

AMENDED IN SENATE MAY 28, 2013

**SENATE BILL**

**No. 213**

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**Introduced by Senator Galgiani**

February 11, 2013

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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,~~ of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 213, as amended, 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: *remove this prohibition*. 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-no~~.  
State-mandated local program: ~~yes-no~~.

*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 shall not circulate a state or local initiative,  
4 referendum, or recall petition or nominating paper unless the person  
5 is 18 years of age or older and either a resident of the state or a  
6 nonresident who has met the requirements of Section 102.5: *older*.

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

8 102.5. ~~(a) Before circulating a state or local initiative,~~  
9 ~~referendum, or recall petition or nominating paper, a person who~~  
10 ~~does not reside in this state shall file with the Secretary of State~~  
11 ~~an irrevocable consent that suits and actions arising out of or in~~  
12 ~~connection with the petition or nominating paper may be~~  
13 ~~commenced against him or her in any court of competent~~  
14 ~~jurisdiction in this state by the service on the Secretary of State of~~  
15 ~~any summons, process, or pleadings authorized by the laws of the~~  
16 ~~state. This consent shall stipulate that the service of summons,~~  
17 ~~process, or pleadings on the Secretary of State shall be taken and~~  
18 ~~held in all courts to be as valid and binding as if due service had~~  
19 ~~been made upon the circulator personally in the state.~~

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

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

1 ~~SEC. 3.~~

2 *SEC. 2.* Section 104 of the Elections Code is amended to read:

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

- 7 (1) The printed name of the circulator.
- 8 (2) The residence address of the circulator, giving street and  
9 number, or if no street or number exists, adequate designation of  
10 residence so that the location may be readily ascertained.
- 11 (3) The dates between which all the signatures to the petition  
12 or paper were obtained.

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

- 15 (1) That the circulator circulated that section and witnessed the  
16 appended signatures being written.
- 17 (2) That according to the best information and belief of the  
18 circulator, each signature is the genuine signature of the person  
19 whose name it purports to be.
- 20 (3) That the circulator is 18 years of age or older.

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

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

29 ~~SEC. 4.~~

30 *SEC. 3.* Section 6106 of the Elections Code is amended to read:

31 6106. Each section shall be prepared with the lines for  
32 signatures numbered, and shall have attached the affidavit of the  
33 circulator who obtained signatures to it, which shall meet all of  
34 the requirements of Section 104. No other affidavit is required.  
35 The affidavit of any circulator shall be verified free of charge by  
36 any officer authorized to administer oaths.

37 ~~SEC. 5.~~

38 *SEC. 4.* Section 6108 of the Elections Code is amended to read:

39 6108. The nomination paper for the presidential primary ballot  
40 shall be in substantially the following form:

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

4  
5 Section \_\_\_\_\_ Page \_\_\_\_\_  
6

7 County of \_\_\_\_\_. Nomination paper of a candidate or uncommitted  
8 delegation for the presidential primary ballot.

9  
10 State of California }  
11 County of \_\_\_\_\_ } ss.

12  
13 SIGNER'S STATEMENT

14  
15 I, the undersigned, am a voter of the County of \_\_\_\_\_, State of California,  
16 and am registered as affiliated with the Democratic Party. I hereby nominate  
17 \_\_\_\_\_ for the presidential primary to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. I  
18 have not signed the nomination paper of any other candidate or uncommitted  
19 delegation, and I further declare that I intend to support the candidate or  
20 uncommitted delegation named herein.

21 \_\_\_\_\_  
22 \_\_\_\_\_

23	24 Number	Signature	Printed name	Residence
25		_____	_____	_____
26	1.	_____	_____	_____
27	2.	_____	_____	_____
28	3.	_____	_____	_____
29	etc.	_____	_____	_____
30		_____	_____	_____

31  
32 CIRCULATOR'S AFFIDAVIT

33  
34 I, \_\_\_\_\_, solemnly swear (or affirm) all of the following:  
35 1. That I am 18 years of age or older.  
36 ~~2. That I am either a resident of California or I have irrevocably consented~~  
37 ~~to suits, actions, and service of process in the state pursuant to Section 102.5~~  
38 ~~of the Elections Code.~~  
39 ~~3.~~  
40 2. That my residence address, including street and number, is

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_

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

6 \_\_\_\_\_  
7 \_\_\_\_\_.]

