

Date of Hearing: April 1, 2014

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Paul Fong, Chair

AB 2219 (Fong) – As Introduced: February 20, 2014

SUBJECT: Initiative and referendum petitions: verification of signatures.

SUMMARY: Allows county elections officials to discontinue verifying signatures on a petition once an initiative or referendum has qualified for the ballot, as specified. Specifically, this bill:

- 1) Requires an elections official or registrar of voters, when conducting a full check of all signatures filed for a statewide initiative or referendum petition, to submit one or more reports to the Secretary of State (SOS) showing the number of signatures of qualified voters that have been verified as of the date. Requires the SOS to determine the number of reports required to be submitted and the manner of their submission.
- 2) Requires the SOS to maintain a list indicating the number of verified signatures of qualified voters who have signed the petition based on the most recent reports submitted. Provides that if the SOS determines, prior to each county completing the examination of each signature filed, that based on the list the petition is signed by the requisite number of voters needed to declare the petition sufficient, the SOS must immediately notify the elections official or registrar of voters of every county or city and county in the state of this fact.
- 3) Permits an elections official or registrar of voters, immediately after receipt of the notification described above, to suspend signature verification until receipt of a certificate from the SOS showing that the petition has been signed by the requisite number of qualified voters pursuant to current law, or until otherwise instructed by the SOS.
- 4) Provides that if an elections official determines, prior to completing the examination of each signature filed for a county initiative or referendum, that the petition is signed by the requisite number of qualified voters to declare the petition sufficient, the election official may terminate the verification of the remaining unverified signatures.
- 5) Makes corresponding changes.

EXISTING LAW:

- 1) Requires county elections officials, once all petitions for a statewide initiative and referendum are submitted, to determine the total number of signatures affixed to the petition and transmit this information to the SOS.
- 2) Requires the SOS to immediately notify the elections official if the total number of signatures filed with the elections official is 100 percent or more of the number of qualified voters needed to declare the petition sufficient.
- 3) Requires the elections official, after receipt of the notification from the SOS, to determine the number of qualified voters who have signed the petition. Permits the elections official, if more than 500 names have been signed on sections of the petition filed, to use a random

sample technique to verify the signatures, as specified.

- 4) Requires an elections official, upon completion of the examination, to attach to the petition a certificate showing the result of the examination and immediately transmit the certificate to the SOS. Provides that if the random sample shows that the number of valid signatures is within 95 to 110 percent of the number of qualified voters needed to find the petition sufficient, the SOS must order the examination and verification of each signature filed with the elections official.
- 5) Requires county elections officials, once all petitions for a county initiative are submitted, to determine the total number of signatures affixed to the petition. Requires the elections official, if the number of signatures equals or is in excess of the minimum number of signatures required, to examine the petitions, and from the records of registration ascertain whether or not the petition is signed by the requisite number of voters.
- 6) Permits an elections official, if more than 500 signatures are submitted, to use a random sample technique for verification of the signatures. Requires the random sample to include an examination of at least 500, or three percent of the signatures, whichever is greater.
- 7) Requires an elections official, if the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of qualified voters needed to find the petition sufficient, to examine and verify each signature filed.

FISCAL EFFECT: Unknown. State-mandated local program; contains reimbursement direction.

COMMENTS:

- 1) Purpose of the Bill: According to the author:

In general, in order to qualify for the ballot, state law requires an initiative or referendum to be signed by a specified number of registered voters. Once the requisite number of signatures has been collected on the petition, they must be filed with the appropriate county elections official. Once submitted, current law requires elections officials to examine the petition and determine if the raw number of signatures submitted equals or exceeds the number of signatures required. If it is determined a sufficient number of signatures has been submitted, current law requires county elections officials to examine the petition, and from records of registration, verify the signatures to ascertain whether the petition is signed by the requisite number of voters.

Under existing law, county elections officials are required to continue to examine and verify petition signatures even after the number has exceeded the required amount of signatures to qualify the measure for the ballot.

This bill permits county elections officials to discontinue verifying signatures on a petition once an initiative measure has qualified for the ballot, as specified. AB 2219 has the potential to decrease the cost and staff time spent on continuing to verify signatures that will have no impact on the petition's disposition.

Specifically, AB 2219 allows a county elections official to suspend signature verification on initiative or referendum petitions once it has been determined by the Secretary of State that the measure has the requisite number of valid signatures to qualify the measure for the ballot. Additionally, this bill permits the county elections official to end signature verification on a petition for a county measure if it is determined by the elections official that the petition has the requisite number of signatures to qualify the measure for the ballot.

- 2) Background: In order to qualify for the ballot, current law requires a statewide initiative and referendum to be signed by a specified number of registered voters. Specifically, Article II, Section 8(b) of the California Constitution requires a statewide initiative statute or referendum to be signed by registered voters equal to at least five percent of the total votes cast for Governor at the last gubernatorial election. According to the SOS's office, the total number of signatures required is 504,760.

Once the requisite number of signatures has been collected, they must be filed with the appropriate county elections officials. After the filing of the petitions, county elections officials must determine the total number of signatures on the petitions submitted and report the total to the SOS. If the raw count of signatures submitted equals 100 percent or more of the total number of signatures needed to qualify the initiative measure, the SOS notifies the county elections official to verify the signatures using a random sample verification technique. If the result of the random sample indicates that the number of valid signatures represents between 95 to 110 percent of the required number of signatures to qualify the measure for the ballot, the SOS is required to direct the county elections official to verify *every* signature on the petition.

This bill revises the signature verification process for statewide initiatives and referendums and makes it more efficient and transparent. Specifically, this bill requires the elections official, when conducting a full check of all signatures filed, to submit one or more reports to the SOS showing the number of signatures of qualified voters that have been verified as of that date. Additionally, this bill requires the SOS to maintain a list indicating the number of verified signatures of qualified voters who have signed the petition. If the SOS determines that the measure has qualified prior to each county completing the examination of each signature filed, then counties are able to stop the verification of signatures.

In addition, this bill makes changes to the signature verification process in place for county measures. Specifically, this bill permits a county elections official to terminate verification of the remaining unverified signatures if the elections official determines, prior to completing the examination of each signature filed, that the petition is signed by the requisite number of qualified voters to declare the petition sufficient.

This bill has the potential to reduce costs and administrative burdens by allowing county elections officials to discontinue verifying signatures that will have no impact on the petition's disposition.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Clerks and Election Officials (sponsor)

Opposition

None on file.

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