

Introduced by Senator GalgianiFebruary 11, 2013

An act to amend Sections 102, 104, 6106, 6108, 6363, 6365, 6584, 6586, 6587, 6784, 6786, 6787, 8041, 8066, 8106, 8409, 8451, 9021, 9022, 9209, 9237, 9238, 9305, 9307, 10220, 10226, 11045, and 11046 of, and to add Section 102.5 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 213, as introduced, Galgiani. Election petitions: circulators.

(1) Existing law generally prohibits the circulation of initiative, referendum, and recall petitions and nominating papers by a person who is not a resident of the state.

This bill would authorize a person to circulate a petition or nominating paper if the person is at least 18 years of age and either is a resident of the state or has filed with the Secretary of State an irrevocable consent that suits and actions arising out of or in connection with the petition or nominating paper may be commenced against him or her in any court of competent jurisdiction in this state by the service on the Secretary of State of any summons, process, or pleadings authorized by law. The bill would require a circulator to certify under penalty of perjury that the circulator is 18 years of age or older and that the circulator has irrevocably consented to suits, actions, and service of process, if not a resident of the state. By expanding the crime of perjury, the bill would impose a state-mandated local program. The bill would make conforming changes to various provisions of existing law.

(2) 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.

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

1 SECTION 1. Section 102 of the Elections Code is amended to
2 read:

3 102. A person who is a voter or who is qualified to register to
4 vote in this state may *shall not* circulate an a state or local initiative
5 or, referendum, or recall petition in accordance with this code. A
6 person who is a voter may circulate a recall petition in accordance
7 with this code or nominating paper unless the person is 18 years
8 of age or older and either a resident of the state or a nonresident
9 who has met the requirements of Section 102.5.

10 SEC. 2. Section 102.5 is added to the Elections Code, to read:

11 102.5. (a) Before circulating a state or local initiative,
12 referendum, or recall petition or nominating paper, a person who
13 does not reside in this state shall file with the Secretary of State
14 an irrevocable consent that suits and actions arising out of or in
15 connection with the petition or nominating paper may be
16 commenced against him or her in any court of competent
17 jurisdiction in this state by the service on the Secretary of State of
18 any summons, process, or pleadings authorized by the laws of the
19 state. This consent shall stipulate that the service of summons,
20 process, or pleadings on the Secretary of State shall be taken and
21 held in all courts to be as valid and binding as if due service had
22 been made upon the circulator personally in the state.

23 (b) If the Secretary of State is served with a summons, process,
24 or pleadings pursuant to subdivision (a), the Secretary of State
25 shall immediately cause a copy of the documents served to be
26 forwarded by certified mail addressed to the circulator at the
27 circulator's last known address. Notwithstanding any other
28 provision of law, the circulator shall have not less than 40 days
29 from the date of the mailing by the Secretary of State to answer
30 the summons, process, or pleadings.

31 (c) This section does not limit the right of a person to serve any
32 summons, process, or pleadings upon the circulator in another
33 manner permitted by law.

1 SEC. 3. Section 104 of the Elections Code is amended to read:

2 104. (a) Wherever any petition or paper is submitted to the
3 elections official, each section of the petition or paper shall have
4 attached to it a declaration signed by the circulator of the petition
5 or paper, setting forth, in the circulator's own hand, the following:

6 (1) The printed name of the circulator.

7 (2) The residence address of the circulator, giving street and
8 number, or if no street or number exists, adequate designation of
9 residence so that the location may be readily ascertained.

10 (3) The dates between which all the signatures to the petition
11 or paper were obtained.

12 (b) Each declaration submitted pursuant to this section shall
13 also set forth the following:

14 (1) That the circulator circulated that section and witnessed the
15 appended signatures being written.

16 (2) That according to the best information and belief of the
17 circulator, each signature is the genuine signature of the person
18 whose name it purports to be.

19 (3) *That the circulator is 18 years of age or older.*

20 (4) *If the circulator is not a resident of the state, that the*
21 *circulator has irrevocably consented to suits, actions, and service*
22 *of process in the state pursuant to Section 102.5.*

23 (c) The circulator shall certify to the content of the declaration
24 as to its truth and correctness, under penalty of perjury under the
25 laws of the State of California, with the signature of his or her
26 name. The circulator shall state the date and the place of execution
27 on the declaration immediately preceding his or her signature.

28 SEC. 4. Section 6106 of the Elections Code is amended to read:

29 6106. Each section shall be prepared with the lines for
30 signatures numbered, and shall have attached the affidavit of the
31 circulator who obtained signatures to it, ~~stating that all the~~
32 ~~signatures to the attached section were made in his or her presence,~~
33 ~~and that to the best of his or her knowledge and belief each~~
34 ~~signature to the section is the genuine signature of the person whose~~
35 ~~name it purports to be~~ *which shall meet all of the requirements of*
36 *Section 104.* No other affidavit is required. The affidavit of any
37 circulator shall be verified free of charge by any officer authorized
38 to administer oaths.

