

# LEGISLATIVE GUIDE TO CALIFORNIA ELECTION LAWS

**2014** SUMMARY OF  
ELECTION RELATED LEGISLATION



California Association of Clerks and Election Officials

## ***How to Use This Manual***

*This Legislative Guide to Election Laws has been prepared to provide you with a summary of election related legislation chaptered or vetoed in 2013. Changes in or additions to text are shown by underlined italics, deletions are indicated by strikeouts, and new law text is shown italicized with no underlining. In addition to summaries of legislation and California code language, the manual also contains the Assembly or Senate Bill number, chapter number assigned by the Secretary of State, Governor's veto letters, and a table of code sections affected by chaptered legislation. A copy of each bill listed in its full text can be obtained from the Legislative Counsel of California at [www.leginfo.ca.gov](http://www.leginfo.ca.gov).*

## ***Disclaimer***

*It is not the intent of the authors of this publication to provide any legal analysis or opinion relating to the bills listed herein. Please note that anyone using this guide must bear full responsibility to make their own determinations as to all legal standards, duties and factual material contained therein.*

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**Section One****BILL LISTING**

	<b><u>BILL NO.</u></b>	<b><u>CHAPTER NO.</u></b>
<b>ASSEMBLY</b>	AB 882	586
	AB 1311	591
	AB 1440	873
	AB 1446	593
	AB 1589	649
	AB 1596	596
	AB 1666	881
	AB 1673	882
	AB 1692	884
	AB 1752	887
	AB 1768	130
	AB 1817	131
	AB 1873	598
	AB 2028	209
	AB 2093	106
	AB 2219	681
	AB 2233	270
	AB 2243	899
	AB 2351	903
	AB 2369	904
	AB 2439	168
	AB 2530	906
	AB 2551	908
	AB 2562	909
	AB 2631	911
<b>SENATE</b>	SB 29	618

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	<b><u>BILL NO.</u></b>	<b><u>CHAPTER NO.</u></b>
<b>SENATE (Cont.)</b>	SB 113	619
	SB 844	920
	SB 867	186
	SB 1063	624
	SB 1195	187
	SB 1253	697
	SB 1441	930
<b>TOTAL COUNT: 33</b>		

**Section Two****SECTIONS AFFECTED****Am = Amended, Add = Added, R = Repealed, Rn = Renumbered**

<u>CODE</u>	<u>SECTION</u>	<u>CHAPTER</u>	<u>EFFECT</u>
EDUCATION	5091	909	Am
	49040	131	Am
	49041	131	Add
ELECTIONS	9	697	Am
	100	909	Am
	101	697	Am
	105	909	Am
	361	911	Am
	2102	619	Am
	2102	909	Am
	2105.5	899	Am
	2105.7	624	Add
	2106	619	Am
	2107	909	Am
	2138.5	593	Am
	2146	593	Am
	2150	619	Am
	2153	586	Am
	2155.3	619	Add
	2156	619	Am
	2157	593	Am
	2158	593	Am
	2159.5	593	Am
	2194	593	Am
	2194.1	593	Am
	2205	619	Am
	2208	591	Am
	2209	591	Am
	2220	619	Am
	3006	596	Am

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<u>CODE</u>	<u>SECTION</u>	<u>CHAPTER</u>	<u>EFFECT</u>
<b>ELECTIONS (CONT.)</b>	3018	911	Am
	3019	906	Am
	3020	618	Am
	3117	618	Am
	3120	649	Am
	4000.5	598	R & Add
	4001	209	Am
	4103	618	Am
	5100	903	Am
	5151	903	Am
	8040	130	Am
	8106.5	270	Add
	9002	697	Am
	9004	697	Am
	9005	697	Am
	9014	106	Am
	9014	697	Am
	9020	909	Am
	9030	697	Am
	9031	681	Am
	9031	697	Am
	9033	697	Am
	9034	697	Am
	9051	697	Am
	9082.7	697	Am
	9082.7	920	Am
	9086	920	Am
	9094.5	697	Am
	9115	681	Am
	9285	909	Am
	9401	908	Am
	9604	697	Am
	Chapter 2	873	Add
	(commencing with Section 10010) to Part 1 of Division 10		
	10552	909	R
	10703	598	Am

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<u>CODE</u>	<u>SECTION</u>	<u>CHAPTER</u>	<u>EFFECT</u>
<b>ELECTIONS (CONT.)</b>	11105	586	Am
	11302	591	Am
	13108	887	Am
	Heading of Article 5 (commencing with Section 13282) of Chapter 3 of Division 13	911	Am
	13283	911	R
	13284	911	R
	13285	911	R
	13286	911	R
	13287	911	R
	13288	911	R
	13289	911	R
	14300	909	Am
	14310	906	Am
	15101	618	Am
	15101	906	Am
	15250	911	Am
	15250.5	911	Add
	15320	906	Am
	15350	906	Am
	15372	618	Am
	15624	904	Am
	17301	909	Am
	17302	909	Am
	18108.5	593	Am
	18109	593	Am
	18621	697	Am
	19202	909	Am
	19370	911	R
	19371	911	Am
	19380	911	R
	19381	911	R
	19382	911	Am & Rn
	19383	911	R
	19384	911	R



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<u>CODE</u>	<u>SECTION</u>	<u>CHAPTER</u>	<u>EFFECT</u>
<b>ELECTIONS (CONT.)</b>	19385	911	Am & Rn
	19386	911	R
	21500.1	873	R
	21507	873	Add
	21601.1	873	R
	21607	873	Add
	21620.1	873	R
	21621	873	Add
	22001	873	Add
<b>GOVERNMENT</b>	6254.4	593	Am
	6276.46	593	Am
	12172.3	168	Add
	82015	882	Am
	82015	930	Am
	85304	884	Am
	85304.5	884	Am
	89511	884	Am
	88002	920	Am
	89512	884	Am
	89513	881	Am
	89513	884	Am
	89519	884	Am
<b>PENAL</b>	86	881	Am
<b>PROBATE</b>	1823	591	Am
	1826	591	Am
	1828	591	Am
	1851	591	Am
	1910	591	Am

## Section Three

### 2014 CHAPTERED LEGISLATION

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#### VOTER REGISTRATION AND RECALL ELECTIONS

##### **Assembly Bill 882 Chapter 586**

##### **CURRENT PROVISIONS:**

Existing law provides that if a county elections official receives an affidavit of voter registration that does not include all required information, and the elections official is not able to collect the missing information by telephone, but the mailing address of the affiant is legible, the elections official is required to inform the affiant of the reason for rejection of the affidavit and send to the affiant a new voter registration card.

Existing provisions of the California Constitution and statute authorize the recall of state officers. Each section of a recall petition is required to be filed with the elections official of the county in which it was circulated.

Existing law requires the elections official to report to the Secretary of State, 30 days after a recall has been initiated and every 30 days thereafter, the number of signatures submitted on the recall petition sections, the number of valid signatures, and related information. Upon the submission of a section of a recall petition, if fewer than 500 signatures are submitted to the elections official, the elections official is required to count the number of signatures and submit those results to the Secretary of State. If 500 or more signatures are submitted to the elections official, the elections official may verify, using a random sampling technique, either 3% of the signatures submitted or 500 signatures, whichever is less, and report the results of that verification to the Secretary of State.

##### **NEW PROVISIONS:**

Allows the elections official under these circumstances to send to the affiant any other document, as determined by the elections official, on which the affiant may provide the missing information.

Provides that if 500 or more signatures are submitted to the elections official, the

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elections official may verify, using a random sampling technique, either 3% of the signatures submitted or 500 signatures, whichever is greater.

## SECTIONS AFFECTED:

### SECTION 1.

#### **Amends Elections Code 2153**

(a) Except as provided in Section 2154, the affidavit of registration shall show all the facts required to be stated.

(b) If the affidavit does not contain all of the information required, but the telephone number of the affiant is legible, the county elections official shall telephone the affiant and attempt to collect the missing information.

(c) If the affidavit does not contain all of the information required, and the county elections official is not able to collect the missing information by telephone, but the mailing address of the affiant is legible, the county elections official shall inform the affiant of the reason for rejection and shall send to the affiant a *either of the following*:

(1) *A new voter registration card card.*

(2) *Any other document, as determined by the elections official, on which the affiant may provide the missing information. An affiant who provides information pursuant to this paragraph shall certify under penalty of perjury that the information provided is true and correct.*

### SEC. 2.

#### **Amends Elections Code 11105**

Upon each submission, if fewer than 500 signatures are submitted to the elections official, he or she shall count the number of signatures and submit those results to the Secretary of State. If 500 or more signatures are submitted, the elections official may verify, using a random sampling technique, either 3 percent of the signatures submitted, or 500, whichever is ~~less~~ greater. The random sample of signatures to be verified shall be drawn in ~~such~~ a manner that every signature filed with the elections official shall be given an equal opportunity to be included in the sample. Upon completion of the signature verification, the elections official shall report the results to the Secretary of State pursuant to Section 11104.

### SEC. 3.

If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of

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## RECALL ELECTIONS AND VOTER REGISTRATION

### Assembly Bill 1311

#### Chapter 591

#### **CURRENT PROVISIONS:**

Existing law prohibits a person from being registered as a voter except by affidavit of registration. If a court finds that a person is not capable of completing an affidavit of voter registration, as specified, existing law provides that a person shall be deemed mentally incompetent and disqualified from voting.

Existing law regulates the terms and conditions of conservatorships and creates various requirements for a court and a court investigator with regard to informing a proposed conservatee that he or she may be disqualified from voting if he or she is not capable of completing an affidavit of voter registration.

Under existing law, if a vacancy occurs in an office after a recall petition is filed against the vacating officer, the recall election is required to proceed. The vacancy in that office is required to be filled as provided by law, but a person appointed to fill the vacancy holds office only until a successor is selected and qualifies for that office.

#### **NEW PROVISIONS:**

Prohibits a person, including a conservatee, from being disqualified from voting on the basis that the person signs the affidavit of voter registration with a mark or a cross, signs the affidavit of voter registration with a signature stamp, or completes the affidavit of voter registration with the assistance of another person.

Provides that upon the occurrence of a vacancy, the elections official for each county in which a section of the recall petition has been filed is required to immediately verify the signatures on the petition submitted to the elections official as of the date of the vacancy. If the elections official verifies that a sufficient number of signatures were filed as of the date of the vacancy, the recall election would be required to proceed. If the elections official verifies

that an insufficient number of signatures, or no signatures, were filed as of the

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date of the vacancy, the recall election would not proceed and the vacancy in the office that is the subject of the recall election would be filled as otherwise provided by law.

Deletes the requirement that a person appointed to fill the vacancy holds office only until a successor is selected and instead would prohibit a person who was subject to a recall petition from being appointed to fill the vacancy in the office that he or she vacated or to fill any other vacancy in office on the same governing board for the duration of the term of office of the vacated seat.

## SECTIONS AFFECTED:

### Amends Elections Code 2208

(a) A person shall be deemed mentally incompetent, and therefore disqualified from voting, if, during the course of any of the proceedings set forth below, the court finds that the person is not capable of completing an affidavit of voter registration in accordance with Section 2150 and any of the following apply:

(c) ~~Whenever~~ If an order establishing a conservatorship is made and in connection with the order it is found that the person is not capable of completing an affidavit of voter registration, the court shall forward the order and determination to the county elections official of the person's county of residence.

(d) A person shall not be disqualified from voting pursuant to this section on the basis that he or she does, or would need to do, any of the following to complete an affidavit of voter registration:

(1) Signs the affidavit of voter registration with a mark or a cross pursuant to subdivision (b) of Section 2150.

(2) Signs the affidavit of voter registration by means of a signature stamp pursuant to Section 354.5.

(3) Completes the affidavit of voter registration with the assistance of another person pursuant to subdivision (d) of Section 2150.

### Amends Elections Code 2209

(b) (1) If the person had been disqualified from voting by reason of being incapable of completing an affidavit of voter registration, the court investigator shall determine whether the person has become capable of completing the affidavit in accordance with Section 2150 and subdivision (d) of Section 2208, and; the investigator shall so inform the court.

(2) If the investigator finds that the person is capable of completing the affidavit

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*in accordance with Section 2150 and subdivision (d) of Section 2208*, the court shall hold a hearing to determine whether the person is in fact capable of completing the affidavit. If the person is found to be capable of completing the affidavit, the person's right to register to vote shall be order the person to be disqualified from voting *pursuant to Section 2208*, and restored, and the court shall so notify the county elections official.

(c) If the person had not been found to be incapable of completing an affidavit of voter registration, and; the court investigator determines that the person is no longer capable of completing the affidavit *in accordance with Section 2150 and subdivision (d) of Section 2208*, the investigator shall so notify the court. The court shall hold a hearing to determine whether the person is capable of completing an affidavit of voter registration, and, if *registration in accordance with Section 2150 and subdivision (d) of Section 2208*. If the court determines that the person is not so able, the court shall the court will *shall* so notify the county elections official.

### **SECTION 4. SEC. 3.**

#### **Amends Elections Code 11302**

~~If (a) Except as described in paragraph (3) of subdivision (b), if a vacancy occurs in an office after a recall petition is filed against the vacating officer, the recall election shall nevertheless proceed. The vacancy shall be filled as provided by law, but any person appointed to fill the vacancy shall hold office only until a successor is selected in accordance with Article 4 (commencing with Section 11360) or Article 5 (commencing with Section 11380), and the successor qualifies for that office.~~

*(b) (1) Upon the occurrence of the vacancy, the elections official for each county in which a section of the recall petition has been filed shall immediately verify the signatures on the petition submitted to the elections official as of the date of the vacancy.*

*(2) If the elections official verifies that a sufficient number of signatures were filed as of the date of the vacancy, the recall election shall proceed.*

*(3) If the elections official verifies that an insufficient number of signatures, or no signatures, were filed as of the date of the vacancy, the recall election shall not proceed and a vacancy in the office that is the subject of the recall election shall be filled as otherwise provided by law.*

*(4) A person who was subject to a recall petition may not be appointed to fill the vacancy in the office that he or she vacated and that person may not be appointed to fill any other vacancy in office on the same governing board for the duration of the term of office of the seat that he or she vacated.*

#### **Amends Probate Code 1823**

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(a) If the petition is filed by a person other than the proposed conservatee, the clerk shall issue a citation directed to the proposed conservatee setting forth the time and place of hearing.

(b) The citation shall include a statement of the legal standards by which the need for a conservatorship is adjudged as stated in Section 1801 and shall state the substance of all of the following:

(1) The proposed conservatee may be adjudged unable to provide for personal needs or to manage financial resources and, by reason thereof, a conservator may be appointed for the person or estate, or both.

(2) Such adjudication may affect or transfer to the conservator the proposed conservatee's right to contract, in whole or in part, to manage and control property, to give informed consent for medical treatment, and to fix a residence.

(3) (A) The proposed conservatee may be disqualified from voting *pursuant to Section 2208 of the Elections Code* if *he or she is* not capable of completing an affidavit of voter registration *in accordance with Section 2150 of the Elections Code*.

*(B) The proposed conservatee shall not be disqualified from voting on the basis that he or she does, or would need to do, any of the following to complete an affidavit of voter registration:*

*(i) Signs the affidavit of voter registration with a mark or a cross pursuant to subdivision (b) of Section 2150 of the Elections Code.*

*(ii) Signs the affidavit of voter registration by means of a signature stamp pursuant to Section 354.5 of the Elections Code.*

*(iii) Completes the affidavit of voter registration with the assistance of another person pursuant to subdivision (d) of Section 2150 of the Elections Code.*

### **Amends Probate Code 1826**

Regardless of whether the proposed conservatee attends the hearing, the court investigator shall do all of the following:

(h) (1) Determine whether the proposed conservatee is *not* capable of completing an affidavit of voter registration *in accordance with Section 2150 of the Elections Code and may be disqualified from voting pursuant to Section 2208 of the Elections Code*.

*(2) The proposed conservatee shall not be disqualified from voting on the basis that he or she does, or would need to do, any of the following to complete an affidavit of voter registration:*

*(A) Signs the affidavit of voter registration with a mark or a cross*

*(B) Signs the affidavit of voter registration by means of a signature pursuant to subdivision (b) of Section 2150 of the Elections Code.*

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stamp pursuant to Section 354.5 of the Elections Code.

(C) Completes the affidavit of voter registration with the assistance of another person pursuant to subdivision (d) of Section 2150 of the Elections Code.

#### **Amends Probate Code 1828**

(a) Except as provided in subdivision (c), prior to the establishment of a conservatorship of the person or estate, or both, the court shall inform the proposed conservatee of all of the following:

(3) (A) The proposed conservatee may be disqualified from voting pursuant to Section 2208 of the Elections Code if he or she is not capable of completing an affidavit of voter registration in accordance with Section 2150 of the Elections Code.

(B) The proposed conservatee shall not be disqualified from voting on the basis that he or she does, or would need to do, any of the following to complete an affidavit of voter registration:

(i) Signs the affidavit of voter registration with a mark or a cross pursuant to subdivision (b) of Section 2150 of the Elections Code.

(ii) Signs the affidavit of voter registration by means of a signature stamp pursuant to Section 354.5 of the Elections Code.

(iii) Completes the affidavit of voter registration with the assistance of another person pursuant to subdivision (d) of Section 2150 of the Elections Code.

#### **Amends Probate Code 1851**

(a) ~~When (1) If~~ court review is required pursuant to Section 1850, the court investigator shall, without prior notice to the conservator except as ordered by the court for necessity or to prevent harm to the conservatee, visit the conservatee. The court investigator shall inform the conservatee personally that the conservatee is under a conservatorship and shall give the name of the conservator to the conservatee. The court investigator shall determine ~~whether~~ all of the following:

(A) Whether the conservatee wishes to petition the court for termination of the conservatorship, ~~whether conservatorship.~~

(B) Whether the conservatee is still in need of the conservatorship, ~~whether conservatorship.~~

(C) Whether the present conservator is acting in the best interests of the conservatee, ~~and whether the conservatee is capable of completing an affidavit of voter registration.~~ conservatee. In determining whether the conservator is acting in the best interests of the conservatee, the court investigator's evaluation shall include an examination of the conservatee's placement, the quality of care, including physical and mental treatment, and the conservatee's finances.

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To the extent practicable, the investigator shall review the accounting with a conservatee who has sufficient capacity. To the greatest extent possible, the court investigator shall interview individuals set forth in subdivision (a) of Section 1826, in order to determine if the conservator is acting in the best interests of the conservatee.††

(D) (i) Whether the conservatee is not capable of completing an affidavit of voter registration in accordance with Section 2150 of the Elections Code and may be disqualified from voting pursuant to Section 2208 or 2209 of the Elections Code.

(ii) The conservatee shall not be disqualified from voting on the basis that he or she does, or would need to do, any of the following to complete an affidavit of voter registration:

(I) Signs the affidavit of voter registration with a mark or a cross pursuant to subdivision (b) of Section 2150 of the Elections Code.

(II) Signs the affidavit of voter registration by means of a signature stamp pursuant to Section 354.5 of the Elections Code.

(III) Completes the affidavit of voter registration with the assistance of another person pursuant to subdivision (d) of Section 2150 of the Elections Code.

(2) If the court has made an order under Chapter 4 (commencing with Section 1870), the court investigator shall determine whether the present condition of the conservatee is such that the terms of the order should be modified or the order revoked. ~~Upon~~

(3) Upon request of the court investigator, the conservator shall make available to the court investigator during the investigation for inspection and copying all books and records, including receipts and any expenditures, of the conservatorship.

### **Amends Probate Code 1910**

~~††(a) If~~ the court determines the conservatee is not capable of completing an affidavit of voter registration in accordance with Section 2150 of the Elections Code, the court shall by order disqualify the conservatee from voting pursuant to Section 2208 or 2209 of the Elections Code.

(b) The conservatee shall not be disqualified from voting on the basis that he or she does, or would need to do, any of the following to complete an affidavit of voter registration:

(1) Signs the affidavit of voter registration with a mark or a cross pursuant to subdivision (b) of Section 2150 of the Elections Code.

(2) Signs the affidavit of voter registration by means of a signature stamp

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pursuant to Section 354.5 of the Elections Code.

(3) Completes the affidavit of voter registration with the assistance of another person pursuant to subdivision (d) of Section 2150 of the Elections Code.

## ELECTIONS: DISTRICT BOUNDARIES: PUBLIC HEARING

### Assembly Bill 1440 Chapter 873

#### CURRENT PROVISIONS:

Existing law requires county boards of supervisors and the councils of general law and charter cities that elect members by or from districts following each decennial federal census, and using that census as a basis, to adjust the boundaries of the supervisorial and council districts, as specified.

Existing law requires a county board of supervisors or a city council of a general law city or the governing body of a charter city to hold at least one public hearing on any proposal to adjust the boundaries of a district prior to a public hearing at which the board or council votes to approve or defeat the proposal.

#### NEW PROVISIONS

Requires the governing body of a district to hold at least one public hearing on a proposal to adjust the boundaries of a division prior to a public hearing at which the governing body of the district votes to approve or defeat the proposal.

Requires a political subdivision that changes from an at-large method of election to a district-based election, as defined, to hold at least 2 public hearings on a proposal to establish the district boundaries of the political subdivision prior to a public hearing at which the governing body of the political subdivision votes to approve or defeat the proposal. Makes technical, nonsubstantive changes to these provisions.

Imposes a state-mandated local program.

#### SECTIONS AFFECTED:

##### Adds Elections Code 10010

*(a) A political subdivision that changes from an at-large method of election to*

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*a district-based election shall hold at least two public hearings on a proposal to establish the district boundaries of the political subdivision prior to a public hearing at which the governing body of the political subdivision votes to approve or defeat the proposal.*

*(b) This section applies to, but is not limited to, a proposal that is required due to a court-imposed change from an at-large method of election to a district-based election.*

*(c) For purposes of this section, the following terms have the following meanings:*

*(1) "At-large method of election" has the same meaning as set forth in subdivision (a) of Section 14026.*

*(2) "District-based election" has the same meaning as set forth in subdivision (b) of Section 14026.*

*(3) "Political subdivision" has the same meaning as set forth in subdivision (c) of Section 14026.*

### **Repeals Elections Code 21500.1**

#### **Adds Elections Code 21507**

*Before adjusting the boundaries of a district pursuant to Section 21500, 21503, or 21504, or for any other reason, the board shall hold at least one public hearing on the proposal to adjust the boundaries of the district prior to the public hearing at which the board votes to approve or defeat the proposal.*

### **Repeals Elections Code 21601.1**

#### **Adds Elections Code 21607**

*Before adjusting the boundaries of a district pursuant to Section 21601, 21603, or 21604, or for any other reason, the council shall hold at least one public hearing on the proposal to adjust the boundaries of the district prior to the public hearing at which the council votes to approve or defeat the proposal.*

### **Repeals Elections Code 21620.1**

#### **Adds Elections Code 21621**

*Before adjusting the boundaries of a district pursuant to Section 21620 or for any other reason, the governing body shall hold at least one public hearing on the proposal to adjust the boundaries of the district prior to the public hearing at which the governing body votes to approve or defeat the proposal.*

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**Adds Elections Code 22001**

*Before adjusting the boundaries of a division pursuant to Section 22000 or for any other reason, the governing body of the district shall hold at least one public hearing on the proposal to adjust the boundaries of the division prior to the public hearing at which the governing body votes to approve or defeat the proposal.*

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**VOTER REGISTRATION: PERSONAL INFORMATION****Assembly Bill 1446****Chapter 593****CURRENT PROVISIONS:**

Existing law permits a citizen or organization to distribute voter registration cards anywhere in the applicable county.

Existing law requires a county elections official to provide voter registration cards in sufficient quantities to any citizen or organization that wishes to distribute the cards, except as specified. If, after completing his or her voter registration affidavit, an elector entrusts it to another person, existing law requires the latter person to comply with specified requirements.

Existing law provides that the driver's license number, identification card number, and social security number contained on an affidavit of registration are confidential and shall not be disclosed by an individual or organization that distributes voter registration cards or by a person entrusted with an affidavit of registration by an elector.

The Student Voter Registration Act of 2003 requires the Secretary of State to annually provide every high school, community college, and California State University and University of California campus with voter registration forms. The act requires the number of forms provided to be consistent with the number of students enrolled at each school who are of voting age or will be of voting age by the end of the year.

The act also requires every community college and California State University campus that operates an automated class registration system, or within two years of implementing such a system, to permit students, through an automated program in coordination with the Secretary of State, to elect to receive during the class

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registration process a voter registration form that is preprinted with personal information relevant to voter registration.

The act encourages the University of California to comply with that provision.

Existing law permits a county elections official to provide affidavits of registration and voter registration cards online, as specified.

Existing law requires the Secretary of State, in consultation with county elections officials, to design and make available on his or her Internet Web site an affidavit of registration that meets specified requirements.

Existing law requires affidavits of registration that are made available on the Internet Web site of a county or of the Secretary of State to be available for individual use only and not for use by organizations seeking to register people to vote.

Existing law requires a person, company, or other organization that agrees to pay money or other valuable consideration to a person who assists another person to register to vote by receiving the completed affidavit of registration to comply with specified conditions, including maintaining a list certain compensation-related information.

Existing law makes violation of this provision a misdemeanor.

Existing law makes it a misdemeanor for a person in possession of voter registration information obtained pursuant to specified provisions of law knowingly to use or permit the use of all or any part of that information for any purpose other than as permitted by law.

Existing law makes it a misdemeanor for a person knowingly to acquire possession or use of voter registration information obtained pursuant to specified provisions of law without first complying with specified application requirements.

Under existing law, a person may not be registered to vote except by affidavit of registration. Existing law requires the affidavit of registration to show specified information concerning the affiant. Existing law provides for an affidavit of registration to be included on a multipart card, to be known as a voter registration card. Existing law imposes specified requirements on voter registration cards.

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Existing law, operative when the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002 or executes a declaration stating that certain conditions have occurred, authorizes a person to submit an affidavit of voter registration electronically on the Internet Web site of the Secretary of State.

**NEW PROVISIONS:**

Requires an individual or organization that distributes voter registration cards, a person entrusted with an affidavit of registration from an elector, or an individual or organization that assists with the submission of an affidavit of registration electronically on the Internet Web site of the Secretary of State to comply with specified requirements relating to the voter registration information.

Requires an individual or organization that distributes voter registration cards to obtain the cards from the county elections official or the Secretary of State.

Requires an individual or organization to comply with all applicable regulations established by the Secretary of State when distributing the cards.

Provides that the signature contained on an affidavit is also confidential and shall not be disclosed.

Eliminates the requirement that the number of voter registration forms provided by the Secretary of State be consistent with the number of students enrolled at each school.

Requires each community college and California State University campus that operates an automated class registration system, as specified, to permit students, during the class registration process, to apply to register to vote online by submitting an affidavit of voter registration electronically on the Internet Web site of the Secretary of State and encourages the University of California to comply with these provisions.

Specifies that it is the intent of the Legislature that every eligible high school and college student receive a meaningful opportunity to apply to register to vote.

Deletes existing provisions that permits a county elections official to provide affidavits of registration and voter registration cards online, as specified, and

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requires the Secretary of State, in consultation with county elections officials, to design and make available on his or her Internet Web site an affidavit of registration that meets specified requirements.

Requires affidavits of registration that are made available on the Internet Web site of a county or of the Secretary of State to be available for individual use only and not for use by organizations seeking to register people to vote.

Prohibits an affidavit of registration from being submitted electronically on a county's Internet Web site, but would permit a county to provide a hyperlink on the county's Internet Web site to the Secretary of State's electronic voter registration system.

