

# LEGISLATIVE GUIDE TO **CALIFORNIA** ELECTION LAWS

2012

## Summary of Election Related Legislation



California Association of Clerks and Election Officials

# LEGISLATIVE GUIDE TO ELECTION LAWS

2012

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 2012. 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.*



## CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

November 14, 2012

Dear Reader,

The California Association of Clerks and Election Officials (CACEO) is proud to publish the annual "Guide to Election Laws" as a resource to our membership, policy makers and the general public. The Guide to Election Laws contains summaries of important election related legislation introduced in the last legislative session. It serves as a quick reference to new laws that were enacted or legislation that was vetoed during the session.

The proper administration of elections in California is essential to preserving and strengthening our local democratic process. This requires a well run, accurate and accessible voting process. As an association CACEO works diligently with state officials and policy makers to advocate for, monitor and inform legislative efforts that make elections work. This publication is part of our initiative to inform the public of important legislative efforts that have an impact on the voting process.

On behalf of the California Association of Clerks and Election Officials I would like to express our thanks to the Office of the Los Angeles County Registrar-Recorder/County Clerk for their outstanding work in preparing this annual publication.

Cathy Darling-Allen, President

# Table of Contents

## **Section One**

Bill Listing .....	1
--------------------	---

## **Section Two**

Table of Sections Affected.....	2 - 5
---------------------------------	-------

## **Section Three**

2012 Chaptered Legislation .....	6 - 52
----------------------------------	--------

## **Section Four**

Bills Vetoed by Governor .....	53
--------------------------------	----

Vetoed Messages .....	54 - 56
-----------------------	---------

## **Section Five**

Statutes Index .....	57
----------------------	----

**Section One**

**BILL LISTING**  
(BY BILL NO.)

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	<u>BILL NO.</u>	<u>CHAPTER NO.</u>
<b>ASSEMBLY</b>	216	495
	*481	496
	1200	8
	1413	3
	1436	497
	1499	30
	1509	498
	1626	191
	1724	238
	1805	744
	1851	240
	1929	694
	2062	500
	2080	501
	2191	502
	2410	160
	2452	126
	*2691	503
	2692	694
<b>SENATE</b>	35	505
	*488	865
	*1001	506
	*1096	271
	1188	132
	1272	685
	1275	685
<b>TOTAL COUNT:</b>	<b>26</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>
<b>ELECTIONS</b>	13	3	Am
	20	160	Add
	104	132	Am
	300	744	Am
	303.3	694	Add
	321	744	Am
	325	3	R
	334	3	Am
	359.5	3	Am
	362	694	Am
	2107	497	Am
	2151	3	Am
	2154	3	Am
	2155	3	Am
	Art. 4.5 (Comm. w/Sec. 2170) to Ch. 2 of Div. 2	497	Add
	2197	505	Add
	2223	495	Am
	2224	495	Am
	2225	495	Am
	2226	495	Am
	2227	495	Add
	Ch. 6 (Comm. w/Sec. 2400) Div.2	505	Add
	3006	3	Am
	3007.5	3	Am
	3017	501	Am
	3100	744	Am & Rn
	Ch. 2 (Comm. w/Sec. 3100) Div.3	744	Am
	3101	744	Am & Rn & Add
	3102	744	Am & Rn
	3103	744	Am & Rn
	3103.5	744	Am & Rn
	3104	744	R
	3106	744	Am & Rn
	3107	744	Am & Rn
	3108	744	Am & Rn
	3109	744	Am & Rn
	3110	744	Am & Rn
	3111	744	Am & Rn
	3112	744	Am & Rn
	3114	744	Add
	3116	744	Add
	3117	744	Add
	3118	744	Add
	3119	744	Add
	3120	744	Add
	3121	744	Add
	3122	744	Add
3123	744	Add	
3205	3	Am	
Ch. 4 (Comm. w/Sec. 3300) Div. 3	744	R	
7100	3	Am	
7200	8	Am	
7201.1	8	Add	

<u>CODE</u>	<u>SECTION</u>	<u>CHAPTER</u>	<u>EFFECT</u>
<b>ELECTIONS (CONT.)</b>	7201.2	8	Add
	7204	8	Am
	7206	507	Am
	7210	8	Am
	7225	507	Am
	7226	507	Am
	7228	507	Am
	7230	507	Add
	7242	507	Am
	7403	8	Am
	7404	507	Am
	7408	8	Am
	7420	507	Am
	7421	507	Am
	7423	507	Am
	7425	507	Add
	7443	507	Am
	7444	8	Am
	7643	507	Am
	7652	507	Am
	7655	8	Am
	7670	507	Am
	7671	507	Am
	7673	507	Am
	7675	507	Add
	7680	8	Am
	7680	507	Am
	7681	8	R
	7692	507	Am
	7750	507	Am
	7751	507	Am
	7770	507	Am
	7771	507	Am
	7772	507	Am
	7772.1	507	Am
	7780	507	Am
	7782	8	R
	7784	507	Add
	7800	507	Am
	7837	8	R
	7840	507	Am
	7850	507	Am
	7857	507	Am
	7882	507	Am
	8001	507	Am
	8002.5	3	Am
	8020	507	Am
	8025	3	Am
	8040	3	Am
	8041	3	Am
	8062	3	Am
	8068	3	Am
	8106	3	Am
	8121	3	Am
	8124	3	Am
	8141.5	3	Am
	8142	3	Am
8145	8	Am	
8148	3	Am	
8300	3	Am	

<u>CODE</u>	<u>SECTION</u>	<u>CHAPTER</u>	<u>EFFECT</u>
<b>ELECTIONS (CONT.)</b>	8600	3	Am
	8606	3	Am
	8803	3	Am
	8805	3	Am
	8807	3	Am
	9022	132	Am
	9083.5	3	Am
	9084.5	3	R
	9103.5	240	Add
	9202.5	240	Add
	9304	240	Am
	9304.5	240	Add
	9305	240	Am
	9306	240	Am
	9380	191	Am
	9509	191	Am
	10703	685	Am
	10704	3	Am
	10704	685	Am
	10706	3	Am
	12108	3	Am
	12222	504	Am
	13105	3	Am
	13107	3	Am
	13115	30	Am
	13206	3	Am
	13206.5	3	Add
	13207	3	Am
	13212	3	Am
	13230	3	Am
	13300	3	Am
	13302	3	Am
	14224	238	Am
	14310	497	Am
	15340	3	Am
	15401	8	Am
	15402	3	Am
	18001	497	Am
	19100	694	Am
	19103	694	Am
	Ch. 3.5 (Comm. w/Sec. 19260) to Div. 19	694	Add
	19301	3	Am
19363	238	R	
21000	504	Am	
21141	504	Add	
<b>GOVERNMENT</b>	Ch. 3 (Comm. w/Sec. 21200) of Div. 21	504	R
	21305	504	Add
	Ch. 5 (Comm. w/Sec. 21400) of Div. 21	504	R
	8251	271	Am
	8252	271	Am
	8252.5	271	Am
	8253	271	Am
	8253.6	271	Am
	82036	496	Am
	82036.5	496	Am
	82047.6	496	Am & Rn & Add
	84101.5	506	Add

<u>CODE</u>	<u>SECTION</u>	<u>CHAPTER</u>	<u>EFFECT</u>
<b>GOVERNMENT (CONT.)</b>	84102	496	Am
	84104	496	Am
	84207	502	Add
	84213	496	Am
	84305.7	865	Add
	84506	496	Am
	84602	503	Am
	84604	503	R
	84609	503	R
	84610	503	R
	84613	506	Add
	84615	126	Add
	85312	3	Am
	85703	3	Am
	85703	502	Am
	86102	506	Am
	87500.2	500	Add
	87505	498	Add
<b>WATER</b>	50707	132	Am
	55310.2	132	Am

**Section Three**

**CHAPTERED LEGISLATION**

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**VOTERS: RESIDENCY CONFIRMATION**

**Assembly Bill 216  
Chapter 495**

**CURRENT PROVISIONS:**

Requires the county elections official to conduct a preelection residence confirmation procedure by mailing a specified nonforwardable postcard to each registered voter of the county by the 90th day immediately prior to the direct primary election. In lieu of mailing a residency confirmation postcard, existing law permits the county elections official to conduct the residency confirmation procedure by alternative methods, including by contracting with the United States Postal Service or its licensees to obtain use of postal service change-of-address data.

Requires the county elections official, based on the change-of-address information received in conducting the residency confirmation, or the change-of-address information provided directly by the voter, to correct or cancel, among other things, the voter's registration.

Authorizes a county elections official, if a voter has not voted in any election within the preceding 4 years, and the residence, address, name, or party affiliation of the voter has not been updated during that time, to send an alternate residency confirmation postcard that describes the alternate residency procedure, as specified.

Authorizes a county elections official to cancel the voter registration of a voter who does not offer to vote or vote at any election between the date of the confirmation mailing and 2 federal general elections after the date of that mailing.

**NEW PROVISIONS:**

Permits a county elections official, in lieu of mailing a residency confirmation postcard, to contract with a consumer credit reporting agency or its licensees to obtain change-of-address data.

If the county elections official contracts with a consumer credit reporting agency or its licensees, requires the county elections official, based on the change-of-address information received, to send a specified forwardable notice to the registered voter to enable the voter to verify or correct the address information. If the voter responds to the forwardable notice, or otherwise verifies in writing his or her new residence address, requires the county elections official, as appropriate, to correct or cancel the voter's registration.

Deletes the provision that authorizes a county elections official to cancel the voter registration of a voter who does not offer to vote or vote within a specified time period, and deletes the requirement that a voter be given an opportunity to vote at a statewide primary or general election between the date of notice and the beginning of the alternate residency procedure.

**SECTIONS AFFECTED:**

**Amends Elections Code 2223**

(a) In lieu of mailing a residency confirmation postcard to each registered voter in the county, the county elections official may include the return address of the county elections official's office on the outside portion of the sample ballot or sample ballot envelope mailed to the voter ~~at any~~ for an election conducted within the last six months preceding the start of the confirmation process, along with the statements "Address Correction Requested" and "Notice: If the person named on the sample ballot is not at the address, please help keep the voter rolls current and save taxpayer dollars by returning this sample ballot to your mail carrier."

(b) ~~Any~~ A voter not eligible for an election during the last six months preceding the start of the confirmation process, or ~~any~~ a voter not mailed a sample ballot with an address correction requested, shall have his or her address confirmed by either a residency confirmation postcard or an address verification mailing conducted pursuant to this article using NCOA/Operation Mail ~~process~~ data pursuant to Section 2222 or consumer credit reporting agency data pursuant to Section 2227.

**Amends Elections Code 2224**

(a) If a voter has not voted in ~~any~~ an election within the preceding four years, and his or her residence address, name, or party affiliation ~~had~~ has not been updated during that time, the county elections official may send an alternate residency confirmation postcard. The use of this postcard may be sent subsequent to NCOA or sample ballot returns, but shall not be used in the residency confirmation process conducted under Section 2220. The postcard shall be forwardable, including a postage-paid and

preaddressed return form to enable the voter to verify or correct the address information, and shall be in substantially the following form:

"If the person named on the postcard is not at this address, PLEASE help keep the voter rolls current and save taxpayer dollars by returning this postcard to your mail carrier."

#### "IMPORTANT NOTICE"

"According to our records you have not voted in any election during the past four years, which may indicate that you no longer reside in \_\_\_\_ County. If you continue to reside in this county you must confirm your residency address in order to remain on the active voter list and receive election materials in the mail."

"If confirmation has not been received within 15 days, you may be required to provide proof of your residence address in order to vote at future elections ~~and, if you do not appear or offer to vote at any election in the period between the date of this notice and the second federal general election after the date of this notice, your voter registration will be cancelled and you will have to reregister in order to vote.~~ If you no longer live in \_\_\_\_ County, you must reregister at your new residence address in order to vote in the next election. California residents may obtain a mail registration form by calling the county elections office of the Secretary of State's Office."

(b) The use of a toll-free number to confirm the old residence address is optional. Any change to a voter's address shall be received in writing.

(c) ~~Any A~~ county using the alternate residency confirmation procedure shall notify all voters of the procedure in the sample ballot pamphlet or in a separate mailing. ~~The voter shall be given an opportunity to vote at a statewide primary or general election between the date of notice and the beginning of the alternate residency procedure.~~

#### Amends Elections Code 2225

(a) Based on change-of-address data received from the United States Postal Service or its licensees ~~pursuant to Section 2222~~, the county elections official shall send a forwardable notice, including a postage-paid and preaddressed return form, to enable the voter to verify or correct address information.

Notification received through NCOA or Operation Mail that a voter has moved and has given no forwarding address shall not require the mailing of a forwardable notice to that voter.