39 SEC. 5. Section 6108 of the Elections Code is amended to read:

1 6108. The nomination paper for the presidential primary ballot
2 shall be in substantially the following form:

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SECTION OF NOMINATION PAPER SIGNED BY VOTER ON
BEHALF OF A PRESIDENTIAL CANDIDATE OR
UNCOMMITTED DELEGATE

Section _____ Page _____

10 County of _____. Nomination paper of a candidate or uncommitted
11 delegation for the presidential primary ballot.

12
13
14

State of California }
County of _____ } ss.

15
16

SIGNER'S STATEMENT

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23

I, the undersigned, am a voter of the County of _____, State of California,
and am registered as affiliated with the Democratic Party. I hereby nominate
_____ for the presidential primary to be held on the _____ day of _____, 20___. I
have not signed the nomination paper of any other candidate or uncommitted
delegation, and I further declare that I intend to support the candidate or
uncommitted delegation named herein.

24 _____
25 _____

26

Number	Signature	Printed name	Residence
29 1.	_____	_____	_____
30 2.	_____	_____	_____
31 3.	_____	_____	_____
32 etc.	_____	_____	_____

33

CIRCULATOR'S AFFIDAVIT

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I, _____, solemnly swear (or affirm) that affirm) all of the following:
1. That I am 18 years of age or older.

1 2. That I am either a resident of California or I have irrevocably consented
2 to suits, actions, and service of process in the state pursuant to Section 102.5
3 of the Elections Code.

4 3. That my residence address, including street and number, is
5 _____
6 _____.

7
8 [If no street or number exists, a designation of my residence adequate to
9 readily ascertain its location is

10 _____.]

11
12 4. That I secured signatures in the County of _____ to the
13 nomination paper of a candidate or uncommitted delegation for the presidential
14 primary ballot named in the signer’s statement above; that all the signatures
15 on this section of the nomination paper numbered from 1 to ____, inclusive,
16 were made in my presence, and that to the best of my knowledge and belief
17 each signature is the genuine signature of the person whose name it purports
18 to be. The signatures were obtained between _____, 20____, and
19 _____, 20____.

20 (Signed) _____
21 _____
22 Circulator

23 Subscribed and sworn to before me this ____ day of ____, 20____.

24 (SEAL) _____
25 Notary Public (or other official)

26 SEC. 6. Section 6363 of the Elections Code is amended to read:
27 6363. Each section shall be prepared with the lines for
28 signatures numbered, and shall have attached the affidavit of the
29 circulator who obtained signatures to it, ~~stating that all the~~
30 ~~signatures to the attached section were made in his or her presence,~~
31 ~~and that to the best of his or her knowledge and belief each~~
32 ~~signature to the section is the genuine signature of the person whose~~
33 ~~name it purports to be it, which shall meet all of the requirements~~
34 ~~of Section 104.~~ No other affidavit is required. The affidavit of any
35 circulator shall be verified free of charge by any officer authorized
36 to administer oaths.

37 SEC. 7. Section 6365 of the Elections Code is amended to read:
38 6365. The nomination paper for a candidate shall be in
39 substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON BEHALF OF CANDIDATE

Section _____ Page _____

County of _____. Nomination paper for _____ as presidential nominee of the Republican Party.

State of California }
County of _____ } ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of _____, State of California, and am registered as intending to affiliate with the Republican Party. I have not signed the nomination paper of any other candidates for the same office, and further declare that I intend to support the nomination of the candidate named herein at the Republican Party presidential primary to be held on the _____ day of _____, 20____.

Table with 4 columns: Number, Signature, Printed name, Residence. Includes numbered rows 1-4 and an 'etc.' row.

CIRCULATOR'S AFFIDAVIT

I, _____, solemnly swear (or affirm) that affirm) all of the following:
1. That I am 18 years of age or older.
2. That I am either a resident of California or I have irrevocably consented to suits, actions, and service of process in the state pursuant to Section 102.5 of the Elections Code.
3. That my residence address, including street and number, is

1 *[If no street or number exists, a designation of my residence adequate to*
2 *readily ascertain its location is*

3
4 _____.]

5 4. That I secured signatures in the County of _____ to the nomination
6 paper of the candidate named in the signer’s statement above as candidate for
7 nomination by the Republican Party at its presidential primary election; that
8 all the signatures on this section of the nomination paper numbered from 1 to
9 _____, inclusive, were made in my presence, that the signatures were
10 obtained between _____, 20__, and _____, 20__, and that
11 to the best of my knowledge and belief each signature is the genuine signature
12 of the person whose name it purports to be.

13
14 (Signed) _____
15 Circulator

16 Subscribed and sworn to before me this _____ day of _____,
17 20 ____.

18 _____
19 (SEAL) Notary Public (or other official)

20
21 SEC. 8. Section 6584 of the Elections Code is amended to read:
22 6584. Each section shall be prepared with the lines for
23 signatures numbered, and shall have attached the affidavit of the
24 circulator who obtained signatures to it, ~~stating, under penalty of~~
25 ~~perjury, that all the signatures to the attached section were made~~
26 ~~in his or her presence, and that to the best of his or her knowledge~~
27 ~~and belief each signature to the section is the genuine signature of~~
28 ~~the person whose name it purports to be it, which shall meet all of~~
29 *the requirements of Section 104.* No other affidavit is required.