Requires a person, company, or other organization that agrees to pay money or other valuable consideration to a person who assists another person to register to vote by assisting with the submission of an affidavit of registration electronically on the Internet Web site of the Secretary of State to comply with those specified conditions. This bill makes a violation of this provision a misdemeanor. By expanding the scope of an existing crime, this bill imposes a state-mandated local program.

Makes existing provisions that provide that it a misdemeanor for a person in possession of voter registration information obtained pursuant to specified provisions of law knowingly to use or permit the use of all or any part of that information for any purpose other than as permitted by law, applicable to a person in possession of voter registration information identified in a specified provision of law. By expanding the scope of an existing crime, this bill imposes a state-mandated local program.

Makes it a misdemeanor for a person knowingly to acquire possession of or use voter registration information obtained from the Secretary of State or a county elections official without first complying with specified application requirements. By expanding the scope of an existing crime, this bill imposes a state-mandated local program.

Make specified requirements imposed on voter registration cards relating to affidavit of registration information applicable to all affidavits of registration.

#### **SECTIONS AFFECTED:**

#### **Amends Elections Code 2138.5**

(a) Notwithstanding any other ~~provision of~~ law, an affiant's driver's license

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number, identification card number, ~~and~~ social security number, and signature contained on an affidavit of registration ~~or voter registration card~~, are confidential and shall not be disclosed by an individual or organization that distributes voter registration cards pursuant to subdivision (b) of Section 2158, or by ~~any a~~ person entrusted with an affidavit of registration from an elector pursuant to paragraph ~~(4)~~ (2) of subdivision (b) of Section 2158. However, this ~~section~~ subdivision shall not be construed to prohibit a person entrusted with an affidavit of registration from an elector pursuant to paragraph ~~(4)~~ (2) of subdivision (b) of Section 2158 from returning ~~that the~~ affidavit to the ~~person~~ individual or organization that distributed the voter registration card pursuant to subdivision (b) of Section 2158.

(b) An individual or organization that distributes voter registration cards pursuant to subdivision (b) of Section 2158, a person entrusted with an affidavit of registration from an elector pursuant to paragraph (2) of subdivision (b) of Section 2158, or an individual or organization that assists with the submission of an affidavit of registration electronically on the Internet Web site of the Secretary of State shall comply both of the following:

(1) Shall not use affidavit of registration information for any personal, private, or commercial purpose, including for any of the following:

(A) The harassment of a voter or voter's household.

(B) The advertising, solicitation, sale, or marketing of products or services to a voter or voter's household.

(C) Reproduction in print, broadcast visual or audio, or display on the Internet.

(2) Shall employ reasonable security measures, including employing administrative and physical safeguards, and, for affidavit of registration information available in an electronic form, technical safeguards, to protect the voter registration information from unlawful disclosure and misuse.

### **Amends Elections Code 2146**

(a) The Secretary of State shall annually provide every high school, community college, and California State University and University of California campus with voter registration forms. ~~The number of forms shall be consistent with the number of students enrolled at each school who are of voting age or will be of voting age by the end of the year.~~ The Secretary of State shall provide additional forms to ~~any a~~ school, free of charge, if so requested by a school.

(c) (1) (A) Every community college and California State University campus that operates an automated class registration system on or before January 1, 2008, shall, through an automated program, in coordination with the Secretary of State, permit students, during the class registration process, to ~~elect to~~

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~~receive a voter registration form that is preprinted with personal information relevant to voter registration by January 1, 2010~~ apply to register to vote online by submitting an affidavit of voter registration electronically on the Internet Web site of the Secretary of State.

(B) ~~Any~~ A community college or California State University campus that does not operate an automated class registration system on or before January 1, 2008, shall, within two years of implementing an automated class registration system, through an automated program in coordination with the Secretary of State, permit students, during the class registration process, ~~to elect to receive a voter registration form that is preprinted with personal information relevant to voter registration~~ apply to register to vote online by submitting an affidavit of voter registration electronically on the Internet Web site of the Secretary of State.

(d) The Secretary of State shall submit to the Legislature, on or before January 1 of each year, a report on its student voter registration efforts pursuant to this article. This report shall include estimates as to how many voter registration forms were sent to high schools, community colleges, and California State University and University of California ~~campuses~~, campuses; how many voter registration forms were ~~returned~~, submitted; and how many electronic affidavits of voter registration forms were ~~sent out to students through the automated program described in~~ submitted by students pursuant to subdivision (c).

(e) It is the intent of the Legislature that every eligible high school and college student receive a ~~voter registration card with his or her diploma~~ meaningful opportunity to apply to register to vote. It is also the intent of the Legislature that every school do all in its power to ensure that students are provided the opportunity and means to apply to register to vote. This may include providing voter registration forms at the start of the school year, including voter registration forms with orientation ~~materials~~, materials; placing voter registration forms at central locations, including voter registration forms with graduation materials; or providing hyperlinks to, or the Internet Web site address of, the Secretary of State's electronic voter registration system in notices sent by electronic mail to students and placed on the Internet Web site of the high school, college, or university.

### **Amends Elections Code 2157**

(a) Subject to this chapter, the paper affidavit of registration shall be in a form prescribed by regulations adopted by the Secretary of State. The affidavit ~~shall~~: shall comply with all of the following:

(d) ~~Nothing in this division shall prevent the lawful use of an~~ An affidavit of registration form provided shall not be submitted electronically on a county's Internet

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Web site, provided that the site. *However, a county offered the form may provide a hyperlink on the county's Internet Web site on or before January 1, 2012, and the affidavit meets the requirements of paragraphs (1), (3), and paragraphs (5) to (7), inclusive, of subdivision (a). This subdivision shall be in effect until the Secretary of State makes affidavits of State's electronic voter registration available pursuant to subdivision (e): system.*

(e)

(f)

### Amends Elections Code 2158

In addition to registration conducted by deputy registrars of voters, the county elections official shall do all of the following:

(b) Provide voter registration cards designed pursuant to subdivision (a) of Section 2157 in sufficient quantities to any ~~citizens~~ individuals or organizations ~~who that~~ wish to distribute the cards other than to persons who have been convicted of violating this section within the last five years. ~~Citizens~~ Individuals and organizations shall be permitted to distribute voter registration cards anywhere within the county.

(1) An individual or organization that distributes voter registration cards designed pursuant to subdivision (a) of Section 2157 shall obtain the voter registration cards from the county elections official or the Secretary of State. The individual or organization shall comply with all applicable regulations established by the Secretary of State when distributing the cards.

(1)

(2) If, after completing his or her voter registration ~~affidavit~~, card, an elector entrusts it to another person, the latter shall sign and date the attached, numbered receipt indicating his or her address and telephone number, if any, and give the receipt to the elector. Failure to comply with this paragraph shall not cause the invalidation of the registration of a voter.

(2)

(3) ~~Any citizen~~ An individual or organization that distributes voter registration cards designed pursuant to subdivision (a) of Section 2157 shall give a voter registration card to any elector requesting it, provided that the ~~citizen~~ individual or organization has a sufficient number of cards.

(3)

(4) If distribution of voter registration cards pursuant to this subdivision is undertaken by mailing cards to persons who have not requested the cards, the person mailing the cards shall enclose a cover letter or other notice with each card instructing the recipients to disregard the cards if they are currently registered voters.

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(c) Mail a voter registration card immediately to ~~any~~ a person who wishes to register to vote and requests a voter registration card.

~~(d)~~

#### **Amends Elections Code 2159.5**

~~Any~~ A person, company, or other organization that agrees to pay money or other valuable consideration, whether on a per-affidavit basis or otherwise, to ~~any~~ a person who assists another person to register to vote by receiving the completed affidavit of ~~registration~~, registration or by assisting with the submission of an affidavit of registration electronically on the Internet Web site of the Secretary of State, shall do all of the following:

(a) Maintain a list of the names, addresses, and telephone numbers of all individuals that the person, company, or other organization has agreed to compensate for assisting others to register to vote, and shall provide to each person receiving that consideration a written statement of that person's personal responsibilities and liabilities under Sections 2138, 2138.5, 2139, 2150, 2158, 2159, 18100, 18101, 18103, 18106, 18108, 18108.1, and 18108.5. Receipt of the written statement shall be acknowledged, in writing, by the person receiving the consideration, and the acknowledgment shall be kept by the person, company, or organization that agrees to compensate that person. All records required by this subdivision shall be maintained for a minimum of three years, and shall be made available to the elections official, the Secretary of State, or an appropriate prosecuting agency, upon demand. As an alternate to maintaining the records required by this subdivision, the records may be filed with the county elections official, who shall retain those records for a minimum of three years. The county elections official may charge a fee, not to exceed actual costs, for storing records pursuant to this subdivision.

(c) At the time of submission of paper affidavits to ~~an~~ an elections ~~officials~~, official, identify and separate those affidavits into groups that do and that do not comply with the requirements of Sections 2150 and 2159. A signed acknowledgment shall be attached to each group of affidavits identifying a group as in compliance with Sections 2150 and 2159, and a group as not in compliance with either Section 2150 or 2159, or both.

(d) Failure to comply with this section shall not cause the invalidation of the registration of the voter.

#### **Amends Elections Code 2194**

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(a) Except as provided in Section 2194.1, the ~~voter registration card~~ affidavit of voter registration information identified in Section 6254.4 of the Government Code:

(1) Shall be confidential and shall not appear on any computer terminal, list, affidavit, duplicate affidavit, or other medium routinely available to the public at the county elections official's office.

(2) Shall not be used for any personal, private, or commercial purpose, including, but not limited to:

(A) The harassment of any voter or voter's household.

(B) The advertising, solicitation, sale, or marketing of products or services to any voter or voter's household.

(C) Reproduction in print, broadcast visual or audio, or display on the Internet or any computer terminal unless pursuant to paragraph (3).

(3) Shall be provided with respect to any voter, subject to the provisions of Sections 2166.5, 2166.7, and 2188, to any candidate for federal, state, or local office, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State.

(b) (1) Notwithstanding any other ~~provision~~ of law, the California driver's license number, the California identification card number, the social security number, and any other unique identifier used by the State of California for purposes of voter identification shown on ~~a~~ the affidavit of voter registration ~~card~~ of a registered voter, or added to voter registration records to comply with the requirements of the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.), are confidential and shall not be disclosed to any person.

(2) Notwithstanding any other ~~provision~~ of law, the signature of the voter shown on the affidavit of voter registration ~~card~~ is confidential and shall not be disclosed to any person, except as provided in subdivision (c).

### **Amends Elections Code 2194.1**

Any ~~voter registration card~~ affidavit of registration information identified in Section 6254.4 of the Government Code in existence 100 years after the creation of the record shall be available to the public. If records are contained in the great registers of voters and the bound register contains information covering more than one year, the records shall not be available to the public until the entire contents of the register have been recorded for at least 100 years.

### **Amends Elections Code 18108.5**

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(a) ~~Any A~~ person, company, or other organization that agrees to pay money or other valuable consideration, whether on a per-affidavit basis or otherwise, to ~~any a~~ person who assists another person to register to vote by receiving the completed affidavit of registration, or by assisting with the submission of an affidavit of registration electronically on the Internet Web site of the Secretary of State, who fails to comply with Section 2159.5, is guilty of a misdemeanor, and shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding six months or when the failure to comply is found to be willful, not exceeding one year, or both.

(b) ~~Any A~~ person, company, or other organization that agrees to pay money or other valuable consideration, whether on a per-affidavit basis or otherwise, to ~~any a~~ person who assists another person to register to vote by receiving the completed affidavit of registration, or by assisting with the submission of an affidavit of registration electronically on the Internet Web site of the Secretary of State, upon a third or subsequent conviction, on charges brought and separately tried, for failure to comply with Section 2159.5 shall be punished by a fine not exceeding ten thousand dollars (\$10,000), or by imprisonment in the county jail not to exceed one year, or both.

(c) An elections official shall notify ~~any a~~ person, company, or other organization that agrees to pay money or other valuable consideration, whether on a per-affidavit basis or otherwise, to ~~any a~~ person who assists another person to register to vote by receiving the completed affidavit of registration; registration or by assisting with the submission of an affidavit of registration electronically on the Internet Web site of the Secretary of State, that three or more affidavits of registration submitted by a person who assisted another to register to vote do not comply with Sections 18100, 18101, 18103, or 18106. The elections official may forward a copy of each of the noncomplying affidavits of registration to the district attorney, who may make a determination whether probable cause exists to believe that a violation of law has occurred.

(d) This section shall not apply to ~~any a~~ public agency or its employees that is designated as a voter registration agency pursuant to the ~~federal~~ National Voter Registration Act of 1993 (42 U.S.C. Sec. ~~1973gg~~; 1973gg et seq.), when an elector asks for assistance to register to vote during the course and scope of the agency's normal business.

#### **Amends Elections Code 18109**

(a) It is a misdemeanor for ~~any a~~ person in possession of information identified in Section 2138.5, or obtained pursuant to Article 5 (commencing with Section 2180) of Chapter 2 of Division 2; 2 of this code or Section 6254.4 of the Government

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Code, knowingly to use or permit the use of all or any part of that information for any purpose other than as permitted by law.

(b) It is a misdemeanor for ~~any a~~ person knowingly to acquire possession or use of voter registration information ~~referred to in subdivision (a)~~ from the Secretary of State or a county elections official without first complying with Section 2188.

#### **Amends Government Code 6254.4**

(a) The home address, telephone number, e-mail address, precinct number, or other number specified by the Secretary of State for voter registration purposes, and prior registration information shown on the ~~voter registration card for all registered voters, are~~ affidavit of registration, is confidential and shall not be disclosed to any person, except pursuant to Section 2194 of the Elections Code.

(b) For purposes of this section, "home address" means street address only, and does not include an individual's city or post office address.

(c) The California driver's license number, the California identification card number, the social security number, and any other unique identifier used by the State of California for purposes of voter identification shown on ~~a voter registration card of a registered voter,~~ an affidavit of registration, or added to the voter registration records to comply with the requirements of the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.), are confidential and shall not be disclosed to any person.

(d) The signature of the voter that is shown on the ~~voter registration card~~ affidavit of registration is confidential and shall not be disclosed to any person.

#### **Amends Government Code 6276.46**

Voter, affidavit or registration, confidentiality of information contained in, Section 6254.4.

~~Voter registration card, confidentiality of information contained in, Section 6254.4.~~

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### **MILITARY OR OVERSEAS VOTERS: ELECTRONIC BALLOTS**

#### **Assembly Bill 1589**

#### **Chapter 649**

#### **CURRENT PROVISIONS:**

Requires an elections official to request an electronic mail address from each military or overseas voter who registers to vote.

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Allows a military or overseas voter who provides an electronic mail address to request that his or her application for a ballot be considered a standing request for electronic delivery of a ballot for all elections held through December 31 of the year following the calendar year of the date of the application, or another shorter period the voter specifies.

Requires an elections official to provide a ballot to a military or overseas voter who makes a standing request for each election to which the request is applicable.

#### **NEW PROVISIONS:**

Allows the application for a ballot to be considered a standing request for electronic delivery of a ballot for all elections conducted in the jurisdiction in which the military or overseas voter is eligible to vote and require the elections official to provide for electronic delivery of the ballot.

Imposes a state-mandated local program.

#### **SECTIONS AFFECTED:**

##### **Amend Elections Code 3120**

The elections official shall request an electronic mail address from each military or overseas voter who registers to vote ~~after the effective date of this section~~. A military or overseas voter who provides an electronic mail address may request that his or her application for a ballot be considered a standing request for electronic delivery of a ballot for all elections ~~held through December 31 of the year following the calendar year of the date of the application or another shorter period the voter specifies~~ *conducted in the jurisdiction in which he or she is eligible to vote*. An elections official shall provide *for electronic delivery of* a ballot to a military or overseas voter who makes a standing request for ~~each election to which the request is applicable~~. A military or overseas voter who is entitled to receive a ballot for a primary election is entitled to receive a military or overseas ballot for the general election *all elections conducted in the jurisdiction in which he or she is eligible to vote*.

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### **ELECTIONS: VOTE BY MAIL BALLOT APPLICATIONS**

#### **Assembly Bill 1596**

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**Chapter 596****CURRENT PROVISIONS:**

Existing law requires that a printed application that is to be distributed to a voter for requesting a vote by mail voter's ballot include specified information.

Existing law requires an individual, organization, or group that distributes applications for vote by mail ballots and receives completed application forms to return the forms to the appropriate elections official within 72 hours of receiving the forms.

**NEW PROVISIONS:**

Requires a printed vote by mail application that allows a voter to submit the application by mail to inform the voter of the address for the elections official and specify that address as the only appropriate destination address for the application, as specified.

Provides that it not be construed as prohibiting an individual, organization, or group that distributes applications for vote by mail voter ballots from collecting or receiving applications from voters by means other than having applications mailed directly to the address of the distributing individual, organization, or group.

**SECTIONS AFFECTED:****Amend Elections Code 3006**

(a) A printed application that is to be distributed to a voter for requesting a vote by mail voter's ballot shall inform the voter that the application for the vote by mail voter's ballot must be received by the elections official not later than seven days prior to the date of the election and shall contain spaces for the following:

(4) A printed vote by mail application that allows a voter to submit the application by mail shall inform the voter of the address for the elections official and specify that address as the only appropriate destination address for mailing the application. Nothing in this subdivision shall be construed to prohibit an individual, organization, or group that distributes applications for vote by mail voter ballots from collecting or receiving applications from voters, as described in Section 3008, by means other than having the applications mailed directly to the address of the distributing individual, organization, or group.

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**POLITICAL REFORM ACT OF 1974: CAMPAIGN FUNDS: BRIBERY FINES****Assembly Bill 1666  
Chapter 881****CURRENT PROVISIONS:**

Existing law, the Political Reform Act of 1974, provides for the comprehensive regulation of campaign financing and prohibits the use of campaign funds to pay or reimburse fines, penalties, judgments, or settlements, except as specified.

Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties.

Existing law subjects any member of the Legislature or any member of the legislative body of a city, county, city and county, school district, or other special district who asks for or receives a bribe in exchange for influence over his or her official action to imprisonment in a state prison and imposes prescribed restitution fines based on whether a bribe has actually been received.

**NEW PROVISIONS:**

Increases the restitution fines to twice the original amount and prohibit the use of campaign funds to pay for the restitution fines.

By introducing a new prohibition, the violation of which would be a misdemeanor, the bill creates a crime, thereby imposing a state-mandated local program.

**SECTIONS AFFECTED:****SEC. 2. SECTION 1.****Amends Government Code 89513**

This section governs the use of campaign funds for the specific expenditures set forth in this section. It is the intent of the Legislature that this section shall guide the interpretation of the standard imposed by Section 89512 as applied to other expenditures not specifically set forth in this section.

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(c) (1) Campaign funds shall not be used to pay or reimburse fines, penalties, judgments, or settlements, except those resulting from either of the following:

(1)

(A) Parking citations incurred in the performance of an activity that was directly related to a political, legislative, or governmental purpose.

(2)

(B) Any other action for which payment of attorney's fees from contributions would be permitted pursuant to this title.

(2) Campaign funds shall not be used to pay a restitution fine imposed under Section 86 of the Penal Code.

### **SEC. 3. SEC. 2.**

#### **Amends Penal Code 86**

Every Member of either house of the Legislature, or any member of the legislative body of a city, county, city and county, school district, or other special district, who asks, receives, or agrees to receive, any bribe, upon any understanding that his or her official vote, opinion, judgment, or action shall be influenced thereby, or shall give, in any particular manner, or upon any particular side of any question or matter upon which he or she may be required to act in his or her official capacity, or gives, or offers or promises to give, any official vote in consideration that another Member of the Legislature, or another member of the legislative body of a city, county, city and county, school district, or other special district shall give this vote either upon the same or another question, is punishable by imprisonment in the state prison for two, three, or four years and, in cases in which no bribe has been actually received, by a restitution fine of not less than ~~two thousand dollars (\$2,000)~~ four thousand dollars (\$4,000) or not more than ~~ten thousand dollars (\$10,000)~~ twenty thousand dollars (\$20,000) or, in cases in which a bribe was actually received, by a restitution fine of at least the actual amount of the bribe received or ~~two thousand dollars (\$2,000)~~ four thousand dollars (\$4,000), whichever is greater, or any larger amount of not more than double the amount of any bribe received or ~~ten thousand dollars (\$10,000)~~ twenty thousand dollars (\$20,000), whichever is greater.

In imposing a fine under this section, the court shall consider the defendant's ability to pay the fine.

### **SEC. 3.**

(a) Section 1.1 of this bill incorporates amendments to Section 89513 of the Government Code proposed by both this bill and Assembly Bill 1692. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015. (2) each bill amends Section 89513 of the Government Code. (3)

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Senate Bill 831 is not enacted or as enacted does not amend Section 89513 of the Government Code, and (4) this bill is enacted after Assembly Bill 1692, in which case Sections 1, 1.2, and 1.3 of this bill shall not become operative.

(b) Section 1.2 of this bill incorporates amendments to Section 89513 of the Government Code proposed by both this bill and Senate Bill 831. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 89513 of the Government Code, (3) Assembly Bill 1692 is not enacted or as enacted does not amend Section 89513 of the Government Code, and (4) this bill is enacted after Senate Bill 831, in which case Sections 1, 1.1, and 1.3 of this bill shall not become operative.

(c) Section 1.3 of this bill incorporates amendments to Section 89513 of the Government Code proposed by this bill, Assembly Bill 1692, and Senate Bill 831. It shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2015, (2) all three bills amend Section 89513 of the Government Code, and (3) this bill is enacted after Assembly Bill 1692 and Senate Bill 831, in which case Sections 1, 1.1, and 1.2 of this bill shall not become operative.

## POLITICAL REFORM ACT OF 1974: CONTRIBUTIONS

### Assembly Bill 1673 Chapter 882

#### CURRENT PROVISIONS:

Existing law, the Political Reform Act of 1974, provides for the comprehensive regulation of campaign financing, including requiring the reporting of campaign contributions and expenditures and imposing other reporting and recordkeeping requirements on campaign committees. "Contribution" is defined for purposes of the act as a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, except to the extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes. The definition does not include a payment made by an occupant of a home or office for costs related to any meeting or fundraising event held in the occupant's home or office if the costs for the meeting or fundraising event are \$500 or less.

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## 2014 Legislative Guide to Election Law

The act prohibits a lobbyist from making, and an elected state officer or candidate for elective state office from accepting, a contribution if the lobbyist is registered to lobby the governmental agency for which the candidate is seeking election or the governmental agency of the elected state officer.

**NEW PROVISIONS:**

Revises the definition of “contribution” to include a payment made by a lobbyist or a cohabitant of a lobbyist for costs related to a fundraising event held at the home of the lobbyist, as specified. Makes these payments attributable to the lobbyist for purposes of the prohibition against a lobbyist making a contribution to specified candidates and elected officers.

Revises the definition of “contribution” to include a payment made by a lobbying firm for costs related to a fundraising event held at the office of the lobbying firm.

A violation of the act’s provisions is punishable as a misdemeanor. By expanding the scope of an existing crime, and imposes a state-mandated local program.

Provides that no reimbursement is required by this act for a specified reason.

**SECTIONS AFFECTED:****SECTION 1.****Amends Government Code 82015**

(B) It is clear from the surrounding circumstances that the payment was made for purposes unrelated to his or her candidacy for elective office. The following types of payments are presumed to be for purposes unrelated to a candidate’s candidacy for elective office:

(iii) A payment not covered by clause (i), made principally for legislative, governmental, or charitable purposes, in which case it is neither a gift nor a contribution. However, payments of this type that are made at the behest of a candidate who is an elected officer shall be reported within 30 days following the date on which the payment or payments equal or exceed five thousand dollars (\$5,000) in the aggregate from the same source in the same calendar year in which they are made. The report shall be filed by the elected officer with the elected officer’s agency and shall be a public record subject to inspection and copying pursuant to subdivision (a) of Section 81008. The report shall contain the following information: name of payor, address of payor, amount of the payment, date or dates the payment or payments were made, the name and address of

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the payee, a brief description of the goods or services provided or purchased, if any, and a description of the specific purpose or event for which the payment or payments were made. Once the five-thousand-dollar (\$5,000) aggregate threshold from a single source has been reached for a calendar year, all payments for the calendar year made by that source ~~must~~ shall be disclosed within 30 days after the date the threshold was reached or the payment was made, whichever occurs later. Within 30 days after receipt of the report, state agencies shall forward a copy of these reports to the ~~Fair Political Practices~~ Commission, and local agencies shall forward a copy of these reports to the officer with whom elected officers of that agency file their campaign statements.

(3) A payment made at the behest of a member of the Public Utilities Commission, made principally for legislative, governmental, or charitable purposes, is not a contribution. However, payments of this type shall be reported within 30 days following the date on which the payment or payments equal or exceed five thousand dollars (\$5,000) in the aggregate from the same source in the same calendar year in which they are made. The report shall be filed by the member with the Public Utilities Commission and shall be a public record subject to inspection and copying pursuant to subdivision (a) of Section 81008. The report shall contain the following information: name of payor, address of payor, amount of the payment, date or dates the payment or payments were made, the name and address of the payee, a brief description of the goods or services provided or purchased, if any, and a description of the specific purpose or event for which the payment or payments were made. Once the five-thousand-dollar (\$5,000) aggregate threshold from a single source has been reached for a calendar year, all payments for the calendar year made by that source ~~must~~ shall be disclosed within 30 days after the date the threshold was reached or the payment was made, whichever occurs later. Within 30 days after receipt of the report, the Public Utilities Commission shall forward a copy of these reports to the Fair Political Practices Commission.

(f) ~~“Contribution”~~ (1) Except as provided in paragraph (2) or (3), “contribution” does not include a payment made by an occupant of a home or office for costs related to any meeting or fundraising event held in the occupant’s home or office if the costs for the meeting or fundraising event are five hundred dollars (\$500) or less.

(2) “Contribution” includes a payment made by a lobbyist or a cohabitant of a lobbyist for costs related to a fundraising event held at the home of the lobbyist, including the value of the use of the home as a fundraising event venue. A payment described in this paragraph shall be attributable to the lobbyist for purposes of Section 85702.

(3) “Contribution” includes a payment made by a lobbying firm for costs related

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to a fundraising event held at the office of the lobbying firm, including the value of the use of the office as a fundraising event venue.

**SEC. 2.**

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

**SEC. 3.**

The Legislature finds and declares that this bill furthers the purposes of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the Government Code.

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**POLITICAL REFORM ACT OF 1974****Assembly Bill 1692****Chapter 884****CURRENT PROVISIONS:**

The Political Reform Act of 1974 provides for the comprehensive regulation of campaign financing, including requiring the reporting of campaign contributions and expenditures, as defined, and imposing other reporting and recordkeeping requirements on campaign committees, as defined. The Fair Political Practices Commission administers and enforces the act. A violation of the act's provisions is punishable as a misdemeanor.

The act authorizes certain candidates and elective officers to establish a separate legal defense fund campaign account to defray attorney's fees and other related legal costs incurred in the defense of the candidate or elective officer who is subject to one or more civil, criminal, or administrative proceedings arising directly out of the conduct of an election campaign, the electoral process, or the performance of the officers' governmental activities and duties, as specified.

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The act provides that all contributions deposited into a campaign account are deemed to be held in trust for expenses associated with the election of the candidate or for expenses associated with holding offices. The act provides that an expenditure to seek or hold office is within the lawful execution of this trust if it is reasonably related to a political, legislative, or governmental purpose. Expenditures that confer a substantial personal benefit must be directly related to a political, legislative, or governmental purpose. The act prohibits the use of campaign funds for fines, penalties, judgments, or settlements, except for certain parking fines and for actions for which attorney's fees may be paid with contributions under the act.

