

# Initiative Petition Reference Guide

## INTRODUCTION

The Voter Registration Division is responsible for the intake, verification, and certification of local and state initiatives and referendums. Our office is open Monday through Friday 8 a.m. to 5 p.m., except for Holidays, and remains open during lunch hours. All Petition filings must be done during the County's normal business hours.

The information contained in this guide is provided for informational purposes only and should not be construed as legal advice on any subject matter. The information is intended to furnish readers with general information on matters that they may find to be of interest. Any persons seeking legal advice should consult with a legal consultant and/or attorney.

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## CIRCULATING & SIGNING PETITIONS

### PETITION CIRCULATOR INFORMATION

For a Petition section and/or signature to be valid the Circulator must adhere to the following:

- Be at least 18 years of age or older
- Provide accurate circulation date(s) and date(s) of execution
- Complete ALL the “Declaration of Circulator” fields and sign in Circulator’s own writing

### SIGNING A PETITION

Only signatures of registered voters in Santa Clara County who meet the requirements before or at the time of signing will be counted as valid. If someone is not yet registered to vote, they may do so by visiting <https://registertovote.ca.gov> or may complete a paper Voter Registration Application.

Each voter signing the petition must sign the petition in their handwriting. **Electronic signatures are not allowed.** The signature must include the following:

- Signature and printed name, and
- Place of residence, including street and house number or other designation from which the location of the place of residence may be readily ascertained.

A petition signer must complete their name, signature, and address in their own handwriting. Someone cannot write and/or sign on their behalf. Completing the section on behalf of someone else will invalidate the signature. If the signer is unable to sign their name in their own handwriting, the signer may make a mark indicating their signature and then have a witness sign next to it.

Petition signers should include their registered residence address (**including the city and zip code**). PO Boxes cannot be accepted.

The petition signer must be registered to vote at the address provided at the time of signing the petition. The signer’s Voter Registration Application must be signed (1) on or before the date the petition is signed, or (2) before the date the petition is signed AND the registration card must be received by the Registrar of Voters (ROV) on or before the date the petition is filed.

### Tips for Voters/Signers:

- Always print legibly!
- **DO NOT USE WHITEOUT.**
- **DO NOT SIGN MORE THAN ONCE.**  
Only one signature will be valid.
- ONLY write/sign one name, per signer box, per each Petition.
- Complete address and signature in voter’s own handwriting.
- **DO NOT INCLUDE MULTIPLE NAMES IN ONE SIGNER BOX.**
- If the information is invalid, draw a line through ALL information in the box (i.e., name(s), address(es), and signature(s)).
- ONLY use **BLACK** or **BLUE** ink and print clearly/legibly.
- **DO NOT FILL OUT USING A COMPUTER OR TYPEWRITER.**
- Avoid writing, overlap, and/or marks on the side boxes.
- Ensure that your voter registration information is up to date by visiting: [www.registertovote.ca.gov](http://www.registertovote.ca.gov)

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The use of ditto marks (“) or “same” to provide signer information on a petition will invalidate the signature.

## SIGNER WITHDRAWAL

Any voter may withdraw their signature from a Countywide or Statewide initiative petition by filing a written request with the ROV that includes the voter’s name, residence address, signature, and a request to remove their name from the petition. The request should identify the specific petition at issue. The ROV must receive the request **prior** to when the petition is filed. Election Code (EC) 103 & 9602.

A signature withdrawal form is provided in this handout for your reference, but the voter does not have to use this exact form to withdraw their name. ROV will accept any means of a written request.

## FILING PETITIONS

### PETITION FILING

The petition shall be filed by the proponents, or by any person or persons authorized in writing by the proponents. EC 9113. In addition to the letter of authorization, please bring two blank copies of each petition variation.

All sections of the petition must be filed at the same time and may not be amended or supplemented except by order of a court. Any sections not so filed shall be void for all purposes.

State and local petitions must be filed at the ROV office at 1555 Berger Dr. San José, CA 95112 with the Voter Registration Division.