8 ~~4.~~

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

17 (Signed) \_\_\_\_\_

18 Circulator

19 Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_, 20\_\_\_\_.

20 \_\_\_\_\_  
21 (SEAL) Notary Public (or other official)

22 ~~SEC. 6.~~

23 ~~SEC. 5.~~ Section 6363 of the Elections Code is amended to read:

24 6363. Each section shall be prepared with the lines for  
25 signatures numbered, and shall have attached the affidavit of the  
26 circulator who obtained signatures to it, which shall meet all of  
27 the requirements of Section 104. No other affidavit is required.  
28 The affidavit of any circulator shall be verified free of charge by  
29 any officer authorized to administer oaths.

30 ~~SEC. 7.~~

31 ~~SEC. 6.~~ Section 6365 of the Elections Code is amended to read:

32 6365. The nomination paper for a candidate shall be in  
33 substantially the following form:  
34

35 SECTION OF NOMINATION PAPER SIGNED BY VOTER ON  
36 BEHALF OF CANDIDATE

37 Section \_\_\_\_\_ Page \_\_\_\_\_  
38  
39  
40

1 County of \_\_\_\_\_. Nomination paper for \_\_\_\_\_ as presidential  
2 nominee of the Republican Party.

3  
4 State of California }  
5 County of \_\_\_\_\_ } ss.

6  
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 Republican  
11 Party. I have not signed the nomination paper of any other candidates for the  
12 same office, and further declare that I intend to support the nomination of the  
13 candidate named herein at the Republican Party presidential primary to be held  
14 on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

15 \_\_\_\_\_

16 \_\_\_\_\_

17 \_\_\_\_\_

18 **Number Signature Printed name Residence**

19 \_\_\_\_\_

20 1. \_\_\_\_\_

21 2. \_\_\_\_\_

22 3. \_\_\_\_\_

23 etc. \_\_\_\_\_

24  
25 **CIRCULATOR'S AFFIDAVIT**

26  
27 I, \_\_\_\_\_, solemnly swear (or affirm) all of the following:

28 1. That I am 18 years of age or older.

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

32 ~~3.~~

33 2. That my residence address, including street and number, is

34 \_\_\_\_\_  
35 \_\_\_\_\_.

36  
37 [If no street or number exists, a designation of my residence adequate to  
38 readily ascertain its location is

39 \_\_\_\_\_.  
40 \_\_\_\_\_.]

1 ~~4.~~  
 2 3. That I secured signatures in the County of \_\_\_\_\_ to the nomination  
 3 paper of the candidate named in the signer’s statement above as candidate for  
 4 nomination by the Republican Party at its presidential primary election; 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  
 7 obtained between \_\_\_\_\_, 20\_\_, and \_\_\_\_\_, 20\_\_, and that  
 8 to the best of my knowledge and belief each signature is the genuine signature  
 9 of the person whose name it purports to be.

10  
 11 (Signed) \_\_\_\_\_  
 12 Circulator

13 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
 14 20 \_\_\_\_.

15 \_\_\_\_\_  
 16 (SEAL) Notary Public (or other official)

17  
 18 ~~SEC. 8.~~  
 19 SEC. 7. Section 6584 of the Elections Code is amended to read:  
 20 6584. Each section shall be prepared with the lines for  
 21 signatures numbered, and shall have attached the affidavit of the  
 22 circulator who obtained signatures to it, which shall meet all of  
 23 the requirements of Section 104. No other affidavit is required.