30 SEC. 9. Section 6586 of the Elections Code is amended to read:
31 6586. The nomination paper for a candidate for the presidential
32 preference portion of the ballot shall be in substantially the
33 following form:

34
35 SECTION OF NOMINATION PAPER SIGNED BY VOTER ON
36 BEHALF OF PRESIDENTIAL PREFERENCE PRIMARY
37 CANDIDATE

38
39 Section _____ Page _____
40

1 County of _____. Nomination paper of a presidential preference
2 candidate for the American Independent Party presidential primary ballot.

3
4 State of California }
5 County of _____ } ss.

7 SIGNER’S STATEMENT

8
9 I, the undersigned, am a voter of the County of _____, State of
10 California, and am registered as intending to affiliate with the American
11 Independent Party. I hereby nominate _____ for the presidential
12 preference portion of the American Independent Party’s presidential primary
13 ballot, to be voted for at the presidential primary to be held on the
14 _____ day of _____, 20____. I have not signed the nomination
15 paper of any other candidate for the same office, or for any group of delegates,
16 to the national convention of the party, and I further declare that I intend to
17 support the candidate named herein.

18
19 _____

20 Number	Signature	Printed name	Residence
21 1.	_____	_____	_____
22 2.	_____	_____	_____
23 3.	_____	_____	_____
24 etc.	_____	_____	_____

26
27 CIRCULATOR’S AFFIDAVIT

28
29 I, _____, solemnly swear (or ~~affirm~~ that affirm) all of the following:
30 1. That I am 18 years of age or older.
31 2. That I am either a resident of California or I have irrevocably consented
32 to suits, actions, and service of process in the state pursuant to Section 102.5
33 of the Elections Code.
34 3. That my residence address, including street and number, is

35
36 _____.

37
38 *[If no street or number exists, a designation of my residence adequate to*
39 *readily ascertain its location is*

1 _____.]
 2 4. That I secured signatures in the County of _____ to the nomination paper
 3 of a candidate in the presidential preference primary of the American
 4 Independent Party; that all the signatures on this section of the nomination
 5 paper numbered from 1 to _____, inclusive, were made in my presence, that
 6 the signatures were obtained between _____, 20__, and _____, 20__, and that to
 7 the best of my knowledge and belief each signature is the genuine signature
 8 of the person whose name it purports to be.

9 I declare under penalty of perjury that the foregoing is true and correct.

10
 11 (Signed) _____
 12 Circulator

13
 14 SEC. 10. Section 6587 of the Elections Code is amended to
 15 read:

16 6587. The nomination paper for a group of candidates for
 17 delegates, to the national convention shall be in substantially the
 18 following form:

19
 20 SECTION OF NOMINATION PAPER SIGNED BY VOTER ON
 21 BEHALF OF GROUP OF CANDIDATES FOR DELEGATES
 22 TO NATIONAL CONVENTION

23
 24 Section _____ Page _____

25
 26 County of _____. Nomination paper of group of candidates for
 27 election as delegates by the American Independent Party pledged to the
 28 candidacy of _____ as presidential nominee or expressing no
 29 preference, as the case may be.

30
 31 State of California }
 32 County of _____ } ss.

33
 34 SIGNER'S STATEMENT

35
 36 I, the undersigned, am a voter of the County of _____, State of
 37 California, and am registered as intending to affiliate with the American
 38 Independent Party. I hereby nominate the following:
 39

	Residence			
			city	
Number	Names		or town	County
1 .	_____			
2 .	_____			
3 .	_____			
etc.	_____			

(to such number as may be required) etc., as candidates for delegates to the American Independent Party’s National Convention, to be voted for at the presidential primary to be held on the _____ day of _____, 20____. I have not signed the nomination paper of any other candidates for the same office, or of any candidate for the presidential preference portion of the primary ballot, and I further declare that I intend to support for nomination the candidates named herein.

Number	Signature	Printed name	Residence
1 .	_____	_____	_____
2 .	_____	_____	_____
3 .	_____	_____	_____
etc.	_____	_____	_____

CIRCULATOR’S AFFIDAVIT

I, _____, solemnly swear (or ~~affirm~~ that affirm) all of the following:

1. That I am 18 years of age or older.
2. That I am either a resident of California or I have irrevocably consented to suits, actions, and service of process in the state pursuant to Section 102.5 of the Elections Code.
3. That my residence address, including street and number, is

_____.

[If no street or number exists, a designation of my residence adequate to readily ascertain its location is

_____.]

1 4. That I secured signatures in the County of _____ to the nomination paper
 2 of the group of candidates named in the signer’s statement above as candidates
 3 for nomination and election by the American Independent Party as delegates
 4 to represent the State of California in the party’s next national convention; that
 5 all the signatures on this section of the nomination paper numbered from 1 to
 6 _____, inclusive, were made in my presence, that the signatures were obtained
 7 between _____, 20____, and _____, 20____, and that to the best of my knowledge and
 8 belief each signature is the genuine signature of the person whose name it
 9 purports to be.

