

AMENDED IN ASSEMBLY MAY 13, 2014
AMENDED IN ASSEMBLY MARCH 28, 2014
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2093

Introduced by Assembly Member Grove

February 20, 2014

An act to amend Section 9014 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2093, as amended, Grove. Petitions: filings.

Existing law provides that an initiative or referendum measure may be proposed by filing with elections officials a petition signed by a specified number of voters. Under existing law, the proponents of an initiative measure have 150 days to gather signatures and file the initiative petition, and the proponents of a referendum measure have 90 days to gather signatures and file the referendum petition. Under existing law generally, when the last day to perform an act falls on a holiday, the time in which to perform that act is extended to the next business day.

This bill would specify that, if the final day to file an initiative or referendum petition falls on a holiday, as defined, the petition may be filed with the county elections official on the next business day.

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Under the California Constitution, an initiative or referendum
4 measure may be proposed by presenting to the Secretary of State
5 a petition containing a specified number of signatures. The
6 California Constitution requires that a petition for a referendum
7 measure be submitted within 90 days of the date of enactment of
8 the statute that is the subject of the referendum, and state law
9 requires that a petition for an initiative measure be submitted within
10 150 days of the date of the circulating title and summary furnished
11 by the Attorney General.

12 (b) In some instances, the final day to submit an initiative or
13 referendum petition falls on a holiday, when the offices of state
14 and county elections officials are closed. In those circumstances,
15 the proponents of an initiative or referendum measure are faced
16 with the choice of either submitting the petition prior to the holiday,
17 in which case the period to gather signatures would be reduced,
18 or submitting the petition after the holiday, in which case the
19 proponents would risk rejection of the petition as untimely.

20 (c) While the California Constitution specifies a period of 90
21 days to gather signatures for a referendum measure, it gives no
22 guidance as to how to construe the 90-day period in those instances
23 in which the final day falls on a holiday.

24 (d) The courts of this state have long held that the initiative and
25 the referendum are sacred rights of the people and provisions of
26 law shall be liberally construed to give full effect to the powers of
27 initiative and referendum.

28 (e) The framers of the California Constitution did not intend
29 that the powers of initiative and referendum should be frustrated
30 by the mere happenstance that the final day to submit a petition
31 falls on a holiday.

32 (f) It is a general and well-accepted rule of law that, when the
33 last day to perform an act falls on a holiday, the time in which to
34 perform that act is extended to the next business day.

35 (g) It is the intent of the Legislature in enacting this act to
36 preserve the people's rights of initiative and referendum by
37 clarifying that, in those instances in which the final day to submit
38 a petition falls on a holiday, the proponents of the initiative or

1 referendum measure may submit the petition on the next business
2 day following the holiday.

3 SEC. 2. Section 9014 of the Elections Code is amended to read:

4 9014. (a) A petition for a proposed initiative or referendum
5 measure shall not be circulated for signatures prior to the official
6 summary date.

7 (b) Subject to subdivision (d), a petition with signatures for a
8 proposed initiative measure shall be filed with the county elections
9 official not later than 150 days from the official summary date,
10 and a county elections official shall not accept a petition for the
11 proposed initiative measure after that period.

12 (c) Subject to subdivision (d), a petition for a proposed
13 referendum measure shall be filed with the county elections official
14 not later than 90 days from the date the legislative bill was
15 chaptered by the Secretary of State, and a county elections official
16 shall not accept a petition for the proposed referendum measure
17 after that period.

18 (d) If the last day to file a petition pursuant to subdivision (b)
19 or (c) is a holiday, as defined in Chapter 7 (commencing with
20 Section 6700) of Division 7 of Title 1 of the Government Code,
21 the petition may be filed with the county elections official on the
22 next business day. ~~However, a petition filed pursuant to this
23 subdivision shall not be circulated after the petition filing deadline
24 specified in subdivision (b) or (c), and a signature obtained after
25 that deadline shall not be valid.~~

26 SEC. 3. *This act shall not be construed to affect any matter*
27 *pending in the courts of this state on the date this act is enacted.*