**NEW PROVISIONS:**

Defines the phrase "attorney's fees and other related legal costs" for purposes of legal defense funds to include only attorney's fees and other legal costs related to the defense of the candidate or officer and administrative costs directly related to compliance with the act. The definition would exclude certain other costs, including payment or reimbursement for a fine, penalty, judgment or settlement, except as specified.

Prohibits an expenditure of campaign funds for a fine, penalty, judgment, or settlement relating to an expenditure of campaign funds that resulted in a personal benefit to the candidate or officer if it is determined that the expenditure was not reasonably related to a political, legislative, or governmental purpose.

Prohibits an expenditure of campaign funds for a fine, penalty, judgment, or settlement relating to an expenditure of campaign funds that resulted in a substantial personal benefit to the candidate or officer if it is determined that the expenditure was not directly related to a political, legislative, or governmental purpose. Applies the above-described definition for "attorney's fees and other costs" for purposes of the article concerning campaign fund expenditures.

Incorporates additional changes to Section 89513 of the Government Code, proposed by AB 1666.

By expanding the scope of an existing crime, this bill imposes a state-mandated local program.

Provides that no reimbursement is required by this act for a specified reason.

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**SECTIONS AFFECTED:****Amends Government Code 85304**

(a) A candidate for elective state office or an elected state officer may establish a separate account to defray attorney's fees and other related legal costs incurred for the candidate's or officer's legal defense if the candidate or officer is subject to one or more civil or criminal proceedings or administrative proceedings arising directly out of the conduct of an election campaign, the electoral process, or the performance of the officer's governmental activities and duties. These funds may be used only to defray those attorney fees and other related legal costs.

(b) A candidate may receive contributions to this account that are not subject to the contribution limits set forth in this article. However, all contributions shall be reported in a manner prescribed by the commission.

(c) Once the legal dispute is resolved, the candidate shall dispose of any funds remaining after all expenses associated with the dispute are discharged for one or more of the purposes set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 89519.

(d) (1) For purposes of this section and Section 85304.5, "attorney's fees and other related legal costs" includes only the following:

(A) Attorney's fees and other legal costs related to the defense of the candidate or officer.

(B) Administrative costs directly related to compliance with the requirements of this title.

(2) "Attorney's fees and other related legal costs" does not include expenses for fundraising, media or political consulting fees, mass mailing or other advertising, or, except as expressly authorized by subdivision (c) of Section 89513, a payment or reimbursement for a fine, penalty, judgment or settlement, or a payment to return or disgorge contributions made to any other committee controlled by the candidate or officer.

**Amends Government Code 85304.5**

(a) A candidate for elective office other than an elective state office or an elected officer other than an elected state officer may establish a separate account pursuant to subdivision (a) of Section 85304 and may use these funds only to defray attorney's fees and other related legal costs.

(b) A candidate for an elective office other than an elective state office may receive contributions to the separate account subject to any limitations provided by local ordinance. However, all contributions to these separate accounts shall be reported in a manner prescribed by the commission.

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(c) Once the legal dispute is resolved, the candidate or elected officer shall dispose of any funds remaining in the separate accounts after all expenses associated with the dispute are discharged for one or more of the purposes set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 89519.

(d) For purposes of this section, "attorney's fees and other related legal costs" has the same meaning as in Section 85304.

### **Amends Government Code 89511**

(a) This article applies to campaign funds held by candidates for elective office, elected officers, controlled committees, ballot measure committees, committees opposed to a candidate or measure, and any committee which qualifies as a committee pursuant to subdivision (a) of Section 82013.

(b) (1) For purposes of this chapter, "campaign funds" includes any contributions, cash, cash equivalents, and other assets received or possessed by a committee as defined by subdivision (a) of Section 82013.

(2) For purposes of this chapter, "committee" means a controlled committee, ballot measure committee, committee opposed to a candidate or measure, and any committee which qualifies as a committee pursuant to subdivision (a) of Section 82013.

(3) For purposes of this chapter, "substantial personal benefit" means an expenditure of campaign funds which results in a direct personal benefit with a value of more than two hundred dollars (\$200) to a candidate, elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee.

(4) For purposes of this article, "household" includes the candidate's or elected officer's spouse, dependent children, and parents who reside with the candidate or elected officer.

(5) (A) For purposes of this article, "attorney's fees and other costs" includes only the following:

(i) Attorney's fees and other legal costs related to the defense of the candidate or officer.

(ii) Administrative costs directly related to compliance with the requirements of this title.

(B) "Attorney's fees and other costs" does not include expenses for fundraising, media or political consulting fees, mass mailing or other advertising, or, except as expressly authorized by subdivision (c) of Section 89513, a payment or reimbursement for a fine, penalty, judgment or settlement, or a payment to return or disgorge contributions made to any other committee controlled by the candidate or officer.

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**Amends Government Code 89512**

(a) An expenditure to seek office is within the lawful execution of the trust imposed by Section 89510 if it is reasonably related to a political purpose. An expenditure associated with holding office is within the lawful execution of the trust imposed by Section 89510 if it is reasonably related to a legislative or governmental purpose. Expenditures which confer a substantial personal benefit shall be directly related to a political, legislative, or governmental purpose.

(b) Except as expressly authorized by this article, an expenditure for a fine, penalty, judgment, or settlement is not within the lawful execution of the trust imposed by Section 89510.

**SEC. 5.1.****Amends Government Code 89513**

This section governs the use of campaign funds for the specific expenditures set forth in this section. It is the intent of the Legislature that this section shall guide the interpretation of the standard imposed by Section 89512 as applied to other expenditures not specifically set forth in this section.

(c) (1) Campaign funds shall not be used to pay or reimburse fines, penalties, judgments, or settlements, except those resulting from either of the following:

(1)

(A) Parking citations incurred in the performance of an activity that was directly related to a political, legislative, or governmental purpose.

(2)

(B) Any other action for which payment of attorney's fees from contributions would be permitted pursuant to this title. However, campaign funds shall not be used to pay a fine, penalty, judgment, or settlement relating to an expenditure of campaign funds that resulted in either of the following:

(i) A personal benefit to the candidate or officer if it is determined that the expenditure was not reasonably related to a political, legislative, or governmental purpose.

(ii) A substantial personal benefit to the candidate or officer if it is determined that the expenditure was not directly related to a political, legislative, or governmental purpose.

(2) Campaign funds shall not be used to pay a restitution fine imposed under Section 86 of the Penal Code.

**SEC. 6.**

**Government Code 89519 as amended by Chapter 9 of the Statutes of 2014 (AB 800)**

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(b) Surplus campaign funds shall be used only for the following purposes:

(6) The payment for professional services reasonably required by the committee to assist in the performance of its administrative functions, including payment for attorney's fees and other costs for litigation that arises directly out of a candidate's or elected officer's activities, duties, or status as a candidate or elected officer, including, but not limited to, an action to enjoin defamation, defense of an action brought for a violation of state or local campaign, disclosure, or election laws, and an action from an election contest or recount.

#### **SEC. 7.**

(a) Section 5.1 of this bill incorporates amendments to Section 89513 of the Government Code proposed by both this bill and Assembly Bill 1666. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 89513 of the Government Code, (3) Senate Bill 831 is not enacted or as enacted does not amend Section 89513 of the Government Code, and (4) this bill is enacted after Assembly Bill 1666, in which case Sections 5, 5.2, and 5.3 of this bill shall not become operative.

(b) Section 5.2 of this bill incorporates amendments to Section 89513 of the Government Code proposed by both this bill and Senate Bill 831. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 89513 of the Government Code, (3) Assembly Bill 1666 is not enacted or as enacted does not amend Section 89513 of the Government Code, and (4) this bill is enacted after Senate Bill 831, in which case Sections 5, 5.1, and 5.3 of this bill shall not become operative.

(c) Section 5.3 of this bill incorporates amendments to Section 89513 of the Government Code proposed by this bill, Assembly Bill 1666, and Senate Bill 831. It shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2015, (2) all three bills amend Section 89513 of the Government Code, and (3) this bill is enacted after Assembly Bill 1666 and Senate Bill 831, in which case Sections 5, 5.1, and 5.2 of this bill shall not become operative.

#### **SEC. 7. SEC. 8.**

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the

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Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

**SEC. 8. SEC. 9.**

The Legislature finds and declares that this bill furthers the purposes of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the Government Code.

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**REDISTRICTING: INCUMBENT DESIGNATION**
**Assembly Bill 1752  
Chapter 887**
**AB 1752**
**CURRENT PROVISIONS:**

Existing law requires the Citizens Redistricting Commission, in the year following the year in which the federal decennial census is taken, to adjust the boundary lines of the congressional, State Senate, Assembly, and Board of Equalization districts.

Existing law specifies which candidate for the office of Representative in Congress, State Senator, Member of the Assembly, or Member of the Board of Equalization shall be deemed the incumbent of the district for purposes of the first election following decennial redistricting.

**NEW PROVISIONS**

Changes the order of which candidate shall be deemed the incumbent at the first election following decennial redistricting.

Makes a conforming change to reflect the redistricting process.

**SECTIONS AFFECTED:****Amends Elections Code 13108**

(a) At the first elections for Representative in Congress, State Senator, ~~Assemblyman~~ *Member of the Assembly*, and ~~Members~~ *Member* of the Board of Equalization in each congressional, senatorial, Assembly, and Board of Equalization district following reapportionment acts of the Legislature redefining the boundaries *the adjustment of the boundary lines* of the congressional, senatorial, Assembly, and Board of Equalization districts *by the Citizens Redistricting Commission* pursuant to Section 6 of Article IV, Section 17 of Article XIII, and Section 1 of

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Article XXI, of the California Constitution, that candidate who shall be deemed the incumbent in a given district for purposes of the election shall be that candidate who is running for the same office ~~which~~ *that* he or she then holds, and who is running for reelection in a district that has the identical boundaries and number as the district from which he or she was last elected.

(b) In the event there is no candidate to whom subdivision (a) applies, the incumbent shall be that candidate who is running for the same office ~~which~~ *that* he or she then holds, and who is running for reelection in a district that has the identical boundaries as the district from which he or she was last elected, but ~~which~~ *that* has a different number.

~~(c)~~

~~(d)~~

*(c) In the event there is no candidate to whom subdivision ~~(a)~~, ~~(b)~~, or ~~(c)~~ (a) or (b) apply, the incumbent shall be that candidate who is running for the same office that he or she then holds, and who is running for reelection in a district that contains some portion of the territory previously contained within the district from which he or she was last elected. However, in a new district that contains portions of the territory of more than one former district, the incumbent shall be that candidate the greater portion of the territory population, as determined by the most recent federal decennial census, of whose former district is included within the new district.*

*(d) In the event there is no candidate to whom subdivision (a), (b), or (c) apply, the incumbent shall be that candidate who is running for the same office that he or she then holds, and who is running for reelection in a district that has the identical number as the district from which he or she was last elected. However, a candidate for the office of Member of the Assembly shall be considered the incumbent in this case only if the district bearing the same number is located in the same county as the district that previously bore that number.*

(e) If there is no candidate in a given district to which any of the above provisions apply, the incumbent shall be ~~any~~ *the* person who is a candidate for the same office that he or she then holds who fulfills the ~~residential~~ *residency* requirements of law for candidacy within the district.

## DECLARATION OF CANDIDACY: RESIDENCE ADDRESS

### Assembly Bill 1768 Chapter 130

#### CURRENT PROVISIONS:

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Existing law requires a candidate for public office to file a declaration of candidacy that contains, among other things, the residence address of the candidate.

Existing law provides that a candidate for judicial office is not required to state his or her residence address on a declaration of candidacy.

Existing law requires an elections official to verify whether a candidate's residence address is within the appropriate political subdivision and add a specified notation on the declaration of candidacy if the candidate does not state his or her residence address on the declaration.

Existing law provides specified procedures to make a voter's registration information confidential, including a voter's residence address.

**NEW PROVISIONS:**

Provides elections officials with the discretion to allow a candidate for judicial office to withhold his or her residence address from a declaration of candidacy.

Provides elections officials with the discretion to allow a candidate for any office whose voter registration information is confidential, as specified, to withhold his or her residence address from a declaration of candidacy.

**SECTION AFFECTED:****Amends Elections Code 8040**

(b) A *At the discretion of the elections official, a* candidate for a judicial office ~~may, or a candidate for any office whose voter registration information is confidential under Section 2166, 2166.5, or 2166.7, shall not be required to state~~ *may withhold* his or her ~~residential~~ *residence* address ~~on~~ *from* the declaration of candidacy. ~~However, in cases where the~~ *If a* candidate does not state his or her ~~residential~~ *residence* address on the declaration of candidacy, the elections official shall verify whether ~~his or her~~ *the candidate's* address is within the appropriate political subdivision and add the notation "verified" where appropriate *on the declaration.*

~~SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.~~

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**VOTER REGISTRATION: HIGH SCHOOL PUPILS****Assembly Bill 1817****Chapter 131****CURRENT PROVISIONS:**

Existing law permits a county elections official to deputize as registrars of voters qualified citizens, and permits a deputy registrar to register persons to vote.

Existing law requires the last two full weeks in April and in September to be known as “high school voter weeks,” during which time deputy registrars of voters are allowed to register to vote students and school personnel on high school campuses in areas designated by the school administration.

Existing law specifies that a person may not be registered as a voter except by affidavit of registration. A person is entitled to register to vote if he or she is a United States citizen, a resident of California, not in prison or on parole for the conviction of a felony, and at least 18 years of age at the time of the next election.

Existing law requires a properly executed affidavit of registration to be deemed effective upon receipt of the affidavit by the county elections official, if received on or before the 15th day prior to an election, or as otherwise specified.

Existing law, operative when the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002, authorizes a person who is at least 17 years of age and otherwise meets all voter eligibility requirements to submit his or her affidavit of registration. The affidavit of registration is deemed effective as of the date the affiant will be 18 years of age.

**NEW PROVISIONS:**

Designates the last two full weeks in April and in September to be “high school voter education weeks,” during which time persons authorized by the county elections official are allowed to register to vote students and school personnel on high school campuses in areas designated by the administrator of the high school, or his or her designee.

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Permits the administrator of a high school, or his or her designee, to appoint one or more pupils who are enrolled at that high school to be voter outreach coordinators.

Permits a voter outreach coordinator to coordinate voter registration activities on the high school campus that would encourage eligible persons to apply to register to vote by submitting an affidavit of registration.

Permits the voter outreach coordinator, with the approval of the administrator or his or her designee, to coordinate other election-related activities on his or her high school campus, as specified.

**SECTION AFFECTED:****Amends Education Code 49040**

(a) The last two full weeks in April and the last two full weeks in September shall be known as “high school voter *education* weeks,” during which time ~~deputy registrars of voters~~ *persons authorized by the county elections official* shall be allowed to register students and school personnel on any high school campus in areas designated by the ~~school administration~~, *administrator of the high school, or his or her designee*, which are reasonably accessible to all students.

(b) This section does not preclude a person from registering to vote students and school personnel on a high school campus as is otherwise permitted by the Elections Code.

**Adds Education Code 49041**

(a) The administrator of a high school, or his or her designee, may appoint one or more pupils who are enrolled at that high school to be voter outreach coordinators.

(b) A voter outreach coordinator may coordinate voter registration activities on his or her high school campus that encourage persons who are eligible to register to vote pursuant to Section 2101 of the Elections Code, or other persons who may submit an affidavit of registration pursuant to Section 2102 of the Elections Code, to apply to register to vote by submitting an affidavit of registration on paper or electronically on the Internet Web site of the Secretary of State.

(c) A voter outreach coordinator may, with the approval of the administrator of the high school, or his or her designee, coordinate election-related activities on his or her high school campus, including voter registration drives, mock elections, debates, and other election-related pupil outreach activities.

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**SPECIAL MAIL BALLOT ELECTIONS: SAN DIEGO COUNTY****Assembly Bill 1873****Chapter 598****CURRENT PROVISIONS:**

Existing law provides for the calling of a special election to fill a congressional or legislative vacancy.

Existing law provides that the governing body of a local agency is authorized to conduct a local, special, or consolidated election wholly by mail under specified conditions.

**NEW PROVISIONS:**

Provides, until January 1, 2020, authorize San Diego County to conduct, as a pilot program, an all-mailed ballot special election or special consolidated election to fill a congressional or legislative vacancy under specified conditions.

Authorizes the county to process vote by mail ballot return envelopes beginning 29 days before the election, and would authorize the county to process vote by mail ballots on the 10th business day before the election, as specified.

Expresses the intent of the Legislature that voter education and outreach efforts be conducted in order to assist voters accustomed to voting at the polls if an all-mailed ballot election is conducted, as specified.

Requires the county to submit a report to the Legislature and to the Secretary of State that includes specified statistics related to any all-mailed ballot election conducted under the pilot program, as specified.

Makes legislative findings and declarations as to the necessity of a special statute for the County of San Diego.

**SECTIONS AFFECTED:****SECTION 1.**

Changes in or additions to text are shown by underlined italics, deletions by ~~strikeouts~~, and new law text is shown *italicized* with no underlining.

\*Full text can be obtained from [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

(a) *The Legislature hereby finds and declares all of the following:*

(1) *While the number of voters in California casting ballots by mail continues to increase, all-mailed ballot elections are not an appropriate method to conduct regularly scheduled elections as significant numbers of voters continue to vote at polling places.*

(2) *The unique voting behavior and demographics of San Diego County relative to the rest of the state enable San Diego County to conduct elections primarily by vote by mail ballot, as follows:*

(A) *The mean percentage of voters within San Diego County casting vote by mail ballots is equal to or greater than the statewide mean percentage of voters casting vote by mail ballots.*

(B) *The majority of all ballots cast within San Diego County are vote by mail ballots.*

(C) *The mean percentage of vote by mail ballots cast but not counted within San Diego County does not exceed the statewide mean percentage of vote by mail ballots cast but not counted.*

(D) *In San Diego County, the percentage of vote by mail ballots cast by members of a protected class is equal to or greater than the percentage of votes cast by members of a protected class at polling places for any specified election. For purposes of this act, "protected class" means voters who are members of a racial or language minority group, as referenced and defined in the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 et seq.).*

(E) *In San Diego County, the percentage of vote by mail ballots cast for special elections represents more than 50 percent of all ballots cast.*

(F) *Over 50 percent of all eligible registered voters in San Diego County are permanent vote by mail voters.*

(b) *Accordingly, it is the intent of the Legislature in enacting this act for a specified period to achieve all of the following:*

(1) *Ample voter education and outreach efforts shall be conducted to assist voters accustomed to voting at the polls to vote using vote by mail ballots.*

(2) *Voter education and outreach shall be provided in English and in every language in which a ballot is required to be made available pursuant to the Elections Code and the federal Voting Rights Act of 1965, and shall include the steps an elections official is required to take to ensure that voter education and outreach is conducted in those languages.*

(3) *In preparation for a special election pursuant to this act, San Diego County shall consult with communities with limited-English-proficient persons and historically lower voter turnout, in addition to nonprofit community-based organizations including, but not limited to, organizations that work with and*

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*advocate on behalf of people with disabilities.*

## **SEC. 2.**

### **Adds and Repeals Elections Code 4000.5**

(a) *Notwithstanding Section ~~4000~~, 4000 or any other law, as a pilot program, an all-mailed ballot special election or special consolidated election in San Diego County may be conducted ~~wholly by mail~~ to fill a vacancy in a congressional or legislative office if all of the following apply:*

*(1) The congressional or legislative district lies wholly within San Diego County.*

*(2) The Board of Supervisors of San Diego County, by resolution, authorizes the use of mailed ballots for the election.*

*(3) The election does not occur on the same date as a statewide direct primary or election, statewide general election, or any other election conducted in an overlapping jurisdiction that is not consolidated and conducted wholly by mail.*

*(4) (A) If the boundaries of the congressional or legislative district overlap with the boundaries of a city, at least one ballot dropoff location is provided per city and is open during business hours to receive voted ballots beginning not less than seven days before the date of the election.*

*(B) The number of dropoff locations in unincorporated areas shall be based on the number of unincorporated registered voters divided by 100,000 (rounded to the next whole number) with no less than one location to be selected.*

*(C) A ballot dropoff location provided for under this section shall consist of a locked ballot box located in a secure public building that meets the accessibility requirements for a polling place.*

*(5) On at least one Saturday and Sunday on or after the date the county elections official first delivers ballots to voters, the elections official allows any voter to vote the ballot at a satellite location within the congressional or legislative district pursuant to Section 3018. The elections official shall determine the hours of operation for each Saturday and Sunday, provided that the satellite location shall be open to voters for a minimum of six hours on each designated Saturday and Sunday.*

*(6) (A) At least one polling place is provided per city or the polling places are fixed in a manner so that there is one polling place for every 10,000 registered voters within the congressional or legislative district, as determined on the 88th day prior to the day of the election, whichever results in more polling places. A polling place shall allow a voter to request and vote a ballot between 7 a.m. and 8 p.m. on the day of the election.*

*(B) The polling places provided under this section shall be established in accordance with the accessibility requirements described in Article 5 (commencing*

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with Section 12280) of Chapter 3 of Division 12, the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.), and the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 et seq.), and shall, to the extent possible, ensure that access is evenly distributed throughout the congressional or legislative district.

(C) The polling places provided under this section shall be established at accessible locations and shall be equipped with voting units or systems that are accessible to individuals with disabilities and that provide the same opportunity for access and participation as is provided to voters who are not disabled, including the ability to vote privately and independently in accordance with Sections 12280 and 19240.

(D) If a polling place consolidates one or more precincts for which the county elections official is required to recruit precinct board members who are fluent in a language in addition to English pursuant to subdivision (c) of Section 12303 or the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 et seq.), the elections official shall make reasonable efforts to ensure that the polling place is staffed by precinct board members who speak those languages.

(7) (A) The county elections official delivers to each voter all supplies necessary for the use and return of the mail ballot, including an envelope for the return of the voted mail ballot with postage prepaid.

(B) The county elections official delivers to each voter, with either the sample ballot sent pursuant to Section 13303 or with the voter's ballot, all of the following:

(i) A notice, translated in all languages required under subdivision (c) of Section 14201 and Section 203 of the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 et seq.), that informs voters of all of the following:

(I) An all-mailed ballot election is being conducted and each eligible voter will receive a ballot by mail.

(II) The voter may cast a ballot in person at a satellite location provided for under paragraph (5) or at a polling place on election day.

(III) The voter may request the county elections official to send a vote by mail ballot in a language other than English pursuant to Section 203 of the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 et seq.) or a facsimile copy of the ballot printed in other languages pursuant to Section 14201.

(ii) A list of the ballot dropoff locations, satellite locations, and polling places established pursuant to this section. The list shall also be posted on the Internet Web site of the county elections official.

(iii) A postage-paid postcard that the voter may return to the county elections

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*official for the purpose of requesting a vote by mail ballot in a language other than English.*

*(8) (A) The county elections official submits to the Secretary of State a voter education and outreach plan to be implemented by the county for any election conducted pursuant to this section. The voter education and outreach plan shall include, but shall not be limited to, all of the following:*

*(i) One education and outreach meeting that shall include representatives, advocates, and other stakeholders representing each community for which the county is required to provide voting materials and assistance in other languages under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 et seq.).*

*(ii) One education and outreach meeting that shall include representatives from community organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities.*

*(iii) At least one bilingual voter education program for each language in which the county is required to provide voting materials and assistance under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 et seq.).*

*(iv) At least one voter education program to increase accessibility for participation of eligible voters with disabilities.*

*(v) A toll-free voter assistance hotline maintained by the county elections official that shall be operational no later than the date that vote by mail ballots are mailed to voters until 5 p.m. on the day after the special election. The toll-free voter assistance hotline shall provide assistance to voters in all languages in which the county is required to provide voting materials and assistance under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 et seq.).*

*(vi) At least one public service announcement in the media, including newspapers, radio, and television, that serve English-speaking citizens for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline.*

*(vii) At least one public service announcement in the media, including newspapers, radio, and television, that serve non-English-speaking citizens for each language in which the county is required to provide voting materials and assistance under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 et seq.) for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline.*

*(viii) A voter education social media strategy that is developed in partnership with community organizations and individuals that advocate on behalf of, or provide*

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services to, non-English-speaking individuals and individuals with disabilities.

(B) *The voter education and outreach plan shall be posted on the Internet Web site of the Secretary of State and on the Internet Web site of the county elections official.*

(b) *Except as otherwise provided in this section, the election day procedures shall be conducted in accordance with Division 14 (commencing with Section 14000).*

(c) *The county elections official may provide, at his or her discretion, additional ballot dropoff locations and polling places for purposes of this section.*

(d) *The return of voted mail ballots is subject to Sections 3017 and 3020.*

(e) (1) *If the county conducts a special election pursuant to this section, it may process vote by mail ballot return envelopes beginning 29 days before the election. Processing vote by mail ballot return envelopes may include verifying the voter's signature on the vote by mail ballot return envelope and updating voter history records.*

(2) *If the county conducts a special election pursuant to this section, it may start to process vote by mail ballots on the 10th business day before the election. Processing vote by mail ballots includes opening vote by mail ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, but under no circumstances shall a vote count be accessed or released until 8 p.m. on the day of the election.*

(f) *Results of any vote by mail ballot tabulation or count shall not be released before the close of the polls on the day of the election.*

(g) *For the sole purpose of reporting the results of an election conducted pursuant to this section, upon completion of the ballot count, the county elections official shall divide the jurisdiction into precincts pursuant to Article 2 (commencing with Section 12220) of Chapter 3 of Division 12 and shall prepare a statement of the results of the election in accordance with Sections 15373 and 15374.*

(h) *The county elections official shall compile an index, list, or file of all persons who voted in an election conducted pursuant to this section. If the elections official uses data-processing equipment to compile the index, list, or file, he or she shall retain an accurate copy of that index, list, or file in electronic format for a period of 10 years.*

(i) (1) *If an election is conducted pursuant to this section, San Diego County shall report to the Legislature and to the Secretary of State regarding the success of the election, including, but not limited to, any statistics on the cost to conduct the election; the turnout of different populations, including, but not limited to and to the extent possible, the population categories of race, ethnicity, language preference, age, gender, disability, permanent vote by mail status, and political party affiliation*

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*as it relates to the languages required under the federal Voting Rights Act of 1965; the number of ballots that were not counted and the reasons they were rejected; voter fraud; and any other problems that became known to the county during the election or canvass.*

*(2) Whenever possible, using the criteria set forth in paragraph (1), the report shall compare the election conducted pursuant to this section to similar elections not conducted pursuant to this section in the same jurisdiction or comparable jurisdictions.*

*(3) Within six months after the date of the election or prior to the date of a subsequent election conducted pursuant to this section, whichever is sooner, San Diego County shall do all of the following with respect to the report required by this subdivision:*

*(A) Submit the report to the Legislature in compliance with Section 9795 of the Government Code.*

*(B) Submit the report to the Secretary of State.*

*(C) Post the report on the Internet Web site of the county elections official.*

***(j) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.***

### **SEC. 3.**

#### **Amends Elections Code 10703**

(a) A special election to fill a vacancy in the office of Representative in Congress, State Senator, or Member of the Assembly shall be conducted on a Tuesday at least 126 days, but not more than 140 days, following the issuance of an election proclamation by the Governor pursuant to Section 1773 of the Government Code, except that the special election may be conducted within 180 days following the proclamation in order that the election or the primary election may be consolidated with the next regularly scheduled statewide election or local election occurring wholly or partially within the same territory in which the vacancy exists, provided that the voters eligible to vote in the local election comprise at least 50 percent of all the voters eligible to vote on the vacancy.