10 I declare under penalty of perjury that the foregoing is true and correct.

11
 12 (Signed) _____
 13 Circulator

14
 15 SEC. 11. Section 6784 of the Elections Code is amended to
 16 read:

17 6784. Each section shall be prepared with the lines, for
 18 signatures numbered, and shall have attached the declaration of
 19 the circulator who obtained signatures to it, ~~stating, under penalty~~
 20 ~~of perjury, that she or he is a voter registered as affiliated with the~~
 21 ~~Peace and Freedom Party, that all the signatures to the attached~~
 22 ~~section were made in her or his presence, and that to the best of~~
 23 ~~her or his knowledge and belief each signature to the section is the~~
 24 ~~genuine signature of the person whose name it purports to be it,~~
 25 *which shall meet all of the requirements of Section 104.* No other
 26 declaration is required to be made.

27 SEC. 12. Section 6786 of the Elections Code is amended to
 28 read:

29 6786. The nomination paper for a candidate for the presidential
 30 preference portion of the ballot shall be in substantially the
 31 following form:

32
 33 SECTION OF NOMINATION PAPER SIGNED BY VOTER
 34 ON BEHALF OF PRESIDENTIAL PREFERENCE
 35 PRIMARY CANDIDATE

36
 37 Section _____ Page _____
 38 County of _____.

1 Nomination paper of a presidential preference candidate for the Peace and
2 Freedom Party presidential primary ballot.

3
4 State of California }
5 County of _____ } ss.

7 SIGNER'S STATEMENT

8
9 I, the undersigned, am a voter of the County of _____, State of California,
10 and am registered as affiliated with the Peace and Freedom Party. I hereby
11 nominate _____ for the presidential preference portion of the Peace and
12 Freedom Party's presidential primary ballot, to be voted for at the presidential
13 primary to be held on the _____ day of June, 20___. I have not signed the
14 nomination paper of any other candidate for the same office, or for any group
15 of delegates to the national convention of the _____ Party, with which the
16 Peace and Freedom Party of California is affiliated on the national level.

17 _____
18 _____

Number	Signature	Printed name	Residence street address /city
24	1. _____		
25	2. _____		
26	3. _____		
27	etc. _____		

30 CIRCULATOR'S AFFIDAVIT

31
32 I, _____, affirm that I am a voter registered as affiliated with
33 the Peace and Freedom Party in _____ County, that all of the following:
34 1. That I am 18 years of age or older.
35 2. That I am either a resident of California or I have irrevocably consented
36 to suits, actions, and service of process in the state pursuant to Section 102.5
37 of the Elections Code.
38 3. That my residence address, including street and number, is

39 _____
40 _____

1
2 *[If no street or number exists, a designation of my residence adequate to*
3 *readily ascertain its location is*

4
5 _____.]

6 4. That I secured signatures in the County of _____ to the nomination paper
7 of a candidate in the presidential preference primary of the Peace and Freedom
8 Party, that all the signatures on this section of the nomination paper numbered
9 from 1 to _____, inclusive, were made in my presence, that the signatures were
10 obtained between _____, 20_, and _____, 20_, and that to the best of my
11 knowledge and belief each signature is the genuine signature of the person
12 whose name it purports to be.

13 I declare under penalty of perjury that the foregoing is true and correct.

14
15 Executed at _____, California, this _____ day of _____, 20_.

16
17 (Signed) _____
18 Circulator

19 (Printed name) _____
20

21 SEC. 13. Section 6787 of the Elections Code is amended to
22 read:

23 6787. The nomination paper for a group of candidates for
24 delegates to the national convention shall be in substantially the
25 following form:

26
27 SECTION OF NOMINATION PAPER SIGNED BY VOTER ON
28 BEHALF OF GROUP OF CANDIDATES FOR DELEGATES
29 TO NATIONAL CONVENTION

30
31 Section _____ Page _____
32 County of _____.

33
34 Nomination paper of group of candidates for election as delegates by the
35 Peace and Freedom Party pledged to the candidacy of _____ as presidential
36 nominee, or expressing no preference, as the case may be.

37
38 State of California }
39 County of _____ } ss.
40

SIGNER'S STATEMENT

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I, the undersigned, am a voter of the County of _____, State of California, and am registered as affiliated with the Peace and Freedom Party. I hereby nominate the following:

Number	Names	Residence city or town	County
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
etc.	_____	_____	_____

(to the number as may be required) as candidates for delegate to the national convention of the _____ Party, with which the Peace and Freedom Party of California is affiliated on the national level, to be voted for at the presidential primary to be held on the _____ day of ~~March~~ *June*, 20____. I have not signed the nomination paper of any other group of candidates for delegates to the national convention or of any candidate for the presidential preference portion of the primary ballot.