24 ~~SEC. 9.~~  
 25 SEC. 8. Section 6586 of the Elections Code is amended to read:  
 26 6586. The nomination paper for a candidate for the presidential  
 27 preference portion of the ballot shall be in substantially the  
 28 following form:

29  
 30 SECTION OF NOMINATION PAPER SIGNED BY VOTER ON  
 31 BEHALF OF PRESIDENTIAL PREFERENCE PRIMARY  
 32 CANDIDATE

33  
 34 Section \_\_\_\_\_ Page \_\_\_\_\_

35  
 36 County of \_\_\_\_\_. Nomination paper of a presidential preference  
 37 candidate for the American Independent Party presidential primary ballot.

38  
 39 State of California }  
 40 County of \_\_\_\_\_ } ss.

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40

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 American Independent Party. I hereby nominate \_\_\_\_\_ for the presidential preference portion of the American Independent Party’s presidential primary ballot, 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 candidate for the same office, or for any group of delegates, to the national convention of the party, and I further declare that I intend to support the candidate named herein.

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

CIRCULATOR’S AFFIDAVIT

I, \_\_\_\_\_, solemnly swear (or affirm) all of the following:

- That I am 18 years of age or older.
- ~~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.~~
- ~~\_\_\_\_\_.~~
- 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 \_\_\_\_\_.]

- ~~\_\_\_\_\_.~~
- That I secured signatures in the County of \_\_\_\_\_ to the nomination paper of a candidate in the presidential preference primary of the American



1 Independent Party; that all the signatures on this section of the nomination  
2 paper numbered from 1 to \_\_\_\_, inclusive, were made in my presence, that  
3 the signatures were obtained between \_\_\_\_, 20\_\_, and \_\_\_\_, 20\_\_, and that to  
4 the best of my knowledge and belief each signature is the genuine signature  
5 of the person whose name it purports to be.

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

7  
8 (Signed) \_\_\_\_\_  
9 Circulator

10  
11 ~~SEC. 10.~~

12 SEC. 9. Section 6587 of the Elections Code is amended to read:  
13 6587. The nomination paper for a group of candidates for  
14 delegates, to the national convention shall be in substantially the  
15 following form:

16  
17 SECTION OF NOMINATION PAPER SIGNED BY VOTER ON  
18 BEHALF OF GROUP OF CANDIDATES FOR DELEGATES  
19 TO NATIONAL CONVENTION

20  
21 Section \_\_\_\_\_ Page \_\_\_\_\_

22  
23 County of \_\_\_\_\_. Nomination paper of group of candidates for  
24 election as delegates by the American Independent Party pledged to the  
25 candidacy of \_\_\_\_\_ as presidential nominee or expressing no  
26 preference, as the case may be.

27  
28 State of California }  
29 County of \_\_\_\_\_ } ss.

30  
31 SIGNER'S STATEMENT

32  
33 I, the undersigned, am a voter of the County of \_\_\_\_\_, State of  
34 California, and am registered as intending to affiliate with the American  
35 Independent Party. I hereby nominate the following:

36  
37 \_\_\_\_\_  
38 Residence  
39 city  
40 Number Names or town County

- 1 1. \_\_\_\_\_
- 2 2. \_\_\_\_\_
- 3 3. \_\_\_\_\_
- 4 etc. \_\_\_\_\_

5  
 6 (to such number as may be required) etc., as candidates for delegates to the  
 7 American Independent Party’s National Convention, to be voted for at the  
 8 presidential primary to be held on the \_\_\_\_\_ day of \_\_\_\_\_,  
 9 20\_\_\_\_. I have not signed the nomination paper of any other candidates for  
 10 the same office, or of any candidate for the presidential preference portion of  
 11 the primary ballot, and I further declare that I intend to support for nomination  
 12 the candidates named herein.

13 \_\_\_\_\_

14	Number	Signature	Printed name	Residence
15	1.	_____	_____	_____
16	2.	_____	_____	_____
17	3.	_____	_____	_____
18	etc.	_____	_____	_____

21 CIRCULATOR’S AFFIDAVIT

22 I, \_\_\_\_\_, solemnly swear (or affirm) all of the following:

23 1. That I am 18 years of age or older.

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

27 ~~3.~~

28 2. That my residence address, including street and number, is

29 \_\_\_\_\_  
30 \_\_\_\_\_

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

33 \_\_\_\_\_.]

