

ASSEMBLY BILL

No. 1914

Introduced by Assembly Member Torrico

February 8, 2008

An act to add Sections 18604 and 18605 to the Elections Code, relating to initiatives.

LEGISLATIVE COUNSEL'S DIGEST

AB 1914, as introduced, Torrico. Initiatives, referendum, and recall petitions.

(1) Existing law provides that it is a misdemeanor for a person circulating an initiative, referendum, or recall petition, to intentionally misrepresent or make any false statement concerning the contents or purported effect of the initiative, referendum, or recall petition to obtain a signature or to make any false statement with regard to whether the circulator is a paid signature gatherer or volunteer.

This bill would provide that if a person is found guilty of violating these provisions, the signatures obtained by that person shall be deemed invalid. The bill would require the proponent of the initiative, referendum, or recall petition to notify the signer of the petition, by either first class mail or telephone, that the signature of the signer is invalid and specify the reason why the signature is invalid.

(2) Existing law also makes it a misdemeanor for any person working for the proponent or proponents of an initiative, referendum, or recall petition to refuse to allow a prospective signer to read the measure or petition, to obscure the summary of the measure, or to offer or give money or other valuable consideration in exchange for a signature.

The bill would provide that if a proponent of a statewide initiative, referendum, or recall petition has knowledge of a violation relating to

the circulation of a statewide initiative, referendum, or recall petition committed by a person obtaining signatures on the proponent’s petition, and the proponent fails to notify the Secretary of State, the proponent of the petition would be subject to a civil penalty up to \$1,000. The bill would require the Attorney General to enforce the provisions regarding the civil penalty.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18604 is added to the Elections Code, to
2 read:

3 18604. When a person is found guilty of a misdemeanor
4 pursuant to Section 18600, both of the following shall apply:

5 (a) The signatures obtained by that person shall be deemed
6 invalid.

7 (b) The proponent or proponents of a statewide initiative,
8 referendum, or recall petition shall notify the signer, by either first
9 class mail or telephone, that the signature of the signer is deemed
10 invalid and the reason why the signature is deemed invalid.

11 SEC. 2. Section 18605 is added to the Elections Code, to read:

12 18605. (a) If a proponent of a statewide initiative, referendum,
13 or recall petition has knowledge of a violation of Sections 18600
14 to 18604, inclusive, committed by a person obtaining signatures
15 on the proponent’s petition, and the proponent subsequently fails
16 to provide the notice described in subdivision (b), the proponent
17 of the petition shall be subject to a civil penalty in an amount not
18 exceeding one thousand dollars (\$1,000).

19 (b) A proponent shall not be liable under subdivision (a) if the
20 proponent notifies the Secretary of State in writing no later than
21 one business day after the proponent obtains knowledge of a
22 potential violation. The notice shall state all of the following:

- 23 (1) That a potential violation has occurred.
- 24 (2) The nature of the potential violation.
- 25 (3) All specific information known to the proponent regarding
26 the potential violation.

27 (c) If a statewide initiative, referendum, or recall petition has
28 more than one proponent, each proponent with knowledge may
29 be held liable under subdivision (a).

1 (d) The Attorney General shall be responsible for enforcing this
2 section.

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