Number	Signature	Printed name	Residence street address /city
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
etc.	_____	_____	_____

CIRCULATOR’S AFFIDAVIT

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I, _____, affirm ~~that I am a voter registered as affiliated with the Peace and Freedom Party in _____ County, that all of the following:~~

- 1. That I am 18 years of age or older.
- 2. That I am either a resident of California or I have irrevocably consented to suits, actions, and service of process in the state pursuant to Section 102.5 of the Elections Code.
- 3. That my residence address, including street and number, is

_____.

[If no street or number exists, a designation of my residence adequate to readily ascertain its location is

_____.]

4. That I secured signatures in the County of _____ to the nomination paper of the group of candidates named in the signer’s statement above as candidates for nomination and election by the Peace and Freedom Party as delegates to represent the Peace and Freedom Party of California in the _____ Party’s next national convention, that all the signatures on this section of the nomination paper numbered from 1 to _____, inclusive, were made in my presence, that the signatures were obtained between _____, 20__, and _____, 20__, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at _____, California, this _____ day of _____, 20__.

(Signed) _____

Circulator

(Printed name) _____

SEC. 14. Section 8041 of the Elections Code is amended to read:

8041. (a) The nomination paper shall be in substantially the following form:

NOMINATION PAPER

1 I, the undersigned signer for _____ for nomination to the office of _____,
2 to be voted for at the primary election to be held on the _____ day of _____,
3 20____, hereby assert as follows:

4 I am a resident of _____ County and registered to vote at the address shown
5 on this paper. I am not at this time a signer of any other nomination paper of
6 any other candidate for the above-named office, or in case there are several
7 places to be filled in the above-named office, I have not signed more nomination
8 papers than there are places to be filled in the above-named office. My residence
9 is correctly set forth after my signature hereto:

10
11 Name _____
12 Residence _____
13

14 (b) The affidavit of the circulator shall read as follows:

15
16 AFFIDAVIT OF THE CIRCULATOR

17
18 I, _____, solemnly swear (or ~~affirm~~) that *affirm*) all of the following:

- 19 1. That I am 18 years of age or older.
- 20 2. That I am either a resident of California or I have irrevocably consented
- 21 to suits, actions, and service of process in the state pursuant to Section 102.5
- 22 of the Elections Code.
- 23 3. That my residence address, including street and number, is

24
25 _____.

26
27 *[If no street or number exists, a designation of my residence adequate to*
28 *readily ascertain its location is*

29
30 _____.]

31 4. That the signatures on this section of the nomination paper were obtained
32 between _____, 20____, and _____, 20____; that I circulated the petition and I
33 witnessed the signatures on this section of the nomination paper being written;
34 and that, to the best of my information and belief, each signature is the genuine
35 signature of the person whose name it purports to be.

36 ~~My voting residence is _____.~~

37
38 Signed _____

39 Subscribed and sworn to before me this _____ day of _____,
40 20____.

1 (SEAL) _____
2 Notary Public (or other official)

3
4 Examined and certified by me this _____ day of _____,
5 20__.

6 _____
7 Elections Official

8
9 WARNING: Every person acting on behalf of a candidate is guilty of a
10 misdemeanor who deliberately fails to file at the proper time and in the proper
11 place any nomination paper in his or her possession which is entitled to be
12 filed under Section 18202 of the Elections Code.

13
14 (c) If the nomination paper is for a partisan office, the
15 nomination paper shall include a statement indicating the party
16 preference of the signer of the nomination paper.

17 SEC. 15. Section 8066 of the Elections Code is amended to
18 read:

19 ~~8066. Circulators shall be voters in the district or political~~
20 ~~subdivision in which the candidate is to be voted on and shall serve~~
21 ~~only in that district or political subdivision meet the requirements~~
22 ~~of Section 102.~~

23 SEC. 16. Section 8106 of the Elections Code is amended to
24 read:

25 8106. (a) Notwithstanding any other provision of this article,
26 a candidate may submit a petition containing signatures of
27 registered voters in lieu of a filing fee as follows:

- 28 (1) For the office of California State Assembly, 1,500 signatures.
- 29 (2) For the office of California State Senate and the United
30 States House of Representatives, 3,000 signatures.
- 31 (3) For candidates running for statewide office, 10,000
32 signatures.
- 33 (4) For all other offices for which a filing fee is required, if the
34 number of registered voters in the district in which he or she seeks
35 nomination is 2,000 or more, a candidate may submit a petition
36 containing four signatures of registered voters for each dollar of
37 the filing fee, or 10 percent of the total of registered voters in the
38 district in which he or she seeks nomination, whichever is less.
- 39 (5) For all other offices for which a filing fee is required, if the
40 number of registered voters in the district in which he or she seeks

1 nomination is less than 2,000, a candidate may submit a petition
2 containing four signatures of registered voters for each dollar of
3 the filing fee, or 20 percent of the total of registered voters in the
4 district in which he or she seeks nomination, whichever is less.

5 (6) A voter may sign both a candidate's nomination papers and
6 his or her in-lieu-filing-fee petition. However, if signatures
7 appearing on the documents are counted towards both the
8 nomination paper and the in-lieu-filing-fee petition signature
9 requirements, a person may only sign one of the documents.

