

Petition Signatures

Only persons who are registered, qualified voters at the time of signing are entitled to sign the petition. A person can only sign a petition that is being circulated in his or her county of registration. If a petition circulator is a registered voter, he or she may sign the petition he or she is circulating (Sections 102, 105, 9021). Each signer must personally place on the petition his or her signature, printed name, residence address (or physical description of the location if there is no street address), and the name of the incorporated city or unincorporated community (Section 100). None of the above may be preprinted on the petition. Each signer may sign an initiative petition only once (Section 18612).

Withdrawal of Signatures

Any voter who has signed an initiative petition may withdraw his or her name by filing a written request for the withdrawal with the appropriate county elections official prior to the date the petition is filed by the proponent(s) (Sections 103, 9602).

Criminal Penalties

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 (Section 18600), and from refusing to allow prospective signers to read the initiative measure or petition or Attorney General's summary (Sections 18601, 18602). No person may offer or give payment or anything of value to another in exchange for signing an initiative petition (Section 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 (Sections 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 (Sections 18660, 18661).

Circulating petitions within 100 feet of a polling place or an elections official's office on election day is prohibited (Section 18370(a)). The law prohibits any person from soliciting or obtaining money or anything of value to aid in unlawfully stopping circulation or the filing of an initiative measure (Sections 18620-18622). It also prohibits any person from stealing petitions and from threatening petition circulators or circulators' relatives with the intent to dissuade them from circulating the petition (Sections 18630, 18631). Any person who is paid by the proponent(s) to obtain signatures on any initiative petition is subject to severe penalties for refusing to surrender the petition to the proponent(s) for filing (Section 18640).

It should be noted that the petition or list of signatures may be used for no purpose other than the qualification of the initiative measure. This requirement prohibits using the names and addresses on petition sections for a mailing list for fundraising or other purposes (Section 18650).