(b) If postal service change-of-address data indicates that the voter has moved to a new residence address in the same county, the forwardable notice shall be in substantially the following form:

"We have received notification that the voter has moved to a new residence address in \_\_\_\_ County. You will be registered to vote at your new address unless you notify our office within 15 days that the address to which this card was mailed is not a change of your permanent residence. You must notify our office by either returning the attached postage-paid postcard, or by calling toll free. If this is not a permanent residence, and if you do not notify us within 15 days, you may be required to provide proof of your residence address in order to vote at future elections."

(c) If postal service change-of-address data indicates that the voter has moved to a new address in another county, the forwardable notice shall be in substantially the following form:

#### Amends Elections Code 2226

(2) If the information indicates the voter has moved to a new address in another county, if the mailings have been returned as undeliverable, or if the voter fails to confirm his or her address as required by Section 2224, the county elections official may place the voter's name on the inactive file of registered voters who do not receive election materials and are not included in calculations to determine the number of signatures required for qualification of candidates and measures, precinct size, or other election ~~administration-related~~ administration-related processes.

(b) The voter registration of any voter whose name has been placed on the inactive file of registered voters for failure to respond to ~~a confirmation mailing as required by Section 2224 or an address verification mailing required by subdivision (a) of Section 2225~~, and who does not offer to vote or vote at any election between the date of the mailing and two federal general elections after the date of that mailing, may be ~~cancelled~~ canceled.

#### Adds Elections Code 2227

(a) *In lieu of mailing a residency confirmation postcard, as prescribed in subdivision (a) of Section 2220, the county elections official may contract with a consumer credit reporting agency or its licensees to obtain use of change-of-address data in accordance with this section.*

(b) *If the county elections official contracts with a consumer credit reporting agency or its licensees pursuant to subdivision (a), all of the following shall occur:*

(1) *For each registered voter in the county, the county elections official shall initiate a search for change-of-address data with the consumer credit reporting agency or its licensees by providing the name and residence address of each registered voter in the county to the consumer credit reporting agency or its licensees.*

(2) *The consumer credit reporting agency or its licensees shall search their databases for each name and address provided by the county elections official and shall report to the county elections official any information indicating that the registered voter changed his or her residence address.*

(c) (1) Notwithstanding Section 2194 of this code or Section 6254.4 of the Government Code, and except as provided in paragraph (2), a county elections official may disclose a registered voter's name and residence address to a consumer credit reporting agency or its licensees pursuant to, and in accordance with, this section.

(2) A county elections official shall not disclose to a consumer credit reporting agency or its licensees the name and residence address of a registered voter if that information is deemed confidential pursuant to Section 2166, 2166.5, or 2166.7 of this code, or Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code.

(d) A consumer credit reporting agency or its licensees shall use the information provided by a county elections official only pursuant to paragraph (2) of subdivision (b), and shall not retain any information received from the county elections official pursuant to this section.

(e) Based on change-of-address data received from a consumer credit reporting agency or its licensees, the county elections official shall send a forwardable notice, including a postage-paid and preaddressed return form, which may be in the form of a postcard, to the registered voter to enable the voter to verify or correct address information. The forwardable notice shall be in substantially the following form:

"We have received notification that you have moved to a new residence address in \_\_\_\_ County. You will remain registered to vote at your old address unless you notify our office that the address to which this card was mailed is a change of your permanent residence. Please notify our office in writing by returning the attached postage-paid postcard. If this is not a permanent residence, and you do not wish to change your address for voting purposes, please disregard this notice."

(f) The county elections official shall take all of the following actions as appropriate:

(1) If a voter responds to the forwardable notice sent pursuant to subdivision (e) or otherwise verifies in a signed writing that he or she has moved to a new residence address within the same county, the county elections official shall verify the signature on the response by comparing it to the signature on file for the voter and, if appropriate, correct the voter's registration with the new residence address.

(2) If a voter responds to the forwardable notice sent pursuant to subdivision (e) or otherwise verifies in a signed writing that he or she has moved to a new residence address in another county, the county elections official shall verify the signature on the response by comparing it to the signature on file for the voter and, if appropriate, cancel the voter's registration in the county from which the voter has moved.

(3) If a voter does not respond to the forwardable notice sent pursuant to subdivision (e) and does not otherwise verify in a signed writing that he or she has moved to a new residence address, the elections official shall not place the voter's name on the inactive file of registered voters or cancel the voter registration.

(g) For purposes of this section, "consumer credit reporting agency" has the same meaning as set forth in subdivision (d) of Section 1785.3 of the Civil Code.

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## CAMPAIGN DISCLOSURE

### \*Assembly Bill 481 Chapter 496

#### SECTIONS AFFECTED:

Amends Sections 82036, 82036.5, 84102, 84104, 84213, and 84506, and amends, renumbers, and adds Section 82047.6 of the Government Code

#### CURRENT PROVISIONS:

The Political Reform Act of 1974 defines "late contribution" and "late independent expenditure" as any contribution or independent expenditure totaling in the aggregate \$1,000 or more that is made for or against any specific candidate, committee, or measure involved in an election that is made or received before the date of the election but after the closing date of the last campaign statement required to be filed prior to the election.

The Political Reform Act of 1974 requires that broadcast and mass mailing advertisements supporting or opposing candidates or ballot measures include disclosure statements that reflect specified information.

#### NEW PROVISIONS:

Requires each campaign committee to identify its principal officer or officers, as defined, and requires each principal officer to maintain the committee's accounts and records.

Requires a committee's principal officer, in the event the committee files a statement or report disclosing an independent expenditure, to sign a verification verifying that the committee has not received unreported contributions or reimbursements to make the independent expenditure and has not coordinated with the candidate or the opponent of the candidate or the proponent or the opponent of the state measure that is the subject of the expenditure.

Defines "late contribution" and "late independent expenditure" to mean a contribution or independent expenditure made within 90 days before the date of the election at which the candidate or measure is to be voted on.

Requires any advertisement supporting or opposing candidates or ballot measures to include disclosure statements.

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## ELECTIONS: CENTRAL COMMITTEES

### Assembly Bill 1200 Chapter 8

#### CURRENT PROVISIONS:

Requires each member of a county central committee for the Democratic, Republican, and American Independent Parties take and subscribe to an oath or affirmation, as specified.

Provides that the oath or affirmation may be taken before any officer authorized to administer oaths.

Entitles a member elected to central committees for the Democratic, Republican, American Independent, and Peace and Freedom Parties to receive a certificate of election.

Prescribes how members are elected to county central committees.

Requires that each county central committee of the American Independent Party meet in the courthouse at its county seat, upon call, which shall be given by the elections official of the county and in quarters to be arranged or provided for by the elections official of the county, as specified.

#### NEW PROVISIONS:

Provides that the oath or affirmation may be taken before the chairperson of the county central committee, the immediate predecessor of the chairperson, or a designee of the chairperson or his or her immediate predecessor.

Eliminates the entitlement of a member elected to central committees for the Democratic, Republican, American Independent, and Peace and Freedom Parties to receive a certificate of election.

Requires the committee to meet at its county seat, upon call, which shall be given by the chairperson of the county central committee or the immediate predecessor of the chairperson.

Declares that it is to take effect immediately as an urgency statute.

#### SECTIONS AFFECTED:

##### Amends Elections Code 7200

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*(b)* The committees in counties containing less than five Assembly districts shall be composed of not less than 21 members. If the procedure outlined above would result in less than 21 members being elected for any committee, the number of votes cast for this party's candidate in each supervisor district shall be divided by an amount sufficiently smaller than one-twentieth of the votes cast for Governor in that county as to give a membership in the committee equal to or the nearest amount ~~which~~ *that* is greater than 21 members.

~~In a county of the eighth class as defined in Section 28029 of the Government Code, the county central committee by resolution may provide for the election of 25 central committee members to represent 25 individual central committee districts. Each member shall reside in the district he or she represents, but shall be elected at large within the Assembly district in which the county central committee district he or she represents is located.~~

~~The county central committee shall reapportion itself at least every 10 years, prior to the June primary election of that year. Each district shall be apportioned on the basis of the number of registered Democrats for the June primary in each even-numbered year, with no more than a 10-percent deviation from the average. Each district shall be compact, contiguous, and utilize any natural and neighborhood boundaries. The district boundaries shall not cut across any precinct district's lines as drawn by the elections official for the last general or consolidated election.~~

##### Adds Elections Code 7201.1

*(a) Notwithstanding any other provision of law, in the County of Sacramento, the elected members of the county central committee shall be elected by supervisor districts with six members elected from each supervisor district. Each member shall be a resident of the county and of the supervisor district that the member represents. Only a person who is a resident of the county*

9

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)

may vote for a candidate for membership to the county central committee and may vote only for candidates seeking to represent the supervisor district in which the voter resides.

(b) Notwithstanding any other provision of law, for the June 5, 2012, statewide primary election, signers of nomination papers for candidates for the county central committee shall be voters who disclosed a preference, pursuant to Section 2151, for the Democratic Party and who are residents in the County of Sacramento, regardless of whether they are residents of the district in which the candidate is to be voted on.

#### **Adds Elections Code 7201.2**

(a) Notwithstanding any other provision of law, in the County of Alameda, the elected members of the county central committee shall be elected by Assembly districts and the number to be elected from any Assembly district shall be determined as follows: There shall be taken the number of votes cast in that portion of the Assembly district lying within the County of Alameda at the last gubernatorial election for that party's candidate for Governor, or, if the party had no candidate for Governor, for the candidate of the party voted on throughout the state who received the greatest number of votes and who was the candidate of that party alone. This number shall be divided by one-thirtieth of the number of votes cast in the county for Governor or, where the party had no candidate for Governor, for the candidate mentioned above. The integer next larger than the quotient obtained by that division shall constitute the number of members of the committee to be elected by that party in that Assembly district.

(b) If the procedure described above would result in less than 30 members being elected for any committee, the number of votes cast for this party's candidate in that portion of each Assembly district lying within the County of Alameda shall be divided by an amount sufficiently smaller than one-thirtieth of the votes cast for Governor in the county as to give a membership in the committee equal to or the nearest amount that is greater than 30 members.

Only a person who is a resident of the county may vote for a candidate for membership to the county central committee and may vote only for candidates seeking to represent the Assembly district in which the voter resides.

#### **Amends Elections Code 7204**

(a) In each city ~~the~~ City and county ~~a~~ County of San Francisco, the county central committee shall be elected by ~~from the two~~ Assembly districts located in the city and county and shall consist of ~~42~~ 24 members ~~electe~~d from Assembly District 12, and ~~42~~ members ~~electe~~d from Assembly District 13. Whichever of the two Assembly districts consists of the majority of the registered Democrats in the city and county shall elect 14 members and the Assembly district that consists of the minority of the registered Democrats in the city and county shall elect 10 members.

(b) Both of the following shall apply for purposes of this section:

(1) "Registered Democrat" means any voter in the city and county who has expressed a preference for the Democratic Party on his or her affidavit of registration pursuant to Sections 2150, 2151, and 2152 as of the 154th day prior to the first direct primary election after any redistricting of Assembly district boundaries.

(2) The City and County of San Francisco Department of Elections, or any comparable successor agency, shall calculate the percentage of the total registered Democrats in each Assembly district in the city and county.

(c) Notwithstanding any other provision of law, for the June 5,

2012, statewide primary election, signers of nomination papers for candidates for the county central committee shall be voters who disclosed a preference, pursuant to Section 2151, for the Democratic

Party and who are residents in the County of San Francisco, regardless of whether they are residents of the district in which the candidate is to be voted on.

#### **Amends Elections Code 7210**

(a) Each member of a committee, whether elected to the committee or appointed to fill a vacancy, before he or she enters upon the duties of his office, shall take and subscribe the oath or affirmation set forth in Section 3 of Article XX of the Constitution.

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(b) The oath or affirmation required by this section shall ~~may~~ be taken before any officer authorized to administer oaths and no fee shall be charged by any person before whom the oath is taken or subscribed the chairperson of the county central committee, the immediate predecessor of the chairperson, or a designee of the chairperson or his or her immediate predecessor.

#### **Amends Elections Code 7403**

(a) In each city ~~the~~ City and county ~~a~~ County of San Francisco, the county central committee shall be elected by ~~from the two~~ Assembly districts located in the city and county and shall consist of ~~43~~ 25 members ~~electe~~d from Assembly District 12 and ~~42~~ members ~~electe~~d from Assembly District 13. Whichever of the two Assembly districts consists of the majority of the registered Republicans in the city and county shall elect 13 members plus one additional member for every 4 percent of the registered Republicans in the district above a majority of the registered Republicans in the city and county. The remainder of the members shall be elected from the Assembly district that consists of the minority of the registered Republicans in the city and county.