10 (b) The Secretary of State or an elections official shall furnish
11 to each candidate, upon request, and without charge therefor, forms
12 for securing signatures. The number of forms which the elections
13 official shall furnish a candidate shall be a quantity that provides
14 the candidates with spaces for signatures sufficient in number to
15 equal the number of signatures that the candidate is required to
16 secure pursuant to subdivision (a) if the candidate desires that
17 number of forms. However, the elections official, rather than
18 provide the candidate with the number of forms set forth in the
19 preceding sentence, or upon the request of a candidate, may provide
20 the candidate with a master form that may be duplicated by the
21 candidate at the candidate's expense for the purpose of circulating
22 additional petitions. The Secretary of State shall provide the master
23 form. The elections official may provide candidates a form other
24 than the master form provided by the Secretary of State. However,
25 that form shall meet all statutory requirements, and the elections
26 official shall also make available and accept the master form
27 provided by the Secretary of State. All forms shall be made
28 available commencing 45 days before the first day for circulating
29 nomination papers. However, in cases of vacancies for which a
30 special election is authorized or required to be held to fill the
31 vacancy, and where the prescribed nomination period would
32 commence less than 45 days after the creation of the vacancy, the
33 forms shall be made available within five working days after the
34 creation of the vacancy. No other form except the form furnished
35 by the Secretary of State or the elections official or forms
36 duplicated from a master form shall be used to secure signatures.
37 Each petition section shall bear an affidavit signed by the circulator,
38 in substantially the same form as set forth in Section 8041. The
39 substitution of signatures for fees shall be subject to the following
40 provisions:

1 (1) Any registered voter may sign an in-lieu-filing-fee petition
2 for any candidate for whom he or she is eligible to vote.

3 (2) If a voter signs more candidates' petitions than there are
4 offices to be filled, the voter's signatures shall be valid only on
5 those petitions which, taken in the order they were filed, do not
6 exceed the number of offices to be filled.

7 (3) In-lieu-filing-fee petitions shall be filed at least 15 days prior
8 to the close of the nomination period. Upon receipt of the minimum
9 number of in-lieu-filing-fee signatures required, or a sufficient
10 combination of signatures and pro rata filing fee, the elections
11 official shall issue nomination papers provisionally. Within 10
12 days after receipt of a petition, the elections official shall notify
13 the candidate of any deficiency. The candidate shall then, prior to
14 the close of the nomination period, either submit a supplemental
15 petition, or pay a pro rata portion of the filing fee to cover the
16 deficiency.

17 (4) If the petition is circulated for an office in more than one
18 county, the candidate shall submit the signatures to the elections
19 official in the county in which the petition was circulated. The
20 elections official shall, at least two days after verifying the
21 signatures on the petition, notify the Secretary of State of the total
22 number of valid signatures. If the number of signatures is
23 insufficient, the Secretary of State shall notify the candidate and
24 the elections officials of the fact. The candidate may submit the
25 necessary number of valid signatures at any time prior to the close
26 of the period for circulating nomination papers. Each circulator of
27 ~~an in-lieu-filing-fee petition shall be a registered voter of the district~~
28 ~~or political subdivision in which the candidate is to be voted on.~~
29 ~~The circulator shall serve within the county in which he or she~~
30 ~~resides shall meet the requirements of Section 102.~~

31 (5) Each candidate may submit a greater number of signatures
32 to allow for subsequent losses due to invalidity of some signatures.
33 The elections official shall not be required to determine the validity
34 of a greater number of signatures than that required by this section.

35 (c) For the purposes of this section, the requisite number of
36 signatures shall be computed from the latest registration figures
37 forwarded to the Secretary of State pursuant to Section 2187 prior
38 to the first day on which petitions are available.

1 (d) All valid signatures obtained pursuant to this section shall
2 be counted toward the number of voters required to sign a
3 nomination paper in accordance with Section 8061 or 8405.

4 SEC. 17. Section 8409 of the Elections Code is amended to
5 read:

6 8409. Each candidate or group of candidates shall submit a
7 nomination paper that shall be substantially in the following form:

8
9 County of _____. Nomination paper of _____, candidate for the office
10 of _____.

11 State of California }
12 County of _____ } ss.

14
15 **SIGNER'S STATEMENT**

16
17 I, undersigned, am a voter of the County of _____, State of California. I
18 hereby nominate _____, who resides at No. _____, _____ Street,
19 City of _____, County of _____, State of California, as a candidate for
20 the office of _____ to be voted for at the election to be held on the _____
21 day of _____, 20____. I have not signed the nomination paper of any other
22 candidate for the same office.

23 _____
24 _____

27	Number	Signature	Printed Name	Residence
28				
29	1.	_____	_____	_____
30	2.	_____	_____	_____
31	3.	_____	_____	_____
32	4.	_____	_____	_____
33	5.	_____	_____	_____
34	etc.	_____	_____	_____

35
36 **CIRCULATOR'S AFFIDAVIT**

37
38 I, _____, solemnly swear (or ~~affirm~~ that affirm) all of the following:

- 39 1. That I am 18 years of age or older.

