

California Freedom Coalition

Know Your Rights When Signature-Gathering

Signature gathering is crucial in order for 17-0005 to make it to the ballot. It is important to know your rights as a signature gatherer.

In Public (i.e. sidewalks, parks, civic buildings, train stations, civic plazas, or any other “public property”)

- It is legal to gather petition signatures on any public property, with the caveat that those gathering signatures are not creating a disturbance, inciting violence, etc.
- If using a table it is important to remember not to block egress or ingress into buildings.

Multi-Use Lots and Storefronts

- Multi-use lots and storefronts are strip malls, outdoor malls, or any venue with a lot with more than one business. According to current interpretation of the First Amendment and the California State Constitution wherein it reads:
 - “Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press.”
 - This has been upheld multiple times starting with the Pruneyard Shopping Center v. Robins all the way to the recent narrowing of the decision in Ralphs Grocery Co. v. United Food and Commercial Workers Union Local 8.
 - In essence what this means is that you have the right to canvass and collect petition signatures.

Single Use Lots (Storefronts and lots with only one business) – Must ask for permission

- Single use lots are deemed private property according to interpretations of the First Amendment and the freedom of speech clause in the California State Constitution. One must gain permission from the business owner or manager before canvassing or gathering signatures at these locations.

Malls (Westfield, Vallco, Great Mall, etc.) – Must ask for permission

- Large malls especially during the Christmas season are can be very helpful. Often times most of these malls have a strict free speech policy that only allows groups to organize on mall property with written permission, liability insurance, and a small deposit (sometimes they will wave deposit for 501(c)3s.
- It is important to do the research on which malls in your area allow for canvassers and signature gatherers to organize on their premises and follow procedure correctly to ensure a copacetic relationship with these malls.

What To Do In Case Management Asks You to Leave

- Sometimes, management unhappy with organizations collecting signatures on what can be described as for public use (public and multi-use lots) will try and confront those collecting signatures. When they do, make sure you're on public property or in an area of multi-use lots and storefronts. If so, then:
 - Stay calm.
 - State your right to be there, citing the "Pruneyard case".
 - Stand your ground if you wish and continue gathering signatures.
- If the manager calls the police, and you wish to stand for your rights and continue gathering signatures, you can call the local police Watch Commander and ask them to come to your location. Oftentimes, regular officers don't know the rights given by Pruneyard, but the watch commander should. You can tell the police when they arrive that the watch commander is on his way. Explain your case to the watch commander and do what they say.
- Contact Shankar Singam and your Chapter Leader as soon as possible. Someone at the CFC will try to help you sort things out.