

## **The Basic Steps To Do An Initiative Petition In California Statutes And Amendments – Direct Initiative Process**

**Basic Procedures:** The first step in the process of qualifying an initiative is to write the text of the proposed law. The measure's proponents in many cases may obtain assistance from the Legislative Counsel in drafting the measure. To do so, the proponents must present the idea for the law to the Legislative Counsel, and the request for a draft of the proposed law must be signed by 25 or more electors. The Legislative Counsel will then draft the proposed law if it is determined that there is a reasonable probability the measure will eventually be submitted to the voters. The draft of the proposed measure must then be submitted to the Attorney General, who prepares the title and summary. The Attorney General provides the Secretary of State with a copy of this title and summary within 15 days of the receipt of the final version of the measure. The Attorney General works closely with proponents on this language, but gets the final say.

If the Attorney General determines that the measure requires a fiscal analysis, the Department of Finance and the Joint Legislative Budget Committee are asked to prepare an analysis within 25 working days from the date they receive the final version of the proposed initiative. The fiscal analysis includes either the estimate of the amount of any increase or decrease in revenues or costs to the state or local government, or an opinion as to whether or not a substantial net change in state or local finances would result if the proposed initiative is adopted. If, in the opinion of the Dept. of Finance and the Joint Legislative Budget Committee, a reasonable estimate of the net impact of the proposed initiative cannot be prepared within the 25-day period, the Dept. of Finance and the Budget Committee shall, within the 25-day period, give the Attorney General their opinion as to whether or not a substantial net change in the state or local finances would result if the proposed initiative is adopted. The fiscal analysis is then included in the official summary. (If a fiscal estimate is required, the Attorney General shall prepare the title and summary within 15 days *after* receipt of the estimate prepared by the Dept. of Finance and the Joint Legislative Budget Committee.)

When the official summary is complete, the Attorney General sends it to the proponents, the Senate, the Assembly, and the Secretary of State. It is at this time that proponents can begin circulating. It generally takes 30-45 days between submitting an initiative and approval for circulation.

The Legislature may conduct public hearings on the proposed initiative, but cannot amend it.

**Date Initiative language can be submitted to state for November 2002 ballot:** Any time.

**Signatures tied to vote of which office:** Governor

**Next Gubernatorial election:** 2002

**Votes cast for governor in last election:** 8,381,880

**Net number of signatures required:** 8% of votes cast for Governor for a constitutional amendment (670,816) and 5% for a statute (419,094)

**Distribution requirement:** None

**Circulation period:** 150 days

**Do circulators have to be residents?** No

**Date when signatures are due for certification:** No petition may be circulated prior to the official summary date. The completed and signed petition must be filed with the county elections official not later than 150 days from the official summary date; no petition may be accepted for filing after that date. Each initiative will be placed on the next statewide general or special election ballot that occurs at least 131 days after the initiative qualifies.

**Signature verification process:** Random Sampling

**Single-subject restriction:** Yes

**Legislative tampering:** The legislature cannot amend or repeal an initiative, unless it is permitted by the initiative.

**General Comments:** The law specifies the format for the petition. The petition may be circulated by many different people carrying separate, identical parts of the petition called "sections". It is important to follow the prescribed format because the county elections officials will not accept nonconforming petitions for filing. Each section of the petition must contain the full title and text of the measure and each page on which signatures are to appear must contain a copy of the Attorney General's summary in Roman boldface type not smaller than 12-point. The petition must have room for the signature of each petition signer as well as his or her printed name, residence address and community name. Signature spaces must be consecutively numbered commencing with the number 1 for each petition section. A minimum one-inch space shall be left at the top of each page and after each name for use by the county elections official. Pursuant to the Supreme Court's decision in *Assembly v. Deukmajian*, the petition form must direct signers to include their "residence address" rather than "address as registered" or other address. Non-complying petition forms will be rejected as invalid. Additionally,

each section of the petition must contain the name of the county (or city and county) in which it was circulated. Each section shall be circulated among voters of only one county and may be circulated only by registered voters.