1 2. That I am either a resident of California or I have irrevocably consented
2 to suits, actions, and service of process in the state pursuant to Section 102.5
3 of the Elections Code.

4 3. That my residence address, including street and number, is
5 _____
6 _____.

7
8 [If no street or number exists, a designation of my residence adequate
9 to readily ascertain its location is
10 _____.
11 _____.]

12 4. That I secured signatures in the County of _____ to the nomination
13 paper of _____ as candidate for the office of _____; that the signatures
14 were obtained between _____, 20__, and _____, 20__; that I saw all the
15 signatures on this section of the nomination paper being signed and that, to
16 the best of my information and belief, each signature is the genuine signature
17 of the person whose name it purports to be.

18
19 My residence address is _____
20 (Signed) _____
21 _____
22 Circulator

23 Subscribed and sworn to before me this _____ day of _____, 20__.
24 _____
25 (SEAL) _____
26 Notary Public (or other official)

27 SEC. 18. Section 8451 of the Elections Code is amended to
28 read:

29 8451. ~~Circulators shall be voters in the district or political~~
30 ~~subdivision in which the candidate is to be voted on and shall serve~~
31 ~~only in that district or political subdivision~~ *meet the requirements*
32 *of Section 102.*

33 SEC. 19. Section 9021 of the Elections Code is amended to
34 read:

35 9021. (a) ~~A person who is a voter or who is qualified to~~
36 ~~register to vote in this state~~ *meets the requirements of Section 102*
37 *may circulate an a statewide initiative or referendum petition*
38 *anywhere within the state. Each section of the petition shall bear*
39 *the name of a county or city and county, and only qualified*

1 registered voters of that county or city and county may sign that
 2 section.

3 ~~The~~

4 (b) *The* circulator may sign the section he or she is circulating
 5 as provided in Section 106.

6 SEC. 20. Section 9022 of the Elections Code is amended to
 7 read:

8 9022. (a) Each section shall have attached thereto the
 9 declaration of the person soliciting the signatures setting forth the
 10 information required by Section 104 ~~and stating that the circulator~~
 11 ~~is a voter or is qualified to register to vote in the state.~~

12 (b) The circulator shall certify to the content of the declaration
 13 as to its truth and correctness, under penalty of perjury under the
 14 laws of the State of California, with the signature of his or her
 15 name. The circulator shall state the date and the place of execution
 16 on the declaration immediately preceding his or her signature.

17 ~~Another declaration thereto may~~

18 (c) *Another declaration shall not be required.*

19 **Petitions**

20 (d) *Petitions* so verified shall be prima facie evidence that the
 21 signatures ~~thereon~~ are genuine and that the persons signing are
 22 qualified voters. Unless and until otherwise proven upon official
 23 investigation, it shall be presumed that the petition presented
 24 contains the signatures of the requisite number of qualified voters.

25 SEC. 21. Section 9209 of the Elections Code is amended to
 26 read:

27 9209. Each section shall have attached thereto the declaration
 28 of the person soliciting the signatures. This declaration shall be
 29 substantially in the same form as set forth in Section 9022, ~~except~~
 30 ~~that the declaration shall declare that the circulator is a voter or is~~
 31 ~~qualified to register as a voter of the city, and shall state his or her~~
 32 ~~residence address at the time of the execution of the declaration.~~

33 SEC. 22. Section 9237 of the Elections Code is amended to
 34 read:

35 9237. If a petition protesting the adoption of an ordinance, and
 36 circulated by a person ~~who is a registered voter or who is qualified~~
 37 ~~to be a registered voter of the city~~ *meets the requirements of Section*
 38 *102*, is submitted to the elections official of the legislative body
 39 of the city in his or her office during normal office hours, as posted,
 40 within 30 days of the date the adopted ordinance is attested by the

1 city clerk or secretary to the legislative body, and is signed by not
2 less than 10 percent of the voters of the city according to the county
3 elections official’s last official report of registration to the Secretary
4 of State, or, in a city with 1,000 or less registered voters, is signed
5 by not less than 25 percent of the voters or 100 voters of the city,
6 whichever is the lesser, the effective date of the ordinance shall
7 be suspended and the legislative body shall reconsider the
8 ordinance.

9 SEC. 23. Section 9238 of the Elections Code is amended to
10 read:

11 9238. (a) Across the top of each page of the referendum
12 petition there shall be printed the following:

13
14 “Referendum Against an Ordinance Passed by the City Council”
15

16 (b) Each section of the referendum petition shall contain (1) the
17 identifying number or title, and (2) the text of the ordinance or the
18 portion of the ordinance that is the subject of the referendum.