34 ~~4.~~

35 3. That I secured signatures in the County of \_\_\_\_ to the nomination paper  
36 of the group of candidates named in the signer’s statement above as candidates  
37 for nomination and election by the American Independent Party as delegates  
38  
39  
40

1 to represent the State of California in the party’s next national convention; that  
2 all the signatures on this section of the nomination paper numbered from 1 to  
3 \_\_\_\_, inclusive, were made in my presence, that the signatures were obtained  
4 between \_\_\_\_, 20\_\_, and \_\_\_\_, 20\_\_, and that to the best of my knowledge and  
5 belief each signature is the genuine signature of the person whose name it  
6 purports to be.

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

8  
9 (Signed) \_\_\_\_\_  
10 Circulator

11  
12 ~~SEC. 11.~~

13 *SEC. 10.* Section 6784 of the Elections Code is amended to  
14 read:

15 6784. Each section shall be prepared with the lines, for  
16 signatures numbered, and shall have attached the declaration of  
17 the circulator who obtained signatures to it, which shall meet all  
18 of the requirements of Section 104. No other declaration is required  
19 to be made.

20 ~~SEC. 12.~~

21 *SEC. 11.* Section 6786 of the Elections Code is amended to  
22 read:

23 6786. The nomination paper for a candidate for the presidential  
24 preference portion of the ballot shall be in substantially the  
25 following form:

26  
27 SECTION OF NOMINATION PAPER SIGNED BY VOTER  
28 ON BEHALF OF PRESIDENTIAL PREFERENCE  
29 PRIMARY CANDIDATE

30  
31 Section \_\_\_\_\_ Page \_\_\_\_\_  
32 County of \_\_\_\_\_.

33  
34 Nomination paper of a presidential preference candidate for the Peace and  
35 Freedom Party presidential primary ballot.

36  
37 State of California }  
38 County of \_\_\_\_\_ } ss.

39  
40 SIGNER’S STATEMENT

1  
 2 I, the undersigned, am a voter of the County of \_\_\_\_\_, State of California,  
 3 and am registered as affiliated with the Peace and Freedom Party. I hereby  
 4 nominate \_\_\_\_\_ for the presidential preference portion of the Peace and  
 5 Freedom Party’s presidential primary ballot, to be voted for at the presidential  
 6 primary to be held on the \_\_\_\_\_ day of June, 20\_\_\_. I have not signed the  
 7 nomination paper of any other candidate for the same office, or for any group  
 8 of delegates to the national convention of the \_\_\_\_\_ Party, with which the  
 9 Peace and Freedom Party of California is affiliated on the national level.

10 \_\_\_\_\_  
 11 \_\_\_\_\_

13			Residence
14	Number	Signature	street address
15		Printed	/city
16		name	
17	1.	_____	_____
18	2.	_____	_____
19	3.	_____	_____
20	etc.	_____	_____
21		_____	_____

22  
 23 **CIRCULATOR’S AFFIDAVIT**

24  
 25 I, \_\_\_\_\_, affirm all of the following:  
 26 1. That I am 18 years of age or older.  
 27 ~~2. That I am either a resident of California or I have irrevocably consented~~  
 28 ~~to suits, actions, and service of process in the state pursuant to Section 102.5~~  
 29 ~~of the Elections Code.~~  
 30 ~~3.~~  
 31 2. That my residence address, including street and number, is  
 32 \_\_\_\_\_.  
 33 \_\_\_\_\_.

34  
 35 [If no street or number exists, a designation of my residence adequate to  
 36 readily ascertain its location is  
 37 \_\_\_\_\_.  
 38 \_\_\_\_\_.]  
 39 ~~4.~~

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

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

9  
 10 Executed at \_\_\_\_\_, California, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_.