## EXAMINATION AND SIGNATURE VERIFICATION BY ROV

The ROV has 30 business days to complete the random sampling for verification of signatures. ROV has 60 business days from the date of filing to complete verifying **all** signatures **if** the result of the random statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient.

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## VERIFICATION OF SIGNATURES

If less than 500 signatures are submitted, the ROV must verify every signature submitted. If more than 500 signatures are submitted, the ROV will use a random sampling signature verification. The random sampling shall include an examination of at least 500, or 3% of the signatures, whichever is greater. EC 9115.

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## RANDOM SAMPLING VERIFICATION OF SIGNATURES:

When the random sampling technique is used, the ROV must complete the examination of the sample of signatures within 30 days, excluding Saturdays, Sundays, and holidays of the filing of the petition. If, for example, 87% of the sample signatures are found to be valid, then 87% of the entire number of signatures are deemed to be valid. EC 9115. The number of signatures that must be examined (i.e., sampled) is generated by the ROV's Election Information Management System (EIMS). Some frequently asked questions (Q) and answers (A) are provided below:

**Q.** After the random sampling is completed, can a 100% verification be done?

**A.** If the random sampling shows that the number of valid signatures is within 95% to 110% of the number of signatures needed, the ROV must examine and verify each signature filed. This process is also known as "Full Check." Additional time is allowed for the 100% signature verification after the random sampling has been conducted. The ROV must, within 60 days from the date of the filing of the Petition, excluding Saturdays, Sundays, and holidays, examine and verify each signature filed. EC 9115

**Q.** What happens if the random sampling determines that the number of valid signatures is less than 95% of the number of signatures needed?

**A.** The ROV shall certify the petition to be insufficient. If the petition is found insufficient, no action shall be taken on the petition. However, the failure to secure sufficient signatures shall not preclude a new, but identical or similar, petition from being filed at a later date. EC 9115

**Q.** What happens if the random sampling determines that the number of valid signatures is over 110% of the number of signatures needed?

**A.** The petition is considered qualified without further verification, and the ROV must certify the results of the examination to the governing board at the governing board's next regular meeting. EC 9115

## CERTIFICATION & EXAMINATION

If the petition is found to have insufficient signatures, the ROV will certify the results by preparing a certificate and notifying the proponent of this result. If a petition is found to be insufficient by the ROV, the proponents listed on the Notice of Intention and representatives of the proponents as by the

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proponents in writing must be allowed to examine the petition signatures to ascertain which signatures were disqualified and why. Gov't Code §6253.5. **This right of examination is not otherwise available to proponents or to the public in general.** Examination shall begin no later than 21 days after certification of insufficiency.

If a petition is found to be sufficient by the ROV, proponents and members of the public may not examine the petition. If the petition is found to have sufficient signatures, the ROV will certify the results by preparing a certificate. The proponent will be notified of this result.

## PROHIBITIONS ON UNETHICAL BEHAVIORS

States vary widely in the behavior they deem to be unethical by petition circulators. The prohibitions may include but is not limited to:

- Offering payment to sign/not sign a petition
- Coercing to sign/not sign petition
- Misrepresenting contents of petition, or refusing to let signers read it
- Circulating a petition not in its entirety
- Forging names on a petition
- Permitting one person to sign for another
- Offering, seeking, and/or receiving payment to abandon, sell, and/or destroying a petition
- Using a petition for extortion or blackmail

## FAQ'S

### FREQUENTLY ASKED QUESTIONS

1. Who may circulate a petition?  
A person who is 18 years of age or older may circulate an initiative or referendum petition. EC 102.
2. Who may sign a petition?  
Eligible registered voters in Santa Clara County at the time of signing are entitled to sign a petition. EC 100 & 106.

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## 3. Can signatures be withdrawn?