19 The petition sections shall be designed in the same form as
20 specified in Section 9020.

21 (c) Each section shall have attached thereto the declaration of
22 the person soliciting the signatures. This declaration shall be
23 substantially in the same form as set forth in Section 9022, ~~except~~
24 ~~that the declaration shall declare that the circulator is a voter or is~~
25 ~~qualified to register as a voter of the city, and shall state his or her~~
26 ~~residence address at the time of the execution of the declaration.~~

27 SEC. 24. Section 9305 of the Elections Code is amended to
28 read:

29 9305. After filing a copy of the notice of intention, statement
30 of the reasons for the proposed petition, written text of the
31 initiative, and affidavit of publication or posting with the district
32 elections official pursuant to Section 9304, the petition may be
33 circulated among the voters of the district for signatures by any
34 person who ~~is a voter or who is qualified to register to vote in the~~
35 ~~district meets the requirements of Section 102.~~ Each section of the
36 petition shall bear a copy of the notice of intention and statement.

37 SEC. 25. Section 9307 of the Elections Code is amended to
38 read:

39 9307. Each section of the petition shall have attached thereto
40 the affidavit of the person soliciting the signatures. This affidavit

1 shall be substantially in the same form as set forth in Section 9022;
2 ~~except that the affidavit shall declare that the circulator is a voter~~
3 ~~or is qualified to register to vote in the district.~~

4 SEC. 26. Section 10220 of the Elections Code is amended to
5 read:

6 10220. Candidates may be nominated for any of the elective
7 offices of the city in the following manner:

8 Not earlier than the 113th day nor later than the 88th day before
9 a municipal election during normal office hours, as posted, the
10 voters may nominate candidates for election by signing a
11 nomination paper. Each candidate shall be proposed by not less
12 than 20 nor more than 30 voters in a city of 1,000 registered voters
13 or more, and not less than five nor more than 10 voters in a city
14 of less than 1,000 registered voters, but only one candidate may
15 be named in any one nomination paper. No voter may sign more
16 than one nomination paper for the same office, and in the event
17 the voter does so, that voter’s signature shall count only on the
18 first nomination paper filed which contains the voter’s signature.
19 Nomination papers subsequently filed and containing that voter’s
20 signature shall be considered as though that signature does not
21 appear thereon. Each seat on the governing body is a separate
22 office. Any person ~~registered to vote at the election, and qualified~~
23 ~~to vote for the elective office of the city for which the nomination~~
24 ~~is made,~~ *who meets the requirements of Section 102* may circulate
25 a nomination paper. Only one person may circulate each
26 nomination paper. Where there are full terms and short terms to
27 be filled, the term shall be specified in the nomination paper.

28 SEC. 27. Section 10226 of the Elections Code is amended to
29 read:

30 10226. The nomination papers and affidavits shall be
31 substantially in the following form:

32 “NOMINATION PAPER

33
34 We, the undersigned voters of the ____ of ____ hereby nominate ____ for
35 the office of ____ of the city:
36

37
38 Name Residence
39 _____
40 _____

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AFFIDAVIT OF THE CIRCULATOR

State of California }
County of _____ } ss.

I, _____, solemnly swear (or ~~affirm~~ that affirm) all of the following:

- 1. That I am 18 years of age or older.
- 2. That I am either a resident of California or I have irrevocably consented to suits, actions, and service of process in the state pursuant to Section 102.5 of the Elections Code.
- 3. That my residence address, including street and number, is

_____.

[If no street or number exists, a designation of my residence adequate to readily ascertain its location is

_____.]

4. That the signatures on this nomination paper were obtained between _____, 2__, and _____, 2__; that I circulated this petition and I saw the signatures on this section of the nomination papers being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.

My residence address is _____.

(Signature)

I certify (or declare) under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed by me at _____, on _____, 2__.

AFFIDAVIT OF THE NOMINEE

State of California }
County of _____ } ss.

_____ being duly sworn, says that he or she is the above-named nominee for the office of _____, that he or she will accept the office in the event of his

1 or her election, that he or she desires his or her name to appear on the ballot
2 as follows:

3 _____
4 (Print name above),

5 and that he or she desires the following designation to appear on the ballot
6 under his or her name:

7 _____
8 (Print desired designation above),

9 and that his or her residence address is _____.
10 (Print residence address as provided by affiant)

11
12 I certify (or declare) under the penalty of perjury under the laws of the State
13 of California that the foregoing is true and correct.

14 Executed by me at ____, on ____, 2__.”

15
16 SEC. 28. Section 11045 of the Elections Code is amended to
17 read:

18 11045. Only registered voters of the electoral jurisdiction of
19 the officer sought to be recalled are qualified to ~~circulate or sign~~
20 a recall petition for that officer. *A person who meets the*
21 *requirements of Section 102 may circulate the petition.*

22 SEC. 29. Section 11046 of the Elections Code is amended to
23 read:

24 11046. To each section of a petition shall be attached a
25 declaration, signed by the circulator thereof, that complies with
26 Section 104. ~~The declaration shall include a statement that the~~
27 ~~circulator is a registered voter in the jurisdiction of the officer~~
28 ~~sought to be recalled.~~

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

1 _____
2 **CORRECTIONS:**
3 **Text—Pages 6, 8, 9, 10, 13, 15, 16, 20, and 25.**
4 _____

O