11  
 12 (Signed) \_\_\_\_\_  
 13 Circulator

14 (Printed name) \_\_\_\_\_  
 15

16 ~~SEC. 13.~~

17 *SEC. 12.* Section 6787 of the Elections Code is amended to  
 18 read:

19 6787. The nomination paper for a group of candidates for  
 20 delegates to the national convention shall be in substantially the  
 21 following form:

22  
 23 SECTION OF NOMINATION PAPER SIGNED BY VOTER ON  
 24 BEHALF OF GROUP OF CANDIDATES FOR DELEGATES  
 25 TO NATIONAL CONVENTION

26  
 27 Section \_\_\_\_\_ Page \_\_\_\_\_  
 28 County of \_\_\_\_\_.

29  
 30 Nomination paper of group of candidates for election as delegates by the  
 31 Peace and Freedom Party pledged to the candidacy of \_\_\_\_\_ as presidential  
 32 nominee, or expressing no preference, as the case may be.

33  
 34 State of California }  
 35 County of \_\_\_\_\_ } ss.

36  
 37 SIGNER'S STATEMENT  
 38

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

4 \_\_\_\_\_  
5 \_\_\_\_\_

		Residence	
		city or	
9	Number	town	County
10			

- 11 1. \_\_\_\_\_
- 12 2. \_\_\_\_\_
- 13 3. \_\_\_\_\_
- 14 etc. \_\_\_\_\_
- 15 \_\_\_\_\_

16  
17 (to the number as may be required) as candidates for delegate to the national  
18 convention of the \_\_\_\_\_ Party, with which the Peace and Freedom Party of  
19 California is affiliated on the national level, to be voted for at the presidential  
20 primary to be held on the \_\_\_\_\_ day of June, 20\_\_\_. I have not signed the  
21 nomination paper of any other group of candidates for delegates to the national  
22 convention or of any candidate for the presidential preference portion of the  
23 primary ballot.

24  
25  
26 \_\_\_\_\_  
27 \_\_\_\_\_

			Residence
		Printed	street address
31	Number	Signature	name /city
32			

- 33 1. \_\_\_\_\_
- 34 2. \_\_\_\_\_
- 35 3. \_\_\_\_\_
- 36 etc. \_\_\_\_\_
- 37 \_\_\_\_\_

38  
39 CIRCULATOR'S AFFIDAVIT

40

1 I, \_\_\_\_\_, affirm all of the following:

2 1. That I am 18 years of age or older.

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

6 ~~3.~~

7 2. That my residence address, including street and number, is

8 \_\_\_\_\_.  
9 \_\_\_\_\_.

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

12 \_\_\_\_\_.]

13 ~~4.~~

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

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

24 Executed at \_\_\_\_\_, California, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

25  
26  
27 (Signed) \_\_\_\_\_  
28 Circulator

29 (Printed name) \_\_\_\_\_  
30

31  
32  
33 ~~SEC. 14.~~

34 *SEC. 13.* Section 8041 of the Elections Code is amended to  
35 read:

36 8041. (a) The nomination paper shall be in substantially the  
37 following form:

38  
39 NOMINATION PAPER

40

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) 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.~~  
24 2. That my residence address, including street and number, is  
25 \_\_\_\_\_.  
26

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

30 \_\_\_\_\_.]

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

38  
39 Signed \_\_\_\_\_



1 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2 20\_\_.

3 (SEAL) \_\_\_\_\_  
4 Notary Public (or other official)

5  
6 Examined and certified by me this \_\_\_\_\_ day of \_\_\_\_\_,  
7 20\_\_.

8 \_\_\_\_\_  
9 Elections Official

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

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

19 ~~SEC. 15.~~  
20 *SEC. 14.* Section 8066 of the Elections Code is amended to  
21 read:

22 8066. Circulators shall meet the requirements of Section 102.

23 ~~SEC. 16.~~  
24 *SEC. 15.* Section 8106 of the Elections Code is amended to  
25 read:

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

29 (1) For the office of California State Assembly, 1,500 signatures.

30 (2) For the office of California State Senate and the United  
31 States House of Representatives, 3,000 signatures.

32 (3) For candidates running for statewide office, 10,000  
33 signatures.

