



DR. JAMES VELTMEYER, CHAIRMAN

CALIFORNIA REGULATIONS REGARDING PETITION GATHERING

There are regulations governing Signature Gathering in California.

Disclosure – If asked, a petition gatherer must disclose if they are a volunteer or being paid. A petition gatherer must also disclose on the petition his or her name and place of residence, as well as attest that he or she is qualified to be a registered voter in California. The gatherer must also attest that he or she witnessed the appended signatures on the petition and that each signature is the genuine signature of the person whose name it purports to be. This information is the "declaration of circulator" section of the petition.

Honesty – It is important to be completely truthful. There are actually criminal penalties for signature gatherers who misrepresent the content of the petition they are circulating, including misrepresenting the purpose or contents of the measure to potential signers. Straight from the Secretary of State's handy handbook:

The Elections Code imposes certain criminal penalties for abuses related to the circulation of initiative petitions. It prohibits circulators from misrepresenting the purpose or contents of the petition to potential petition signers, intentionally making a false statement in response to a voter's inquiry as to whether the circulator is a paid signature gatherer or a volunteer (Elections Code § 18600), and from refusing to allow prospective signers to read the initiative measure or petition or Attorney General's summary. (Elections Code §§ 18601, 18602.) No person may offer or give payment or anything of value to another in exchange for signing an initiative petition. (Elections Code § 18603.) The code also makes circulators, signers, and others criminally liable for signing or soliciting to sign false, forged, fictitious, or ineligible signatures and names. (Elections Code §§ 18610-18614.) The law provides criminal penalties for persons, including public officials, who make false affidavits (for example, the circulator's declaration is an affidavit), returns, or certifications concerning any initiative measure. (Elections Code §§ 18660, 18661.)

Polling Places – Circulating petitions within 100 feet of a polling place or an elections official's office on election day is prohibited. (Elections Code § 18370(a).)

Threats – The law prohibits any person from stealing petitions and from threatening petition circulators or circulators' relatives with the intent to dissuade them from circulating the petition (Elections Code §§ 18630, 18631).

Paid Gatherers – Any person who is paid by the proponent(s) to obtain signatures on any initiative petition is subject to severe penalties for failing to surrender the petition to the proponent(s) for filing. (Elections Code § 18640.)

Signatures – The petition or list of signatures may be used for no purpose other than the qualification of the initiative measure including for mailing lists or fundraising.