(b)

*(b)* Except as provided in Chapter 3 (commencing with Section 10730), a special election or a primary election may not be conducted on the day after a state holiday.

***(c)(1) A special election described in this section may be conducted as an all-mailed ballot election pursuant to Section 4000.5.***

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(2) This subdivision shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

**SEC. 4.**

The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the voting behavior, demographic characteristics, and unique special election experiences of San Diego County. It is the intent of the Legislature that the provisions of this act serve as a pilot program for future special elections.

**ALL-MAILED BALLOT ELECTIONS: SAN MATEO COUNTY**

**Assembly Bill 2028  
Chapter 209**

**CURRENT PROVISIONS:**

Existing law authorizes, as a pilot program, until December 31, 2017, elections in Yolo County, other than statewide primary or general elections, or special elections to fill a vacancy in a state office, the Legislature, or Congress, to be conducted wholly by mail if specified conditions are satisfied.

Existing law requires, If Yolo County conducts an all-mailed ballot election, the county to report to the Legislature and the Secretary of State, as specified.

**NEW PROVISIONS:**

Authorizes San Mateo County to conduct all-mailed ballot elections pursuant to these provisions.

Requires that ballot dropoff locations be fixed in a manner so that the number of residents for each ballot dropoff location does not exceed 100,000 on the 88th day prior to the day of election if it would result in more dropoff locations, as specified.

**SECTIONS AFFECTED:**

**Amends and Repeals Elections Code 4001**

(a) Notwithstanding Section 4000 or any other law, as a pilot program, elections

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in San Mateo County and Yolo County may be conducted wholly by mail if all of the following conditions are satisfied:

(4) (A) At least one ballot dropoff location is provided per city ~~and is~~ or the ballot dropoff locations are fixed in a manner so that the number of residents for each ballot dropoff location does not exceed 100,000 on the 88th day prior to the day of election, whichever results in more dropoff locations. A ballot dropoff location shall ~~be~~ open during business hours to receive voted ballots beginning 28 days before the date of the election and until 8 p.m. on the day of the election.

(9) Elections in the county conducted pursuant to this section may be held on no more than three different dates.

(b) (1) If the county conducts an all-mailed ballot election pursuant to this section, on or before December 31, 2017, the county shall report to the Legislature and to the Secretary of State regarding the success of the election, including, but not limited to, any statistics on the cost to conduct the election; the turnout of different populations, including, but not limited to, to the extent possible, the population categories of race, ethnicity, age, gender, disability, permanent vote by mail status, and political party affiliation; the number of ballots that are not counted and the reasons they were rejected; voter fraud; and any other problems that become known to the county during the election or canvass.

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## PETITIONS: FILINGS

### Assembly Bill 2093 Chapter 106

#### CURRENT PROVISIONS:

Existing law provides that an initiative or referendum measure may be proposed by filing with elections officials a petition signed by a specified number of voters.

Existing law provides that the proponents of an initiative measure have 150 days to gather signatures and file the initiative petition, and the proponents of a referendum measure have 90 days to gather signatures and file the referendum petition.

Existing law generally provides that, when the last day to perform an act falls on a holiday, the time in which to perform that act is extended to the next business day.

#### NEW PROVISIONS:

Specifies that, if the final day to file an initiative or referendum petition falls on a holiday, as defined, the petition may be filed with the county elections official on

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the next business day.

## SECTIONS AFFECTED:

### **SECTION 1. The Legislature finds and declares all of the following:**

(a) Under the California Constitution, an initiative or referendum measure may be proposed by presenting to the Secretary of State a petition containing a specified number of signatures. The California Constitution requires that a petition for a referendum measure be submitted within 90 days of the date of enactment of the statute that is the subject of the referendum, and state law requires that a petition for an initiative measure be submitted within 150 days of the date of the circulating title and summary furnished by the Attorney General.

(b) In some instances, the final day to submit an initiative or referendum petition falls on a holiday, when the offices of state and county elections officials are closed. In those circumstances, the proponents of an initiative or referendum measure are faced with the choice of either submitting the petition prior to the holiday, in which case the period to gather signatures would be reduced, or submitting the petition after the holiday, in which case the proponents would risk rejection of the petition as untimely.

(c) While the California Constitution specifies a period of 90 days to gather signatures for a referendum measure, it gives no guidance as to how to construe the 90-day period in those instances in which the final day falls on a holiday.

(d) The courts of this state have long held that the initiative and the referendum are sacred rights of the people and provisions of law shall be liberally construed to give full effect to the powers of initiative and referendum.

(e) The framers of the California Constitution did not intend that the powers of initiative and referendum should be frustrated by the mere happenstance that the final day to submit a petition falls on a holiday.

(f) It is a general and well-accepted rule of law that, when the last day to perform an act falls on a holiday, the time in which to perform that act is extended to the next business day.

(g) It is the intent of the Legislature in enacting this act to preserve the people's rights of initiative and referendum by clarifying that, in those instances in which the final day to submit a petition falls on a holiday, the proponents of the initiative or referendum measure may submit the petition on the next business day following the holiday.

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**SEC. 2****Amends Elections Code 9014**

(a) A petition for a proposed initiative ~~measure~~ or referendum measure shall not be circulated for signatures prior to the official summary date. ~~A~~

(b) Subject to subdivision (d), a petition with signatures ~~on~~ for a proposed initiative measure shall be filed with the county elections official not later than 150 days from the official summary date, and ~~no~~ a county elections official shall not accept a petition ~~on~~ for the proposed initiative measure after that period. ~~A~~

(c) Subject to subdivision (d), a petition for a proposed referendum measure shall be filed with the county elections ~~officials~~ official not later than 90 days from the date the legislative bill was chaptered by the Secretary of State, and a county elections official shall not accept a petition for the proposed referendum measure after that period.

(d) If the last day to file a petition pursuant to subdivision (b) or (c) is a holiday, as defined in Chapter 7 (commencing with Section 6700) of Division 7 of Title 1 of the Government Code, the petition may be filed with the county elections official on the next business day.

**SEC. 3.**

This act shall not be construed to affect any matter pending in the courts of this state on the date this act is enacted.

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## INITIATIVE AND REFERENDUM PETITIONS: VERIFICATION OF SIGNATURES

### Assembly Bill 2219 Chapter 681

**CURRENT PROVISIONS:**

Existing law requires local elections officials to perform various duties with respect to statewide initiative and referendum petitions, including determining the total number of signatures affixed to the petitions, transmitting that information to the Secretary of State, and performing a random sampling technique for verification of signatures on specified petitions. If the sampling shows that the number of valid signatures is within 95 to 110% of the number of signatures of qualified voters needed to declare the petition sufficient, existing law requires election officials or the registrar of voters to examine and verify each signature filed.

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## 2014 Legislative Guide to Election Law

Existing law prescribes the procedure for determining the total number of valid signatures affixed to a county initiative petition and requires the county elections official, if the initiative petition contains more than 500 signatures, to verify signatures using a random sampling method. If the sampling shows the petition contains 95 to 110% of the number of valid signatures to qualify the petition, the county elections official is required to verify each signature filed.

**NEW PROVISIONS:**

Requires the elections official or registrar of voters during the examination of the signatures to submit one or more reports to the Secretary of State showing the number of signatures that have been verified as of that date.

Requires the Secretary of State to maintain a list indicating the number of verified signatures based on the most recent reports and, if the Secretary of State determines that based on the list the petition is signed by the requisite number of voters.

Requires the Secretary of State to notify the elections official or registrar of every county or city and county of that fact. After receipt of the notification that the petition has obtained the requisite number of verified signatures.

Requires the elections official or registrar of voters to immediately transmit to the Secretary of State the petition and an amended certificate showing the results of the examination.

Permits the elections official or registrar to suspend the signature verification until the Secretary of State transmits a certificate to terminate the verification or provides other instructions.

Permits the elections official to terminate the verification of the remaining unverified signatures if he or she determines, prior to completing the examination of each signature filed, that the petition is signed by the requisite number of qualified voters to declare the petition sufficient.

**SECTIONS AFFECTED:****Section 1.****Amends Elections Code 9031**

- (a) If the statistical sampling shows that the number of valid signatures

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is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the Secretary of State shall order the examination and verification of the signatures filed, and shall so notify the elections officials.

(c) (1) During the examination and verification of the signatures filed, the elections official or registrar of voters shall submit one or more reports to the Secretary of State showing the number of signatures of qualified voters that have been verified as of that date. The Secretary of State shall determine the number of reports required to be submitted and the manner of their submission.

(2) The Secretary of State shall maintain a list indicating the number of verified signatures of qualified voters who have signed the petition based on the most recent reports submitted pursuant to paragraph (1). If the Secretary of State determines, prior to each county's completing the examination of each signature filed, that based on the list the petition is signed by the requisite number of voters needed to declare the petition sufficient, the Secretary of State shall immediately notify the elections official or registrar of voters of every county or city and county in the state of this fact. Immediately after receipt of this notification, the elections official or registrar of voters may suspend signature verification until receipt of a certificate pursuant to Section 9033 or until otherwise instructed by the Secretary of State.

(d) The elections official or registrar, upon the completion of the examination or notification pursuant to paragraph (2) of subdivision (c), shall immediately attach to the petition, except the signatures thereto appended, an amended certificate properly dated, showing the result of the examination and shall immediately transmit the petition, together with the amended certificate, to the Secretary of State. A copy of the amended certificate shall be filed in the elections official's office.

(e) If the amended certificates establish the petition's sufficiency, the petition shall be deemed to be filed as of the date of receipt by the Secretary of State of certificates showing the petition to be signed by the requisite number of voters of the state.

(f) If the amended certificates received from all elections officials by the Secretary of State establish that the petition has still been found insufficient, the Secretary of State shall immediately so notify the proponents and the elections officials.

## SEC. 2.

### Amends Elections Code 9115

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(b) If the 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, the elections official shall, within 60 days from the date of the filing of the petition, excluding Saturdays, Sundays, and holidays, examine and verify the signatures filed. If the elections official determines, prior to completing the examination of each signature filed, that the petition is signed by the requisite number of qualified voters to declare the petition sufficient, the elections official may terminate the verification of the remaining unverified signatures.

### **SEC. 3.**

Section 1.5 of this bill incorporates amendments to Section 9031 of the Elections Code proposed by both this bill and Senate Bill 1253. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 9031 of the Elections Code, and (3) this bill is enacted after Senate Bill 1253, in which case Section 1 of this bill shall not become operative.

### **SEC. 3: SEC. 4.**

If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

## **Primary Elections: Petitions: Signatures**

### **Assembly Bill 2233 Chapter 270**

#### **CURRENT PROVISIONS:**

Existing law requires a person who seeks to have his or her name printed on the ballot used at the direct primary to file with the county elections official a declaration of candidacy and nomination papers.

Existing law requires a person to pay a fee to file his or her declaration of candidacy.

Existing law permits a candidate to submit a petition containing a specified number of signatures of registered voters in lieu of the filing fee required for the declaration of candidacy.

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**NEW PROVISIONS:**

Requires the elections official to reduce the number of signatures required on a petition in lieu of a filing fee for a special election that is held to fill a vacancy by the same proportion as the reduction in time for the candidate to collect signatures if the number of days for a candidate to collect the signatures is less than the number of days that a candidate would have to collect signatures on a petition at a regular election for the same office.

Provides that the elections official would not be permitted to reduce the number of signatures to less than 100 for a special election to fill a vacancy in the office of Representative in Congress, state Senator, or Member of the Assembly.

**SECTIONS AFFECTED:****Adds Elections Code 8106.5**

*(a) If the number of days for a candidate to collect signatures on a petition in lieu of a filing fee for a special election that is held to fill a vacancy is less than the number of days that a candidate would have to collect signatures on a petition for a regular election for the same office, the elections official shall reduce the required number of signatures for the petition, as specified in subdivision (a) of Section 8106, by the same proportion as the reduction in time for the candidate to collect signatures. In determining the proportion of time by which the period for a candidate to collect signatures has been reduced, the elections official shall exclude any days allotted for filing a supplemental petition pursuant to paragraph (3) of subdivision (b) of Section 8106.*

*(b) Notwithstanding subdivision (a), the number of signatures required on an in-lieu-filing-fee petition for a special election held to fill a vacancy in the office of Representative in Congress, state Senator, or Member of the Assembly shall be not less than 100.*

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**ELECTIONS: VOTING RIGHTS GUIDE: INCARCERATED PERSONS**
**Assembly Bill 2243****Chapter 899****CURRENT PROVISIONS:**

Existing law provides that in order to be entitled to register to vote a person must be a United States citizen, a resident of California, 18 years of age, and not be

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\*Full text can be obtained from [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

incarcerated or on parole for a felony conviction.

Existing law also requires each county probation department to either establish and maintain on the county probation department's Internet Web site a hyperlink to the Secretary of State's voting rights guide for incarcerated persons or post a notice with the Internet Web site address that contains the Secretary of State's voting rights guide for incarcerated persons in each probation office where probationers are seen.

#### **NEW PROVISIONS:**

Requires the Department of Corrections and Rehabilitation to either establish and maintain on the department's Internet Web site a hyperlink to the Internet Web site at which the Secretary of State's voting rights guide for incarcerated persons may be found or post in each parole office a notice that contains the Internet Web site address at which the voting rights guide may be found.

#### **SECTIONS AFFECTED:**

##### **Amend Elections Code 2105.5**

Each (a) The Department of Corrections and Rehabilitation shall do one of the following:

(1) Establish and maintain on the department's Internet Web site a hyperlink to the Internet Web site at which the Secretary of State's voting rights guide for incarcerated persons may be found.

(2) Post, in each parole office where parolees are seen, a notice that contains the Internet Web site address at which the Secretary of State's voting rights guide for incarcerated persons may be found.

(b) Each county probation department shall do one of the following:

(a)

(1) Establish and maintain on the county probation department's Internet Web site a hyperlink to the Internet Web site at which the Secretary of State's voting rights guide for incarcerated persons may be found.

(b)

(2) Post, in each probation office where probationers are seen, a notice that contains the Internet Web site address at which the Secretary of State's voting rights guide for incarcerated persons may be found.

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#### **POLITICAL PARTY QUALIFICATIONS**

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**Assembly Bill 2351  
Chapter 903****CURRENT PROVISIONS:**

Existing law specifies the methods for a political party to qualify to participate in a primary election.

Existing law provides that a party is qualified to participate in a primary election if, at the last preceding gubernatorial election, there was polled for any one of its candidates for any office voted on throughout the state, at least 2% of the entire vote of the state.

Existing law also provides that a party is qualified to participate in a primary election if, on or before the 135th day before the primary election, it appears to the Secretary of State, as a result of examining and totaling the statement of voters transmitted by county elections officials, that voters equal in number to at least 1% of the entire vote of the state at the last gubernatorial election have declared an intention to affiliate with that party.

Existing law specifies the methods for the party to qualify to participate in the general election, if a political party did not qualify to participate in a presidential primary election, but nevertheless seeks qualification to participate in the following presidential general election

Existing law provides that a party is qualified to participate in a presidential general election if, at the last preceding gubernatorial election, there was polled for any one of its candidates for any office voted on throughout the state at least 2% of the entire vote of the state.

Existing law also provides that a party is qualified to participate in a presidential general election if, on or before the 102nd day before the general election, it appears to the Secretary of State, as a result of examining and totaling the statement of voters transmitted by county elections officials, that voters equal in number to at least 1% of the entire vote of the state at the last gubernatorial election have declared an intention to affiliate with that party.

**NEW PROVISIONS:**

Revises existing provisions for a party to qualify to participate in a primary election.

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Provides that a party is qualified if, at the last preceding gubernatorial primary election, the sum of the votes cast for all of the candidates for an office voted on throughout the state who disclosed a preference for that party on the ballot was at least 2% of the entire vote of the state for that office.

Authorizes the party to inform the Secretary of State that it declines to have the votes cast for a candidate counted towards the 2% qualification threshold.

Provides that a party is qualified to participate if it appears to the Secretary of State that voters equal in number to at least 0.33% of the total number of voters registered on the 154th day before the primary election have declared their preference for that party. Revises these provisions for a party to qualify to participate in a presidential general election.

Provides that a party is qualified if, at the last preceding gubernatorial primary election, the sum of the votes casts for all of the candidates for an office voted on throughout the state who disclosed a preference for that party on the ballot was at least 2% of the entire vote of the state for that office. Authorizes the party to inform the Secretary of State that it declines to have the votes cast for a candidate counted towards the 2% qualification threshold.

Provides that a party is qualified to participate if it appears to the Secretary of State that voters equal in number to at least 0.33% of the total number of voters registered on the 123rd day before the presidential general election have declared their preference for that party.

## SECTIONS AFFECTED:

### SECTION 1.

#### Amend Elections Code 5100

A party is qualified to participate in ~~any~~ a primary election under any of the following conditions:

(a) ~~If at (1) At the last preceding gubernatorial election there was polled for any one of its candidates for any primary election, the sum of the votes cast for all of the candidates for an office voted on throughout the state, state who disclosed a preference for that party on the ballot was~~ at least 2 percent of the entire vote of the state for that office.

(2) Notwithstanding paragraph (1), a party may inform the Secretary of State

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*that it declines to have the votes cast for any candidate who has disclosed that party as his or her party preference on the ballot counted toward the 2 percent qualification threshold. If the party wishes to have votes for any candidate not counted in support of its qualification under paragraph (1), the party shall notify the Secretary in writing of that candidate's name by the 7th day prior to the gubernatorial primary election.*

(b) ~~If on~~ *On* or before the 135th day before ~~any a~~ primary election, it appears to the Secretary of State, as a result of examining and totaling the statement of voters and their ~~declared political affiliations~~ *preference* transmitted to him or her by the county elections officials, that voters equal in number to at least ~~4 percent of the entire vote of the state at the last preceding gubernatorial election~~ *0.33 percent of the total number of voters registered on the 154th day before the primary election* have declared their intention to affiliate with *preference for* that party.

(c) ~~If on~~ *On* or before the 135th day before ~~any a~~ primary election, there is filed with the Secretary of State a petition signed by voters, equal in number to at least 10 percent of the entire vote of the state at the last preceding gubernatorial election, declaring that they represent a proposed party, the name of which shall be stated in the petition, which proposed party those voters desire to have participate in that primary election. This petition shall be circulated, signed, *and* verified, and the signatures of the voters on it shall be certified to and transmitted to the Secretary of State by the county elections officials substantially as provided for initiative petitions. Each page of the petition shall bear a caption in 18-point boldface type, which caption shall be the name of the proposed party followed by the words "Petition to participate in the primary election."

## SEC. 2.

### Amend Elections Code 5151

A party is qualified to participate in a presidential general election under any of the following conditions:

(a) ~~If the~~ *The* party qualified to participate and participated in the presidential primary election preceding the presidential general election pursuant to Section 5100.

(b) ~~If at (1) At the last preceding gubernatorial election there was polled for any one of its candidates for any primary election, the sum of the votes cast for all of the candidates for an office voted on throughout the state who disclosed a preference for that party on the ballot was~~ at least 2 percent of the entire vote of the state *for that office*.

*(2) Notwithstanding paragraph (1), a party may inform the Secretary of State that it declines to have the votes cast for any candidate who has disclosed that party*

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as his or her party preference on the ballot counted toward the 2 percent qualification threshold. If the party wishes to have votes for any candidate not counted in support of its qualification under paragraph (1), the party shall notify the Secretary in writing of that candidate's name by the 7th day prior to the gubernatorial primary election.

(c) If on or before the 102nd day before a presidential general election, it appears to the Secretary of State, as a result of examining and totaling the statement of voters and their declared political affiliations preference transmitted to him or her by the county elections officials, that voters equal in number to at least ~~1 percent of the entire vote of the state at the last preceding gubernatorial election~~ 0.33 percent of the total number of voters registered on the 123rd day before the presidential general election have declared their intention to affiliate with preference for that party.

(d) ~~If on~~ On or before the 135th day before a presidential general election, there is filed with the Secretary of State a petition signed by voters, equal in number to at least 10 percent of the entire vote of the state at the last preceding gubernatorial election, declaring that they represent a proposed party, the name of which shall be stated in the petition, which proposed party those voters desire to have participate in that presidential general election. This petition shall be circulated, signed, and verified, and the signatures of the voters on it shall be certified to and transmitted to the Secretary of State by the county elections officials substantially as provided for initiative petitions. Each page of the petition shall bear a caption in 18-point boldface type, which caption shall be the name of the proposed party followed by the words "Petition to participate in the presidential general election."

### **SEC. 3.**

(a) Section 1.5 of this bill incorporates amendments to Section 5100 of the Elections Code proposed by both this bill and Senate Bill 1043. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 5100 of the Elections Code, and (3) this bill is enacted after Senate Bill 1043, in which case Section 1 of this bill shall not become operative.

(b) Section 2.5 of this bill incorporates amendments to Section 5151 of the Elections Code proposed by both this bill and Senate Bill 1043. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 5151 of the Elections Code, and (3) this bill is enacted after Senate Bill 1043, in which case Section 2 of this bill shall not become operative.

## **ELECTIONS: VOTER-REQUESTED RECOUNTS**

### **Assembly Bill 2369**

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**Chapter 904****CURRENT PROVISIONS:**

Existing law establishes procedures by which a voter may request a recount of the votes cast in an election following completion of the official canvass.

Existing law requires the voter seeking the recount to deposit with the elections official the amount of money required by the elections official to cover the cost of the recount for that day, before the recount is commenced and at the beginning of each subsequent day.

**NEW PROVISIONS:**

Modifies and applies these provisions to the campaign committee, as defined, that is represented by the voter filing the request to seek a recount.

**SECTIONS AFFECTED:****Amends Elections Code 15624**

The voter or the campaign committee, as defined in Section 82013 of the Government Code, represented by the voter filing the request seeking the recount shall, before the recount is commenced and at the beginning of each day following, deposit with the elections official a sum as required by the elections official to cover the cost of the recount for that day. The money deposited shall be returned to the depositor if, upon completion of the recount, the candidate, slate of presidential electors, or the position on the measure (affirmative or negative) for which the declaration is filed is found to have received the plurality of votes cast which it had not received according to the official canvass or, in an election where there are two or more candidates, the recount results in the candidate for whom the recount was requested appearing on the ballot in a subsequent runoff election or general election who would not have so appeared in the absence of the recount. The depositor shall be entitled to the return of any money deposited in excess of the cost of the recount if the candidate, slate, or position on the measure has not received the plurality of the votes cast or, in an election where there are two or more candidates, the recount does not result in the candidate for whom the recount was requested appearing on the ballot in a subsequent runoff or general election as a result of the recount. Money not required to be refunded shall be deposited in the appropriate public treasury.

**SECRETARY OF STATE: INITIATIVE INFORMATION**

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**Assembly Bill 2439**  
**Chapter 168****CURRENT PROVISIONS:**

The California Constitution reserves the right of the people to propose statutes and amendments to the Constitution by initiative measure.

Existing law authorizes the Legislative Counsel to cooperate with proponents in drafting an initiative measure, as specified.

Existing law requires the Secretary of State to perform a specified review of a proposed initiative measure prior to circulation of the measure, upon the request of the measure's proponents.

Existing law also requires the Secretary to prepare, and make available, a pamphlet describing the procedures and requirements relating to the initiative process.

**NEW PROVISIONS:**

Requires the Secretary to post on the Secretary's Internet Web site, and to include in a specified pamphlet prepared by the Secretary relating to the initiative process, information describing these services provided by the Secretary and the Legislative Counsel to the proponents of an initiative measure.

**SECTIONS AFFECTED:****Adds Government Code 12172.3**

*The Secretary of State shall post on the Secretary's Internet Web site and include in the pamphlet developed pursuant to Section 9018 of the Elections Code, information describing the following services that are available to the proponents of a proposed initiative measure.*

*(a) The Legislative Counsel's cooperation in preparing an initiative measure pursuant to Section 10243.*

*(b) The Secretary's review of prepared initiatives prior to circulation pursuant to Section 12172.*

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**BALLOT PROCESSING**

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**Assembly Bill 2530****Chaptered 906****CURRENT PROVISIONS:**

Existing law requires an elections official to compare the signature on the envelope of a vote by mail ballot, a mail ballot precinct ballot, or a provisional ballot with the signature that appears on the voter's affidavit of registration, as specified. If the elections official determines that the signatures do not compare, existing law requires that the ballot be rejected, as specified.

**NEW PROVISIONS:**

Provides that if a vote by mail ballot, mail ballot precinct ballot, or provisional ballot is processed using signature verification technology that determines the signatures do not compare, the elections official is required to visually examine and verify that the signatures do not compare before rejecting the ballot.

By imposing additional duties on local elections officials, this bill imposes a state-mandated local program.

Incorporates additional changes to Section 15101 of the Elections Code proposed by SB 29.

**SECTIONS AFFECTED:****SECTION 1****Amends Elections Code 3019**

(a) Upon receipt of a vote by mail ballot, the elections official shall compare the signature on the identification envelope with either of the following to determine whether the signatures compare:

(e) In comparing signatures pursuant to this section, if an elections official is authorized to use signature verification technology. If signature verification technology determines the signatures do not compare, the elections official shall not reject the ballot unless he or she visually examines the signatures and verifies that the signatures do not compare.

(e)

(f) A ballot shall not be removed from its identification envelope until the time for processing ballots. A ballot shall not be rejected for cause after the identification envelope has been opened.

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**SEC. 2.****Section 14310 of the Elections Code, as amended by Section 1 of Chapter 611 of the Statutes of 2009**

(c) (1) During the official canvass, the elections official shall examine the records with respect to all provisional ballots cast. Using the procedures that apply to the comparison of signatures on vote by mail ballots pursuant to Section 3019, the elections official shall compare the signature on each provisional ballot envelope with the signature on the voter's affidavit of registration or other signature in the voter's registration record. If the signatures do not compare or the provisional ballot envelope is not signed, the ballot shall be rejected. A variation of the signature caused by the substitution of initials for the first or middle name, or both, shall not invalidate the ballot.

(2) Provisional ballots shall not be included in any semiofficial or official canvass, except upon: (A) the elections official's establishing prior to the completion of the official canvass, from the records in his or her office, the claimant's right to vote; or (B) the order of a superior court in the county of the voter's residence. A voter may seek the court order specified in this paragraph regarding his or her own ballot at any time prior to completion of the official canvass. Any judicial action or appeal shall have priority over all other civil matters. ~~No~~ A fee shall ~~not~~ be charged to the claimant by the clerk of the court for services rendered in an action under this section.

(B) If the ballot cast by the voter contains candidates or measures on which the voter would not have been entitled to vote in his or her assigned precinct, the elections official shall count only the votes for the candidates and measures on which the voter was entitled to vote in his or her assigned precinct.

(e) The Secretary of State may adopt appropriate regulations for ~~purposes~~ the purpose of ensuring the uniform application of this section.

**SEC. 3.****Section 14310 of the Elections Code, as amended by Section 1 of Chapter 611 of the Statutes of 2009**

(a) At all elections, a voter claiming to be properly registered, but whose qualification or entitlement to vote cannot be immediately established upon examination of the index of registration for the precinct or upon examination of the records on file with the county elections official, shall be entitled to vote a provisional ballot as follows:

(1) An elections official shall advise the voter of the voter's right to cast a provisional ballot.

(c) (1) During the official canvass, the elections official shall examine the records

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with respect to all provisional ballots cast. Using the procedures that apply to the comparison of signatures on vote by mail ballots pursuant to Section 3019, the elections official shall compare the signature on each provisional ballot envelope with the signature on the voter's affidavit of registration or other signature in the voter's registration record. If the signatures do not compare or the provisional ballot envelope is not signed, the ballot shall be rejected. A variation of the signature caused by the substitution of initials for the first or middle name, or both, shall not invalidate the ballot.