34 (4) For all other offices for which a filing fee is required, if the  
35 number of registered voters in the district in which he or she seeks  
36 nomination is 2,000 or more, a candidate may submit a petition  
37 containing four signatures of registered voters for each dollar of  
38 the filing fee, or 10 percent of the total of registered voters in the  
39 district in which he or she seeks nomination, whichever is less.

1 (5) For all other offices for which a filing fee is required, if the  
2 number of registered voters in the district in which he or she seeks  
3 nomination is less than 2,000, a candidate may submit a petition  
4 containing four signatures of registered voters for each dollar of  
5 the filing fee, or 20 percent of the total of registered voters in the  
6 district in which he or she seeks nomination, whichever is less.

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

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

1 substitution of signatures for fees shall be subject to the following  
2 provisions:

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

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

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

19 (4) If the petition is circulated for an office in more than one  
20 county, the candidate shall submit the signatures to the elections  
21 official in the county in which the petition was circulated. The  
22 elections official shall, at least two days after verifying the  
23 signatures on the petition, notify the Secretary of State of the total  
24 number of valid signatures. If the number of signatures is  
25 insufficient, the Secretary of State shall notify the candidate and  
26 the elections officials of the fact. The candidate may submit the  
27 necessary number of valid signatures at any time prior to the close  
28 of the period for circulating nomination papers. Each circulator  
29 shall meet the requirements of Section 102.

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

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

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

1 ~~SEC. 17.~~

2 *SEC. 16.* Section 8409 of the Elections Code is amended to  
3 read:

4 8409. Each candidate or group of candidates shall submit a  
5 nomination paper that shall be substantially in the following form:

6  
7 County of \_\_\_\_\_. Nomination paper of \_\_\_\_\_, candidate for the office  
8 of \_\_\_\_\_.

9  
10 State of California }  
11 County of \_\_\_\_\_ } ss.

12  
13 **SIGNER'S STATEMENT**

14  
15 I, undersigned, am a voter of the County of \_\_\_\_\_, State of California. I  
16 hereby nominate \_\_\_\_\_, who resides at No. \_\_\_\_\_, \_\_\_\_\_ Street,  
17 City of \_\_\_\_\_, County of \_\_\_\_\_, State of California, as a candidate for  
18 the office of \_\_\_\_\_ to be voted for at the election to be held on the \_\_\_\_\_  
19 day of \_\_\_\_\_, 20\_\_\_. I have not signed the nomination paper of any other  
20 candidate for the same office.

21 \_\_\_\_\_  
22 \_\_\_\_\_

23	24	25	26
Number	Signature	Printed Name	Residence
27 1.	_____	_____	_____
28 2.	_____	_____	_____
29 3.	_____	_____	_____
30 4.	_____	_____	_____
31 5.	_____	_____	_____
32 etc.	_____	_____	_____

33  
34 **CIRCULATOR'S AFFIDAVIT**

35  
36 I, \_\_\_\_\_, solemnly swear (or affirm) all of the following:  
37 1. That I am 18 years of age or older.  
38 ~~2. That I am either a resident of California or I have irrevocably consented~~  
39 ~~to suits, actions, and service of process in the state pursuant to Section 102.5~~  
40 ~~of the Elections Code.~~

1 —3:

2 2. That my residence address, including street and number, is

3  
4 \_\_\_\_\_.

5  
6 [If no street or number exists, a designation of my residence adequate to  
7 readily ascertain its location is

8  
9 \_\_\_\_\_.]

10 —4:

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

17  
18  
19 (Signed) \_\_\_\_\_  
20 Circulator

21 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

22  
23 \_\_\_\_\_  
24 (SEAL) Notary Public (or other official)

25  
26 ~~SEC. 18:~~

27 *SEC. 17.* Section 8451 of the Elections Code is amended to  
28 read:

29 8451. Circulators shall meet the requirements of Section 102.

30 ~~SEC. 19:~~

31 *SEC. 18.* Section 9021 of the Elections Code is amended to  
32 read:

33 9021. (a) A person who meets the requirements of Section  
34 102 may circulate a statewide initiative or referendum petition  
35 anywhere within the state. Each section of the petition shall bear  
36 the name of a county or city and county, and only qualified  
37 registered voters of that county or city and county may sign that  
38 section.

