list of supporters described in subparagraph (A) of paragraph (1) to the Secretary of State when submitting the arguments supporting the ballot measure.

(i) For every supporter listed that is a nonprofit organization, a business, or an individual whose title includes a nonprofit organization or business, the supporters shall include a signed statement by a representative of the nonprofit organization or business, under penalty of perjury, that includes its name and business address and that attests (I) that the nonprofit organization or business supports the measure, (II) that the nonprofit organization or business has been in existence for at least four years, (III) that the nonprofit organization or business has had at least one full-time employee for the last four years, or, if it is a nonprofit organization, that it has had at least 500 donors in the last four years, and (IV) that it was not originally created as a committee described in Section 82013 of the Government Code.

(ii) For every supporter listed that is an individual, the proponents shall include a signed statement by the individual that includes the individual's name and address and attests that the individual supports the measure.

(B) The opponents of a statewide initiative measure or measure proposed by the Legislature, or, commencing January 1, 2025, the opponents of the statute subject to a statewide referendum, shall provide the list of opponents described in subparagraph (B) of paragraph (1) to the Secretary of State when submitting the arguments opposing the ballot measure.

(i) For every opponent listed that is a nonprofit organization, a business, or an individual whose title includes a nonprofit organization or business, the opponents shall include a signed statement by a representative of the nonprofit organization or business, under penalty of perjury, that includes its name and business address and that attests (I) that the nonprofit organization or business opposes the measure, (II) that the nonprofit organization or business has been in existence for at least four years, (III) that the nonprofit organization or business has had at least one full-time employee for the last four years, or, if it is a nonprofit organization, that it has had at least 500 donors in the last four years, and (IV) that it was not originally created as a committee described in Section 82013 of the Government Code.

(ii) For every opponent listed that is an individual, the opponents shall include a signed statement by the individual that includes the individual's name and address and attests that the individual opposes the measure.

(C) In order to enable the Secretary of State to determine whether the nonprofit organizations and businesses listed in the supporters or opponents have been in existence for at least four years, the proponents and opponents shall submit with the list of supporters and opponents described in subparagraphs (A) and (B) a certified copy of the articles of incorporation, articles of organization, or similar document for each nonprofit organization or business on the list that verifies that the nonprofit organization or business has been in existence for at least four years.

(D) The Secretary of State shall confirm that a submission listing supporters or opponents includes the documentation required by subparagraphs (A) through (C) and otherwise meets the requirements of this section. The Secretary of State shall ask the proponents or opponents to resubmit a list if the requirements are not met. The Secretary of State may establish deadlines by when proponents or opponents must resubmit a list and any other documents required by the Secretary of State to meet the deadline in subdivision (b) of Section 9050.

(d) (1) Commencing January 1, 2025, the ballot label for a statewide referendum measure shall include the condensed title and summary described in paragraph (2) of subdivision (b), followed by a listing of the names of supporters and opponents in the ballot arguments printed in the state voter information guide as described in subdivision (c).

(2) For purposes of subparagraph (A) of paragraph (1) of subdivision (c), "Supporters" shall be listed on the ballot label as "Supporters of the law" for statewide referendum measures.

(3) For purposes of subparagraph (B) of paragraph (1) of subdivision (c), "Opponents" shall be listed on the ballot label as "Opponents of the law" for statewide referendum measures.

(e) (1) (A) The Secretary of State shall identify the three contributors with the largest amounts of cumulative contributions to all committees formed pursuant to Section 82013 of the Government Code that formed to advocate in support of a statewide initiative or statewide referendum measure and that paid for the circulation of the statewide initiative or statewide measure.

(B) The Secretary of State shall identify the three contributors with the largest amounts of cumulative contributions to all committees formed pursuant to Section 82013 of the Government Code that formed in opposition to a statewide initiative or statewide referendum measure.

~~(e)(1)~~

(2) For a statewide initiative or statewide referendum measure, all of the following shall be printed immediately following the text described in subdivision (c):

~~(A) The names of any committees formed pursuant to Section 82013 of the Government Code that paid for the circulation of the statewide initiative or statewide referendum measure. The name of the committee shall be printed as it appears on the most recent statement of organization filed pursuant to Section 84101 of the Government Code.~~

~~(B) The names of any committees formed pursuant to Section 82013 of the Government Code that formed to advocate in support of or in opposition to the statewide initiative or statewide referendum measure. The name of the committee shall be printed as it appears on the most recent statement of organization filed pursuant to Section 84101 of the Government Code.~~

~~(C) If the committees have any top contributors as defined in subdivision (c) of Section 84501 of the Government Code, the name of the committee shall be followed by a blank horizontal line and then the underlined text "Committee major funding in support from:" or "Committee major funding in opposition 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 text "Latest Official Top Funders:" followed by either (i) a QR code with 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) of Section 107, or (ii) the web address for the internet website described in subdivision (c) of Section 107.~~

(A) The underlined text "Top Funders in Support as of [insert date on which Secretary of State made determination of top funders]" followed by the names of the three contributors identified in subparagraph (A) of paragraph (1).

(B) The underlined text "Top Funders in Opposition as of [insert date on which Secretary of State made determination of top funders]" followed by the names of the three contributors identified in subparagraph (B) of paragraph (1).

(C) The text "Latest Official Top Funders:" followed by the web address for the internet website described in Section 84223 of the Government Code.

(3) The contributors printed pursuant to subparagraphs (A) and (B) of paragraph (2) shall be disclosed on a separate horizontal line separate from any other text, in descending order, beginning with the top contributor who made the largest cumulative contributions.

~~(2)~~

(4) The text required to be printed pursuant to this subdivision does not count toward the 75-word limit for the condensed title and summary.

(5) The Secretary of State shall make a copy of the top contributors identified pursuant to paragraph (1) available for public examination prior to the printing of that information on any ballot, in the same manner and at the same time as the public examination period for the condensed title and summary pursuant to Section 13282. A voter may seek a writ of mandate requiring the identified contributors, or a portion thereof, to be amended or deleted. The provisions set forth in Section 9092 concerning the issuance of the writ and the nature of the proceedings shall be applicable to this section.

(f) In providing the ballot title and summary, the Attorney General shall give a true and impartial statement of the purpose of the measure in such language that the ballot title and summary shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure.

(g) The Attorney General shall invite and consider public comment in preparing each ballot title and summary.

SEC. 4. This act applies only to a proposed statewide initiative or statewide referendum measure for which the official summary date, as that term is defined in Section 336 of the Elections Code, occurs on or after the effective date of this act.

SEC. 5. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 6. 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 4 of Title 2 of the Government Code.