(b) Both of the following shall apply for purposes of this section:

(1) "Registered Republican" means any voter in the city and county who has expressed a preference for the Republican Party on his or her affidavit of registration pursuant to Sections 2150, 2151, and 2152 as of the 154th day prior to the first direct primary election after any redistricting of Assembly district boundaries.

(2) The City and County of San Francisco Department of Elections, or any comparable successor agency, shall calculate the percentage of the total registered Republicans in each Assembly district in the city and county.

(c) Notwithstanding any other provision of law, for the June 5, 2012, statewide primary election, signers of nomination papers for candidates for the county central committee shall be voters who disclosed a preference, pursuant to Section 2151, for the Republican Party and who are residents in the County of San Francisco, regardless of whether they are residents of the district in which the candidate is to be voted on.

#### **Amends Elections Code 7408**

(a) Each member of a committee, whether elected to the committee or appointed to fill a vacancy, before he or she enters upon the duties of his or her office, shall take and subscribe the oath or affirmation set forth in Section 3 of Article XX of the Constitution.

~~The~~

(b) The oath or affirmation required by this section shall *may* be taken before any officer authorized to administer oaths and no fee shall be charged by any person before whom the oath is taken or subscribed the chairperson of the county central committee, the immediate predecessor of the chairperson, or a designee of the chairperson or his or her immediate predecessor.

#### **Amends Elections Code 7444**

If the chairperson of a committee refuses to call a meeting, a meeting may be called upon five days' notice by a majority of the members of the committee.

~~Within five days after a committee meets for its organizational meeting, the newly elected chairperson of the committee shall notify the elections official of his or her name. The elections official shall mail a certificate to that effect to the Secretary of State.~~

#### **Amends Elections Code 7655**

(a) Each member of a committee, whether elected to the committee or appointed to fill a vacancy, before he or she enters upon the duties of his or her office, shall take and subscribe the oath or affirmation set forth in Section 3 of Article XX of the Constitution.

~~The~~

(b) The oath or affirmation required by this section shall *may* be taken before any officer authorized to administer oaths and no fee shall be charged by any person before whom the oath is taken or subscribed the chairperson of the county central committee, the immediate predecessor of the chairperson, or a designee of the chairperson or his or her immediate predecessor.

#### **Amends Elections Code 7680**

~~Each committee shall meet in the courthouse at its county seat, upon call, which shall be given by the elections official of the county and in quarters to be arranged or provided for by the elections official of the county chairperson of the county central committee or the immediate predecessor of the current chairperson of the county committee on the second Tuesday in July following the direct primary election, except that in any year in which a national convention of the party includes that date, the existing executive committee of a committee shall set the date of the meeting, not to exceed 30 days after the date herein specified.~~

#### **Amends Elections Code 8145**

It is the duty of the officers charged with the canvass of the returns of any primary election in any county or city to ~~issue:~~

~~(a) Certificates of election to each member elected to a county central committee.~~

~~(b) Certificates issue certificates of nomination to candidates nominated for nonpartisan offices voted for wholly within one county.~~

#### **Amends Elections Code 15401**

The elections official shall make out and deliver to each person elected or nominated, as declared by the governing body, except those elected to a central committee, a certificate of election or nomination, signed and authenticated by the elections official.

#### **Repeals Sections 7681, 7782, and 7837 of the Elections Code**

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## **ELECTIONS: VOTER NOMINATED PRIMARY ELECTION**

### **Assembly Bill 1413 Chapter 3**

#### **CURRENT PROVISIONS:**

The California Constitution requires a "voter-nominated primary election" for each state elective office and congressional office in California, in which a voter may vote at the primary election for any candidate for congressional or state elective office without

regard to the political party preference disclosed by either the candidate or the voter. The candidates receiving the 2 highest vote totals for each office at the primary election, regardless of party preference, compete for the office at the general election. Provisions of the Elections Code implement the "voter-nominated primary election" of the California Constitution.

Requires every person who desires to be a write-in candidate and have his or her name as written on the ballot of an election counted for a particular office to file a statement of write-in candidacy that contains specified information.

Specifies that a vacancy exists on a general election ballot whenever a candidate for nomination for a nonpartisan or voter-nominated office at a primary election dies on or before the day of the election, and a sufficient number of ballots are marked as being voted for him or her to entitle him or her to nomination if he or she had lived until after the election.

Prohibits a vacancy on the general election ballot to be filled except if the elections official ascertained the candidate's death at least 68 days before the date of the ensuing general election.

#### **NEW PROVISIONS:**

Makes technical revisions to provisions of the Elections Code to reflect the "voter-nominated primary election" process.

Conforms the procedures applicable in case of a tie in the primary election for voter-nominated offices to the existing provisions applicable to specified partisan offices.

Imposes requirements for forms relating to declaration of candidacy for voter-nominated offices, state ballot pamphlets, and ballots.

Requires that a statement of write-in candidacy for a voter-nominated office also include a certification of the candidate's complete voter registration and party affiliation or preference history for the preceding 10 years, or for as long as he or she has been eligible to vote in the state if less than 10 years.

Provides that a person may not be a write-in candidate at the general election for a voter-nominated office.

Requires the name of the candidate for nomination for a voter-nominated office at a primary election to appear on the general election ballot under those circumstances.

Prohibits a vacancy on the general election ballot for a voter-nominated office to be filled without exception.

Requires the name of a candidate who dies but is otherwise entitled to appear on the general election ballot to appear on the ballot and requires the votes cast for the deceased candidate to be counted in determining the results of the election for that office.

Makes conforming changes to reflect the voter-nominated primary election process.

#### **SECTIONS AFFECTED:**

##### **Amends Elections Code 13**

(a) ~~No~~ A person shall not be considered a legally qualified candidate for an office, for party nomination for a partisan office, or for nomination to participate in the general election for ~~any~~ a voter-nominated office, under the laws of this state unless that person has filed a declaration of candidacy or statement of write-in candidacy with the proper official for the particular election or primary, or is entitled to have his or her name placed on a general election ballot by reason of having been nominated at a primary election, or having been selected to fill a vacancy on the general election ballot as provided in Section ~~8806~~ 8807, or having been selected as an independent candidate pursuant to Section 8304.

(b) Nothing in this section shall be construed as preventing or prohibiting any qualified voter of this state from casting a ballot for ~~any~~ a person by writing the name of that person on the ballot, or from having that ballot counted or tabulated, nor shall ~~any provision of~~ this section be construed as preventing or prohibiting ~~any~~ a person from standing or campaigning for ~~any~~ an elective office by means of a "write-in" campaign. However, nothing in this section shall be construed as an exception to the requirements of Section 15341 or to permit a person to be a write-in candidate contrary to Sections 8600 and 8606.

##### **Amends Elections Code 334**

"Nonpartisan office" means an office, except for a voter-nominated office, for which no party may nominate a candidate. Judicial, school, county, and municipal offices, including the Superintendent of Public Instruction, are nonpartisan offices.

##### **Amends Elections Code 359.5**

(a) "Voter-nominated office" means a congressional or state elective office for which ~~any a~~ candidate may choose to have his or her party preference or lack of party preference indicated upon the ballot. A political party or party central committee shall not nominate a candidate at a state-conducted primary election for a voter-nominated office. The primary conducted for a voter-nominated office does not serve to determine the nominees of a political party but serves to winnow the number of candidates to a final list of two for the general election to the candidates receiving the highest or second highest number of votes cast at the primary election. The following offices are voter-nominated offices:

- (1) Governor.
- (2) Lieutenant Governor.
- (3) Secretary of State.
- (4) ~~State Treasurer~~ Controller.
- (5) ~~Controller~~ Treasurer.
- (6) ~~State Insurance Commissioner~~ Attorney General.
- (7) ~~Member of the Board of Equalization~~ Insurance Commissioner.
- (8) ~~Attorney General~~ Member of the State Board of Equalization.
- (9) ~~State~~ United States Senator.
- (10) Member of the ~~Assembly~~ United States House of Representatives.
- (11) ~~United States~~ State Senator.
- (12) Member of the ~~United States House of Representatives~~ Assembly.

(b) This section does not prohibit a political party or party central committee from endorsing, supporting, or opposing a candidate for a candidate an office listed in subdivision (a).

#### **Amends Elections Code 2151**

(a) At the time of registering and of transferring registration, each an elector may disclose the name of the political party that he or she prefers. The name of that political party shall be stated in the affidavit of registration and the index.

(b) (1) The voter registration card shall inform the affiant that ~~any an~~ elector may decline to ~~state~~ disclose a political party preference, but ~~no a~~ person shall not be entitled to vote the ballot of ~~any a~~ political party at ~~any a~~ primary election for President of the United States or for a party committee unless he or she has disclosed the name of the party that he or she prefers or unless he or she has declined to disclose a party preference and the political party, by party rule duly noticed to the Secretary of State, authorizes a person who has declined to disclose a party preference to vote the ballot of that political party. The voter registration card shall further inform the affiant that ~~any a~~ registered voter may vote for any candidate at a primary election for state elective office or congressional office, regardless of the disclosed party preference of the registrant or the candidate seeking that office or the refusal of the registrant or candidate to disclose a party preference. ~~This notice shall be printed in 12-point Times New Roman font.~~

(2) The voter registration card shall include a listing of all qualified political parties. ~~The voter registration card shall include a listing of all qualified political parties.~~ As part of that listing, the voter registration card shall also contain an option designated "No Party Preference" that permits the affiant to decline to disclose a party preference. This option shall be placed at the ~~beginning~~ end of the listing of qualified political parties.

(c) ~~No A~~ person shall not be permitted to vote the ballot of ~~any a~~ party or for ~~any~~ delegates to the convention of ~~any a~~ party other than the party disclosed as preferred in his or her registration, except as provided by Section 2152 or unless he or she has declined to disclose a party preference and the party, by party rule duly noticed to the Secretary of State, authorizes a person who has declined to ~~state~~ disclose a party ~~affiliation~~ preference to vote the party ballot or for delegates to the party convention.

(d) As of the effective date of the statute that added this subdivision, any voter who previously stated a political party affiliation when registering to vote shall be deemed to have disclosed that same party as his or her political party preference unless the voter files a new affidavit of registration disclosing a different political party preference or no political party preference. Any voter who previously declined to state a party affiliation shall be deemed to have ~~chosen the "No Party Preference" option~~ declined to disclose a party preference \* \* \* unless the voter files a new affidavit of registration disclosing a different political party preference.

(e) The Secretary of State may continue to supply existing affidavits of registration prior to printing new or revised forms that reflect the changes required pursuant to any amendment made to this section.

#### **Amends Elections Code 2154**

In the event that the county elections official receives an affidavit of registration that does not include portions of the information for which space is provided, the county elections official ~~voters~~ shall apply the following rebuttable presumptions:

- (a) If no middle name or initial is shown, it shall be presumed that none exists.
- (b) If no party preference is shown, it shall be presumed that the affiant has ~~chosen the "No Party Preference" designation~~ declined to disclose a party preference.

#### **Amends Elections Code 2155**

Upon receipt of a properly executed affidavit of registration or address correction notice or letter pursuant to Section 2119, Article 2 (commencing with Section 2220), or the National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg), the county elections official shall send the voter a voter notification by nonforwardable, first-class mail, address correction requested. The voter notification shall state the party ~~affiliation~~ preference for which the voter has registered in the following format:

Party: (Name of political party)

The voter notification shall be substantially in the following form:

#### VOTER NOTIFICATION

You are registered to vote. The party ~~affiliation for which you have registered is shown on the reverse of~~ preference you chose, if any, is on this card. This card is being sent as a notification of:

1. Your recently completed affidavit of registration.

OR,

2. A ~~correction~~ change to your registration because of an official notice that you have moved. If your residence address has not changed or if your move is temporary, please call or write ~~the county elections official~~ to our office immediately.

OR,

3. Your recent registration with a change in party ~~affiliation~~ preference. If this change is not correct, please call or write ~~the county elections official~~ to our office immediately.

You may vote in any election held 15 or more days after the date ~~shown on the reverse side of~~ shown on the reverse side of this card.

Your name will appear on the index kept at the polls.

Please contact ~~your county elections~~ our office if the information shown on the reverse side of this card is incorrect.

\_\_\_\_\_  
(Signature of Voter)

#### Amends Elections Code 3006

(c) The application shall inform the voter that if he or she ~~is not affiliated with~~ has declined to disclose a preference for a political party, the voter may request a vote by mail ballot for a particular political party for the partisan primary election, if that political party has adopted a party rule, duly noticed to the Secretary of State, authorizing that vote. The application shall contain a toll-free telephone number, established by the Secretary of State, that the voter may call to access information regarding which political parties have adopted such a rule. The application shall contain a checkoff box with a conspicuously printed statement that reads substantially similar to the following: "I ~~am not presently affiliated with any~~ have declined to disclose a preference for a qualified political party. However, for this primary election only, I request a vote by mail ballot for the \_\_\_\_\_ Party." The name of the political party shall be personally affixed by the voter.