(2) (A) Provisional ballots shall not be included in any semiofficial or official canvass, except under one or more of the following conditions:

(i) The elections official establishes prior to the completion of the official canvass, from the records in his or her office, the claimant's right to vote.

(ii) The provisional ballot has been cast and included in the canvass pursuant to Article 4.5 (commencing with Section 2170) of Chapter 2 of Division 2.

(iii) Upon the order of a superior court in the county of the voter's residence.

(B) A voter may seek the court order specified in this paragraph regarding his or her own ballot at any time prior to completion of the official canvass. Any judicial action or appeal shall have priority over all other civil matters. ~~No~~ A fee shall not be charged to the claimant by the clerk of the court for services rendered in an action under this section.

(3) The provisional ballot of a voter who is otherwise entitled to vote shall not be rejected because the voter did not cast his or her ballot in the precinct to which he or she was assigned by the elections official.

(A) If the ballot cast by the voter contains the same candidates and measures on which the voter would have been entitled to vote in his or her assigned precinct, the elections official shall count the votes for the entire ballot.

(B) If the ballot cast by the voter contains candidates or measures on which the voter would not have been entitled to vote in his or her assigned precinct, the elections official shall count only the votes for the candidates and measures on which the voter was entitled to vote in his or her assigned precinct.

(d) The Secretary of State shall establish a free access system that any voter who casts a provisional ballot may access to discover whether the voter's provisional ballot was counted and, if not, the reason why it was not counted.

(e) The Secretary of State may adopt appropriate regulations for ~~purposes~~ the purpose of ensuring the uniform application of this section.

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(f) This section shall apply to any vote by mail voter described by Section 3015 who is unable to surrender his or her unvoted vote by mail voter's ballot.

(g) Any existing supply of envelopes marked "special challenged ballot" may be used until the supply is exhausted.

#### **SEC. 4.5.**

##### **Amends Elections Code 15101**

(a) Any jurisdiction in which vote by mail ballots are cast may begin to process vote by mail ballot return envelopes beginning 29 days before the election. Processing vote by mail ballot return envelopes may include verifying the voter's signature on the vote by mail ballot return envelope pursuant to Section 3019 and updating voter history records.

(b) Any jurisdiction having the necessary computer capability may start to process vote by mail ballots on the ~~seventh~~ 10th business day ~~prior to~~ before the election. Processing vote by mail ballots includes opening vote by mail ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, but under no circumstances may a vote count be accessed or released until 8 p.m. on the day of the election. All other jurisdictions shall start to process vote by mail ballots at 5 p.m. on the day before the election.

(c) Results of any vote by mail ballot tabulation or count shall not be released ~~prior to~~ before the close of the polls on the day of the election.

##### **Amends Elections Code 15320**

Vote by mail ballots and mail ballot precinct ballots returned to the elections office and to the polls on election day that are not included in the semifinal official canvass phase of the election shall be processed and counted during the official canvass in the manner prescribed by Chapter ~~3~~ 2 (commencing with Section 15100) and pursuant to the requirements of Section 3019.

#### **SEC. 6.**

##### **Amends Elections Code 15350**

Provisional ballots cast pursuant to Section 14310 shall be processed and counted in accordance with the provisions outlined in Chapter ~~3~~ 2 (commencing with Section 15100) and pursuant to the requirements of Sections 14310 and 14311.

#### **SEC. 7.**

Section 4.5 of this bill incorporates amendments to Section 15101 of the

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*Elections Code proposed by both this bill and Senate Bill 29. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015. (2) each bill amends Section 15101 of the Elections Code, and (3) this bill is enacted after Senate Bill 29, in which case Section 4 of this bill shall not become operative.*

**SEC. 7. SEC. 8.**

If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

**LOCAL BALLOT MEASURES: BOND ISSUES**

**Assembly Bill 2551  
Chapter 908**

**CURRENT PROVISIONS:**

Existing law requires all bond issues proposed by a county, city and county, city, district, or other political subdivision, or by any agency, department, or board thereof, to be submitted to the voters for approval.

Existing law requires all official materials for the bond issue proposal to contain a statement of specified tax rate data.

**NEW PROVISIONS:**

Requires the statement to include the best estimate from official sources of the total debt service that would be required to be repaid if all the bonds are issued and sold.

**SECTIONS AFFECTED:**

**SECTION 1.**

**Amends Elections Code 9401**

(a) In connection with each bond issue specified in Section 9400, a statement shall be mailed to the voters with the sample ballot for the bond election. The statement required by this section shall be filed with the ~~election~~ elections official conducting the election not later than the 88th day ~~prior to~~ before the election, and shall include all of the following:

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*(4) The best estimate from official sources of the total debt service, including the principal and interest, that would be required to be repaid if all the bonds are issued and sold. The estimate may include information about the assumptions used to determine the estimate.*

(b) In addition, the statement may contain ~~any~~ a declaration of policy of the legislative or governing body of the applicable jurisdiction, proposing to ~~utilize~~ use revenues other than ad valorem taxes ~~for purposes of funding~~ to fund the bond issue, and the best estimate from official sources of these revenues and the reduction in the tax rate levied to fund the bond issue resulting from the substitution of revenue.

(c) The words "tax rate" as used in this chapter means tax rate per one hundred dollars (\$100) of assessed valuation on all property to be taxed to fund ~~any~~ a bond issue described in Section 9400.

## ELECTIONS

### Assembly Bill 2562 Chapter 909

#### CURRENT PROVISIONS:

Existing law provides that whenever a vacancy occurs or a resignation containing a deferred effective date has been filed with the county superintendent of schools, the school district or community college district governing board is required, within 60 days, to either order an election or make a provisional appointment.

Existing law provides that if a provisional appointment is made, the registered voters of the district may, within 30 days, petition for a special election to fill the vacancy, and requires a specified number of registered voters of the district to sign the petition.

Existing law, a person may not be registered to vote except by affidavit of registration.

Existing law requires a properly executed registration to be deemed effective upon receipt of the affidavit of registration by the county elections official if the affidavit is postmarked, submitted to the Department of Motor Vehicles or a voter registration agency, or delivered to the county elections official by other means on or before the 15th day prior to the election.

Existing law entitles only an eligible registered voter to sign an initiative, referendum, recall, nominating petition or paper, or any other petition or paper and

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requires each signer to personally affix his or her signature, printed name, and place of residence on the petition or paper.

Existing law requires the elections official, when verifying signatures on a petition or paper, to determine that the residence address on the petition or paper is the same as the residence address on the affidavit of registration. If the addresses are different, the petition or paper does not specify the residence address, or certain information is not included, existing law requires that the affected signature not be counted as valid.

Existing law requires the county elections official to file with the Secretary of State a statement containing specified information for each election in the county held pursuant to the Uniform District Election Law.

Existing law requires the county elections official to file the statement no later than December 31 immediately following a general district election.

Existing law regulates generally the issuing of ballots on election day as well as the use of direct recording electronic voting systems.

Existing law defines the terms “direct recording electronic voting system” and “paper record copy” for purposes of these provisions.

**NEW PROVISIONS:**

Clarifies the meaning of “registered voters” of the district for purposes of those provisions.

Requires the registration to be deemed effective upon receipt of the affidavit by the county elections official if the affidavit is submitted electronically on the Internet Web site of the Secretary of State on or before the 15th day prior to the election.

Prohibits an elections official who is verifying signatures on a petition or paper from invalidating a signature for an incomplete or inaccurate apartment or unit number in the residence address.

Repeals existing provisions that requires the county elections official to file with the Secretary of State a statement containing specified information for each election in the county held pursuant to the Uniform District Election Law, and requires the county elections official to file the statement no later than December 31 immediately following a general district election.

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Corrects erroneous cross references to the existing code section that defines the terms issuing of ballots on election day as well as the use of direct recording electronic voting systems, and defines the terms “direct recording electronic voting system” and “paper record copy” for purposes of these provisions.

Incorporates additional changes to Section 2102 of the Elections Code proposed by SB 113.

## SECTIONS AFFECTED:

### Amends Education Code 5091

(a) ~~Whenever~~ (1) If a vacancy occurs, or ~~whenever if~~ a resignation has been filed with the county superintendent of schools containing a deferred effective date, the school district or community college district governing board shall, within 60 days of the vacancy or the filing of the deferred resignation, either order an election or make a provisional appointment to fill the vacancy. A governing board member may not defer the effective date of his or her resignation for more than 60 days after he or she files the resignation with the county superintendent of schools.

~~In~~

(2) In the event that a governing board fails to make a provisional appointment or order an election within the prescribed 60-day period as required by this section, the county superintendent of schools shall order an election to fill the vacancy.

(b) When an election is ordered, it shall be held on the next established election date provided pursuant to Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code not less than 130 days after the order of the election.

(c) (1) If a provisional appointment is made within the 60-day period, the registered voters of the district may, within 30 days from the date of the appointment, petition for the conduct of a special election to fill the vacancy. A petition shall be deemed to bear a sufficient number of signatures if signed by at least the number of registered voters of the district equal to 1½ percent of the number of registered voters of the district at the time of the last regular election for governing board members, or 25 registered voters, whichever is greater. However, in districts with ~~registered voters of less than 2,000 persons;~~ registered voters, a petition shall be deemed to bear a sufficient number of signatures if signed by at least 5 percent of the number of registered voters of the district at

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the time of the last regular election for governing board members.

(2) The petition shall be submitted to the county superintendent of schools having jurisdiction who shall have 30 days to verify the signatures. If the petition is determined to be legally sufficient by the county superintendent of schools, the provisional appointment is terminated, and the county superintendent of schools shall order a special election to be conducted no later than the 130th day after the determination. However, if an established election date, as defined in Section 1000 of the Elections Code, occurs between the 130th day and the 150th day following the order of the election, the county superintendent of schools may order the special election to be conducted on the regular established election date.

*(3) For purposes of this section, "registered voters" means the following:*

*(A) If the district uses the at-large method of election, as defined in subdivision (a) of Section 14026 of the Elections Code, registered voters of the entire school district or community college district.*

*(B) If the district uses district-based elections, as defined in subdivision (b) of Section 14026 of the Elections Code, registered voters of the election district.*

(d) A provisional appointment made pursuant to subdivision (a) confers all powers and duties of a governing board member upon the appointee immediately following his or her appointment.

(e) A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for district governing board members that is scheduled 130 or more days after the effective date of the vacancy, whereupon an election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.

(f) (1) ~~Whenever~~ If a petition calling for a special election is circulated, the petition shall meet all of the following requirements:

(A) The petition shall contain the estimate of the elections official of the cost of conducting the special election.

(B) The name and residence address of at least one, but not more than five, of the proponents of the petition shall appear on the petition, each of which proponents shall be a registered voter of the school district or community college district, as applicable.

(C) None of the text or other language of the petition shall appear in less than six-point type.

(D) The petition shall be prepared and circulated in conformity with Sections 100 and 104 of the Elections Code.

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(2) If any of the requirements of this subdivision are not met as to any petition calling for a special election, the county superintendent of schools shall not verify the signatures, nor shall any further action be taken with respect to the petition.

(3) No person shall permit the list of names on petitions prescribed by this section to be used for any purpose other than qualification of the petition for the purpose of holding an election pursuant to this section.

(4) The petition filed with the county superintendent of schools shall be subject to the restrictions in Section 6253.5 of the Government Code.

(g) Elections held pursuant to subdivisions (b) and (c) shall be conducted in as nearly the same manner as practicable as other governing board member elections.

## **SEC. 2.**

### **Amend Elections Code 100**

(a) Notwithstanding any other provision of law, whenever ~~any~~ an initiative, referendum, recall, nominating petition or paper, or any other petition or paper, is required to be signed by voters of ~~any~~ a county, city, school district, or special district subject to petitioning, only a person who is an eligible registered voter at the time of signing the petition or paper is entitled to sign it. ~~Each~~

(b) A signer shall at the time of signing the petition or paper personally affix his or her signature, printed name, and place of residence, ~~giving~~ including the street and number of the place of residence, and if no street or number for the place of residence exists, then a designation of the place of residence ~~which that~~ will enable the location to be readily ascertained. An incomplete or inaccurate apartment or unit number in the signer's residence address shall not invalidate his or her signature pursuant to Section 105. A space at least one inch wide shall be left blank after each name for the use of the elections official in verifying the petition or paper. ~~The~~

(c) ~~The~~ part of a petition for the ~~voters'~~ signatures, printed names, and residence addresses of the voters and for the blank spaces for verification purposes shall be numbered consecutively commencing with the number one and continuing through the number of signature spaces allotted to each section. The petition format shall be substantially in the following form:

Official  
Use  
Only

(Print Name)

(Residence Address)

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## 2014 Legislative Guide to Election Law

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- |              |                    |
|--------------|--------------------|
| 1.           | ONLY)              |
| (Signature)  | (City)             |
| (Print Name) | (Residence Address |
| 2.           | ONLY)              |
| (Signature)  | (City)             |

**SEC. 3.**

(b) A signer shall at the time of signing the petition or paper personally affix his or her signature, printed name, and place of residence, including the street and number of the place of residence, and if no street or number for the place of residence exists, then a designation of the place of residence that will enable the location to be readily ascertained. An incomplete or inaccurate apartment or unit number in the signer's residence address shall not invalidate his or her signature pursuant to Section 105. A space at least one inch wide shall be left blank after each name for the use of the elections official in verifying the petition or paper.

(c) The part of a petition for the signatures, printed names, and residence addresses of the voters and for the blank spaces for verification purposes shall be numbered consecutively commencing with the number one and continuing through the number of signature spaces allotted to each section. The petition format shall be substantially in the following form:

Official  
Use  
Only

- |              |                    |
|--------------|--------------------|
| (Print Name) | (Residence Address |
| 1.           | ONLY)              |
| (Signature)  | (City)             |
| (Print Name) | (Residence Address |
| 2.           | ONLY)              |
| (Signature)  | (City)             |

**Amends Elections Code 105**

(a) (1) For purposes of verifying ~~signatures~~ a signature on ~~any~~ an initiative, referendum, recall, nomination, or other election petition or paper, the elections official shall determine that the residence address on the petition or paper is the same as the residence address on the affidavit of registration. If the addresses are different, or if the petition or paper does not specify the residence address,

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## 2014 Legislative Guide to Election Law

or, in the case of an initiative or referendum petition, if the information specified in Section 9020 is not contained in the petition, the affected signature shall not be counted as valid.

Any

(2) Notwithstanding paragraph (1), the elections official shall not invalidate a signature for an incomplete or inaccurate apartment or unit number in the signer's residence address.

(b) A signature invalidated pursuant to this section shall not affect the validity of other ~~another~~ valid signatures signature on the particular petition or paper.

## **SEC. 5.**

### **Amends Elections Code 2102**

(a) A person may not be registered as a voter except by affidavit of registration. The affidavit shall be mailed or delivered to the county elections official and shall set forth all of the facts required to be shown by this chapter. A properly executed registration shall be deemed effective upon receipt of the affidavit by the county elections official if received on or before the 15th day prior to an election to be held in the registrant's precinct. A properly executed registration shall also be deemed effective upon receipt of the affidavit by the county elections official if any of the following apply:

(1) The affidavit is postmarked on or before the 15th day prior to the election and received by mail by the county elections official.

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. ~~1973gg~~ 1973gg et seq.) on or before the 15th day prior to the election.

(3) The affidavit is delivered to the county elections official by means other than those described in paragraphs (1) ~~or~~ and (2) on or before the 15th day prior to the election.

(4) The affidavit is submitted electronically on the Internet Web site of the Secretary of State pursuant to Section 2196 on or before the 15th day prior to the election.

(b) For purposes of verifying ~~signatures~~ a signature on a recall, initiative, or referendum petition or ~~signatures~~ a signature on a nomination paper or any other election petition or election paper, a properly executed affidavit of registration shall be deemed effective for verification purposes if both ~~(a) the affidavit is signed on the same date or a date prior to the signing of the petition or paper, and (b) the affidavit is received by the county elections official on or before the date on which the petition or paper is filed.~~ following conditions are satisfied:

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(1) The affidavit is signed on the same date or a date prior to the signing of the petition or paper.

(2) The affidavit is received by the county elections official on or before the date on which the petition or paper is filed.

(c) Notwithstanding any other ~~provision of law~~ to the contrary, the affidavit of registration required under this chapter ~~may~~ shall not be taken under sworn oath, but the content of the affidavit shall be certified as to its truthfulness and correctness, under penalty of perjury, by the signature of the affiant.

### **SEC. 6.5.**

#### **Amends Elections Code 2102**

(a) A person ~~may~~ shall not be registered as a voter except by affidavit of registration. The affidavit shall be mailed or delivered to the county elections official and shall set forth all of the facts required to be shown by this chapter. A properly executed registration shall be deemed effective upon receipt of the affidavit by the county elections official if received on or before the 15th day prior to an election to be held in the registrant's precinct. A properly executed registration shall also be deemed effective upon receipt of the affidavit by the county elections official if any of the following apply:

(1) The affidavit is postmarked on or before the 15th day prior to the election and received by mail by the county elections official.

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. ~~1973gg~~ 1973gg et seq.) on or before the 15th day prior to the election.

(3) The affidavit is delivered to the county elections official by means other than those described in ~~paragraphs~~ paragraph (1) ~~or~~ and (2) on or before the 15th day prior to the election.

(4) The affidavit is submitted electronically on the Internet Web site of the Secretary of State pursuant to Section 2196 on or before the 15th day prior to the election.

(b) For purposes of verifying ~~signatures~~ a signature on a recall, initiative, or referendum petition or ~~signatures~~ a signature on a nomination paper or any other election petition or election paper, a properly executed affidavit of registration shall be deemed effective for verification purposes if both of the following conditions are satisfied:

(1) The affidavit is signed on the same date or a date prior to the signing of the petition or paper.

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(2) The affidavit is received by the county elections official on or before the date on which the petition or paper is filed.

(c) Notwithstanding any other ~~provision of~~ law to the contrary, the affidavit of registration required under this chapter ~~may~~ shall not be taken under sworn oath, but the content of the affidavit shall be certified as to its truthfulness and correctness, under penalty of perjury, by the signature of the affiant.

(d) A person who is at least ~~47~~ 16 years of age and otherwise meets all eligibility requirements to vote may submit his or her affidavit of registration as prescribed by this section. A properly executed registration made pursuant to this subdivision shall be deemed effective as of the date the affiant will be 18 years of age, if the information in the affidavit of registration is still current at that time. If the information provided by the affiant in the affidavit of registration is not current at the time that the registration would otherwise become effective, for his or her registration to become effective, the affiant shall provide the current information to the proper county elections official as prescribed by this chapter.

### **SEC. 7.**

#### **Amends Elections Code 2107**

(a) Except as provided in subdivision (b), the county elections official shall accept affidavits of registration at all times except during the 14 days immediately preceding ~~any~~ an election, when registration shall cease for that election as to electors residing in the territory within which the election is ~~to be~~ held. Transfers of registration for an election may be made from one precinct to another precinct in the same county at any time ~~when~~ registration is in progress in the precinct to which the elector seeks to transfer.

(b) The county elections official shall accept an affidavit of registration executed as part of a voter registration card in the forthcoming election if the affidavit is executed on or before the 15th day prior to the election, and if any of the following apply:

(1) The affidavit is postmarked on or before the 15th day prior to the election and received by mail by the county elections official.

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. ~~4973gg~~ 1973gg et seq.) on or before the 15th day prior to the election.

(3) The affidavit is delivered to the county elections official by means other than those described in paragraphs ~~(2)~~ (1) and ~~(3)~~ (2) on or before the 15th day prior to the election.

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(4) The affidavit is submitted electronically on the Internet Web site of the Secretary of State pursuant to Section 2196 on or before the 15th day prior to the election.

### **SEC. 8.**

#### **Amends Elections Code 2107**

(a) Except as provided in subdivision (b) and Article 4.5 (commencing with Section 2170), the county elections official shall accept affidavits of registration at all times except during the 14 days immediately preceding ~~any~~ an election, when registration shall cease for that election as to electors residing in the territory within which the election is held. Transfers of registration for an election may be made from one precinct to another precinct in the same county at any time registration is in progress in the precinct to which the elector seeks to transfer.

(b) The county elections official shall accept an affidavit of registration executed as part of a voter registration card in the forthcoming election if the affidavit is executed on or before the 15th day prior to the election, and if any of the following apply:

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. ~~1973gg~~ 1973gg et seq.) on or before the 15th day prior to the election.

(4) The affidavit is submitted electronically on the Internet Web site of the Secretary of State pursuant to Section 2196 on or before the 15th day prior to the election.

### **SEC. 9**

#### **Amends Elections Code 9020**

(a) The petition sections shall be designed so that each signer shall personally affix all of the following:

~~(a)~~

(1) His or her signature.

~~(b)~~

(2) His or her printed name.

~~(c)~~

(3) His or her residence address, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained. An incomplete or inaccurate apartment or unit number in his or her residence address shall not invalidate his or her signature pursuant to Section 105.

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(d)

(4) The name of his or her incorporated city or unincorporated community.

Only

(b) *Only* a person who is a qualified registered voter at the time of signing the petition is entitled to sign it.

The

(c) *The* number of signatures attached to each section shall be at the pleasure of the person soliciting the signatures.**SEC. 10.****Amends Elections Code 9285**

(a) (1) When an elections official receives an argument relating to a city measure that will be *argument in favor and an argument against a measure have been selected to be* printed in the ballot pamphlet, the elections official shall send a copy of ~~an~~ *the* argument in favor of the ~~proposition~~ *measure* to the authors of ~~any~~ *the* argument against the measure and a copy of an argument against the measure to the authors of ~~any~~ *the* argument in favor of the measure ~~immediately upon receiving the arguments.~~

**SEC. 10: SEC. 11.****Repeals Elections Code 10552****SECTION 4: SEC. 12.****Amends Elections Code 14300**

(a) In the case of an election for a state or federal office, each polling place using a direct recording electronic voting system, as defined by Section 19271, the elections official shall provide paper ballots equivalent to the following percentages:

**SEC. 2: SEC. 13.****Amends Elections Code 17301**

(b) The packages containing the following ballots and identification envelope shall be kept by the elections official, unopened and unaltered, for 22 months from the date of the election:

**SEC. 3: SEC. 14.****Amends Elections Code 17302**

(b) The packages containing the following ballots and identification envelopes shall be kept by the elections official, unopened and unaltered, for six months from the date of the election:

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**SEC. 15.****Amends Elections Code 19202**

(c) A vendor or county that has submitted a voting system for federal qualification before ~~August~~ September 1, 2013, upon obtaining federal qualification before January 1, 2015, may request approval of the voting system from the Secretary of State based on the examination and review requirements in place before January 1, 2014.

**SEC. 16.**

Section 6.5 of this bill incorporates amendments to Section 2102 of the Elections Code proposed by both this bill and SB 113. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 2102 of the Elections Code, and (3) this bill is enacted after SB 113, in which case Section 6 of this bill shall not become operative.

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## ELECTIONS: VOTING MACHINES

**Assembly Bill 2631****Chapter 911****CURRENT PROVISIONS:**

Existing law provides for the conduct of statewide and local elections and sets forth provisions governing, among other things, election procedures, the declaration of results, and election contests.

Existing law defines for these purposes the term “voting machine” to mean any device upon which a voter may register his or her vote, and which, by means of counters, embossing, or printouts, furnishes a total of the number of votes cast for each candidate or measure.

Existing law requires that the Secretary of State certify or conditionally approve a direct recording electronic voting system only if the system includes an accessible voter verified paper audit trail.

Existing law defines for these purposes the term “direct recording electronic voting system” as a voting system that records a vote electronically and does not require or permit the voter to record his or her vote directly onto a tangible ballot.

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Existing law specifies the procedure to be followed for counting ballots in connection with the semifinal official canvass for an election.

Existing law requires a precinct board to complete a certificate of performance and to post a results of votes cast form if votes are manually counted at the precinct, among other requirements.

Existing law requires the precinct board, as soon as the polls are closed, to comply with specified requirements relating to the closing of the polls, including, but not limited to, the locking of voting machines and the reading and posting of the statement of return of votes cast for the precinct.

Existing law also sets forth the procedures by which the proclamation of the result of the votes cast must be distinctly announced.

**NEW PROVISIONS:**

Modifies and updates the definition of “voting machine” to mean any electronic device into which a voter may enter his or her votes, and which, by means of electronic tabulation and generation of specified printouts and records, furnishes a total of the number of votes cast for each candidate or measure.

Makes conforming changes and repeals obsolete provisions of existing law.

Substitutes certain references to the term “voting system” with the term “direct recording electronic voting system.”

Requires a precinct board counting votes at the precinct by means of a voting machine to also complete a certificate of performance and to post a results of votes cast form, as specified.

Modifies and repeals certain precinct board requirements and procedures relating to the reading, posting, and inspection of the statement of return of votes cast for the precinct.

Creates a state-mandated local program.

**SECTIONS AFFECTED:****SECTION 1.**

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**Amends Elections Code 361**

"Voting machine" means any electronic device upon, including, but not limited to, a precinct optical scanner and a direct recording voting system, into which a voter may register enter his or her vote votes, and which, by means of counters, embossing, or printouts, electronic tabulation and generation of printouts or other tangible, human-readable records, furnishes a total of the number of votes cast for each candidate ~~or~~ and for or against each measure.

**SEC. 2.****Amends Elections Code 3018**

(a) Any voter using a vote by mail ballot may, prior to the close of the polls on election day, vote the ballot at the office of the elections official. The voter shall vote the ballot in the presence of an officer of the elections official or in a voting booth, at the discretion of the elections official, but in no case may his or her vote be observed. Where ~~voting machines~~ direct recording electronic voting systems, as defined in subdivision (b) of Section 19271, are used the elections official ~~may~~ shall provide one voting machine for each ballot type used within the jurisdiction. Elections officials may provide electronic voting devices for this purpose provided that sufficient devices are provided sufficient direct recording electronic voting systems to include all ballot types in the election.

(b) For purposes of this section, the office of an elections official may include satellite locations. Notice of the satellite locations shall be made by the elections official by the issuance of a general news release, issued not later than 14 days prior to voting at the satellite location, except that in a county with a declared emergency or disaster, notice shall be made not later than 48 hours prior to voting at the satellite location. The news release shall set forth the following information:

(c) Vote by mail ballots voted at a satellite location pursuant to this section shall be placed in a vote by mail voter identification envelope to be completed by the voter pursuant to Section 3011. However, if the elections official ~~utilizes electronic voting devices~~ provides sufficient direct recording electronic voting systems such that all ballot types in the election may be cast, the vote by mail ballot may be cast on an electronic voting device a direct recording electronic voting system.

