

ASSEMBLY BILL

No. 1296

Introduced by Assembly Member Jones

February 27, 2015

An act to amend Sections 9114, 9115, and 9308 of, and to repeal Section 9309 of, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1296, as introduced, Jones. Elections: initiative and referendum measures.

Existing law authorizes any person who meets specified requirements to circulate an initiative petition to be presented to the voters at a municipal, county, or special district election. Existing law requires the elections official to examine the petitions, and from the records of registration ascertain whether or not the petition is signed by the requisite number of voters. If the petition is found sufficient, the elections official is required to certify the results of the examination to the appropriate legislative body.

This bill would additionally require the elections official to immediately place the initiative measure on the election ballot for which it qualifies if the official finds the petition to be sufficient. If more than one election date is legally possible, the official would be required to place the measure on the ballot for the earliest legally possible date, unless as specified. The bill would apply this procedure to municipal, county, and district initiative measures, including city and city and county charter proposals, and to municipal referendum measures. The bill also would make a technical change.

By imposing new requirements on local elections officials, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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 9114 of the Elections Code is amended
 2 to read:
 3 9114. Except as provided in Section 9115, within 30 days from
 4 the date of filing of the petition, excluding Saturdays, Sundays,
 5 and holidays, the elections official shall examine the petition, and
 6 from the records of registration ascertain whether or not the petition
 7 is signed by the requisite number of voters. A certificate showing
 8 the results of this examination shall be attached to the petition.
 9 In determining the number of valid signatures, the elections
 10 official may use the duplicate file of affidavits maintained, or may
 11 check the signatures against facsimiles of voters' signatures,
 12 provided that the method of preparing and displaying the facsimiles
 13 complies with law.
 14 The elections official shall notify the proponents of the petition
 15 as to the sufficiency or insufficiency of the petition.
 16 If the petition is found insufficient, no further action shall be
 17 taken. However, the failure to secure sufficient signatures, shall
 18 not preclude the filing of a new petition on the same subject, at a
 19 later date.
 20 If the petition is found sufficient, the elections official shall
 21 *immediately place the initiative measure that is the subject of the*
 22 *petition on the election ballot for which it qualifies pursuant to*
 23 *Section 1405, and certify the results of the examination to the*
 24 *board of supervisors at the next regular meeting of the board. If*
 25 *more than one election date is legally available, the elections*
 26 *official shall place the measure on the ballot for the earliest legally*
 27 *possible date unless the board of supervisors by resolution chooses*
 28 *a different legally possible date pursuant to Section 9116, 9118,*

1 9214, 9215, 9310, or 9311. *The measure shall not be removed*
2 *from the ballot on which it has been placed under the procedures*
3 *set forth above unless the elections official is notified in writing*
4 *that the board of supervisors has adopted the measure without*
5 *alteration, or the elections official is ordered to remove the*
6 *measure via writ of mandate or injunction issued by a court of*
7 *competent jurisdiction.*

8 SEC. 2. Section 9115 of the Elections Code is amended to read:

9 9115. (a) Within 30 days from the date of filing of the petition,
10 excluding Saturdays, Sundays, and holidays, if, from the
11 examination of petitions pursuant to Section 9114 shows that more
12 than 500 signatures have been signed on the petition, the elections
13 official may use a random sampling technique for verification of
14 signatures. The random sample of signatures to be verified shall
15 be drawn so that every signature filed with the elections official
16 shall be given an equal opportunity to be included in the sample.
17 The random sampling shall include an examination of at least 500,
18 or 3 percent of the signatures, whichever is greater.

19 (b) If the statistical sampling shows that the number of valid
20 signatures is within 95 to 110 percent of the number of signatures
21 of qualified voters needed to declare the petition sufficient, the
22 elections official shall, within 60 days from the date of the filing
23 of the petition, excluding Saturdays, Sundays, and holidays,
24 examine and verify the signatures filed. If the elections official
25 determines, prior to completing the examination of each signature
26 filed, that the petition is signed by the requisite number of qualified
27 voters to declare the petition sufficient, the elections official may
28 terminate the verification of the remaining unverified signatures.

29 (c) In determining from the records of registration, what number
30 of valid signatures are signed on the petition, the elections official
31 may use the duplicate file of affidavits maintained, or may check
32 the signatures against facsimiles of voters' signatures, provided
33 that the method of preparing and displaying the facsimiles complies
34 with law.

35 (d) The elections official shall attach to the petition a certificate
36 showing the result of this examination and shall notify the
37 proponents of either the sufficiency or insufficiency of the petition.

38 (e) If the petition is found insufficient, no action shall be taken
39 on the petition. However, the failure to secure sufficient signatures

1 shall not preclude the filing later of an entirely new petition to the
 2 same effect.