#### Amends Elections Code 3007.5

(c) The uniform electronic application shall inform the voter that if he or she ~~is not affiliated with~~ has declined to disclose a preference for a political party, the voter may request a vote by mail ballot for a particular political party for the partisan primary election, if that political party has adopted a party rule, duly noticed to the Secretary of State, authorizing that vote. The application shall contain a toll-free telephone number, established by the Secretary of State, that the voter may call to access information regarding which political parties have adopted such a rule. The application shall list the parties that have notified the Secretary of State of the adoption of such a rule. The application shall contain a checkoff box with a conspicuously printed statement that reads substantially similar to the following: "I ~~am not presently affiliated with any~~ have declined to disclose a preference for a qualified political party. However, for this primary election only, I request a vote by mail ballot for the \_\_\_\_ Party." The name of the political party shall be personally affixed by the voter.

#### Amends Elections Code 3205

(b) Prior to each partisan primary election, county elections officials shall mail to every voter ~~not affiliated with~~ who has declined to disclose a preference for a political party whose name appears on the permanent vote by mail voter list a notice and application regarding voting in the primary election. The notice shall inform the voter that he or she may request a vote by mail ballot for a particular political party for the primary election, if that political party adopted a party rule, duly noticed to the Secretary of State, authorizing these voters to vote in their primary. The notice shall also contain a toll-free telephone number, established by the Secretary of State, that the voter may call to access information regarding which political parties have adopted such a rule. The application shall contain a checkoff box with a conspicuously printed statement that reads substantially similar to the following: "I ~~am not presently affiliated with any~~ have declined to disclose a preference for a qualified political party. However, for this primary election only, I request a vote by mail ballot for the \_\_\_\_ Party." The name of the political party shall be personally affixed by the voter.

#### Amends Elections Code 7100

In each year of the general election at which electors of President and Vice President of the United States are to be chosen, ~~each congressional nominee~~ the candidate in each congressional district who received the largest number of votes in the primary election among the candidates who disclosed a preference for the Democratic Party shall designate one presidential elector and shall file his or her name and residence and business address with the ~~Secretary of State~~ state chairperson by October 1 of the presidential election year. ~~Each United States senatorial nominee, determined by a date specified by the state chairperson. The candidate for United States Senate who received the largest number of votes in the primary election among the candidates who disclosed a preference for the Democratic Party in each of~~ the last two United States senatorial elections, shall designate one

presidential elector and shall file his or her name, and residence and business address with the ~~Secretary of State~~ state chairperson by October 1 of the presidential election year a date specified by the state chairperson. In the event there is no ~~United States senatorial nominee or no congressional nominee in any particular district,~~ candidate for United States Senate or for any particular congressional district who disclosed a preference for the Democratic Party, or if any candidate fails to designate a presidential elector by the date specified by the state chairperson, the state chairperson shall designate one presidential elector for each vacancy and. ~~The state chairperson shall file his or her name, residence and business address~~ the names and residence and business addresses of all the electors designated pursuant to this section with the Secretary of State by October 1 of the presidential election year.

#### Amends Elections Code 8002.5

(a) A candidate for a voter-nominated office ~~may indicate his or her party preference, or lack of party preference, as disclosed upon the candidate's most recent statement of registration, upon his or her declaration of candidacy. If a candidate indicates his or her party preference on his or her declaration of candidacy, it shall~~ shall indicate one of the following upon his or her declaration of candidacy, which shall be consistent with what appears on the candidate's most recent affidavit of registration:

(1) "Party Preference: (insert the name of the qualified political party as disclosed upon your affidavit of registration)."

(2) "Party Preference: None (if you have declined to disclose a preference for a qualified political party upon your affidavit of registration)."

(b) The selection made by a candidate pursuant to subdivision (a) shall appear on the primary and general election ballot in conjunction with his or her name. ~~The candidate's designated party preference on the ballot, and shall not be changed between the primary and general election. A candidate for voter-nominated office may also choose not to have the party preference disclosed upon the candidate's most recent affidavit of registration indicated upon the ballot.~~

(c) Regardless of the disclosed party preference, or lack of party preference, of the candidate or the voter, any qualified voter may vote for any candidate for a voter-nominated office if the voter is otherwise entitled to vote for candidates for the office to be filled. Nothing in Section 2151, 3006, 3007.5, 3205, or 13102 shall be construed to limit the ability of a voter to cast a primary election ballot for any candidate for a voter-nominated office, regardless of the party preference, or lack of party preference, designated by the candidate for inclusion upon the ballot pursuant to this section, provided that the voter is otherwise qualified to cast a ballot for the office at issue.

#### Amends Elections Code 8025

~~If only one a candidate who has declared a candidacy for a partisan nomination at the direct primary election for a party qualified to participate at that election, or for nomination at the direct primary election for a voter-nominated office, and that candidate dies after the last day prescribed for the delivery of nomination documents to the elections official, as provided in Section 8020, but not less than 83 days before the election, any person qualified under the provisions of Section 8004, regardless of his or her party preference or lack of party preference,~~ may circulate and deliver nomination documents for the office to the elections official up to 5 p.m. on the 74th day prior to the election. In that case, the elections official shall, immediately after receipt of those nomination documents, certify and transmit them to the Secretary of State in the manner specified in this article.

#### Amends Elections Code 8040

(a) The declaration of candidacy by a candidate shall be substantially as follows:

##### DECLARATION OF CANDIDACY

I hereby declare myself a \_\_\_\_\_ Party candidate for nomination to the office of \_\_\_\_\_ District Number \_\_\_\_\_ to be voted for at the primary election to be held \_\_\_\_\_, 20\_\_\_\_, and declare the following to be true:

My name is \_\_\_\_\_.

I want my name and occupational designation to appear on the ballot as follows: \_\_\_\_\_

Addresses:  
Residence: \_\_\_\_\_  
Business: \_\_\_\_\_

Mailing: \_\_\_\_\_

Telephone numbers: Day \_\_\_\_\_ Evening \_\_\_\_\_  
Web site: \_\_\_\_\_

I meet the statutory and constitutional qualifications for this office (including, but not limited to, citizenship, residency, and party affiliation preference, if required). I am at present an incumbent of the following public office (if any) \_\_\_\_\_.  
If nominated, I will accept the nomination and not withdraw.

Signature of candidate \_\_\_\_\_

A candidate for voter-nominated office shall also complete all of the following:

1. I hereby certify that:

(a) At the time of presentation of this declaration, as shown by my current affidavit of registration, I have disclosed the following political party preference, if any:

(b) My complete voter registration and party affiliation/preference history, from (10 years prior to current year) through the date of signing this document, is as follows:

Party Registration \_\_\_\_\_ County \_\_\_\_\_ Timeframe (by year) \_\_\_\_\_

(2) Pursuant to Section 8002.5 of the Elections Code, select one of the following:

\_\_\_\_\_ Party Preference: \_\_\_\_\_ (insert the name of the qualified political party as disclosed upon your affidavit of registration).

\_\_\_\_\_ Party Preference: None (if you have declined to disclose a preference for a qualified political party upon your affidavit of registration).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signature of candidate

State of California )  
County of \_\_\_\_\_ ) ss.  
)

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Notary Public (or other official) \_\_\_\_\_

Examined and certified by me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

County Elections Official \_\_\_\_\_

WARNING: Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any declaration of candidacy in his or her possession which is entitled to be filed under the provisions of the Elections Code Section 18202.

**Amends Elections Code 8041**

(a) The nomination paper shall be in substantially the following form:

**NOMINATION PAPER**

I, the undersigned signer for \_\_\_\_\_ for the \_\_\_\_\_ Party nomination to the office of \_\_\_\_\_, to be voted for at the primary election to be held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, hereby assert as follows:

I am a resident of \_\_\_\_\_ County and registered to vote at the address shown on this paper ~~and affiliated with the \_\_\_\_\_ Party.~~ I am not at this time a signer of any other nomination paper of any other candidate for the above-named office, or in case there are several places to be filled in the above-named office, I have not signed more nomination papers than there are places to be filled in the above-named office. My residence is correctly set forth after my signature hereto:

Name \_\_\_\_\_  
Residence \_\_\_\_\_

(b) The affidavit of the circulator shall read as follows:  
**AFFIDAVIT OF THE CIRCULATOR**

I, \_\_\_\_\_, solemnly swear (or affirm) that the signatures on this section of the nomination paper were obtained between \_\_\_\_\_, 20\_\_\_\_, and \_\_\_\_\_, 20\_\_\_\_; that I circulated the petition and I ~~saw~~ witnessed the signatures on this section of the nomination paper being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.

My voting residence is \_\_\_\_\_.

Signed \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
(SEAL) Notary Public (or other official) \_\_\_\_\_

Examined and certified by me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Elections Official

WARNING: Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any nomination paper in his or her possession which is entitled to be filed under Section 18202 of the Elections Code.

(c) If the nomination paper is for a partisan office, the nomination paper shall include a statement indicating the party preference of the signer of the nomination paper.

#### **Amends Elections Code 8062**

- (a) The number of registered voters required to sign a nomination paper for the respective offices are as follows:
- (1) State office or United States Senate, not ~~less~~ fewer than 65 nor more than 100.
  - (2) House of Representatives in Congress, State Senate or Assembly, State Board of Equalization, or any office voted for in more than one county, and not statewide, not ~~less~~ fewer than 40 nor more than 60.
  - (3) Candidacy in a single county or any political subdivision of a county, other than State Senate or Assembly, not ~~less~~ fewer than 20 nor more than 40.
  - (4) With respect to a candidate for a political party committee, if any political party has ~~less~~ fewer than 50 voters in the state or in the county or district in which the election is to be held, one-tenth the number of voters of the party.
  - (5) ~~When~~ If there are ~~less~~ fewer than 150 voters in the county or district in which the election is to be held, not ~~less~~ fewer than 10 nor more than 20.

#### **Amends Elections Code 8068**

Signers shall be voters in the district or political subdivision in which the candidate is to be voted on. With respect to ~~any a~~ any a candidacy for partisan office, signers shall be ~~affiliated registered~~ registered voters who disclosed a preference, pursuant to Section 2151, for the party, if any, ~~in for~~ for which the nomination is proposed. ~~Signers~~ With respect to a candidacy for voter-nominated office, signers need not be ~~registered voters who~~ have disclosed a preference for any party ~~when signing candidacy papers for a candidate seeking nomination to a voter-nominated office.~~

#### **Amends Elections Code 8106**

- (a) Notwithstanding any other provision of this article, a candidate may submit a petition containing signatures of registered voters in lieu of a filing fee as follows:
- (d) All valid signatures obtained pursuant to this section shall be counted ~~towards~~ toward the number of voters required to sign a nomination paper in accordance with Section 8061 or 8405.

#### **Amends Elections Code 8121**

(b) (1) Beginning not less than five days before he or she transmits the certified list of candidates to the county elections officials, as required by Section 8120, the Secretary of State shall post, in a conspicuous place on his or her Internet Web site, the party preference history of each candidate for voter-nominated office for the preceding 10 years, or for as long as he or she has been eligible to vote in the state if less than 10 years. The candidates' party preference history shall be continuously posted until such time as the official canvass is completed for the general or special election at which a candidate is elected to the voter-nominated office sought, except that, in the case of a candidate who participated in the primary election and who was not nominated to participate in the general election, the candidate's party preference history need not continue to be posted following the completion of the official canvass for the primary election in question.

#### **Amends Elections Code 8124**

The certified list of candidates sent to each county elections official by the Secretary of State shall show all of the following:

- (a) The name of each candidate.
- (b) The office for which each person is a candidate.
- (c) With respect to candidates for partisan offices, the party each person represents.

(d) With respect to candidates for voter-nominated offices, the ~~party preference designation specified in accordance with designation made by the candidate pursuant to~~ Section 8002.5.

(e) If applicable, the ballot designation specified in accordance with Section 13107.

#### **Amends Elections Code 8141.5**

~~Only~~ Except as provided in subdivision (b) of Section 8142, only the ~~two~~ candidates for a voter-nominated office who receive the highest ~~and second highest numbers~~ or second highest number of votes cast at the primary election shall appear on the ballot as candidates for that office at the ensuing general election. More than one candidate with the same party preference designation may participate in the general election pursuant to this subdivision. Notwithstanding the designation made by the candidate pursuant to Section 8002.5, no candidate for a voter-nominated office shall be deemed to be the official nominee for that office of any political party, and no party is entitled to have a candidate with its party preference designation participate in the general election unless ~~such~~ that candidate is one of the ~~two~~ candidates receiving the highest or ~~second highest numbers~~ second highest number of votes cast at the primary election.

