

AMENDED IN SENATE APRIL 14, 2009

AMENDED IN SENATE MARCH 26, 2009

SENATE BILL

No. 34

Introduced by Senator Corbett
(Coauthors: Senators DeSaulnier and Florez)
(Coauthor: Assembly Member Huffman *Coauthors: Assembly Members*
Huffman and Jones)

December 9, 2008

An act to add Section 102.5 to the Elections Code, relating to petitions.

LEGISLATIVE COUNSEL'S DIGEST

SB 34, as amended, Corbett. Petitions: compensation for signatures.

Under existing law, a person who is a voter or is qualified to register to vote in this state may circulate an initiative or referendum petition, and a person who is a voter may circulate a recall petition.

This bill would provide that it is a misdemeanor for a person to pay or to receive money or any other thing of value based on the number of signatures obtained on a state or local initiative, referendum, or recall petition *and would prescribe penalties for doing so*. By creating a new crime, the bill would impose a state-mandated local program.

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

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

SECTION 1. Section 102.5 is added to the Elections Code, to read:

102.5. (a) It shall be unlawful for a person to pay or to receive money or any other thing of value based on the number of signatures obtained on a state or local initiative, referendum, or recall petition.

(b) Violation of this section shall be a misdemeanor, *as follows:*

(1) *A person or organization who pays a person based on the number of signatures obtained on a state or local initiative, referendum, or recall petition shall be punished by a fine not to exceed twenty five thousand dollars (\$25,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.*

(2) *A person who is paid based on the number of signatures obtained on a state or local initiative, referendum, or recall petition shall be punished by a fine not to exceed one thousand dollars (\$1,000), or by imprisonment in a county jail not to exceed six months, or by both that fine and imprisonment.*

(c) Nothing in this section prohibits the payment for signature gathering not based, either directly or indirectly, on the number of signatures obtained on a state or local initiative, referendum, or recall petition.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.