3 (f) If the petition is found to be sufficient, the elections official
 4 shall *immediately place the initiative measure that is the subject*
 5 *of the petition on the election ballot for which it qualifies pursuant*
 6 *to Section 1405, and certify the results of the examination to the*
 7 *board of supervisors at the next regular meeting of the board. If*
 8 *more than one election date is legally available, the elections*
 9 *official shall place the measure on the ballot for the earliest legally*
 10 *possible date unless the board of supervisors by resolution chooses*
 11 *a different legally possible date pursuant to Section 9116, 9118,*
 12 *9214, 9215, 9310, or 9311. The measure shall not be removed*
 13 *from the ballot on which it has been placed under the procedures*
 14 *set forth above unless the elections official is notified in writing*
 15 *that the board of supervisors has adopted the measure without*
 16 *alteration, or the elections official is ordered to remove the*
 17 *measure via writ of mandate or injunction issued by a court of*
 18 *competent jurisdiction.*

19 SEC. 3. Section 9308 of the Elections Code is amended to read:

20 ~~9308. (a) Except as provided in Section 9309, within 30 days~~
 21 ~~from the date of filing of the petition, excluding Saturdays,~~
 22 ~~Sundays, and holidays, the district elections official shall examine~~
 23 ~~the petition, and from the records of registration ascertain whether~~
 24 ~~the petition is signed by the requisite number of voters. A certificate~~
 25 ~~showing the results of this examination shall be attached to the~~
 26 ~~petition.~~

27 ~~(b) In determining the number of valid signatures, the district~~
 28 ~~elections official may use the duplicate file of affidavits maintained,~~
 29 ~~or may check the signatures against facsimiles of voters' signatures,~~
 30 ~~provided that the method of preparing and displaying the facsimiles~~
 31 ~~complies with law.~~

32 ~~(c) The district elections official shall notify the proponents of~~
 33 ~~the petition as to the sufficiency or insufficiency of the petition.~~

34 ~~(d) If the petition is found insufficient, no further action shall~~
 35 ~~be taken. However, the failure to secure sufficient signatures, shall~~
 36 ~~not preclude the filing of a new petition on the same subject, at a~~
 37 ~~later date.~~

38 ~~(e) If the petition is found sufficient, the district elections official~~
 39 ~~shall certify the results of the examination to the governing board~~
 40 ~~of the district at the next regular meeting of the board.~~

1 9308. *Within 30 days from the date of filing of the petition,*
2 *excluding Saturdays, Sundays and holidays, the district elections*
3 *official shall examine the petition in the same manner as are county*
4 *petitions in accordance with Sections 9114 and 9115, except that*
5 *for purposes of this section, references to the board of supervisors*
6 *shall be treated as references to the legislative body of the district.*

7 SEC. 4. Section 9309 of the Elections Code is repealed.

8 ~~9309. (a) Within 30 days from the date of filing of the petition,~~
9 ~~excluding Saturdays, Sundays, and holidays, if, from the~~
10 ~~examination of petitions pursuant to Section 9308, more than 500~~
11 ~~signatures have been signed on the petition, the district elections~~
12 ~~official may use a random sampling technique for verification of~~
13 ~~signatures. The random sample of signatures to be verified shall~~
14 ~~be drawn in such a manner that every signature filed with the~~
15 ~~elections official shall be given an equal opportunity to be included~~
16 ~~in the sample. A random sampling shall include an examination~~
17 ~~of at least 500 or 3 percent of the signatures, whichever is greater.~~

18 ~~(b) If the statistical sampling shows that the number of valid~~
19 ~~signatures is within 95 to 110 percent of the number of signatures~~
20 ~~of qualified voters needed to declare the petition sufficient, the~~
21 ~~district elections official, within 60 days from the date of the filing~~
22 ~~of the petition, excluding Saturdays, Sundays, and holidays, shall~~
23 ~~examine and verify each signature filed.~~

24 ~~(c) In determining from the records of registration, what number~~
25 ~~of valid signatures are signed on the petition, the district elections~~
26 ~~official may use the duplicate file of affidavits maintained, or may~~
27 ~~check the signatures against facsimiles of voters' signatures,~~
28 ~~provided that the method of preparing and displaying the facsimiles~~
29 ~~complies with law.~~

30 ~~(d) The district elections official shall attach to the petition, a~~
31 ~~certificate showing the result of this examination, and shall notify~~
32 ~~the proponents of either the sufficiency or insufficiency of the~~
33 ~~petition.~~

34 ~~(e) If the petition is found insufficient, no action shall be taken~~
35 ~~on the petition. However, the failure to secure sufficient signatures~~
36 ~~shall not preclude the filing later of an entirely new petition to the~~
37 ~~same effect.~~

38 ~~(f) If the petition is found to be sufficient, the district elections~~
39 ~~official shall certify the results of the examination to the governing~~
40 ~~board of the district at the next regular meeting of the board.~~

1 SEC. 5. If the Commission on State Mandates determines that
2 this act contains costs mandated by the state, reimbursement to
3 local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

O