**SEC. 3.****Amends the heading of Article 5 (commencing Section 13282) of Chapter 3 of Division 13 of the Elections Code****Article 5. ~~Voting Machines~~ Ballot Labels**

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**Repeals Elections Code 13283**

**Repeals Elections Code 13284**

**Repeals Elections Code 13285**

**Repeals Elections Code 13286**

**Repeals Elections Code 13287**

**Repeals Elections Code 13288**

**Repeals Elections Code 13289**

**SEC. 11.**

**Amends Elections Code 15250**

~~The ballots may be counted at the polls if a counting or tabulating machine approved therefor pursuant to Article 1 (commencing with Section 19200) of Chapter 3 of Division 19 is available at the polls:~~

*This article applies to all elections in which votes are counted by means of a voting machine.*

**SEC. 12.**

**Adds Section 15250.5**

(a) *As soon as the polls are closed, the precinct board, in the presence of the watchers and all others lawfully present, shall immediately lock the voting machine against voting and do all of the following:*

(1) *Count the votes cast on voting machines and report the results pursuant to subdivisions (b) and (c).*

(2) *Complete, sign, and return to the elections official all furnished forms requiring its signatures.*

(b) *When votes are counted on one or more voting machines at the precinct, all members of the precinct board, upon the completion of their duties, shall sign a certificate of performance, which shall be substantially in the following form:*

*Certificate of Performance*

*This certificate of performance is for precinct \_\_\_\_\_, for the \_\_\_\_\_ election, held on the \_\_\_\_\_ day of \_\_\_\_\_, (year).*

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- (1) *The results of the votes cast form posted outside the polling place includes the total number of votes cast on each voting machine for each candidate for each office, and the total number of votes cast on each voting*
- (2) *The results of votes cast form provided to the county elections official shows the same numbers.*

**(B) RESULTS OF VOTES CAST ARE NOT POSTED FOR VOTING MACHINES THAT RECORDED FEWER THAN 10 BALLOTS. RESULTS OF VOTES CAST ON ALL OTHER VOTING MACHINES ARE POSTED.**

- (1) *The results of the votes cast form posted outside the polling place includes the total number of votes cast on each voting machine for each candidate for each office, and the total number of votes cast on each voting machine for and against each ballot measure, except as provided in paragraph (2).*
- (2) *For each voting machine recording fewer than 10 ballots, only the number of ballots cast on that machine is posted.*
- (3) *The results of votes cast form provided to the county elections official shows the same numbers.*

**(C) RESULTS OF VOTES CAST ARE NOT POSTED FOR ANY VOTING MACHINES BECAUSE FEWER THAN 10 BALLOTS WERE CAST IN THE PRECINCT.**

*In this case, only the number of ballots cast on each voting machine is posted and included on the results of votes cast form provided to the county elections official*

<u>          </u> Inspector	<u>          </u> Clerk
<u>          </u> Assistant Inspector	<u>          </u> Clerk
<u>          </u> Judge	<u>          </u> Clerk
<u>          </u> Judge	<u>          </u> Clerk

- (c) (1) *The precinct board shall sign and post conspicuously on the outside of the polling place a copy of the results of votes cast form. The copy shall remain posted for at least 48 hours after the official time fixed for the closing of the polls.*
- (2) *To protect a person's right to cast a secret ballot under Section 7 of Article II of the California Constitution, in cases where fewer than 10 voters cast ballots on any single voting machine on which the results are tallied at the precinct, the precinct board shall post only the total number of people who voted on that voting machine, and shall not post the total number of votes cast on each voting machine for each candidate for each office or the total number of votes cast on each voting machine for and against each ballot measure.*

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**SEC. 13.****Repeals Elections Code 19370****~~SEC. 42:~~ SEC. 14.****Amends Elections Code 19371**

Before adjourning, the precinct board shall ~~seal the operating lever with the seal provided and lock the machine so that the voting and counting mechanism may not be operated:~~ do all of the following:

- (a) Comply with the requirements of Section 15250.5.
- (b) Seal each voting machine with the seal or seals provided.
- (c) Lock the voting machines.

~~It shall remain locked and sealed against operation until the time for filing a contest of election has expired, which shall not exceed a period of 30 days following the declaration of the result of the election by the body canvassing the returns:~~

**~~SEC. 43:~~ SEC. 15.****Repeals Elections Code 19380****~~SEC. 44:~~ SEC. 16.****Repeals Elections Code 19381****~~SEC. 46:~~ SEC. 17.****Amends and Renumbers Elections Code ~~49382~~ 19380**

The statement of the result of votes cast, which shall be certified by the precinct board, shall contain:

- (a) The total number of votes cast.
- (b) The number of votes cast for each candidate and measure as shown on the counter statement of return of votes cast.
- (c) The number of votes for persons not nominated.
- (d) Printed directions to the precinct board for their guidance before the polls are opened and when the polls are closed.
- (e) A certificate which shall be signed by the election officers before the polls are opened, showing:
  - (1) The delivery of the keys in a sealed envelope.
  - (2) The number on the seal or seals.
  - (3) The number registered on the protective counter.

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\*Full text can be obtained from [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

- (4) Whether all of the counters are set at zero (000).
- (5) Whether the public counter is set at zero (000).
- ~~(6) Whether the ballot labels are properly placed in the machine.~~
- (f) A certificate that shall be filled out after the polls have been closed, showing:
  - (1) That the voting machine has been locked against voting and sealed.
  - (2) The number of voters as shown on the public counter.
  - (3) The number on the seal or seals.
  - (4) The number registered on the protective counter.
  - (5) That the voting machine is closed and locked.

**SEC. 46. SEC. 18.****Repeals Elections Code 19383****SEC. 47. SEC. 19.****Repeals Elections Code 19384****SEC. 48. SEC. 20.****Amends and Renumbers Elections Code ~~49385~~ 19381**

The precinct board shall immediately transmit unsealed to the elections official a copy of the result of the votes cast at the polling place, the copy shall be signed by the members of the precinct board, and shall be open to public inspection.

**SEC. 49. SEC. 21.****Repeals Elections Code 19386****SEC. 20. SEC. 22.**

If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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## VOTE BY MAIL BALLOTS AND ELECTION RESULT STATEMENTS

**Senate Bill 29****Chapter 618****CURRENT PROVISIONS:**

Existing law makes the vote by mail ballot available to any registered voter, including military or overseas voters.

Changes in or additions to text are shown by underlined italics, deletions by ~~strikeouts~~, and new law text is shown *italicized* with no underlining.

\*Full text can be obtained from [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

Existing law requires that those vote by mail ballots, including those vote by mail ballots cast by military or overseas voters, be received by the elections officials from whom they were obtained or by the precinct boards before the polls close on election day in order to be counted.

Existing law authorizes certain local, special, or consolidated elections to be conducted wholly by mail, so long as specified conditions are satisfied.

Existing law requires ballots cast in these vote by mail elections to be returned to the elections official from whom they were obtained no later than 8 p.m. on election day.

Existing law permits any jurisdiction in which vote by mail ballots are cast to begin processing vote by mail ballot return envelopes 29 days prior to election, and authorizes any jurisdiction having the necessary computer capability to start processing vote by mail ballots 7 business days prior to the election.

Existing law requires the elections official to prepare a certified statement of the results of the election and submit it to the governing body within 28 days of the election, except for specified elections.

#### **NEW PROVISIONS:**

Provides that any vote by mail ballot, including any vote by mail ballot cast by a military or overseas voter, is timely cast if it is received by the voter's elections official via the United States Postal Service or a bona fide private mail delivery company no later than 3 days after election day, and either the ballot is postmarked on or before election day or is time stamped or date stamped by a bona fide private mail delivery company on or before election day or, if the ballot has no postmark, a postmark with no date, or an illegible postmark, the vote by mail ballot identification envelope is date stamped by the elections official upon receipt and is signed and dated by the voter on or before election day.

Expands the duties of local elections officials, and imposes a state-mandated local program.

Authorizes any jurisdiction having the necessary computer capability to start processing vote by mail ballots 10 business days prior to the election.

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\*Full text can be obtained from [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

Requires the elections official to submit the certified statement of the results of the election to the governing body within 30 days of the election.

## **SECTIONS AFFECTED:**

### **SECTION 1.**

#### **Amends Elections Code 3020**

(a) All vote by mail ballots cast under this division shall be received by the elections official from whom they were obtained or by the precinct board no later than the close of the polls on election day.

(b) Notwithstanding subdivision (a), any vote by mail ballot cast under this division shall be timely cast if it is received by the voter's elections official via the United States Postal Service or a bona fide private mail delivery company no later than three days after election day and either of the following is satisfied:

(1) The ballot is postmarked on or before election day or is time stamped or date stamped by a bona fide private mail delivery company on or before election day.

(2) If the ballot has no postmark, a postmark with no date, or an illegible postmark, the vote by mail ballot identification envelope is date stamped by the elections official upon receipt of the vote by mail ballot from the United States Postal Service or a bona fide private mail delivery company, and is signed and dated pursuant to Section 3011 on or before election day.

### **SEC. 2.**

#### **Amends Elections Code 3117**

A valid ballot cast shall be counted if it is received by the elections official by the time the polls close on the day of the election in accordance with Section 3020.

### **SEC. 3.**

#### **Amends Elections Code 4103**

(a) Notwithstanding Section 3020, ballots cast under this chapter shall be returned to the elections official from whom they were obtained no later than 8 p.m. on election day.

(b) Notwithstanding subdivision (a), any vote by mail ballot cast under this chapter shall be timely cast if it is received by the voter's elections official via the United States Postal Service or a bona fide private mail delivery company no later than three days after election day and either of the following is satisfied:

(1) The ballot is postmarked on or before election day or is time stamped or

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\*Full text can be obtained from [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

date stamped by a bona fide private mail delivery company on or before election day.

(2) If the ballot has no postmark, a postmark with no date, or an illegible postmark, the vote by mail ballot identification envelope is date stamped by the elections official upon receipt of the vote by mail ballot from the United States Postal Service or a bona fide private mail delivery company, and is signed and dated pursuant to Section 3011 on or before election day.

#### **SEC. 4.**

##### **Amends Elections Code 15101**

(b) Any jurisdiction having the necessary computer capability may start to process vote by mail ballots on the ~~seventh~~ 10th business day ~~prior to~~ before the election. Processing vote by mail ballots includes opening vote by mail ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, but under no circumstances may a vote count be accessed or released until 8 p.m. on the day of the election. All other jurisdictions shall start to process vote by mail ballots at 5 p.m. on the day before the election.

#### **~~SEC. 3.~~ SEC. 5.**

##### **Amends Elections Code 15372**

(a) The elections official shall prepare a certified statement of the results of the election and submit it to the governing body within ~~28~~ 30 days of the election or, in the case of school district, community college district, county board of education, or special district elections conducted on the first Tuesday after the first Monday in November of odd-numbered years, no later than the last Monday before the last Friday of that month.

(b) The elections official shall post the certified statement of the results of the election on his or her Internet Web site in a downloadable spreadsheet format that may include, but is not limited to, a comma-separated values file or a tab-separated values file and that is compatible with a spreadsheet software application that is widely used at the time of the posting. The certified statement of the election results shall be posted and maintained on the elections official's Internet Web site for a period of at least 10 years following the election. This subdivision shall apply only to an elections official who uses a computer system that has the capability of producing the election results in a downloadable spreadsheet format without requiring modification of the computer system.

#### **~~SEC. 4.~~ SEC. 6.**

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Counties may continue to use envelopes and other official election materials that do not take into account the provisions of this act until the supply of those envelopes and other official election materials is exhausted.

**SEC. 7.**

*Section 4.5 of this bill incorporates amendments to Section 15101 of the Elections Code proposed by both this bill and Assembly Bill 2530. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 15101 of the Elections Code, and (3) this bill is enacted after Assembly Bill 2530, in which case Section 4 of this bill shall not become operative.*

**SEC. 5. SEC. 8.**

If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

## ELECTIONS: VOTER REGISTRATION

**Senate Bill 113  
Chapter 619**

**CURRENT PROVISIONS:**

Existing law authorizes a person who is at least 17 years of age and otherwise meets all voter eligibility requirements to submit his or her affidavit of registration. The affidavit of registration is deemed effective as of the date the affiant will be 18 years of age. These provisions become operative when the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002.

Existing law requires that, upon receipt of a properly executed affidavit of registration or address correction notice or letter, the county elections official send the voter a voter notification containing specified information.

Existing law requires a county elections official to conduct a preelection residency confirmation procedure by the 90th day immediately prior to the primary election, and requires the official to mail a nonforwardable postcard to each registered voter of the county preceding the direct primary election.

Changes in or additions to text are shown by underlined italics, deletions by ~~strikeouts~~, and new law text is shown *italicized* with no underlining.

\*Full text can be obtained from [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

## 2014 Legislative Guide to Election Law

Existing law provides that the official, at his or her discretion, is not required to mail the residency confirmation postcard to any voter who has voted at an election held within the last 6 months preceding the start of the procedure.

**NEW PROVISIONS:**

Lowers the minimum age for purposes of submitting an affidavit of registration pursuant to these provisions to 16 years of age.

Makes conforming changes to existing law.

Requires that, if an affidavit of registration is submitted by a person who is at least 16 years of age and otherwise meets all voter eligibility requirements, the county elections official send a preregistration notice to that voter upon a determination that the affidavit of registration is properly executed and that the person otherwise satisfies all eligibility requirements to vote, except that he or she is under 18 years of age.

Prescribes the format of the voter preregistration notice and make conforming changes.

Prohibits these provisions from becoming operative unless the Secretary of State certifies that the state has a statewide voter registration database that complies with the federal Help America Vote Act of 2002.

Provides that a county elections official is not required to mail a residency confirmation postcard to any person under 18 years of age who has submitted a properly executed affidavit of registration and who will not be 18 years of age on or before the primary election.

Imposes new requirements on local elections officials in processing voter registrations and sending voter notifications, and creates a state-mandated local program.

Provides that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

**SECTIONS AFFECTED:****SEC. 2: SECTION 1.**

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\*Full text can be obtained from [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

**Amend Elections Code 2102**

(a) A person ~~may~~ *shall* not be registered as a voter except by affidavit of registration. The affidavit shall be mailed or delivered to the county elections official and shall set forth all of the facts required to be shown by this chapter. A properly executed registration shall be deemed effective upon receipt of the affidavit by the county elections official if received on or before the 15th day prior to an election to be held in the registrant's precinct. A properly executed registration shall also be deemed effective upon receipt of the affidavit by the county elections official if any of the following apply:

(1) The affidavit is postmarked on or before the 15th day prior to the election and received by mail by the county elections official.

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the ~~federal~~ National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg) on or before the 15th day prior to the election.

(3) The affidavit is delivered to the county elections official by means other than those described in ~~paragraphs~~ *paragraph* (1) or (2) on or before the 15th day prior to the election.

(b) For purposes of verifying signatures on a recall, initiative, or referendum petition or signatures on a nomination paper or any other election petition or election paper, a properly executed affidavit of registration shall be deemed effective for verification purposes if both of the following conditions are satisfied:

(1) The affidavit is signed on the same date or a date prior to the signing of the petition or paper.

(2) The affidavit is received by the county elections official on or before the date on which the petition or paper is filed.

(c) Notwithstanding any other provision of law to the contrary, the affidavit of registration required under this chapter may not be taken under sworn oath, but the content of the affidavit shall be certified as to its truthfulness and correctness, under penalty of perjury, by the signature of the affiant.

(d) A person who is at least ~~17~~ *15* years of age and otherwise meets all eligibility requirements to vote may submit his or her affidavit of registration as prescribed by this section. A properly executed registration made pursuant to this subdivision shall be deemed effective as of the date the affiant will be 18 years of age, if the information in the affidavit of registration is still current at that time. If the information provided by the affiant in the affidavit of registration is not current at the time that the registration would otherwise become effective, for his or her registration to become effective, the affiant shall provide the current information to the proper county elections official as prescribed by this chapter.

Changes in or additions to text are shown by *underlined italics*, deletions by ~~strikeouts~~, and new law text is shown *italicized* with no underlining.

\*Full text can be obtained from [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

**~~SEC. 4.~~ SEC. 2.****Amends Elections Code 2106**

A program adopted by a county pursuant to Section 2103 or 2105, that is designed to encourage the registration of electors, shall, with respect to a printed literature or media announcement made in connection with these programs, contain this statement: "A person entitled to register to vote must be a United States citizen, a resident of California, not in prison or on parole for the conviction of a felony, and at least 18 years of age at the time of the election. A person may preregister to vote if he or she is a United States citizen, a resident of California, not in prison or on parole for the conviction of a felony, and at least ~~17~~ 16 years of age." A county elections official may continue to use existing materials ~~prior to~~ before printing new or revised materials required by any changes to this section.

**~~SEC. 6.~~ SEC. 3.****Amends Elections Code 2150**

(a) The affidavit of registration shall show:

(5) The affiant's date of birth to establish that he or she will be at least 18 years of age on or before the date of the next election. In the case of an affidavit of registration submitted pursuant to subdivision (d) of Section 2102, the affiant's date of birth to establish that he or she is at least ~~17~~ 16 years of age.

**SEC. 4.****Adds Elections Code 2155.3**

*(a) In lieu of the voter notification required by Section 2155, a person under 18 years of age who submits an affidavit of registration pursuant to Section 2101 or subdivision (d) of Section 2102, as amended by the act adding this section shall be sent a voter pre-registration notice upon a determination that the affidavit of registration is properly executed and that the person otherwise satisfies all eligibility requirements to vote, except that he or she is under 18 years of age. The county elections official shall send the voter pre-registration notice by nonforwardable, first-class mail, address correction requested.*

*(b) The voter pre-registration notice required by subdivision (a) shall be substantially in the following form:*

**VOTER PREREGISTRATION NOTICE**

*Thank you for registering to vote. You may vote in any election held on or after your 18th birthday.*

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\*Full text can be obtained from [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

*Your party preference is: (Name of political party)*

*Before any election in which you are eligible to vote, you will receive a sample ballot and voter pamphlet by mail.*

*If the information on this card is incorrect, please contact our office or update your registration at the Internet Web site of the Secretary of State.*

#### **SEC. 5.**

##### **Amends Elections Code 2156**

The Secretary of State shall print, or cause to be printed, the blank forms of the voter notification prescribed by Section 2155 and the voter pre-registration notice prescribed by Section 2155.3. The Secretary of State shall supply the forms to the county elections official in quantities and at times requested by the county elections official. The Secretary of State may continue to supply, and the county elections officials may continue to use, existing ~~voter notification~~ forms prior to printing new or revised forms as required by any changes to Section 2155 or 2155.3.

#### **SEC. 8. SEC. 6.**

##### **Amends Elections Code 2205**

The local registrar of births and deaths shall notify the county elections official not later than the 15th day of each month of all deceased persons ~~47~~ 16 years of age and over, whose deaths were registered with him or her or of whose deaths he or she was notified by the State Registrar of Vital Statistics during the preceding month. This notification shall include at least the name, sex, age, birthplace, birth date, place of residence, and date and place of death of each decedent.

The county elections official shall cancel the affidavit of registration of the deceased voter.

#### **SEC. 7.**

##### **Amends Elections Code 2220**

(a) The county elections official shall conduct a preelection residency confirmation procedure as provided in this article. This procedure shall be completed by the 90th day immediately prior to the primary election. The procedure shall be initiated by mailing a nonforwardable postcard to each registered voter of the county preceding the direct primary election. Postcards mailed pursuant to this article shall be sent "Address Correction Requested, Return Postage Guaranteed," and shall be in substantially the following form:

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“We are requesting your assistance in correcting the addresses of voters who have moved and have not reregistered.

“1. If you still live at the address noted on this postcard, your voter registration will remain in effect and you may disregard this notice.

“2. If the person named on this postcard is not at this address, please return this postcard to your mail carrier.”

(b) The county elections official, at his or her discretion, shall not be required to mail a residency confirmation postcard pursuant to subdivision (a); to any voter who has voted at an election held within the last six months preceding the start of the confirmation procedure or to any person under 18 years of age who has submitted a properly executed affidavit of registration pursuant to subdivision (d) of Section 2102 and who will not be 18 years of age on or before the primary election.

**SEC. 6-SEC. 8.**

**Sections 4, 5, and 7 of this bill shall become operative only if the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.).**

**SEC. 9.**

Section 1.5 of this bill incorporates amendments to Section 2102 of the Elections Code proposed by both this bill and AB 2562. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 2102 of the Elections Code, and (3) this bill is enacted after AB 2562, in which case Section 1 of this bill shall not become operative.

**SEC. 8-SEC. 10.**

If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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**ELECTIONS: BALLOT MEASURE CONTRIBUTIONS**

**Senate Bill 844  
Chapter 920**

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\*Full text can be obtained from [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

**CURRENT PROVISIONS:**

Existing law requires each campaign committee formed or existing primarily to support or oppose a statewide ballot measure to file with the Secretary of State periodic reports identifying the sources and amounts of contributions received during specified periods.

Existing law, including the Political Reform Act of 1974, also specifies information required to be included in the state ballot pamphlet for each statewide ballot measure to be voted upon.

The Political Reform Act of 1974, an initiative measure, generally provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.

The act also provides that, notwithstanding this requirement, the Legislature may add to the ballot pamphlet information regarding candidates or other information.

**NEW PROVISIONS:**

Requires the Secretary of State to create an Internet Web site, or use other available technology, to consolidate information about each ballot measure in a manner that is easy for voters to access and understand.

Requires the Internet Web site to include a summary of each ballot measure, the total amount of reported contributions made to support or oppose a ballot measure, and a list of a committee's top 10 contributors, as specified.

Requires the state ballot pamphlet to include for each ballot measure a printed statement that refers voters to the Secretary of State's Internet Web site for a list of committees primarily formed to support or oppose a ballot measure, and information on how to access the committee's top 10 contributors.

Incorporates additional changes in Section 9082.7 of the Elections Code proposed by SB 1253.

Permits or requires additional information to be included in the ballot pamphlet, would therefore require a majority vote.

**SECTIONS AFFECTED:**

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\*Full text can be obtained from [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

**SEC. 1.5.****Amends Elections Code 9082.7**

(a) The Secretary of State shall ~~disseminate~~ *make available* the complete state ballot pamphlet over the Internet. *The online version of the state ballot pamphlet shall contain all of the following:*

(1) For each candidate listed in the pamphlet, a means to access campaign contribution disclosure reports for the candidate that are available online.

(2) For each state ballot measure listed in the pamphlet, a means to access the consolidated information specified in subdivision (b).

(b) The Secretary of State shall create an Internet Web site, or use other available technology, to consolidate information about each state ballot measure in a manner that is easy for voters to access and understand. The information shall include all of the following:

(1) A summary of the ballot measure's content.

(2) The total amount of reported contributions made in support of and opposition to the ballot measure, calculated and updated as follows:

(A) (i) The total amount of contributions in support of the ballot measure shall be calculated by adding together the total amounts of contributions made in support of the ballot measure and reported in semiannual statements required by Section 84200 of the Government Code, preelection statements required by Section 84200.5 of the Government Code, campaign statements required by Section 84202.3 of the Government Code, and late contribution reports required by Section 84203 of the Government Code, that are reported within 16 days of the election at which the measure will appear on the ballot.

(ii) The total amount of contributions in opposition to the ballot measure shall be calculated by adding together the total amounts of contributions made in opposition to the ballot measure and reported in semiannual statements required by Section 84200 of the Government Code, preelection statements required by Section 84200.5 of the Government Code, campaign statements required by Section 84202.3 of the Government Code, and late contribution reports required by Section 84203 of the Government Code, that are reported within 16 days of the election at which the measure will appear on the ballot.

(iii) For purposes of determining the total amount of reported contributions pursuant to this subparagraph, the Secretary of State shall, to the extent practicable with respect to committees primarily formed to support or oppose a ballot measure, do both of the following:

(I) Ensure that transfers of funds between primarily formed committees are not counted twice.

(II) Treat a contribution made to a primarily formed committee that supports

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or opposes more than one state ballot measure as if the total amount of that contribution was made for each state ballot measure that the committee supports or opposes.

(B) The total amount of reported contributions calculated under this paragraph for each state ballot measure shall be updated not later than five business days after receipt of a semiannual statement, campaign statement, or preelection statement and not later than two business days after receipt of a late contribution report within 16 days of the election at which the measure will appear on the ballot.

(C) The total amount of reported contributions calculated under this paragraph for each state ballot measure shall be accompanied by an explanation that the contribution totals may be overstated due to the inclusion of contributions made to committees supporting or opposing more than one state ballot measure, as required by subclause (II) of clause (iii) of subparagraph (A).

(3) A current list of the top 10 contributors supporting and opposing the ballot measure, if compiled by the Fair Political Practices Commission pursuant to subdivision (e) of Section 84223 of the Government Code.

(4) (A) A list of each committee primarily formed to support or oppose the ballot measure, as described in Section 82047.5 of the Government Code, and a means to access information about the sources of funding reported for each committee.

(B) Information about the sources of contributions shall be updated as new information becomes available to the public pursuant to the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

(C) If a committee identified in subparagraph (A) receives one million dollars (\$1,000,000) or more in contributions for an election, the Secretary of State shall provide a means to access online information about the committee's top 10 contributors reported to the Fair Political Practices Commission pursuant to subdivision (a) of Section 84223 of the Government Code.

(D) Notwithstanding paragraph (1) of subdivision (c) of Section 84223 of the Government Code, the Fair Political Practices Commission shall automatically provide any list of top 10 contributors created pursuant to Section 84223 of the Government Code, and any subsequent updates to that list, to the Secretary of State for purposes of compliance with this section.

(5) Any other information deemed relevant by the Secretary of State.

## **SEC. 2.**

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\*Full text can be obtained from [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

**Amends Elections Code 9086**

The ballot pamphlet shall contain as to each state measure to be voted upon, the following, in the order set forth in this section:

(c) Immediately below the analysis prepared by the Legislative Analyst shall appear a printed statement that refers voters to the Secretary of State's Internet Web site for a list of committees primarily formed to support or oppose a ballot measure, and information on how to access the committee's top ten contributors.

(e)

(d) Arguments for and against the measure shall be placed on the next left and right pages, respectively, following the final page of the analysis of the Legislative Analyst. The rebuttals shall be placed immediately below the arguments.

(d)

(e) If no argument against the measure has been submitted, the argument for the measure shall appear on the right page facing the analysis.

(e)

(f) The complete text of each measure shall appear at the back of the pamphlet. The text of the measure shall contain the provisions of the proposed measure and the existing provisions of law repealed or revised by the measure. The provisions of the proposed measure differing from the existing provisions of law affected shall be distinguished in print, so as to facilitate comparison.

(f)

(g) The following statement shall be printed at the bottom of each page where arguments appear: "Arguments printed on this page are the opinions of the authors, and have not been checked for accuracy by any official agency."

**SEC. 5. SEC. 3.****Amends Government Code 88002**

The ballot pamphlet shall contain as to each state measure to be voted upon, the following in the order set forth in this section:

(2) The space in the title and summary that is used for an explanatory table prepared pursuant to paragraph (2) of subdivision (e) of Section 9087 of the Elections Code and Section 88003 shall not be included when measuring the amount of space the information described in paragraph (1) has taken for purposes of determining compliance with the restriction prohibiting the information described in paragraph (1) from exceeding one-third of the page.

(b) Beginning at the top of the right page shall appear the analysis prepared by the Legislative Analyst, provided that the analysis fits on a single page. If it does not fit on a single page, then the analysis shall begin on the lower portion of the first left page and shall continue on subsequent pages until it is completed.

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\*Full text can be obtained from [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

*(c) Immediately below the analysis prepared by the Legislative Analyst shall appear a printed statement that refers voters to the Secretary of State's Internet Web site for a list of committees primarily formed to support or oppose a ballot measure, and information on how to access the committee's top ten contributors.*

(e)

(d) Arguments for and against the measure shall be placed on the next left and right pages, respectively, following the page on which the analysis of the Legislative Analyst ends. The rebuttals shall be placed immediately below the arguments.

(d)

(e) If no argument against the measure has been submitted, the argument for the measure shall appear on the right page facing the analysis.

(e)

(f) The complete text of each measure shall appear at the back of the pamphlet. The text of the measure shall contain the provisions of the proposed measure and the existing provisions of law repealed or revised by the measure. The provisions of the proposed measure differing from the existing provisions of law affected shall be distinguished in print, so as to facilitate comparison.