#### **Amends Elections Code 8142**

(a) In the case of a tie vote, nonpartisan candidates receiving the same number of votes shall be candidates at the ensuing general election if they qualify pursuant to Section 8141 whether or not there are more candidates at the general election than prescribed by this article. In no case shall the ~~candidates determine the tie~~ be determined by lot.

(b) In the case of a tie vote among candidates at a primary election for a voter-nominated office, the following applies:

(4) In no case shall the ~~candidates determine the tie~~ be determined by lot.

#### **Amends Elections Code 8148**

Not less than 68 days before the general election, the Secretary of State shall deliver to the appropriate county elections official a certificate showing:

(a) The name of every person entitled to receive votes within that county at the general election who has received the nomination as a candidate for public office pursuant to this chapter, ~~and~~ the designation of the public office for which he or she has been nominated, and, if applicable, the ballot designation specified in accordance with Section 13107.

(b) For each nominee for a partisan office, the name of the party that has nominated him or her.

(c) For each nominee for a voter-nominated office, the ~~name of the party preference, or lack of party preference, as designated~~ designation made by the candidate ~~in accordance with~~ pursuant to Section 8002.5.

#### **Amends Elections Code 8300**

A candidate for ~~any public~~ a partisan office, including that of presidential elector, ~~for which no nonpartisan candidate or candidate for voter-nominated office has been nominated or elected at any primary election,~~ may be nominated subsequent to, or ~~in lieu of by other means than,~~ a primary election pursuant to this chapter. A candidate for nonpartisan office or for voter-nominated office may be nominated subsequent to, or by other means than, a primary election pursuant to this chapter only if a candidate was not nominated or elected at the primary election for that office.

#### **Amends Elections Code 8600**

Every person who desires to be a write-in candidate and have his or her name as written on the ballot of an election counted for a particular office shall file:

(a) A statement of write-in candidacy that contains the following information:

(7) A certification of the candidate's complete voter registration and party affiliation/preference history for the preceding 10 years, or for as long as he or she has been eligible to vote in the state if less than 10 years, if running for a voter-nominated office.

(c) Notwithstanding any other provision of law, a person may not be a write-in candidate at the general election for a voter-nominated office.

#### **Amends Elections Code 8606**

A-Notwithstanding any other provision of law, a person whose name has been written on the ballot as may not be a write-in candidate at the general election for a voter-nominated office ~~shall not be counted.~~

#### **Amends Elections Code 8803**

(a) No vacancy on the ballot for a nonpartisan office at a general election shall be filled except if the candidate dies and that fact has been ascertained by the officer charged with the duty of printing the ballots at least 68 days before the date of the next ensuing general election.

(b) No vacancy on the ballot for a voter-nominated office at a general election shall be filled. If a candidate who is entitled to appear on the general election ballot dies, the name of that candidate shall appear on the general election ballot and any votes cast for that candidate shall be counted in determining the results of the election for that office. If the deceased candidate receives a majority of the votes cast for the office, he or she shall be considered elected to that office and the office shall be considered vacant at the beginning of the term for which the candidate was elected. The vacancy shall be filled in the same manner as if the candidate had died after taking office for that term.

### Amends Elections Code 8805

~~(a) Whenever a candidate for nomination for a nonpartisan or voter-nominated office at a primary election dies on or before the day of the election, and a sufficient number of ballots are marked as being voted for him or her to entitle him or her to nomination if he or she had lived until after the election, a vacancy exists on the general election ballot, which shall be filled in the manner provided in Section 8807 for filling a vacancy caused by the death of a candidate.~~

(b) Whenever a candidate for nomination for a voter-nominated office at a primary election dies on or before the day of the election, and a sufficient number of ballots are marked as being voted for him or her to entitle him or her to nomination if he or she had lived until after the election, the name of the deceased candidate shall appear on the general election ballot and the general election shall proceed in accordance with subdivision (b) of Section 8803.

### Amends Elections Code 8807

If the vacancy occurs among candidates chosen at the direct primary to go on the ballot for the succeeding general election for a nonpartisan or voter-nominated office, the name of that candidate receiving at the primary election the next highest number of votes shall ~~go upon~~ appear on the ballot to fill the vacancy.

### Amends Elections Code 9083.5

(a) If a candidate for nomination or election to a partisan office will appear on the ballot, the Secretary of State shall include in the state ballot pamphlet a written explanation of the ~~electoral~~ election procedure for such offices, ~~as follows.~~ The explanation shall read substantially similar to the following:

#### PARTY-NOMINATED/PARTISAN OFFICES

~~No voter may vote the ballot in the primary election of any political party at any primary election unless other than the party he or she has disclosed a preference for that party upon registering to vote or unless he or she has declined to disclose a party preference and the political party, by party rule duly noticed to the Secretary of State, authorizes vote. However, a political party may authorize a person who has declined to disclose a party preference to vote the ballot of that political party in that party's primary election.~~

(b) If any candidate for nomination or election to a voter-nominated office will appear on the ballot, the Secretary of State shall include in the state ballot pamphlet a written explanation of the ~~electoral~~ election procedure for such offices, ~~as follows.~~ The explanation shall read substantially similar to the following:

#### VOTER-NOMINATED OFFICES

Under the California Constitution, political parties are not entitled to formally nominate candidates for voter-nominated offices at the primary election, ~~and a.~~ A candidate nominated for a voter-nominated office at the primary election is the nominee of the people and not the official nominee of any party ~~for the office in question at the ensuing following general election.~~ for the office in question at the ensuing following general election. A candidate for nomination or election to a voter-nominated office ~~may, however, designate~~ shall have his or her party preference, or lack of party preference, ~~and have that designation reflected on the primary and general election ballot, but the party preference designation so indicated is selected solely by the candidate and is shown for the information of the voters only. It does not constitute or imply an endorsement of the candidate by the party designated, or affiliation between the party and candidate, and no candidate nominated by the qualified voters for any voter-nominated office shall be deemed to be the officially nominated candidate of any political party. The parties may have a list of the candidates for voter-nominated offices, who have received the official endorsement of the party, printed in the sample ballot. All voters, regardless of the party for which they have expressed a preference upon registering, or of their refusal to disclose a party preference, may vote for any candidate for a voter-nominated office, provided they meet the other qualifications required to vote for that office. The top two vote-getters at the primary election advance to the general election for the voter-nominated office, and even if both candidates may have specified the same party preference designation. No party is entitled to have a candidate with its party preference designation participate in the general election unless such candidate is one of the two highest vote-getters at the primary election.~~

(c) If any candidate for nomination or election to a nonpartisan office, other than judicial office, shall appear on the ballot, the Secretary of State shall include in the state ballot pamphlet a written explanation of the ~~electoral~~ election procedure for such offices, ~~as follows.~~ The explanation shall read substantially similar to the following:

### Amends Elections Code 10704

(d) The sample ballot for a special election shall contain a written explanation of the election procedure for voter-nominated office as specified in subdivision (b) of Section 9083.5. Immediately after the explanation shall be printed the following: "If one candidate receives more than 50% of the votes cast at the special primary election, he or she will be elected to fill the vacancy and no special general election will be held."

(e) On the ballot for a special election, immediately below the instructions to voters, there shall be a box not less than one-half inch high enclosed by a heavy-ruled line the same as the borderline. This box shall be as long as there are columns for the ballot and shall be set directly above these columns. Within the box shall be printed the words "Voter-Nominated Office." Immediately below that phrase within the same box shall be printed the following:

"All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference, may vote for any candidate for a voter-nominated office. The party preference, if any, designated by a candidate is selected by the candidate and is shown for the information of the voters only. It does not imply that the candidate is nominated or endorsed by the party or that the party approves of the candidate."

#### **Amends Elections Code 10706**

If no candidate receives a majority of votes cast, the names of the ~~two~~ candidates who receive the highest ~~and~~ or second highest number of votes cast at the special primary election shall be placed on the special general election ballot. In the case of a tie vote, subdivision (b) of Section 8142 shall apply.

#### **Amends Elections Code 12108**

In ~~any~~ a case ~~where~~ in which this chapter requires the posting or distribution of a list of the names of precinct board members, or a portion of the list, the officers charged with the duty of posting shall ascertain the name of the political party, if any, for which each precinct board member has expressed a preference, as shown in the affidavit of registration of that person. When the list is posted or distributed, there shall be printed the name of the board member's party preference or an abbreviation of the name to the right of the name, or immediately below the name, of each precinct board member. If a precinct board member has not expressed a preference for a political party, the words "No Party Preference" word "None" shall be printed in place of the party name.

#### **Amends Elections Code 13105**

(a) In the case of candidates a candidate for a voter-nominated office in a primary election, a general election, or a special election to fill a vacancy in the office of United States Senator, Member of the United States House of Representatives, State Senator, or Member of the Assembly, immediately to the right of and on the same line as the name of the candidate, or immediately below the name if there is not sufficient space to the right of the name, there shall be identified ~~in eight-point roman lowercase type the name of the political party designated,~~ as specified by the Secretary of State, the designation made by the candidate pursuant to Section 8002.5. The identification shall be in substantially the following form: "My party preference is the \_\_\_\_\_ Party." If the candidate designates no political party, the phrase "No Party Preference" shall be printed instead of the party preference identification. ~~If the candidate chooses not to have his or her party preference listed on the ballot, the space that would be filled with a party preference designation shall be left blank.~~

(1) In the case of a candidate who designated a political party preference pursuant to Section 8002.5, "Party Preference: \_\_\_\_\_"

(2) In the case of a candidate who did not state a preference for a political party pursuant to Section 8002.5, "Party Preference: None."

(b) In the case of candidates for President and Vice President, the name of the party shall appear to the right of and equidistant from the pair of names of these candidates and on the same line as the name of the candidate for President, or immediately below the name of the vice presidential candidate if there is not sufficient space to the right of the name.

#### **Amends Elections Code 13107**

(a) With the exception of candidates for Justice of the State Supreme Court or Court of Appeal, immediately under the name of each candidate, and not separated from the name by any line, unless the designation made by the candidate pursuant to Section 8002.5 must be listed immediately below the name of the candidate pursuant to Section 13105, and in that case immediately under the designation, may appear at the option of the candidate only one of the following designations:

#### **Amends Elections Code 13206**

(a) On the partisan ballot used in a direct primary election, immediately below the instructions to voters, there shall be a box not less than one-half inch high enclosed by a heavy-ruled line the same as the borderline. This box shall be as long as there are columns for the partisan ballot and shall be set directly above these columns. Within the box shall be printed ~~in 24-point boldface gothic capital type~~ the words "Party-Nominated Offices." Immediately below that phrase within the same box shall be printed, ~~in 8-point boldface gothic type,~~ the following: "Only voters who disclosed a preference upon registering to vote for the same party as the candidate seeking the nomination of any party for the Presidency or election to a party committee may vote for that candidate at the primary election, unless the party has adopted a rule to permit non-party voters to vote in its primary elections."

(b) The same style of box described in subdivision (a) shall also appear over the columns of the nonpartisan part of the ballot and within the box in the same style and point size of type shall be printed "Voter-Nominated and Nonpartisan Offices." Immediately below that phrase within the same box shall be printed, ~~in 8-point boldface gothic type,~~ the following:

"All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference, may vote for any candidate for a voter-nominated or nonpartisan office."

~~Voter-Nominated Offices. The office.~~ The party preference, if any, designated by a candidate for a voter-nominated office is selected by the candidate and is shown for the information of the voters only.

~~It only.~~ It does not constitute or imply an endorsement of that the candidate is nominated or endorsed by the party indicated, and no candidate nominated by the qualified voters for any voter-nominated office shall be deemed to be the officially nominated candidate of any political party. or that the party approves of the candidate.