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

1 ~~SEC. 20.~~

2 *SEC. 19.* Section 9022 of the Elections Code is amended to  
3 read:

4 9022. (a) Each section shall have attached thereto the  
5 declaration of the person soliciting the signatures setting forth the  
6 information required by Section 104.

7 (b) The circulator shall certify to the content of the declaration  
8 as to its truth and correctness, under penalty of perjury under the  
9 laws of the State of California, with the signature of his or her  
10 name. The circulator shall state the date and the place of execution  
11 on the declaration immediately preceding his or her signature.

12 (c) Another declaration shall not be required.

13 (d) Petitions so verified shall be prima facie evidence that the  
14 signatures are genuine and that the persons signing are qualified  
15 voters. Unless and until otherwise proven upon official  
16 investigation, it shall be presumed that the petition presented  
17 contains the signatures of the requisite number of qualified voters.

18 ~~SEC. 21.~~

19 *SEC. 20.* Section 9209 of the Elections Code is amended to  
20 read:

21 9209. Each section shall have attached thereto the declaration  
22 of the person soliciting the signatures. This declaration shall be  
23 substantially in the same form as set forth in Section 9022.

24 ~~SEC. 22.~~

25 *SEC. 21.* Section 9237 of the Elections Code is amended to  
26 read:

27 9237. If a petition protesting the adoption of an ordinance, and  
28 circulated by a person who meets the requirements of Section 102,  
29 is submitted to the elections official of the legislative body of the  
30 city in his or her office during normal office hours, as posted,  
31 within 30 days of the date the adopted ordinance is attested by the  
32 city clerk or secretary to the legislative body, and is signed by not  
33 less than 10 percent of the voters of the city according to the county  
34 elections official's last official report of registration to the Secretary  
35 of State, or, in a city with 1,000 or less registered voters, is signed  
36 by not less than 25 percent of the voters or 100 voters of the city,  
37 whichever is the lesser, the effective date of the ordinance shall  
38 be suspended and the legislative body shall reconsider the  
39 ordinance.

1 ~~SEC. 23.~~

2 *SEC. 22.* Section 9238 of the Elections Code is amended to  
3 read:

4 9238. (a) Across the top of each page of the referendum  
5 petition there shall be printed the following:

6  
7 “Referendum Against an Ordinance Passed by the City Council”  
8

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

12 The petition sections shall be designed in the same form as  
13 specified in Section 9020.

14 (c) Each section shall have attached thereto the declaration of  
15 the person soliciting the signatures. This declaration shall be  
16 substantially in the same form as set forth in Section 9022.

17 ~~SEC. 24.~~

18 *SEC. 23.* Section 9305 of the Elections Code is amended to  
19 read:

20 9305. After filing a copy of the notice of intention, statement  
21 of the reasons for the proposed petition, written text of the  
22 initiative, and affidavit of publication or posting with the district  
23 elections official pursuant to Section 9304, the petition may be  
24 circulated among the voters of the district for signatures by any  
25 person who meets the requirements of Section 102. Each section  
26 of the petition shall bear a copy of the notice of intention and  
27 statement.

28 ~~SEC. 25.~~

29 *SEC. 24.* Section 9307 of the Elections Code is amended to  
30 read:

31 9307. Each section of the petition shall have attached thereto  
32 the affidavit of the person soliciting the signatures. This affidavit  
33 shall be substantially in the same form as set forth in Section 9022.