(f)

(g) The following statement shall be printed at the bottom of each page where arguments appear: "Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency."

#### **SEC. 4.**

*Section 1.1 of this bill shall only become operative if (1) both this bill and Senate Bill 1442 of the 2013–14 Regular Session are enacted and become effective on or before January 1, 2015, (2) Senate Bill 1442 adds Section 84200.3 to the Government Code, and (3) Senate Bill 1253 of the 2013–14 Regular Session is not enacted or as enacted does not amend Section 9082.7 of the Elections Code, in which case Sections 1, 1.5, 1.7, and 1.9 of this bill shall not become operative.*

#### **SEC. 5.**

*Section 1.3 of this bill shall only become operative if (1) both this bill and Senate Bill 1442 of the 2013–14 Regular Session are enacted and become effective on or before January 1, 2015, (2) Senate Bill 1442 adds Section 84200.3 to the Government Code, (3) the condition specified in subdivision*

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(c) of Section 9082.7 of the Elections Code as amended by Section 1.3 of this bill is satisfied, and (4) Senate Bill 1253 of the 2013–14 Regular Session is not enacted or as enacted does not amend Section 9082.7 of the Elections Code, in which case Sections 1, 1.5, 1.7, and 1.9 of this bill shall not become operative.

**SEC. 6.**

Section 1.5 of this bill incorporates amendments to Section 9082.7 of the Elections Code proposed by both this bill and Senate Bill 1253. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 9082.7 of the Elections Code, (3) Senate Bill 1442 of the 2013–14 Regular Session is not enacted or as enacted does not add Section 84200.3 to the Government Code, and ~~(3)~~ (4) this bill is enacted after Senate Bill 1253, in which case ~~Section~~ Sections 1, 1.1, 1.3, 1.7, and 1.9 of this bill shall not become operative.

**SEC. 7.**

Section 1.7 of this bill incorporates amendments to Section 9082.7 of the Elections Code proposed by both this bill and Senate Bill 1253. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 9082.7 of the Elections Code, (3) Senate Bill 1442 of the 2013–14 Regular Session is enacted and as enacted adds Section 84200.3 to the Government Code, and (4) this bill is enacted after Senate Bill 1253, in which case Sections 1, 1.1, 1.3, and 1.5 of this bill shall not become operative.

**SEC. 8.**

Section 1.9 of this bill incorporates amendments to Section 9082.7 of the Elections Code proposed by both this bill and Senate Bill 1253. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 9082.7 of the Elections Code, (3) Senate Bill 1442 of the 2013–14 Regular Session is enacted and as enacted adds Section 84200.3 to the Government Code, (4) the condition specified in subdivision (c) of Section 9082.7 of the Elections Code as amended by Section 1.9 of this bill is satisfied, and (5) this bill is enacted after Senate Bill 1253, in which case Sections 1, 1.1, 1.3, and 1.5 of this bill shall not become operative.

**SEC. 6-SEC. 9.**

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The Legislature finds and declares that this act permits or requires the inclusion of additional information in the ballot pamphlet in accordance with Section 88007 of the Government Code.

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**STATE RESERVE FUND BALLOT MEASURE****SB 867****Senate Bill 867  
Chapter 186****CURRENT PROVISIONS:**

Existing law provides that each statewide ballot measure submitted to the voters be designated by a numeral, which shall be the designation by which the measure is identified on the ballot and in the state ballot pamphlet.

Under existing law, beginning with the November 3, 1998, statewide general election, all statewide ballot measures are numbered in a continuous sequence, commencing with the number “1” and continuing in numerical sequence for a period of 10 years, after which the numbering sequence recommences with the number “1” at the next statewide election.

Permits the Legislature to propose to the voters amendments to the California Constitution.

At the 2013–14 Second Extraordinary Session, the Legislature adopted Assembly Constitutional Amendment 1, which proposes a constitutional amendment relating to the establishment of state reserve funds in the State Treasury.

Assembly Constitutional Amendment 1 is scheduled to be submitted to the voters at the November 4, 2014, statewide general election.

**NEW PROVISIONS:**

Provides that, notwithstanding the requirements described above regarding the numbering of statewide ballot measures, Assembly Constitutional Amendment 1 of the 2013–14 Second Extraordinary Session shall be designated as “Proposition 2” for purposes of the ballot, the sample ballot, the state ballot pamphlet, and the local voter’s pamphlet, and shall be placed as the 2nd ballot measure on the November 4, 2014, statewide general election ballot.

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Requires that any reference in the state ballot pamphlet or in a candidate's statement to "Proposition 44" shall be changed to "Proposition 2" prior to final publication of the state ballot pamphlet or the voter's pamphlet that contains the candidate's statement.

**This bill declares that it is to take effect immediately as an urgency statute.**

**SECTIONS AFFECTED:**

**SECTION 1.**

(a) *Notwithstanding Section 13117 of the Elections Code or any other provision of law, Assembly Constitutional Amendment 1 of the 2013–14 Second Extraordinary Session (Resolution Chapter 1 of the 2013–14 Second Extraordinary Session) shall be designated as "Proposition 2" for purposes of the ballot and the state ballot pamphlet and shall be placed as the second ballot measure on the November 4, 2014, statewide general election ballot. If any material submitted to the Secretary of State for inclusion in the state ballot pamphlet contains a reference to "Proposition 44," the Secretary of State shall revise the material by substituting "Proposition 2" for "Proposition 44" prior to final publication of the state ballot pamphlet.*

(b) *Assembly Constitutional Amendment 1 of the 2013–14 Second Extraordinary Session shall be referred to in any sample ballot or voter's pamphlet prepared pursuant to Chapter 4 (commencing with Section 13300) of Division 13 of the Elections Code as "Proposition 2." Notwithstanding any other provision of law, if any statement submitted by a candidate for inclusion in the voter's pamphlet contains a reference to "Proposition 44," the county elections official shall revise the statement by substituting "Proposition 2" for "Proposition 44" prior to final publication of the voter's pamphlet that contains the candidate's statement.*

**SEC. 2.**

*This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:*

*In order for Assembly Constitutional Amendment 1 of the 2013–14 Second Extraordinary Session to be properly designated on the ballot and in the state ballot pamphlet for the November 4, 2014, statewide general election, it is necessary that this act take effect immediately.*

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**VOTER REGISTRATION: JUVENILE DETENTION FACILITIES****Senate Bill 1063  
Chapter 624****CURRENT PROVISIONS:**

Under existing law, a person is entitled to register to vote if he or she is a United States citizen, a resident of California, not in prison or on parole for the conviction of a felony, and will be at least 18 years of age at the time of the next election.

**NEW PROVISIONS:**

Requires state and local juvenile detention facilities to identify individuals housed in those facilities who are of age to register to vote and not in prison or on parole for the conviction of a felony, to provide affidavits of registration to eligible voters, to assist those individuals with the completion of the affidavits of registration, and to assist individuals in returning the completed cards to the county elections official or to transmit completed voter registration cards to the county elections official.

Imposes a state-mandated local program.

**SECTIONS AFFECTED:****SECTION 1.****Adds Elections Code 2105.7**

*(a) A state or local juvenile detention facility, including, but not limited to, a juvenile hall, juvenile ranch, juvenile camp, or a facility of the Department of Corrections and Rehabilitation, Division of Juvenile Justice, shall do all of the following:*

*(1) Identify each individual housed in the facility who is of age to register to vote and not in prison or on parole for the conviction of a felony.*

*(2) Provide an affidavit of registration to each individual housed in the facility who is of age to register to vote and not in prison or on parole for the conviction of a felony by doing either of the following:*

*(A) Providing the individual a paper affidavit of registration.*

*(B) Directing the individual to an affidavit of registration provided on the Internet Web site of the Secretary of State.*

*(3) Assist each individual housed in the facility who is of age to register to vote and not in prison or on parole for the conviction of a felony with the completion of the affidavit of registration, unless the individual declines assistance.*

*(b) A facility providing paper affidavits of registration pursuant to subdivision (a)*

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*shall do either of the following:*

*(1) Assist the individual who completed the voter registration card in returning the completed card to the county elections official.*

*(2) Accept any completed voter registration card and transmit the card to the county elections official.*

## **SEC. 2.**

*If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.*

## **STATE BALLOT PAMPHLET**

### **Senate Bill 1195**

#### **Chapter 187**

### **CURRENT PROVISIONS:**

Existing law requires the Secretary of State, for each statewide election, to prepare and distribute a state ballot pamphlet describing each statewide ballot measure and containing other specified information.

Existing law requires the Secretary of State to provide the state ballot pamphlets to county elections officials not less than 45 days before the election, and further requires that the state ballot pamphlets be mailed to voters commencing not less than 40 days before the election.

Existing law requires that the Secretary of State furnish a copy of the state ballot pamphlet to the Office of State Printing for preparation not less than 40 days before the date the Secretary of State is required to provide the pamphlets to the county elections officials.

### **NEW PROVISIONS:**

Requires that the Secretary of State provide the state ballot pamphlets to the county elections officials on the 43rd day before the election, and requires that the state ballot pamphlets be mailed to voters commencing on the 38th day before the election.

Requires that the Secretary of State furnish a copy of the state ballot pamphlet

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to the Office of State Printing for preparation on the 40th day before the date the Secretary of State is required to provide the pamphlets to the county elections officials.

## SECTIONS AFFECTED:

### **SECTION 1.**

All of the following shall apply to the November 4, 2014, statewide general election:

(a) Notwithstanding Section 9082 of the Elections Code, the Secretary of State shall furnish to the Office of State Printing copy for preparation of the state ballot pamphlets on the 40th day prior to the date for required delivery to the county elections officials as provided in subdivision (c).

(b) Notwithstanding subdivision (a) of Section 9094 of the Elections Code, the Secretary of State shall commence mailing the state ballot pamphlets to the voters on the 38th day prior to the election.

(c) Notwithstanding subdivision (b) of Section 9094 of the Elections Code, the Secretary of State shall furnish state ballot pamphlets to the county elections officials on the 43rd day prior to the election, and the county elections officials shall commence mailing the state ballot pamphlets to voters on the date specified in subdivision (b).

### **SEC. 2.**

This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

To ensure that the state ballot pamphlet for the November 4, 2014, statewide general election accurately reflects the ballot measures that will be submitted to the voters of the state at that election, it is necessary that this act take immediate effect.

## INITIATIVE MEASURES

### **Senate Bill 1253**

#### **Chapter 697**

### **CURRENT PROVISIONS:**

Under existing law, the text of a proposed initiative measure is required to be

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submitted to the Attorney General for preparation of a circulating title and summary before the petition may be circulated for signatures.

Existing law requires the Department of Finance and the Joint Legislative Budget Committee to jointly develop an estimate of the fiscal impact of the initiative measure and to deliver that fiscal estimate to the Attorney General within 25 working days, except as specified, for inclusion in the circulating title and summary.

Existing law further requires the Secretary of State, upon request of the proponents of an initiative measure, to review the provisions of the initiative measure and to comment on the provisions of the measure with respect to form and language clarity.

Existing law prohibits a petition for a proposed initiative or referendum measure from being circulated prior to the official summary date, and prohibits a petition with signatures on a proposed initiative measure from being filed with the county elections official later than 150 days from the official summary date.

Existing law requires the Secretary of State to notify the proponents, and immediately transmit to the elections official or registrar of voters of every county or city and county in the state a certificate, when the Secretary of State has received from one or more elections officials or registrars a petition certified to have been signed by the requisite number of qualified voters.

Requires the Secretary of State to transmit copies of an initiative measure and its circulating title and summary to the Senate and the Assembly after the measure is certified to appear on the ballot for consideration by the voters.

Existing law requires that each house of the Legislature assign the initiative measure to its appropriate committees, and that the committees hold joint public hearings on the subject of the proposed measure prior to the date of the election at which the measure is to be voted upon, as specified.

Existing law requires the Secretary of State to disseminate the complete state ballot pamphlet over the Internet and to establish a process to enable a voter to opt out of receiving the state ballot pamphlet by mail.

Existing law requires the Secretary of State to develop a program to utilize modern communications and information processing technology to enhance the availability

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and accessibility of information on statewide candidates and ballot initiatives, including making information available online as well as through other information processing technology.

Existing law authorizes the proponents of a statewide initiative or referendum measure to withdraw the measure at any time before filing the petition with the appropriate elections official.

Existing law also requires that state initiative petitions circulated for signature include a prescribed notice to the public.

Existing law makes certain activities relating to the circulation of an initiative, referendum, or recall petition a criminal offense.

**NEW PROVISIONS:**

Requires the Attorney General, upon receipt of a request to prepare the circulating title and summary, to initiate a 30-day public review process for the proposed initiative measure, as specified.

Requires that the fiscal estimate be prepared jointly by the Department of Finance and the Legislative Analyst.

Requires the estimate to be delivered to the Attorney General within 50 days of the date of receipt of the proposed initiative measure by the Attorney General instead of 25 working days from the receipt of the final version of the proposed initiative measure.

Extends the date that a petition with signatures on a proposed initiative measure is required to be filed with the county elections official to not later than 180 days from the official summary date.

Requires the Secretary of State to issue a notice directing that signature verification be terminated.

Requires the Secretary of State to identify the date of the next statewide election and, on the 131st day prior to that election, to issue a certificate of qualification certifying that the initiative measure is qualified for the ballot at that election.

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Provides that, upon the issuance of that certification, the initiative measure would be deemed qualified for the ballot for purposes of specified provisions of the California Constitution.

Requires the Secretary of State to transmit copies of the initiative measure and circulating title and summary to the Legislature after receiving a certification from the initiative proponents, signed under penalty of perjury, that they have collected 25% of the number of signatures needed to qualify the initiative measure for the ballot.

Requires the appropriate committees of the Senate and Assembly to hold the joint public hearing on the subject of the measure not later than 131 days prior to the date of the election at which the measure is to be voted upon.

Requires the Secretary of State to establish processes to enable a voter to receive the state ballot pamphlet in an electronic format instead of by mail.

Requires the Secretary of State to create an Internet Web site, or use other available technology, to consolidate information about each ballot measure in a manner that is easy for voters to access and understand. The Internet Web site would be required to include a summary of each ballot measure and to identify the donors and other sources of funding for the campaigns for and against each ballot measure.

Authorizes the proponents of a statewide initiative or referendum measure to have the measure withdrawn from the ballot at any time before the measure qualifies for the ballot.

Requires a petition for a statewide initiative measure to contain additional prescribed language in its notice to the public describing the right of proponents to withdraw the measure from the ballot, as specified.

The provisions of this bill makes it a crime for a proponent of a statewide initiative measure to seek, solicit, bargain for, or obtain any money or thing of value of or from any person, firm, or corporation for the purpose of withdrawing an initiative petition after filing it with the appropriate elections official.

By establishing a new crime, this bill imposes a state-mandated local program.

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Incorporates additional changes to Section 9031 of the Elections Code proposed by AB 2219.

## SECTIONS AFFECTED:

### SEC. 3.

#### **Amends Elections Code 9**

(a) Counting of words, for purposes of this code, shall be as follows:

(1) Punctuation is not counted.

(2) Each word shall be counted as one word except as specified in this section.

(3) All proper nouns, including geographical names, shall be considered as one word; for example, "City and County of San Francisco" shall be counted as one word.

(4) Each abbreviation for a word, phrase, or expression shall be counted as one word.

(5) Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.

~~(6) Dates consisting of a combination of words and digits shall be counted as two words. Dates consisting only of a combination of digits shall be counted as one word.~~

(7) Any number consisting of a digit or digits shall be considered as one word. Any number which is spelled, such as "one," shall be considered as a separate word or words. "One" shall be counted as one word whereas "one hundred" shall be counted as two words. "100" shall be counted as one word.

(8) Telephone numbers shall be counted as one word.

(9) Internet-web Web site addresses shall be counted as one word.

(b) This section shall not apply to counting words for ballot designations under Section 13107.

### ~~SEC. 3.~~ SEC. 4.

#### **Amends Elections Code 101**

~~(a) Notwithstanding any other provision of law, any a~~ state or local initiative petition required to be signed by voters shall contain in 12-point type, ~~prior to~~ before that portion of the petition for voters' signatures, printed names, and residence addresses, the following language:

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## "NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK."

(b) A state initiative petition shall contain, in the same location and type size described in subdivision (a), the following language:

"THE PROPONENTS OF THIS PROPOSED INITIATIVE MEASURE HAVE THE RIGHT TO WITHDRAW THIS PETITION AT ANY TIME BEFORE THE MEASURE QUALIFIES FOR THE BALLOT."

**Amends Elections Code 9002**

(a) Upon receipt of a request from the proponents of a proposed initiative measure for a circulating title and summary, the Attorney General shall initiate a public review process for a period of 30 days by doing all of the following:

(1) Posting the text of the proposed initiative measure on the Attorney General's Internet Web site.

(2) Inviting, and providing for the submission of, written public comments on the proposed initiative measure. The site shall accept written public comments for the duration of the public review period. The written public comments shall be public records, available for inspection upon request pursuant to Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code, but shall not be displayed to the public on the Attorney General's Internet Web site during the public review period. The Attorney General shall transmit any written public comments received during the public review period to the proponents of the proposed initiative measure.

(b) During the public review period, the proponents of the proposed initiative measure may submit amendments to the measure that are reasonably germane to the theme, purpose, or subject of the initiative measure as originally proposed. However, amendments shall not be submitted if the initiative measure as originally proposed would not effect a substantive change in law.

(b) The amendment must

(1) An amendment shall be submitted with a signed request by all the proponents to prepare a circulating title and summary using the amended language.

(c) The

(2) An amendment must shall be submitted to the Attorney General's Initiative Coordinator located in the ~~Sacramento~~ Attorney General's Sacramento Office via U.S. United States Postal Service, alternative mail service, or personal delivery.

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Only printed documents ~~will~~ shall be ~~accepted~~, accepted; facsimile or e-mail delivery ~~will~~ shall not be accepted.

(3) The submission of an amendment shall not extend the period to prepare the estimate required by Section 9005.

(4) An amendment shall not be accepted more than five days after the public review period is concluded. However, a proponent shall not be prohibited from proposing a new initiative measure and requesting that a circulating title and summary be prepared for that measure pursuant to Section 9001.

#### **Amends Elections Code 9004**

(a) Upon receipt of the text of a proposed initiative measure, and after the public review period provided for in Section 9002, the Attorney General shall prepare a circulating title and summary of the chief purposes and points of the proposed measure. The circulating title and summary ~~shall not exceed a total of 100 words~~ not exceed 100 words. The Attorney General shall also provide a unique numeric identifier for each proposed initiative measure. The circulating title and summary shall be prepared in the manner provided for the preparation of ballot titles and summaries in Article 5 (commencing with Section 9050), the provisions of which, in regard to the preparation, filing, and settlement of ballot titles and summaries, ~~are hereby made~~ applicable to the circulating title and summary.

(b) The Attorney General shall provide a copy of the circulating title and summary and its unique numeric identifier to the proponents and to the Secretary of State within 15 days after receipt of the fiscal estimate or opinion prepared by the Department of Finance and the ~~Joint Legislative Budget Committee~~ Legislative Analyst pursuant to Section 9005. The date the copy is delivered or mailed to the proponents is the "official summary date."

(c) Upon receipt of the circulating title and summary from the Attorney General, the Secretary of State shall, within one business day, notify the proponents and county elections official of each county of the official summary date and provide a copy of the circulating title and summary to each county elections official. This notification shall also include a complete schedule showing the maximum filing deadline, and the certification deadline by the counties to the Secretary of State.

#### **Amends Elections Code 9005**

(a) The Attorney General, in preparing a circulating title and summary for a proposed initiative measure, shall, in boldface print, include in the circulating title and summary 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

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initiative is adopted.

(b) The estimate as required by this section shall be made jointly by the Department of Finance and the ~~Joint Legislative Budget Committee~~ Legislative Analyst, who shall deliver the estimate to the Attorney General so that he or she may include the estimate in the circulating title and summary prepared by him or her.

(c) The estimate shall be delivered to the Attorney General within ~~25 working~~ 50 days ~~from or~~ of the date of receipt of the final version of the proposed initiative measure ~~from by~~ the Attorney General, unless, in the opinion of both the Department of Finance and the ~~Joint Legislative Budget Committee~~ Legislative Analyst, a reasonable estimate of the net impact of the proposed initiative measure cannot be prepared within the ~~25-day~~ 50-day period. In the latter case, the Department of Finance and the ~~Joint Legislative Budget Committee~~ Legislative Analyst shall, within the ~~25-day~~ 50-day period, give the Attorney General their opinion as to whether or not a substantial net change in state or local finances would result if the proposed initiative measure is adopted.

(d) A statement of fiscal impact prepared by the Legislative Analyst pursuant to subdivision (b) of Section 12172 of the Government Code may be used by the Department of Finance and the ~~Joint Legislative Budget Committee~~ Legislative Analyst in the preparation of the fiscal estimate or the opinion.

#### **Amends Elections Code 9014**

A petition for a proposed initiative measure or referendum shall not be circulated for signatures ~~prior to~~ before the official summary date. A petition with signatures on a proposed initiative measure shall be filed with the county elections official not later than ~~150~~ 180 days from the official summary date, and ~~no~~ a county elections official shall not accept a petition ~~on~~ for the proposed initiative measure after that period. A petition for a proposed referendum measure shall be filed with the county elections officials not later than 90 days from the date the legislative bill was chaptered by the Secretary of State, and a county elections official shall not accept a petition for the proposed referendum after that period.

#### **SEC. 9.**

#### **Amends Elections Code 9030**

(a) Each section of the petition shall be filed with the elections official of the county or city and county in which it was circulated, but all sections circulated in any county or city and county shall be filed at the same time. Once filed, no petition section shall be amended except by order of a court of competent jurisdiction.

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(b) Within eight days after the filing of the petition, excluding Saturdays, Sundays, and holidays, the elections official shall determine the total number of signatures affixed to the petition and shall transmit this information to the Secretary of State. If the total number of signatures filed with all elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient, the Secretary of State shall so notify the proponents and the elections officials, and no further action shall be taken with regard to the petition.

(c) If the number of signatures filed with all elections officials is 100 percent or more of the number of qualified voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the elections officials.

(d) Within 30 days after this notification, excluding Saturdays, Sundays, and holidays, the elections official shall determine the number of qualified voters who have signed the petition. If more than 500 names have been signed on sections of the petition filed with an elections official, the elections official shall use a random sampling technique for verification of signatures, as determined by the Secretary of State. The random sample of signatures to be verified shall be drawn in such a manner that every signature filed with the elections official shall be given an equal opportunity to be included in the sample. The random sampling shall include an examination of at least 500 or 3 percent of the signatures, whichever is greater. In determining from the records of registration what number of qualified voters have signed the petition, the elections official may use the duplicate file of affidavits of registered voters or the facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(e) The elections official, upon the completion of the examination, shall immediately attach to the petition, except the signatures thereto appended, a properly dated certificate, showing the result of the examination, and shall immediately transmit the petition and the certificate to the Secretary of State. A copy of this certificate shall be filed in the elections official's office.

(f) If the certificates received from all elections officials by the Secretary of State establish that the number of valid signatures does not equal 95 percent of the number of qualified voters needed to find the petition sufficient, the petition shall be deemed to have failed to qualify, and the Secretary of State shall immediately so notify the proponents and the elections officials.

(g) If the certificates received from all elections officials by the Secretary of State total more than 110 percent of the number of qualified voters needed to find the petition sufficient, ~~the petition shall be deemed to qualify as of the date of receipt by the Secretary of State of certificates showing the petition to have reached the 110 percent, and the Secretary of State shall immediately so notify the proponents and the elections officials~~ Secretary of State shall certify that the

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measure is qualified for the ballot as provided in Section 9033.

### **SEC. 10.5.**

#### **AMENDS ELECTIONS CODE 9031**

(a) If the 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, the Secretary of State shall order the examination and verification of ~~each signature~~ the signatures filed, and shall so notify the elections officials.

(b) Within 30 days, excluding Saturdays, Sundays, and holidays, after receipt of the order, the elections official or registrar of voters shall determine from the records of registration what number of qualified voters have signed the petition and if necessary the board of supervisors shall allow the elections official or registrar additional assistance for the purpose of examining the petition and provide for their compensation. In determining from the records of registration what number of qualified voters have signed the petition, the elections official or registrar of voters may use any file or list of registered voters maintained by his or her office, or the facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(c) (1) During the examination and verification of the signatures filed, the elections official or registrar of voters shall submit one or more reports to the Secretary of State showing the number of signatures of qualified voters that have been verified as of that date. The Secretary of State shall determine the number of reports required to be submitted and the manner of their submission.

(2) The Secretary of State shall maintain a list indicating the number of verified signatures of qualified voters who have signed the petition based on the most recent reports submitted pursuant to paragraph (1). If the Secretary of State determines, prior to each county's completing the examination of each signature filed, that based on the list the petition is signed by the requisite number of voters needed to declare the petition sufficient, the Secretary of State shall immediately notify the elections official or registrar of voters of every county or city and county in the state of this fact. Immediately after receipt of this notification, the elections official or registrar of voters may suspend signature verification until receipt of a certificate pursuant to Section 9033 or until otherwise instructed by the Secretary of State.

(e)

(d) The elections official or registrar, upon the completion of the examination or notification pursuant to paragraph (2) of subdivision (c), shall immediately attach to the petition, except the signatures thereto appended, an amended certificate

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properly dated, showing the result of the examination and shall immediately transmit the petition, together with the amended certificate, to the Secretary of State. A copy of the amended certificate shall be filed in the elections official's office.

(d)

~~(e) (1) If the amended certificates establish the petition's sufficiency, the petition shall be deemed to be filed as of the date of receipt by the Secretary of State of certificates showing the petition to be signed by the requisite number of voters of the state shall certify that the measure is qualified for the ballot as provided in Section 9033.~~

If

(2) If the amended certificates received from all elections officials by the Secretary of State establish that the petition has still been found insufficient, the Secretary of State shall immediately so notify the proponents and the elections officials.

### ~~SEC. 9.~~ **SEC. 11.**

#### **Amends Elections Code 9033**

~~(a) When the Secretary of State has received from one or more elections officials or registrars a petition, certified as herein provided to have been signed by the requisite number of qualified voters, the Secretary of State shall forthwith notify the proponents and immediately transmit to the elections official or registrar of voters of every county or city and county in the state; a certificate notice showing this fact so directing that signature verification can be terminated. A petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by the Secretary of State of a certificate or certificates showing the petition to be signed by the requisite number of voters of the state. Any elections official shall, upon receipt of the copy, file the notification for record in that office.~~

~~(b) (1) In the case of an initiative measure, the Secretary of State shall identify the date of the next statewide general election as defined in subdivision (a) of Section 9016, or the next special statewide election, that will occur not less than 131 days after the date the Secretary of State receives a petition certified to have been signed by the requisite number of qualified voters.~~

~~(2) On the 131st day prior to the date of the election identified pursuant to paragraph (1), the Secretary of State shall do all of the following:~~

~~(A) Issue a certificate of qualification certifying that the initiative measure, as of that date, is qualified for the ballot at the election identified pursuant to paragraph (1).~~

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(B) Notify the proponents of the initiative measure and the elections official of each county that the measure, as of that date, is qualified for the ballot at the election identified pursuant to paragraph (1).

(C) Include the initiative measure in a list of all statewide initiative measures that are eligible to be placed on the ballot at the election identified pursuant to paragraph (1) and publish the list on the Secretary of State's Internet Web site.

(3) Upon the issuance of a certificate of qualification pursuant to paragraph (2), an initiative measure shall be deemed qualified for the ballot for purposes of subdivision (c) of Section 8 of Article II of the California Constitution.

