

AMENDED IN ASSEMBLY APRIL 5, 2011
AMENDED IN ASSEMBLY MARCH 22, 2011
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 651

Introduced by Assembly Member Hueso
(~~Coauthor: Assembly Member~~ *Coauthors: Assembly Members Block*
***and Solorio*)**

(Coauthor: Senator Vargas)

February 16, 2011

An act to add ~~Sections 101.5 and~~ *Section* 9023 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 651, as amended, Hueso. Initiatives: paid circulators.

Existing law regulates the process of proposing initiative measures to the people and sets forth qualifications for persons who circulate initiative petitions in the state.

~~This bill would require an individual who receives compensation to circulate an initiative, referendum, or recall petition to wear a clearly visible badge on his or her chest stating, in no smaller than 30-point type, the name of his or her employer and would make a violation of this requirement an infraction punishable by a fine of not more than \$500.~~

This bill would ~~also~~ require a firm that engages in the business of paying individuals to circulate petitions and gather signatures for state or local ballot initiatives to register with the Secretary of State and pay a registration fee to be established by the Secretary of State. The bill would require the Secretary of State to use the fees collected to maintain

a directory of these firms on its Internet Web site, as well as to defray costs associated with other requirements of the bill, as specified.

This bill also would require a member of the firm to review the law relating to obtaining petition signatures with each paid petition circulator before the paid petition circulator obtains any signatures for the firm, and to submit to the Secretary of State a statement signed by each petition circulator and the member who conducted the review that the petition circulator has received the review, as well as a copy of the training materials provided to the petition circulator in connection with the review.

~~Because this bill would create a new infraction, 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 no reimbursement is required by this act for a specified reason.~~

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

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

1 ~~SECTION 1. Section 101.5 is added to the Elections Code, to~~
2 ~~read:~~

3 ~~101.5. (a) An individual who receives compensation to~~
4 ~~circulate an initiative, referendum, or recall petition shall identify~~
5 ~~himself or herself as a paid signature gatherer by wearing a clearly~~
6 ~~visible badge on his or her chest stating "EMPLOYED BY"~~
7 ~~followed by the name of the employer. The lettering on the badge~~
8 ~~shall be in at least 30-point type.~~

9 ~~(b) A violation of this section is an infraction punishable by a~~
10 ~~fine of not more than five hundred dollars (\$500).~~

11 ~~SEC. 2.~~

12 ~~SECTION 1. Section 9023 is added to the Elections Code, to~~
13 ~~read:~~

14 ~~9023. (a) For purposes of this section, a "professional petition~~
15 ~~firm" means an entity that pays individuals to circulate petitions~~
16 ~~and gather signatures for the purpose of qualifying an initiative~~
17 ~~for a state or local election ballot.~~

1 (b) A professional petition firm shall register annually with the
2 Secretary of State to engage in the business of paying individuals
3 to circulate petitions and collect signatures in order to qualify an
4 initiative for a state or local election ballot. Registration
5 information shall include the full name, address, and partners,
6 owners, or officers of the firm. The registering firm shall pay a
7 registration fee to be established by the Secretary of State in an
8 amount no greater than each payor's proportionate share of the
9 costs to the Secretary of State for the Secretary of State's
10 implementation of this section.

11 (c) The Secretary of State shall use the registration fees specified
12 in subdivision (b) to maintain on its Internet Web site a directory
13 of professional petition firms and to defray any other costs
14 associated with its requirements as described in this section.

15 (d) A member of a professional petition firm shall review the
16 law relating to obtaining petition signatures, including prohibitions,
17 with each paid petition circulator, individually or in a group, before
18 the paid petition circulator obtains any signatures for the firm. A
19 copy of the training materials provided to the paid circulators shall
20 be submitted by the firm to the Secretary of State. A statement,
21 signed by a paid petition circulator and the individual who
22 conducted the review, that the paid petition circulator has received
23 the review required by this subdivision of the relevant law relating
24 to obtaining petition signatures, shall be submitted by the
25 professional petition firm to the Secretary of State.

26 (e) Nothing in this section shall abridge or restrict the provisions
27 of Section 9021.

28 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
29 ~~Section 6 of Article XIII B of the California Constitution because~~
30 ~~the only costs that may be incurred by a local agency or school~~
31 ~~district will be incurred because this act creates a new crime or~~
32 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
33 ~~for a crime or infraction, within the meaning of Section 17556 of~~
34 ~~the Government Code, or changes the definition of a crime within~~
35 ~~the meaning of Section 6 of Article XIII B of the California~~
36 ~~Constitution.~~