34 ~~SEC. 26.~~

35 *SEC. 25.* Section 10220 of the Elections Code is amended to  
36 read:

37 10220. Candidates may be nominated for any of the elective  
38 offices of the city in the following manner:

39 Not earlier than the 113th day nor later than the 88th day before  
40 a municipal election during normal office hours, as posted, the

1 voters may nominate candidates for election by signing a  
 2 nomination paper. Each candidate shall be proposed by not less  
 3 than 20 nor more than 30 voters in a city of 1,000 registered voters  
 4 or more, and not less than five nor more than 10 voters in a city  
 5 of less than 1,000 registered voters, but only one candidate may  
 6 be named in any one nomination paper. No voter may sign more  
 7 than one nomination paper for the same office, and in the event  
 8 the voter does so, that voter’s signature shall count only on the  
 9 first nomination paper filed which contains the voter’s signature.  
 10 Nomination papers subsequently filed and containing that voter’s  
 11 signature shall be considered as though that signature does not  
 12 appear thereon. Each seat on the governing body is a separate  
 13 office. Any person who meets the requirements of Section 102  
 14 may circulate a nomination paper. Only one person may circulate  
 15 each nomination paper. Where there are full terms and short terms  
 16 to be filled, the term shall be specified in the nomination paper.

17 ~~SEC. 27.~~

18 SEC. 26. Section 10226 of the Elections Code is amended to  
 19 read:

20 10226. The nomination papers and affidavits shall be  
 21 substantially in the following form:

22 “NOMINATION PAPER

23  
 24  
 25 We, the undersigned voters of the \_\_\_\_ of \_\_\_\_ hereby nominate \_\_\_\_ for  
 26 the office of \_\_\_\_ of the city:

27	28	29
Name	Residence	
30 _____	_____	
31 _____	_____	
32 _____	_____	

33 AFFIDAVIT OF THE CIRCULATOR

34  
 35 State of California                    }  
 36 County of \_\_\_\_\_                } ss.

37  
 38 I, \_\_\_\_\_, solemnly swear (or 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.

5 2. That my residence address, including street and number, is

6 \_\_\_\_\_.

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

11 \_\_\_\_\_.]

12 —4.

13 3. That the signatures on this nomination paper were obtained between  
14 \_\_\_\_\_, 2\_\_, and \_\_\_\_\_, 2\_\_; that I circulated this petition and I saw the  
15 signatures on this section of the nomination papers being written; 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.

19 \_\_\_\_\_

20 (Signature)

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

23 Executed by me at \_\_\_\_\_, on \_\_\_\_\_, 2\_\_.

24  
25  
26 AFFIDAVIT OF THE NOMINEE

27  
28 State of California }  
29 County of \_\_\_\_\_ } ss.

30  
31 \_\_\_\_\_ being duly sworn, says that he or she is the above-named nominee  
32 for the office of \_\_\_\_\_, that he or she will accept the office in the event of his  
33 or her election, that he or she desires his or her name to appear on the ballot  
34 as follows:

35 \_\_\_\_\_  
36 (Print name above),

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

39 \_\_\_\_\_  
40 (Print desired designation above),

1 and that his or her residence address is \_\_\_\_\_.  
2 (Print residence address as provided by affiant)

3  
4 I certify (or declare) under the penalty of perjury under the laws of the State  
5 of California that the foregoing is true and correct.

6 Executed by me at \_\_\_\_\_, on \_\_\_\_\_, 2\_\_\_\_.”

7  
8 ~~SEC. 28:~~

9 ~~SEC. 27.~~ Section 11045 of the Elections Code is amended to  
10 read:

11 11045. Only registered voters of the electoral jurisdiction of  
12 the officer sought to be recalled are qualified to sign a recall  
13 petition for that officer. A person who meets the requirements of  
14 Section 102 may circulate the petition.

15 ~~SEC. 29:~~

16 ~~SEC. 28.~~ Section 11046 of the Elections Code is amended to  
17 read:

18 11046. To each section of a petition shall be attached a  
19 declaration, signed by the circulator thereof, that complies with  
20 Section 104.

21 ~~SEC. 30.~~ No reimbursement is required by this act pursuant to  
22 Section 6 of Article XIII B of the California Constitution because  
23 the only costs that may be incurred by a local agency or school  
24 district will be incurred because this act creates a new crime or  
25 infraction, eliminates a crime or infraction, or changes the penalty  
26 for a crime or infraction, within the meaning of Section 17556 of  
27 the Government Code, or changes the definition of a crime within  
28 the meaning of Section 6 of Article XIII B of the California  
29 Constitution.