(c) (1) In the case of a referendum measure, upon receipt of a petition certified to have been signed by the requisite number of qualified voters, the Secretary of State shall do all of the following:

(A) Issue a certificate of qualification certifying that the referendum measure, as of that date, is qualified for the ballot.

(B) Notify the proponents of the referendum measure and the elections official of each county that the measure, as of that date, is qualified for the ballot.

(C) Include the referendum measure in a list of all statewide referendum measures that have qualified for the ballot and publish the list on the Secretary of State's Internet Web site.

(2) Upon the issuance of a certificate of qualification pursuant to paragraph (1), a referendum measure shall be deemed qualified for the ballot for purposes of subdivision (c) of Section 9 of Article II of the California Constitution.

#### **SEC. 10. SEC. 12.**

#### **Amends Elections Code 9034**

(a) The proponents of a proposed initiative measure shall submit a certification, signed under penalty of perjury, to the Secretary of State immediately upon the collection of 25 percent of the number of signatures needed to qualify the initiative measure for the ballot.

(b) Upon the receipt of the certification of an initiative measure for the ballot, required by subdivision (a), the Secretary of State shall transmit copies of the initiative measure, together with the circulating title and summary as prepared by the Attorney General pursuant to Section 9004, to the Senate and the Assembly. Each house shall assign the initiative measure to its appropriate committees. The appropriate committees shall hold joint public hearings on the subject of such the measure prior to not later than 131 days before the date of the election at which the measure is to be voted upon. However, no hearing may be held within 30 days prior to the date of the election.

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Nothing in this

(c) *This* section shall *not* be construed as authority for the Legislature to alter the initiative measure or prevent it from appearing on the ballot.

**SEC. 11. SEC. 13.**

**Amends Elections Code 9051**

(a) (1) The ballot title and summary may differ from the legislative, circulating, or other title and summary of the measure and shall not exceed 100 words, not including the fiscal impact *statement*.

(2) The ballot title and summary shall ~~be amended to~~ include a summary of the Legislative Analyst's estimate of the net state and local government fiscal impact prepared pursuant to Section ~~9087~~, *9087 of this code* and Section 88003 of the Government Code.

(b) The ballot label shall *not* contain ~~no~~ more than 75 words and shall be a condensed version of the ballot title and summary including the financial impact summary prepared pursuant to Section 9087 *of this code* and Section 88003 of the Government Code.

(c) In providing the ballot title and summary, the Attorney General shall give a true and impartial statement of the purpose of the measure in such language that the ballot title and summary shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure.

*(d) The Attorney General shall invite and consider public comment in preparing each ballot title and summary.*

**SEC. 14.**

**Amends Elections Code 9082.7**

*(a) The Secretary of State shall ~~disseminate~~ make available the complete state ballot pamphlet over the Internet.*

*(b) The Secretary of State shall create an Internet Web site, or use other available technology, to consolidate information about each state ballot measure in a manner that is easy for voters to access and understand. The information shall include all of the following:*

*(1) A summary of the ballot measure's content.*

*(2) A current list of the top 10 contributors supporting and opposing the ballot measure, as compiled by the Fair Political Practices Commission pursuant to subdivision (e) of Section 84223 of the Government Code.*

*(3) (A) A list of each committee primarily formed to support or oppose the ballot measure, as described in Section 82047.5 of the Government Code, and a means to access information about the sources of contributions reported for each committee.*

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(B) Information about the sources of contributions shall be updated as new information becomes available to the public pursuant to the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

(B) Information about the sources of contributions shall be updated as new information becomes available to the public pursuant to the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

(C) If a committee identified in subparagraph (A) receives at least one million dollars (\$1,000,000) in contributions for an election, the Secretary of State shall provide a means to access online information about the committee's top 10 contributors reported to the Fair Political Practices Commission pursuant to subdivision (a) of Section 84223 of the Government Code.

(D) Notwithstanding paragraph (1) of subdivision (c) of Section 84223 of the Government Code, the Fair Political Practices Commission shall automatically provide any list of top 10 contributors created pursuant to Section 84223 of the Government Code, and any subsequent updates to that list, to the Secretary of State for purposes of compliance with this section.

(4) Any other information deemed relevant by the Secretary of State.

### **SEC. 14.3.**

(a) The Secretary of State shall ~~disseminate~~ make available the complete state ballot pamphlet over the Internet. The online version of the state ballot pamphlet shall contain all of the following:

(1) For each candidate listed in the pamphlet, a means to access campaign contribution disclosure reports for the candidate that are available online.

(2) For each state ballot measure listed in the pamphlet, a means to access the consolidated information specified in subdivision (b).

(b) The Secretary of State shall create an Internet Web site, or use other available technology, to consolidate information about each state ballot measure in a manner that is easy for voters to access and understand. The information shall include all of the following:

(1) A summary of the ballot measure's content.

(2) The total amount of reported contributions made in support of and opposition to the ballot measure, calculated and updated as follows:

(A) (i) The total amount of contributions in support of the ballot measure shall be calculated by adding together the total amounts of contributions made in support of the ballot measure and reported in semiannual statements required by Section

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84200 of the Government Code, preelection statements required by Section 84200.5 of the Government Code, campaign statements required by Section 84202.3 of the Government Code, and late contribution reports required by Section 84203 of the Government Code, that are reported within 16 days of the election at which the measure will appear on the ballot.

(ii) The total amount of contributions in opposition to the ballot measure shall be calculated by adding together the total amounts of contributions made in opposition to the ballot measure and reported in semiannual statements required by Section 84200 of the Government Code, preelection statements required by Section 84200.5 of the Government Code, campaign statements required by Section 84202.3 of the Government Code, and late contribution reports required by Section 84203 of the Government Code, that are reported within 16 days of the election at which the measure will appear on the ballot.

(iii) For purposes of determining the total amount of reported contributions pursuant to this subparagraph, the Secretary of State shall, to the extent practicable with respect to committees primarily formed to support or oppose a ballot measure, do both of the following:

(I) Ensure that transfers of funds between primarily formed committees are not counted twice.

(II) Treat a contribution made to a primarily formed committee that supports or opposes more than one state ballot measure as if the total amount of that contribution was made for each state ballot measure that the committee supports or opposes.

(B) The total amount of reported contributions calculated under this paragraph for each state ballot measure shall be updated not later than five business days after receipt of a semiannual statement, campaign statement, or preelection statement and not later than two business days after receipt of a late contribution report within 16 days of the election at which the measure will appear on the ballot.

(C) The total amount of reported contributions calculated under this paragraph for each state ballot measure shall be accompanied by an explanation that the contribution totals may be overstated due to the inclusion of contributions made to committees supporting or opposing more than one state ballot measure, as required by subclause (II) of clause (iii) of subparagraph (A).

(3) A current list of the top 10 contributors supporting and opposing the ballot measure, if compiled by the Fair Political Practices Commission pursuant to subdivision (e) of Section 84223 of the Government Code.

(4) (A) A list of each committee primarily formed to support or oppose the ballot

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measure, as described in Section 82047.5 of the Government Code, and a means to access information about the sources of funding reported for each committee.

(B) Information about the sources of contributions shall be updated as new information becomes available to the public pursuant to the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

(C) If a committee identified in subparagraph (A) receives one million dollars (\$1,000,000) or more in contributions for an election, the Secretary of State shall provide a means to access online information about the committee's top 10 contributors reported to the Fair Political Practices Commission pursuant to subdivision (a) of Section 84223 of the Government Code.

(D) Notwithstanding paragraph (1) of subdivision (c) of Section 84223 of the Government Code, the Fair Political Practices Commission shall automatically provide any list of top 10 contributors created pursuant to Section 84223 of the Government Code, and any subsequent updates to that list, to the Secretary of State for purposes of compliance with this section.

(5) Any other information deemed relevant by the Secretary of State.

#### **SEC. 14.5.**

##### **Amends Elections 9082.7**

(a) The Secretary of State shall ~~disseminate~~ make available the complete state ballot pamphlet over the Internet. The online version of the state ballot pamphlet shall contain all of the following:

(1) For each candidate listed in the pamphlet, a means to access campaign contribution disclosure reports for the candidate that are available online.

(2) For each state ballot measure listed in the pamphlet, a means to access the consolidated information specified in subdivision (b).

(b) The Secretary of State shall create an Internet Web site, or use other available technology, to consolidate information about each state ballot measure in a manner that is easy for voters to access and understand. The information shall include all of the following:

(1) A summary of the ballot measure's content.

(2) The total amount of reported contributions made in support of and opposition to the ballot measure, calculated and updated as follows:

(A) (i) The total amount of contributions in support of the ballot measure shall be calculated by adding together the total amounts of contributions made in support of the ballot measure and reported in semiannual statements required by Section 84200 of the Government Code, preelection statements required by Section 84200.5 of the Government Code, campaign statements

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required by Section 84202.3 of the Government Code, and late contribution reports required by Section 84203 of the Government Code that are reported within 16 days of the election at which the measure will appear on the ballot.

(ii) The total amount of contributions in opposition to the ballot measure shall be calculated by adding together the total amounts of contributions made in opposition to the ballot measure and reported in semiannual statements required by Section 84200 of the Government Code, preelection statements required by Section 84200.5 of the Government Code, campaign statements required by Section 84202.3 of the Government Code, and late contribution reports required by Section 84203 of the Government Code that are reported within 16 days of the election at which the measure will appear on the ballot.

(iii) For purposes of determining the total amount of reported contributions pursuant to this subparagraph, the Secretary of State shall, to the extent practicable with respect to committees primarily formed to support or oppose a ballot measure, do both of the following:

(I) Ensure that transfers of funds between primarily formed committees are not counted twice.

(II) Treat a contribution made to a primarily formed committee that supports or opposes more than one state ballot measure as if the total amount of that contribution was made for each state ballot measure that the committee supports or opposes.

(B) The total amount of reported contributions calculated under this paragraph for each state ballot measure shall be updated not later than five business days after receipt of a semiannual statement, campaign statement, or preelection statement and not later than two business days after receipt of a late contribution report within 16 days of the election at which the measure will appear on the ballot.

(C) The total amount of reported contributions calculated under this paragraph for each state ballot measure shall be accompanied by an explanation that the contribution totals may be overstated due to the inclusion of contributions made to committees supporting or opposing more than one state ballot measure, as required by subclause (II) of clause (iii) of subparagraph (A).

(3) A current list of the top 10 contributors supporting and opposing the ballot measure, if compiled by the Fair Political Practices Commission pursuant to subdivision (e) of Section 84223 of the Government Code.

(4) (A) A list of each committee primarily formed to support or oppose the ballot measure, as described in Section 82047.5 of the Government Code, and a means to access information about the sources of funding reported for

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each committee.

(B) Information about the sources of contributions shall be updated as new information becomes available to the public pursuant to the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

(C) If a committee identified in subparagraph (A) receives one million dollars (\$1,000,000) or more in contributions for an election, the Secretary of State shall provide a means to access online information about the committee's top 10 contributors reported to the Fair Political Practices Commission pursuant to subdivision (a) of Section 84223 of the Government Code.

(D) Notwithstanding paragraph (1) of subdivision (c) of Section 84223 of the Government Code, the Fair Political Practices Commission shall automatically provide any list of top 10 contributors created pursuant to Section 84223 of the Government Code, and any subsequent updates to that list, to the Secretary of State for purposes of compliance with this section.

(5) Any other information deemed relevant by the Secretary of State.

(c) This section shall remain in effect only until December 31 of the year in which the statewide Internet-based system established pursuant to Section 84620 of the Government Code becomes operational, as certified by the Secretary of State, and as of that date is repealed.

#### **SEC. 14.7.**

#### **Amends Elections Code 9082.7**

(a) The Secretary of State shall ~~disseminate~~ make available the complete state ballot pamphlet over the Internet. The online version of the state ballot pamphlet shall contain all of the following:

(1) For each candidate listed in the pamphlet, a means to access campaign contribution disclosure reports for the candidate that are available online.

(2) For each state ballot measure listed in the pamphlet, a means to access the consolidated information specified in subdivision (b).

(b) The Secretary of State shall create an Internet Web site, or use other available technology, to consolidate information about each state ballot measure in a manner that is easy for voters to access and understand. The information shall include all of the following:

(1) A summary of the ballot measure's content.

(2) The total amount of reported contributions made in support of and opposition to the ballot measure, calculated and updated as follows:

(A) (i) The total amount of contributions in support of the ballot measure shall be calculated by adding together the total amounts of contributions made in support

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of the ballot measure and reported in semiannual statements required by Section 84200 of the Government Code, quarterly campaign statements required by Section 84200.3 of the Government Code, preelection statements required by Section 84200.5 of the Government Code, and late contribution reports required by Section 84203 of the Government Code that are reported within 16 days of the election at which the measure will appear on the ballot.

(ii) The total amount of contributions in opposition to the ballot measure shall be calculated by adding together the total amounts of contributions made in opposition to the ballot measure and reported in semiannual statements required by Section 84200 of the Government Code, quarterly campaign statements required by Section 84200.3 of the Government Code, preelection statements required by Section 84200.5 of the Government Code, and late contribution reports required by Section 84203 of the Government Code that are reported within 16 days of the election at which the measure will appear on the ballot.

(iii) For purposes of determining the total amount of reported contributions pursuant to this subparagraph, the Secretary of State shall, to the extent practicable with respect to committees primarily formed to support or oppose a ballot measure, do both of the following:

(I) Ensure that transfers of funds between primarily formed committees are not counted twice.

(II) Treat a contribution made to a primarily formed committee that supports or opposes more than one state ballot measure as if the total amount of that contribution was made for each state ballot measure that the committee supports or opposes.

(B) The total amount of reported contributions calculated under this paragraph for each state ballot measure shall be updated not later than five business days after receipt of a semiannual statement, quarterly campaign statement, or preelection statement and not later than two business days after receipt of a late contribution report within 16 days of the election at which the measure will appear on the ballot.

(C) The total amount of reported contributions calculated under this paragraph for each state ballot measure shall be accompanied by an explanation that the contribution totals may be overstated due to the inclusion of contributions made to committees supporting or opposing more than one state ballot measure, as required by subclause (II) of clause (iii) of subparagraph (A).

(3) A current list of the top 10 contributors supporting and opposing the ballot measure, if compiled by the Fair Political Practices Commission

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pursuant to subdivision (e) of Section 84223 of the Government Code.

(4) (A) A list of each committee primarily formed to support or oppose the ballot measure, as described in Section 82047.5 of the Government Code, and a means to access information about the sources of funding reported for each committee.

(B) Information about the sources of contributions shall be updated as new information becomes available to the public pursuant to the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

(C) If a committee identified in subparagraph (A) receives one million dollars (\$1,000,000) or more in contributions for an election, the Secretary of State shall provide a means to access online information about the committee's top 10 contributors reported to the Fair Political Practices Commission pursuant to subdivision (a) of Section 84223 of the Government Code.

(D) Notwithstanding paragraph (1) of subdivision (c) of Section 84223 of the Government Code, the Fair Political Practices Commission shall automatically provide any list of top 10 contributors created pursuant to Section 84223 of the Government Code, and any subsequent updates to that list, to the Secretary of State for purposes of compliance with this section.

(5) Any other information deemed relevant by the Secretary of State.

(c) This section shall become operative on January 1 of the year following the year in which the statewide Internet-based system established pursuant to Section 84620 of the Government Code becomes operational, as certified by the Secretary of State.

### **SEC. 13. SEC. 15.**

#### **Amends Elections Code 9094.5**

(a) The Secretary of State shall establish ~~a process~~ processes to enable a voter to ~~opt out of receiving by mail the state ballot pamphlet prepared pursuant to Section 9084. This process shall become effective only after the Secretary of State certifies that the state has a statewide voter registration database that complies with the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.);~~ do both of the following:

(1) Opt out of receiving by mail the state ballot pamphlet prepared pursuant to Section 9081.

(2) When the state ballot pamphlet is available, receive either the state ballot pamphlet in an electronic format or an electronic notification making the pamphlet available by means of online access.

(b) The processes described in subdivision (a) shall become effective

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only after the Secretary of State certifies that the state has a statewide voter registration database that complies with the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.).

(b)

(c) The ~~process~~ processes described in subdivision (a) shall not apply where two or more registered voters have the same postal address unless each voter who shares the same postal address has chosen to discontinue receiving the ballot pamphlet by mail.

(d) The Secretary of State shall also establish a procedure to permit a voter to begin receiving the ballot pamphlet by mail again after the voter has discontinued receiving it pursuant to subdivision (a).

#### **SEC. 15.** **SEC. 16.**

#### **Amends Elections Code 9604**

(a) Notwithstanding any other ~~provision~~ of law, any person may engage in good faith bargaining between competing interests to secure legislative approval of matters embraced in a statewide or local initiative or referendum measure, and the proponents may, as a result of these negotiations, withdraw the measure at any time before filing the petition with the appropriate elections official.

(b) In addition to the procedure under subdivision (a), the proponents of a statewide initiative or referendum measure may withdraw the measure after filing the petition with the appropriate elections official at any time before the Secretary of State certifies that the measure has qualified for the ballot pursuant to Section 9033.

(b)

(c) Withdrawal of a statewide initiative or referendum measure shall be effective upon receipt by the Secretary of State of a written notice of withdrawal, signed by all proponents of the measure.

(e)

(d) Withdrawal of a local initiative or referendum measure shall be effective upon receipt by the appropriate local elections official of a written notice of withdrawal, signed by all proponents of the measure.

#### **SEC. 17.**

#### **Amends Elections Code 18621**

Any proponent of an initiative or referendum measure or recall petition who seeks, solicits, bargains for, or obtains any money or thing of value of or from any person, firm, or corporation for the purpose of abandoning the

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same or stopping the circulation of petitions concerning the same, or failing or neglecting or refusing to file the measure or petition in the office of the elections official or other officer designated by law within the time required by law after obtaining the number of signatures required under the law to qualify the measure or petition, or withdrawing an initiative petition after filing it with the appropriate elections official, or performing any act that will prevent or aid in preventing the initiative, referendum, or recall proposed from qualifying as an initiative or referendum measure, or resulting in a recall election is punishable by a fine not exceeding five thousand dollars (\$5,000) or by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years, or in a county jail not exceeding one year, or by both that fine and imprisonment.

**SEC. 20-SEC. 18.**

Section 10.5 of this bill incorporates amendments to Section 9031 of the Elections Code proposed by both this bill and Assembly Bill 2219. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 9031 of the Elections Code, and (3) this bill is enacted after Assembly Bill 2219, in which case Section 10 of this bill shall not become operative.

**SEC. 19.**

Section 14.3 of this bill incorporates amendments to Section 9082.7 of the Elections Code proposed by both this bill and Senate Bill 844. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 9082.7 of the Elections Code, (3) Senate Bill 1442 and the 2013-14 Regular Session is not enacted or as enacted does not add Section 84200.3 to the Government Code, and (4) this bill is enacted after Senate Bill 844, in which case Sections 14, 14.5, and 14.7 of this bill shall not become operative.

**SEC. 21-SEC. 22.**

Section ~~18.5~~ 17.5 of this bill incorporates amendments to Section 18621 of the Elections Code proposed by both this bill and Senate Bill 1043. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 18621 of the Elections Code, and (3) this bill is enacted after Senate Bill 1043, in which case Section ~~18~~ 17 of this bill shall not become operative.

**SEC. 22-SEC. 23.**

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No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

**SEC. 23.**

~~The Legislature finds and declares that this bill furthers the purposes of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the Government Code.~~

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## POLITICAL REFORM ACT OF 1974: CONTRIBUTIONS

### Senate Bill 1441 Chapter 930

**CURRENT PROVISIONS:**

The Political Reform Act of 1974 provides for the comprehensive regulation of campaign financing, including requiring the reporting of campaign contributions and expenditures and imposing other reporting and recordkeeping requirements on campaign committees.

“Contribution” is defined for purposes of the act as a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, except to the extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes. The definition does not include a payment made by an occupant of a home or office for costs related to any meeting or fundraising event held in the occupant’s home or office if the costs for the meeting or fundraising event are \$500 or less.

The act prohibits a lobbyist from making, and an elected state officer or candidate for elective state office from accepting, a contribution if the lobbyist is registered to lobby the governmental agency for which the candidate is seeking election or the governmental agency of the elected state officer.

**NEW PROVISIONS:**

Revises the definition of “contribution” to include a payment made by a lobbyist or a cohabitant of a lobbyist for costs related to a fundraising event held at

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the home of the lobbyist, as specified. Makes these payments attributable to the lobbyist for purposes of the prohibition against a lobbyist making a contribution to specified candidates and elected officers.

Revises the definition of “contribution” to include a payment made by a lobbying firm for costs related to a fundraising event held at the office of the lobbying firm.

A violation of the act’s provisions is punishable as a misdemeanor.

By expanding the scope of an existing crime, this bill imposes a state-mandated local program.

Provides that no reimbursement is required by this act for a specified reason.

Declares that it furthers the purposes of the act.

**SECTIONS AFFECTED:****SECTION 1.****Amends Government Code 82015**

(2) A payment made at the behest of a candidate is a contribution to the candidate, unless the criteria in either subparagraph (A) or (B) are satisfied:

(A) Full and adequate consideration is received from the candidate.

(B) It is clear from the surrounding circumstances that the payment was made for purposes unrelated to his or her candidacy for elective office. The following types of payments are presumed to be for purposes unrelated to a candidate’s candidacy for elective office:

(i) A payment made principally for personal purposes, in which case it may be considered a gift under the provisions of Section 82028. Payments that are otherwise subject to the limits of Section 86203 are presumed to be principally for personal purposes.

(ii) A payment made by a state, local, or federal governmental agency or by a nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.

(iii) A payment not covered by clause (i), made principally for legislative, governmental, or charitable purposes, in which case it is neither a gift nor a contribution. However, payments of this type that are made at the behest of a candidate who is an elected officer shall be reported within 30 days

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following the date on which the payment or payments equal or exceed five thousand dollars (\$5,000) in the aggregate from the same source in the same calendar year in which they are made. The report shall be filed by the elected officer with the elected officer's agency and shall be a public record subject to inspection and copying pursuant to subdivision (a) of Section 81008. The report shall contain the following information: name of payor, address of payor, amount of the payment, date or dates the payment or payments were made, the name and address of the payee, a brief description of the goods or services provided or purchased, if any, and a description of the specific purpose or event for which the payment or payments were made. Once the five-thousand-dollar (\$5,000) aggregate threshold from a single source has been reached for a calendar year, all payments for the calendar year made by that source ~~must~~ shall be disclosed within 30 days after the date the threshold was reached or the payment was made, whichever occurs later. Within 30 days after receipt of the report, state agencies shall forward a copy of these reports to the ~~Fair Political Practices~~ Commission, and local agencies shall forward a copy of these reports to the officer with whom elected officers of that agency file their campaign statements.

(D) A contribution made at the behest of a candidate for a different candidate or to a committee not controlled by the behesting candidate is not a contribution to the behesting candidate.

(3) A payment made at the behest of a member of the Public Utilities Commission, made principally for legislative, governmental, or charitable purposes, is not a contribution. However, payments of this type shall be reported within 30 days following the date on which the payment or payments equal or exceed five thousand dollars (\$5,000) in the aggregate from the same source in the same calendar year in which they are made. The report shall be filed by the member with the Public Utilities Commission and shall be a public record subject to inspection and copying pursuant to subdivision (a) of Section 81008. The report shall contain the following information: name of payor, address of payor, amount of the payment, date or dates the payment or payments were made, the name and address of the payee, a brief description of the goods or services provided or purchased, if any, and a description of the specific purpose or event for which the payment or payments were made. Once the five-thousand-dollar (\$5,000) aggregate threshold from a single source has been reached for a calendar year, all payments for the calendar year made by that source ~~must~~ shall be disclosed within 30 days after the date the threshold was reached or the payment was made, whichever occurs later. Within 30 days after receipt of the report, the Public Utilities Commission shall forward a copy of these reports to the Fair Political Practices Commission.

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(c) "Contribution" includes the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events; the candidate's own money or property used on behalf of his or her candidacy, other than personal funds of the candidate used to pay either a filing fee for a declaration of candidacy or a candidate statement prepared pursuant to Section 13307 of the Elections Code; the granting of discounts or rebates not extended to the public generally or the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; and the payment of compensation by any person for the personal services or expenses of any other person if the services are rendered or expenses incurred on behalf of a candidate or committee without payment of full and adequate consideration.

(d) "Contribution" further includes any transfer of anything of value received by a committee from another committee, unless full and adequate consideration is received.

(e) "Contribution" does not include amounts received pursuant to an enforceable promise to the extent those amounts have been previously reported as a contribution. However, the fact that those amounts have been received shall be indicated in the appropriate campaign statement.

(f) ~~"Contribution"~~ (1) Except as provided in paragraph (2) or (3), "contribution" does not include a payment made by an occupant of a home or office for costs related to any meeting or fundraising event held in the occupant's home or office if the costs for the meeting or fundraising event are five hundred dollars (\$500) or less.

(2) "Contribution" includes a payment made by a lobbyist or a cohabitant of a lobbyist for costs related to a fundraising event held at the home of the lobbyist, including the value of the use of the home as a fundraising event venue. A payment described in this paragraph shall be attributable to the lobbyist for purposes of Section 85702.

(3) "Contribution" includes a payment made by a lobbying firm for costs related to a fundraising event held at the office of the lobbying firm, including the value of the use of the office as a fundraising event venue.

## SEC. 2.

*No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of*

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*the California Constitution.*

**SEC. 3.**

*The Legislature finds and declares that this bill furthers the purposes of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the Government Code.*

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## Section Four

### VETOED BILLS

<u>BILL NO.</u>	<u>AUTHOR</u>	<u>SUBJECT</u>	<u>DATE</u>
AB 1728	Garcia	Political Reform Act of	09/30/2014
SB 831	Hill	1974 Political Reform Act of	09/30/2014
SB 1365	Padilla	1974 State Voting Rights Act of 2001	09/30/2014

Total Count: 3

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## Section Four

### VETOED MESSAGES

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BILL NUMBER: California Assembly Bill No. 1728

VETOED DATE: September 30, 2014

To the Members of the California State Assembly:

I am returning Assembly Bill 1728 without my signature.

The Levine Act was narrowly crafted to apply to local government entities whose membership includes individuals who are not elected directly by voters. Expanding the Act to one subset of special districts, namely water boards, would add more complexity without advancing the goals of the Political Reform Act.

Sincerely,

Edmund G. Brown Jr.

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## 2014 Legislative Guide to Election Law

BILL NUMBER: California Senate Bill No. 831

VETOED DATE: September 30, 2013

To the Members of the California State Senate:

I am returning Senate Bill 831 without my signature.

The activities that are addressed by this bill are already subject to extensive regulation, including robust disclosure requirements. The additional restrictions proposed by this bill would add more complexity to the regulations governing elected officials, without reducing undue influence.

Sincerely,

Edmund G. Brown Jr.

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## 2014 Legislative Guide to Election Law

BILL NUMBER: California Senate Bill No. 1365

VETOED DATE: September 30, 2013

To the Members of the California State Senate:

I am returning Senate Bill 1365 without my signature.

This bill would apply the rules governing at-large elections in the California Voting Rights Act to challenges related to district-based elections.

While there is progress to be made, the federal Voting Rights Act and the California Voting Rights Act already provide important safeguards to ensure that the voting strength of minority communities is not diluted.

Senator Padilla has been a champion of election reform. I look forward to working with him to ensure that voting rights are jealously protected.

Sincerely,

Edmund G. Brown Jr.

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