~~"Nonpartisan Offices.—A The party preference, if any, of a candidate for a nonpartisan office may not designate a party reference does not appear on the ballot."~~

#### **Adds Elections Code 13206.5**

(a) (1) *On the ballot used in a statewide general election in each year evenly divisible by the number four, immediately below the instructions to voters, there shall be a box not less than one-half inch high enclosed by a heavy-ruled line the same as the borderline. This box shall be as long as there are columns for the ballot and shall be set directly above these columns. Within the box shall be printed the words "Party-Nominated Offices." Immediately below that phrase within the same box shall be printed the following: "The party label accompanying the name of a candidate for party-nominated office on the general election ballot means that the candidate is the official nominee of the party shown."*

(2) *On the ballot used in a statewide general election in each year evenly divisible by the number four, following the portion of the ballot for party-nominated offices, the same style of box described in paragraph (1) shall appear and within the box in the same style and point size of type shall be printed "Voter-Nominated and Nonpartisan Offices." Immediately below that phrase within the same box shall be printed the following: "All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference, may vote for any candidate for a voter-nominated or nonpartisan office. The party preference, if any, designated by a candidate for a voter-nominated office is selected by the candidate and is shown for the information of the voters only. It does not imply that the candidate is nominated or endorsed by the party or that the party approves of the candidate. The party preference, if any, of a candidate for a nonpartisan office does not appear on the ballot."*

(b) *On the ballot used in a statewide general election in each even-numbered year that is not evenly divisible by the number four, immediately below the instructions to voters, there shall be a box not less than one-half inch high enclosed by a heavy-ruled line the same as the borderline. This box shall be as long as there are columns for the ballot and shall be set directly above these columns. Within the box shall be printed the words "Voter-Nominated and Nonpartisan Offices." Immediately below that phrase within the same box shall be printed the following: "All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference, may vote for any candidate for a voter-nominated or nonpartisan office. The party preference, if any, designated by a candidate for a voter-nominated office is selected by the candidate and is shown for the information of the voters only.*

*It does not imply that the candidate is nominated or endorsed by the party or that the party approves of the candidate. The party preference, if any, of a candidate for a nonpartisan office does not appear on the ballot."*

#### **Amends Elections Code 13207**

(a) There shall be printed on the ballot in parallel columns all of the following:

(1) The respective offices.

(2) The names of candidates with sufficient blank spaces to allow the voters to write in names not printed on the ballot, except that no spaces shall be printed for voter-nominated offices at a general election.

(c) The standard width of columns containing partisan offices, nonpartisan offices, and voter-nominated offices, shall be three inches, ~~but~~ except that an elections official may vary the width of these columns by up to 10 percent more or less than the three-inch standard three-tenths of an inch. However, the The column containing presidential and vice presidential candidates may be as wide as four inches.

(d) ~~Any measures~~ A measure that ~~are~~ is to be submitted to the voters shall be printed in one or more parallel columns to the right of the columns containing the names of candidates and shall be of sufficient width to contain the title and summary of ~~each~~ the measure. To the right of ~~each~~ the title and summary shall be printed, on separate lines, the words "Yes" and "No."

#### **Amends Elections Code 13212**

~~Under~~ Except for a voter-nominated office at a general election, under the designation of each office shall be printed as many blank spaces, defined by light lines or rules at least three-eighths of an inch apart but no more than one-half inch apart, as there are candidates to be nominated or elected to the office.

#### **Amends Elections Code 13230**

(a) If the county elections official determines that, due to the number of candidates and measures that must be printed on the ballot, the ballot will be larger than may be conveniently handled, the county elections official may provide that a nonpartisan ballot shall be given to each partisan voter, together with his or her partisan ballot, and that the material appearing under the heading ~~"Voter Nominated~~ "Voter-Nominated and Nonpartisan Offices" on partisan ballots, as well as the heading itself, shall be omitted from the partisan ballots.

#### **Amends Elections Code 13300**

(a) By at least 29 days before the partisan primary, each county elections official shall prepare a separate sample ~~ballots~~ ballot for each political party and a separate sample nonpartisan ballot, ~~placing them on in each case.~~ The county elections official shall place on each ballot, as applicable, in the order provided in Chapter 2 (commencing with Section 13100), and under the appropriate title of each office, the names of all candidates for whom nomination papers have been duly filed with him or her, or have been certified to him or her by the Secretary of State, to be voted for in his or her county at the partisan primary election.

(b) The sample ~~ballot~~ ballots shall be identical to the official ballots, except as otherwise provided by law. The sample ballots shall be printed on paper of a different texture from the paper to be used for the official ballot.

(c) One sample ballot of the party for which the voter has disclosed a preference, as evidenced by his or her registration, shall be mailed not more than 40 nor fewer than 10 days before the election to each voter entitled to vote at the primary who registered at least 29 days prior to the election ~~not more than 40 nor less than 10 days before the election~~. A nonpartisan sample ballot shall be so mailed to each voter who is not registered as preferring ~~with~~ any of the parties participating in the primary election, provided that on election day ~~any person~~ the voter may, upon request, vote the ballot of a political party if authorized by the party's rules, duly noticed to the Secretary of State.

#### **Amends Elections Code 13302**

(b) In connection with ~~any~~ an election at which a candidate for a voter-nominated office will appear on the ballot, ~~any~~ a qualified political party may submit to the county elections official a list of all candidates for voter-nominated office who will appear on ~~any~~ a ballot in the county in question, and who have been endorsed by the party by whatever lawful mechanism the party adopts for endorsing candidates for voter-nominated office. ~~The~~ If a political party timely submits a list to the county elections official pursuant to this subdivision, the county elections official shall print ~~any such list that is timely received~~ the names of the candidates for voter-nominated office who were endorsed by that political party in the voter information portion of the sample ballot. The party ~~chair~~ chairperson shall provide a written copy of the list of candidates endorsed ~~or nominated~~ by the party not later than 83 days prior to the election at which the candidate for a voter-nominated office will appear on the ballot.

#### **Amends Elections Code 15340**

~~Each~~ Except for a voter-nominated office at a general election, ~~each~~ voter is entitled to write on the ballot the name of any candidate for any public office, including that of President and Vice President of the United States, ~~on the ballot of any election.~~

#### **Amends Elections Code 15402**

(a) Whenever a candidate whose name appears upon the ballot at any election for an office other than a voter-nominated office dies after the 68th day before the election, the votes cast for the deceased candidate shall be counted in determining the results of the election for the office for which the decedent was a candidate. If the deceased candidate receives a majority of the votes cast for the office, he or she shall be considered elected and the office to which he or she was elected shall be vacant at the beginning of the term for which he or she was elected. The vacancy thus created shall be filled in the same manner as if the candidate had died subsequent to taking office for that term.

(b) Whenever a candidate whose name appears on the ballot at any election for a voter-nominated office dies, the votes cast for the deceased candidate shall be counted in determining the results of the election for the office for which the decedent was a candidate. If the deceased candidate receives a majority of the votes cast for the office at the general election, he or she shall be considered elected and the office to which he or she was elected shall be vacant at the beginning of the term for which he or she was elected. The vacancy thus created shall be filled in the same manner as if the candidate had died subsequent to taking office for that term.

#### **Amends Election Code 19301**

(b) With respect to a party-nominated ~~offices~~ office, the designation may be by usual or reasonable abbreviation of party names. With respect to a voter-nominated ~~offices~~ office, the voting machine shall conform to the format specified in subdivision ~~(b)~~ (a) of Section 13105.

#### **Amends Government Code 85312**

For purposes of this title, payments for communications to members, employees, shareholders, or families of members, employees, or shareholders of an organization for the purpose of supporting or opposing a candidate or a ballot measure are not contributions or expenditures, provided those payments are not made for general public advertising such as broadcasting, billboards, and newspaper advertisements. However, payments made by a political party for communications to ~~its members~~ a member who are is registered with as expressing a preference for that party ~~which~~ on his or her affidavit of registration pursuant to Sections 2150, 2151, and 2152 of the Elections Code that would otherwise qualify as contributions or expenditures shall be reported in accordance with Article 2 (commencing with Section 84200) of Chapter 4, and Chapter 4.6 (commencing with Section 84600), of this title.

#### **Amends Government Code 85703**

(c) For purposes of this section, "member communication" means a communication, within the meaning of Section 85312, to members, employees, shareholders, or families of members, employees, or shareholders of an organization, including a communication by a political party to ~~its members~~ a member who are is registered with as expressing a preference for that party on his or her affidavit of registration pursuant to Sections 2150, 2151, and 2152 of the Elections Code.

*SEC. 52. 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:*

## VOTER REGISTRATION

### Assembly Bill 1436 Chapter 497

#### CURRENT PROVISIONS:

Requires that a person may not be registered to vote except by affidavit of registration, and a voter may not vote in an election unless his or her affidavit of registration is executed and received by the county elections official on or before the 15th day prior to the election.

Permits any registered voter to vote by a vote by mail ballot, and further permits any voter using a vote by mail ballot to vote the ballot at the office of the elections official beginning 29 days before the election.

Requires that the affidavit of registration show facts necessary to establish the affiant as an elector, as specified, and provides that if the affiant has not been issued a current and valid driver's license or social security number, he or she shall be provided a unique identification number for voter registration purposes.

Provides that upon conviction for a crime pertaining to an election for which no fine is prescribed, the court may impose, in addition to any prescribed imprisonment, a fine on the offender of not more than \$1,000 for a misdemeanor or \$10,000 for a felony.

#### NEW PROVISIONS:

Establishes conditional voter registration, using an affidavit of registration.

Permits a person to register to vote after the 15th day prior to an election or on election day, and cast a provisional ballot to be counted if the conditional voter registration is deemed effective.

Provides that a conditional voter registration shall be deemed effective if the county elections official is able to determine before or during the canvass period for the election that the registrant is eligible to register to vote and that the registrant has provided information that matches specified state or federal databases.

Provides that if the information provided by the registrant cannot be verified by matching the information to those specified state or federal databases and the registrant is otherwise eligible to vote, the registrant shall be issued a unique identification number pursuant to the above-referenced provisions and the conditional voter registration shall be deemed effective.

Establishes specific criminal and civil penalties for the commission of fraud in the execution of a conditional voter registration pursuant to these provisions.

Requires the county elections official to offer conditional voter registration and provisional voting at its permanent offices, and permits the official to offer this registration and voting at satellite offices on election day, in accordance with specified procedures.

Requires the county elections official to cancel, as specified, duplicate voter registrations that may arise due to conditional voter registration.

Increases the fine to \$25,000 for a person convicted of a crime pertaining to an election for which no fine is prescribed.

#### SECTIONS AFFECTED:

##### 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 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~~ *A mailed* affidavit is postmarked on or before the 15th day prior to the election and received by mail by the county elections official *before the close of the polls on election day*.

(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 ~~(2)~~(1) and ~~(3)~~(2) on or before the 15th day prior to the election.

#### **Adds Section 2170**

(a) *“Conditional voter registration” means a properly executed affidavit of registration, which is delivered by the registrant to a county elections official during the 14 days immediately preceding an election or on election day and which may be deemed effective pursuant to this article after the elections official processes the affidavit, determines the registrant’s eligibility to register, and validates the registrant’s information, as specified in subdivision (c).*

(b) *In addition to other methods of voter registration provided by this code, an elector who is otherwise qualified to register to vote under this code and Section 2 of Article II of the California Constitution may complete a conditional voter registration and cast a provisional ballot during the 14 days immediately preceding an election or on election day pursuant to this article.*

(c) (1) *A conditional voter registration shall be deemed effective if the county elections official is able to determine before or during the canvass period for the election that the registrant is eligible to register to vote and that the information provided by the registrant on the registration affidavit matches information contained in a database maintained by the California Department of Motor Vehicles or the federal Social Security Administration.*

(2) *If the information provided by the registrant on the registration affidavit cannot be verified pursuant to paragraph (1) but the registrant is otherwise eligible to vote, the registrant shall be issued a unique identification number pursuant to Section 2150 and the conditional voter registration shall be deemed effective.*

(d) *The county elections official shall offer conditional voter registration and provisional voting pursuant to this article, in accordance with the following procedures:*

(1) *The elections official shall provide conditional voter registration and provisional voting pursuant to this article at all permanent offices of the county elections official in the county.*

(2) *The elections official shall advise registrants that a conditional voter registration will be effective only if the registrant is determined to be eligible to register to vote for the election and the information provided by the registrant on the registration affidavit is verified pursuant to subdivision (c).*

(3) *The elections official shall conduct the receipt and handling of each conditional voter registration and offer and receive a corresponding provisional ballot in a manner that protects the secrecy of the ballot and allows the elections official to process the registration, to determine the registrant’s eligibility to register, and to validate the registrant’s information before counting or rejecting the corresponding provisional ballot.*

(4) *After receiving a conditional voter registration, the elections official shall process the registration, determine the registrant’s eligibility to register, and attempt to validate the information.*

(5) *If a conditional registration is deemed effective, the elections official shall include the corresponding provisional ballot in the official canvass.*

(e) *The county elections official may offer conditional voter registration and provisional voting pursuant to this article on election day at satellite offices of the county elections office, in accordance with the procedures specified in paragraphs (2) to (5), inclusive, of subdivision (d).*

#### **Adds Elections Code 2171**

(a) *A conditional voter registration accepted under this article shall include the information required by Article 4 (commencing with Section 2150).*

(b) *A conditional voter registration accepted under this article shall be processed in accordance with general voter registration procedures provided in this chapter and established by regulations adopted by the Secretary of State.*

(c) *A provisional ballot cast under this article shall be subject to the requirements for provisional voting in Article 5 (commencing with Section 14310) of Chapter 3 of Division 14.*

#### **Adds Elections Code 2172**

(a) *The elections official shall cancel any duplicate voter registrations that may exist as a result of a conditional registration deemed effective and shall cancel the duplicate registrations in accordance with Chapter 3 (commencing with Section 2200).*

(b) *If it appears that a registrant may have committed fraud within the meaning of Section 18560, the elections official shall immediately notify in writing both the district attorney and the Secretary of State.*

#### **Adds Elections Code 2173**

(a) *Notwithstanding any other law, a person who commits fraud in the execution of a conditional voter registration pursuant to this article shall be punishable by imprisonment in the county jail for up to one year, or a fine up to twenty-five thousand dollars (\$25,000), or by both that fine and imprisonment.*

(b) *In addition to the criminal penalties prescribed in subdivision (a), a person who commits fraud in the execution of a conditional voter registration pursuant to this article shall be subject to a civil fine of an amount up to twenty-five thousand dollars*

(\$25,000). An action for a civil penalty under this subdivision may be brought by the Secretary of State or any public prosecutor with jurisdiction.