Yes – There are two ways to withdraw a signature. First, you may complete the [Petition Signature Withdrawal Form](#) which is located on our website:

<https://sccvote.sccgov.org/register-vote/voter-registration-forms-and-faqs>. The form must be completed and submitted before the petition is filed with the ROV. Second, as an alternative, you may submit a written request that includes your name, residence address, and signature. The request to withdraw your signature must be filed with the ROV prior to the date the petition is filed or in the case of a statewide recall special election, within 30 business days of the Secretary of State certifying the petition.

Written requests pertaining to Santa Clara County voters may be mailed to: Voter Registration Division, 1555 Berger Dr. Bldg. 2, San José, CA 95112.

## 4. Are electronic signatures acceptable?

No – Under no circumstances are electronic signature accepted during signature verification.

## 5. What constitutes an invalid signature?

A signature is deemed invalid if the signature on the document is photocopied, scanned, faxed, or similarly reproduced. A signature is invalid if it does not appear to resemble the signature(s) on the voter's record.

## 6. What constitutes a valid signature?

A valid signature is not required to be legible. The signature is also not required to be written in English, and/or cursive penmanship. A valid signature may be abbreviated if it is consistent with signature(s) on the voter's registration record.

## 7. What options are available to people with disabilities who are unable to replicate the signature(s) on their voter registration record?

A person may use an "X" or similar mark as their signature if they are unable to sign their name in their own handwriting. A voter who is unable to personally affix on a petition or paper the information required on a petition may request another person to print the voter's name and place of residence on the appropriate spaces of the Petition page. However, the voter must still personally affix their **mark** or **signature** on the appropriate space of the petition or paper. This action shall be **witnessed** by one person who then signs next to the signer's mark. Note that a voter may choose to re-register to vote using an "X" or similar mark as their updated signature if they are unable to sign in their own handwriting.

## 8. Is pre-printed information valid?(i.e., name, address label, stamp, etc.)

The signature will only be deemed valid if the signer is disabled and is unable to sign their name, and/or address or if the voter has a signature stamp that matches the signature(s) stamp on their voter registration record. A witness must also sign in both scenarios, otherwise the signature will be deemed invalid.

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## CONTACT INFORMATION

- Julia Saenz, Election Division Coordinator at 408-282-3009 or [Julia.Saenz@rov.sccgov.org](mailto:Julia.Saenz@rov.sccgov.org)
- Janora Blow, Election Process Supervisor II at (408) 918-9096 or [Janora.Blow@rov.sccgov.org](mailto:Janora.Blow@rov.sccgov.org)
- General Inquires: [voterinfo@rov.sccgov.org](mailto:voterinfo@rov.sccgov.org) and/or 408-299-VOTE (8683)
- Address: 1555 Berger Dr. Bldg. 2, San Jose, CA 95112

Cities contract with the ROV for signature verification. Questions related to city petitions should be directed to the [City Clerk](#) of the appropriate city.

## RESOURCES

- CACEO Petition Guidelines: [https://www.caceo58.org/assets/documents/PetitionPetitions%20Signature%20Verification%20Guidelines%20\(Rov\\_2018%20Dec%202012\)%20FINAL.pdf](https://www.caceo58.org/assets/documents/PetitionPetitions%20Signature%20Verification%20Guidelines%20(Rov_2018%20Dec%202012)%20FINAL.pdf)
- Statewide Initiative Guide: <https://elections.cdn.sos.ca.gov/ballot-measures/pdf/statewide-initiative-guide.pdf>
- Election Petition Signature Verification Random Sampling Verification Methodology <https://www.sos.ca.gov/administration/regulations/current-regulations/elections/election-petition-signature-verification-random-sampling-verification-methodology>
- Petition Processing, Signature Verification, Ballot Processing, and Ballot Counting: <https://www.sos.ca.gov/administration/regulations/current-regulations/elections/petition-processing-signature-verification-ballot-processing-and-ballot-counting>
- Signature Withdrawal Form: <https://sccvote.sccgov.org/sites/g/files/exjcpb1106/files/documents/PETITIONPETITION%20SIGNATURE%20WITHDRAWAL%20FORM%20-%20V1%205321.pdf>