(c) Nothing in this section shall preclude the prosecution of a person under any other applicable provision of law.

#### Amends Elections Code 14310

(2) The voter shall be provided a provisional ballot, written instructions regarding the process and procedures for casting the ~~provisional~~ ballot, and a written affirmation regarding the voter's registration and eligibility to vote. The written instructions shall include the information set forth in subdivisions (c) and (d).

(b) Once voted, the voter's ballot shall be sealed in a provisional ballot envelope, and the ballot in its envelope shall be deposited in the ballot box. All provisional ballots voted shall remain sealed in their envelopes for return to the elections official in accordance with the elections official's instructions. The provisional ballot envelopes specified in this subdivision shall be of a color different than the color of, but printed substantially similar to, the envelopes used for vote by mail ballots, and shall be completed in the same manner as vote by mail envelopes.

(c) ~~(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. (2)~~

~~(B) 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 fee shall be charged to the claimant by the clerk of the court for services rendered in an action under this section.

#### Amends Elections Code 18001

Upon a conviction for any crime punishable by imprisonment in any jail or prison, in relation to which no fine is herein prescribed, the court may impose a fine on the offender not exceeding one thousand dollars (\$1,000) in cases of misdemeanors or ~~ten up to twenty-five~~ thousand dollars ~~(\$10,000)~~ (\$25,000) in cases of felonies, in addition to the imprisonment prescribed.

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### ELECTIONS: BALLOT ORDER FOR STATEWIDE MEASURES

#### Assembly Bill 1499 Chapter 30

#### CURRENT PROVISIONS:

Specifies the order in which statewide ballot measures are required to appear on the ballot.

#### NEW PROVISIONS:

Requires that bond measures and constitutional amendments, including those proposed by initiative, appear on the ballot before all other legislative, initiative, and referendum measures.

#### COMMENT:

Became effective 6/27/2012

#### SECTIONS AFFECTED:

#### Amends Elections Code 13115

The order in which all state measures that are to be submitted to the voters shall appear upon the ballot is as follows:

(a) Bond measures, including those proposed by initiative, in the order in which they qualify.

(b) Constitutional amendments, including those proposed by initiative, in the order in which they qualify.

(c) ~~Other legislative~~ Legislative measures, other than those described in subdivision (a) or (b), in the order in which they are approved by the Legislature.

(d) Initiative measures, other than those described in subdivision (a) or (b), in the order in which they qualify.

(e) Referendum measures, in the order in which they qualify.

SEC. 3. The sum of one thousand dollars (\$1,000) is hereby appropriated from the General Fund to the Secretary of State to implement the requirements of this act.

SEC. 4. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

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## STATEMENTS OF ECONOMIC INTEREST

### \*Assembly Bill 1509 Chapter 498

#### SECTIONS AFFECTED:

Adds Section 87505 to the Elections Code

#### CURRENT PROVISIONS:

Requires persons holding specified public offices to file disclosures of investments, real property interests, and income within specified periods of assuming or leaving office, and annually while holding the office.

Specified local elected officers file their statements of economic interests with the city clerk or county clerk, who makes and retains a copy of each statement and forwards the original to the Fair Political Practices Commission, which is the filing officer.

#### NEW PROVISIONS:

Requires a city or county clerk who maintains an Internet Web site to post a notification on that Internet Web site that identifies the elected officers who file statements of economic interests with that city or county clerk.

Requires the notification to include a statement that a copy of a statement of economic interests for those filers can be obtained by visiting the offices of the Commission or the city or county clerk, as specified.

Requires that the notification include a link to the Commission's Internet Web site and a statement that certain statements of economic interests may be available in an electronic format by visiting the Commission's Internet Web site.

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## ELECTION MATERIALS: PUBLIC EXAMINATION: WRIT OF MANDATE

### Assembly Bill 1626 Chapter 191

#### CURRENT PROVISIONS:

Requires the elections official administering a county, municipal, district, or school district election to make a copy of certain election materials available for public examination in his or her office for a period of 10 calendar days immediately following the filing deadline for submission of those documents.

Permits any voter of the jurisdiction in which the election is being held, during that 10-calendar-day public examination period, to seek a writ of mandate or an injunction requiring the amendment or deletion of any or all of the materials. In the case of county and municipal elections, also permits the elections official, himself or herself, to seek the above-described writ of mandate or injunction, as specified.

#### NEW PROVISIONS:

Authorizes the elections official to seek the above-described writ of mandate or injunction in the context of a district or school district election.

#### SECTIONS AFFECTED:

#### Amends Elections Code 9380

(b) (1) During the 10-calendar-day public examination period provided by this section, any voter of the jurisdiction in which the election is being held, or the elections official, himself or herself, may seek a writ of mandate or an injunction requiring any material to be amended or deleted. The writ of mandate or injunction request shall be filed no later than the end of the 10-calendar-day public examination period.

(3) The elections official shall be named as respondent and the person or official who authored the material in question shall be named as real parties in interest. In the case of the elections official bringing the mandamus or injunctive action, the board of supervisors of the county shall be named as the respondent and the person or official who authored the material in question shall be named as the real party in interest.

**Amends Elections Code 9509**

(b) (1) During the 10-calendar-day public examination period provided by this section, any voter of the jurisdiction in which the election is being held, or the elections official, himself or herself, may seek a writ of mandate or an injunction requiring any or all of the materials to be amended or deleted. The writ of mandate or injunction request shall be filed no later than the end of the 10-calendar-day public examination period.

(3) The elections official shall be named as respondent and the person or official who authored the material in question shall be named as real parties in interest. In the case of the elections official bringing the mandamus or injunctive action, the board of supervisors of the county shall be named as the respondent and the person or official who authored the material in question shall be named as the real party in interest.

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**VOTING: POLLING PLACE PROCEDURES**

**Assembly Bill 1724  
Chapter 238**

**CURRENT PROVISIONS:**

Establishes procedures to be followed at polling places on election day.

Provides that a voter may not remain in or occupy a voting booth or compartment longer than is necessary to mark his or her ballot, which may not exceed either 5 or 10 minutes, as specified, but permits a voter to remain for a longer period of time if no other voter would be inconvenienced.

**NEW PROVISIONS:**

Permits a voter to remain for longer than 10 minutes if the voter informs a precinct board member that the voter requires additional time to mark his or her ballot.

If the precinct board member determines that the voter is attempting to interfere with the conduct of the election and does not require additional time to mark his or her ballot, permits the precinct board member to contact the elections official, who would be authorized to order that the voter not be provided with additional time to mark his or her ballot.

**SECTIONS AFFECTED:**

**Amends Elections Code 14224**

(a) Except as provided in Section 14222, a voting booth, booth or compartments, compartment shall not be occupied by more than one person at a time, unless the voter is eligible under the assisted-voter provisions. Voters

(b) (1) Except as provided in paragraph (2), a voter shall not remain in or occupy the booths or compartments a voting booth or compartment longer than is necessary to mark their ballots his or her ballot, which shall not exceed 10 minutes. However, if

(2) If a voter informs a precinct board member that the voter requires additional time to mark his or her ballot, a longer period shall be allowed. However, if the precinct board member determines that the voter is attempting to interfere with the conduct of the election and does not require additional time to mark his or her ballot, the precinct board member may contact the elections official, who may order that the voter not be provided with additional time to mark his or her ballot.

**Repeals Section 19363 of the Elections Code**

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**MILITARY OR OVERSEAS VOTERS**

**Assembly Bill 1805  
Chapter 744**

**CURRENT PROVISIONS:**

Regulates the voting procedures for special absentee voters, defined as members of the Armed Forces, citizens of the United States temporarily living outside of the territorial limits of the United States or District of Columbia, persons serving on a merchant vessel, and a spouse or dependent of a member of the Armed Forces.

Regulates the voting procedures in federal elections with respect to a citizen of the United States residing outside of the territorial limits of the United States who was domiciled in California immediately prior to leaving the territorial limits of the United States.

**NEW PROVISIONS:**

Revise and recast previous provisions, replacing the term "special absentee voter" with the term "military or overseas voter." the term "military or overseas voter" applies to electors absent from the county in which he or she is otherwise eligible to vote and includes a citizen of the United States living outside of the territorial limits of the United States, whether temporarily or permanently, if the citizen was a resident of this state when he or she was last living within the territorial limits of the United States.

Specifies that a citizen of the United States born outside of the territorial limits of the United States whose parent or legal guardian was a resident of California when last living within the territorial limits of the United States, provided that the voter has never been registered to vote in another state, is an elector and therefore a resident for purposes of the constitution and other provisions of the Elections Code.

Applies the voting procedures for citizens of the United States living outside of the territorial limits of the United States in federal elections to military or overseas voters in all elections, including state and local elections.

Specifies the intent of the Legislature to implement the policies of the Uniform Military and Overseas Voters Act, as adopted by the National Conference of Commissioners on Uniform State Laws.

Provides new procedures for military or overseas voters to register to vote, to apply for voting ballots, and to vote.

Requires unvoted voting materials to be electronically transmitted to a military or overseas voter, and expands the use of the federal post card application and federal write-in absentee ballot in the state.

## SECTIONS AFFECTED:

### Amends Elections Code 300

- (a) "Vote by mail voter" means any voter casting a ballot in any way other than at the polling place.
- (b) ~~"Special absentee~~ "Military or overseas voter" means an elector absent from the county in which he or she is otherwise eligible to vote who is any of the following:
- (1) ~~A member of the Armed Forces of the United States or any auxiliary branch thereof~~ active or reserve components of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; a Merchant Marine; a member of the United States Public Health Service Commissioned Corps; a member of the National Oceanic and Atmospheric Administration Commissioned Corps of the United States; or a member on activated status of the National Guard or state militia.
  - (2) A citizen of the United States ~~temporarily living~~ living outside of the territorial limits of the United States or the District of Columbia.
  - (3) ~~Serving on a merchant vessel documented under the laws of the United States.~~
  - (4)
  - (3) A spouse or dependent of a ~~member of the Armed Forces or any auxiliary branch thereof~~ person described in paragraph (1).

### Amends Elections Code 321

- (a) "Elector" means any person who is a United States citizen 18 years of age or older and, except as specified in subdivision (b), is a resident of an election precinct at least 15 days prior to an election.
- (b) "Elector" also means any person described in paragraph (2) of subdivision (b) of Section 300, who, except for the residence requirement specified in subdivision (a), is eligible to vote in this state and meets any of the following conditions:
- (1) He or she was a resident of this state when he or she was last living within the territorial limits of the United States or the District of Columbia.
  - (2) ~~Had he or she been of voting age when he or she was last living within the territorial limits of the United States or the District of Columbia, he or she would have been a resident of this state.~~
  - (3)
  - (2) He or she was born outside of the United States or the District of Columbia, his or her parent or legal guardian was a resident of this state when the parent or legal guardian was last living within the territorial limits of the United States or the District of Columbia, and he or she has not previously registered to vote in any other state.
- (c) Each person qualifying as an elector under subdivision (b) shall be deemed to be a resident of this state for purposes of this code and Section 2 of Article II of the California Constitution.

SEC. 3. The heading of Chapter 2 (commencing with Section 3100) of Division 3 of the Elections Code is amended to read: CHAPTER 2. SPECIAL-ABSENTEE MILITARY AND OVERSEAS VOTERS APPLICATION AND VOTING PROCEDURES

### Amends & Renumbers Elections Code ~~3400~~ 3102

~~When a (a) Any~~ voter who qualifies as a ~~special absentee~~ military or overseas voter pursuant to subdivision (b) of Section 300 ~~applies~~ shall have the right to register for, and to vote by a vote by mail ballot in, any election within the state, including any general, special, or primary election for any federal office, or statewide or state legislative office, and or state ballot measure that is voted on statewide. Any voter who qualifies as a military or overseas voter pursuant to subdivision (b) of Section 300 shall also

have the right to register for, and to vote by a vote by mail ballot in, a local any other election for a local government any office or local ballot measure held in the precinct in which he or she was a resident when he or she was last living within the territorial limits of the United States or the District of Columbia, or, for a military or overseas voter qualified pursuant to paragraph (3) (2) of subdivision (b) of Section 321, in any precinct of the state in which his or her parent or legal guardian resided when the parent or legal guardian last lived within the territorial limits of the United States or the District of Columbia.

(b) When a military or overseas voter applies for a vote by mail ballot, the application shall be deemed to be an affidavit of registration and an application for permanent vote by mail status, pursuant to Chapter 3 (commencing with Section 3200). The application must shall be completed by the voter and must shall contain the voter's name, residence address for voting purposes, the voter's date of birth; the address of the voter's residence in the state when the voter was last living within the territorial limits of the United States or the District of Columbia or, if qualified as a military or overseas voter pursuant to paragraph (3) (2) of subdivision (b) of Section 321, the address of the voter's parent or legal guardian when the parent or legal guardian was last living within the territorial limits of the United States or the District of Columbia; the address to which the ballot is to be sent; the voter's political party for a primary election, preference or a statement that the voter declines to state disclose a political party preference; and the voter's signature.

(c) If an elections official receives a completed federal postcard application from a person qualified as a military or overseas voter, the application shall be deemed to be an affidavit of registration, an application for a vote by mail ballot, and an application for permanent vote by mail status, pursuant to Chapter 3 (commencing with Section 3200).

(d) If the applicant is not a resident of the county to which he or she has applied, the elections official receiving the an application from a military or overseas voter shall forward it immediately to the proper county in which the applicant resided when he or she was last living within the territorial limits of the United States or the District of Columbia or, for a military or overseas voter qualified pursuant to paragraph (3) (2) of subdivision (b) of Section 321, to the county in which his or her parent or legal guardian resided when the parent or legal guardian last lived within the territorial limits of the United States or the District of Columbia.

(e) An application made pursuant to this section shall be received by the elections official having jurisdiction over the election no later than seven days prior to the date of the election if the application is made solely as an application for a vote by mail ballot. An application made pursuant to this section and deemed to be an affidavit of registration shall be effective only if it is received by the elections official postmarked on or before the 15th day prior to the election.

#### **Amends and Renumbers Elections Code 3404 3103**

Upon timely receipt of the an application for a vote by mail ballot received pursuant to Section 3102, the elections official shall examine the application to ascertain that it is properly executed in accordance with this code. If the elections official is satisfied of this fact, the applicant shall be deemed a duly registered voter as of the date appearing on the application to the same extent and with the same effect as though he or she had registered in proper time prior to the election.

#### **Adds Elections Code 3101**

*(a) The Secretary of State shall see that this chapter is enforced pursuant to Section 12172.5 of the Government Code.*

*(b) The Secretary of State shall make available to any person who qualifies as a military or overseas voter information regarding voter registration procedures for military or overseas voters and procedures for casting ballots by military or overseas voters.*

*(c) The elections official for each district shall ensure that his or her jurisdiction has available a system that would allow a military or overseas voter to electronically request and receive a vote by mail application, an unvoted ballot, and other information pursuant to this chapter.*

*(d) The Secretary of State shall develop standardized military or overseas voter voting materials as required by this chapter.*

*(e) The Secretary of State shall prescribe the form and content of a declaration for use by a military or overseas voter to swear or affirm specific representations pertaining to the voter's identity, eligibility to vote, and status as a military or overseas voter, and shall further prescribe requirements for the timely and proper completion of a military or overseas voter's ballot. The declaration shall be based on the declaration prescribed to accompany a federal write-in absentee ballot, as modified to be consistent with this chapter. The elections official for each jurisdiction shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.*

#### **Amends and Renumbers Elections Code 3402 3104**

Applications for the ballots of special absentee military or overseas voters shall be received and, except as provided in Section ~~3403.5~~ 3106, the ballots shall be received and canvassed, at the same time and under the same procedure as vote by mail ballots, insofar as that procedure is not inconsistent with this chapter.

#### **Amends and Renumbers Elections Code 3403 3105**

(a) Any application made pursuant to this chapter that is received by the elections official prior to the 60th day before the election shall be kept and processed on or after the 60th day before the election.

(b) (1) The elections official shall immediately send the military or overseas voter a ballot in a form prescribed and provided by the Secretary of State pursuant to Section 3404. The elections official shall send with the ballot, not earlier than 60 days but not

~~later than 45 days before the election, and shall include with the ballot~~ a list of all candidates who have qualified for the ballot by ~~the 60th day as soon as possible but not later than 45 days before the election~~ and a list of all measures that are to be submitted to the voters and on which the voter is qualified to vote. The voter shall be entitled to write in the name of any specific candidate seeking nomination or election to any office listed on the ballot.

*(2) The military or overseas voter may, in the alternative to the ballot described in provided pursuant to paragraph (1), use a federal write-in absentee ballot to vote in any election in which the military or overseas voter is qualified to vote.*

(d) Except as provided in Section ~~3403.5~~ *3106*, the elections official shall receive and canvass ~~special absentee~~ *military or overseas* voter ballots described in this section under the same procedure as vote by mail ballots, insofar as that procedure is not inconsistent with this section.

(e) In the event that a *military or overseas* voter executes a ~~special absentee~~ ballot pursuant to this section and an application for a vote by mail ballot pursuant to Section ~~3404~~ *3102*, the elections official shall cancel ~~the voter's permanent vote by mail status, and process the application and the ballot~~ in accordance with ~~Chapter 1 (commencing with Section 3000)~~ *this chapter*.

(f) Notwithstanding any other provision of law, a ~~special absentee~~ *military or overseas* voter who qualifies pursuant to this section ~~chapter~~ may, by facsimile transmission, register to vote and apply for a ~~special absentee~~ ballot *pursuant to this section* or a vote by mail ballot. Upon request, the elections official ~~may shall~~ send ~~the ballot~~ to the qualified ~~special absentee~~ *military or overseas* voter either by mail, facsimile, or electronic transmission ~~the special absentee, as requested by the voter, a ballot pursuant to this section or, if available, a vote by mail ballot pursuant to Chapter 1 (commencing with Section 3000). The elections official shall send the vote by mail ballot to the qualified military or overseas voter using the means of transmission either by mail, facsimile, or electronic transmission, as requested by the military or overseas voter, the ballot pursuant to this section or the vote by mail ballot.~~

#### **Amends and Renumbers Elections Code ~~3403.5~~ *3106***

(a) A ~~special absentee~~ *military or overseas* voter who is temporarily living outside of the territorial limits of the United States or the District of Columbia, or is called for military service within the United States on or after the final date to make application for a vote by mail ballot, may return his or her ballot by facsimile transmission. To be counted, the ballot returned by facsimile transmission ~~must shall~~ be received by the voter's elections official no later than the closing of the polls on election day and ~~must shall~~ be accompanied by an identification envelope containing all of the information required by Section 3011 and an oath of voter declaration in substantially the following form:

#### OATH OF VOTER

I, \_\_\_\_\_, acknowledge that by returning my voted ballot by facsimile transmission I have waived my right to have my ballot kept secret. Nevertheless, I understand that, as with any vote by mail voter, my signature, whether on this oath of voter form or my identification envelope, will be permanently separated from my voted ballot to maintain its secrecy at the outset of the tabulation process and thereafter.

My residence address is (Street Address) \_\_\_\_\_ (City) \_\_\_\_\_ (ZIP Code)  
My current mailing address is (Street. Address) \_\_\_\_\_ (City) \_\_\_\_\_ (ZIP Code)

My e-mail address is \_\_\_\_\_. My facsimile transmission number is \_\_\_\_\_.

I am a resident of \_\_\_\_\_ County, State of California, and I have not applied, nor intend to apply, for a vote by *California*, or *am qualified as an elector pursuant to paragraph (2) of subdivision (b) of Section 321 of the Elections Code and I have not applied, nor intend to apply, for a vote by* mail ballot from any other jurisdiction for the same election.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(Signature) \_\_\_\_\_

voter (power of attorney cannot be accepted)

**YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE ABOVE OATH AND INCLUDE IT WITH YOUR BALLOT AND IDENTIFICATION ENVELOPE, ALL OF WHICH ARE RETURNED BY FACSIMILE TRANSMISSION.**

(b) Notwithstanding the voter's waiver of the right to a secret ballot, each elections official shall adopt appropriate procedures to protect the secrecy of ballots returned by facsimile transmission.

(c) Upon receipt of a ballot returned by facsimile transmission, the elections official shall determine the voter's eligibility to vote by comparing the signature on the return information with the signature on the voter's affidavit of registration. The ballot shall be duplicated and all materials preserved according to procedures set forth in this code.

(d) Notwithstanding subdivision (a), a ~~special absentee~~ *military or overseas* voter who is permitted to return his or her ballot by facsimile transmission is, nonetheless, encouraged to return his or her ballot by mail or in person if possible. A ~~special absentee~~ *military or overseas* voter should return a ballot by facsimile transmission only if doing so is necessary for the ballot to be received before the close of polls on election day.

#### **Amends and Renumbers Elections Code ~~3406~~ 3107**

When the application is received by an elections official, other than a county elections official, the elections official receiving it shall, after the election, transmit it to the county elections official who, if the application is not subject to rejection, shall file the original. If an application is rejected, it shall be returned to the applicant with the reason for rejection endorsed on it, together with a new blank application.

#### **Amends and Renumbers Elections Code ~~3407~~ 3108**

If any ~~special-absentee~~ a military or overseas voter who is qualified pursuant to paragraph (1) of subdivision (b) of Section 300 is released from service after the closing date of registration for an election and has returned to the county of his or her residence and is not a registered voter, he or she may apply in person to the elections official for permission to register. If the elector furnishes documentary proof of release from service after the closing date of registration for the election, the elections official shall allow him or her to be registered and to vote in the election. On or before the day of election the elections official shall deliver to the precinct board a list of ~~special-absentee~~ military or overseas voters registered under this section.

#### **Amends and Renumbers Elections Code ~~3408~~ 3109**

If any ~~special-absentee~~ military or overseas voter to whom a vote by mail ballot has been mailed and which ballot has not been voted by him or her returns to the county in which he or she is registered, or for a military or overseas voter qualified pursuant to paragraph ~~(3)~~ (2) of subdivision (b) of Section 321, to the county in which the applicant's parent or legal guardian resided when the parent or legal guardian last lived within the territorial limits of the United States or the District of Columbia on or before election day, he or she may apply for a second vote by mail ballot pursuant to Section 3014. The elections official shall require him or her to sign an authorization to cancel the vote by mail ballot previously issued when it is returned to the county elections official. The elections official shall then issue another vote by mail ballot to the voter, or the elections official shall certify to the precinct board that the voter is eligible to vote in the precinct polling place of his or her residence.

#### **Amends and Renumbers Elections Code ~~3409~~ 3110**

If any ~~special-absentee~~ military or overseas voter returns to the county of his or her residence, or for a military or overseas voter qualified pursuant to paragraph ~~(3)~~ (2) of subdivision (b) of Section 321, to the county in which the applicant's parent or legal guardian resided when the parent or legal guardian last lived within the territorial limits of the United States or the District of Columbia, after the final day for making application for a vote by mail ballot, he or she may appear before the elections official and make application for registration, vote by mail ballot, or both. The elections official shall register the voter, if he or she is not registered, and deliver to him or her a vote by mail ballot which may be voted in the elections official's office or voted outside the elections official's office on or before the close of the polls on the day of election and returned as are other vote by mail ballots.

#### **Amends and Renumbers Elections Code ~~3440~~ 3111**

If a ~~special-absentee~~ military or overseas voter is unable to appear at his or her polling place because of being recalled to service after the final day for making application for a vote by mail ballot, but before 5 p.m. on the day before the day of election, he or she may appear before the elections official in the county in which the ~~special-absentee~~ military or overseas voter is registered or, if within the state, in the county in which he or she is recalled to service and make application for a vote by mail ballot, which may be submitted by facsimile, or by e-mail or online transmission if the elections official makes the transmission option available. The elections official shall deliver to him or her a vote by mail ballot which may be voted in the elections official's office or voted outside the elections official's office on or before the close of the polls on the day of election and returned as are other vote by mail ballots. To be counted, the ballot ~~must~~ shall be returned to the elections official's office in person, by facsimile transmission, or by an authorized person on or before the close of the polls on the day of the election. If the ~~special-absentee~~ military or overseas voter appears in the county in which he or she is recalled to service, rather than the county to which he or she is registered, the elections official shall coordinate with the elections official in the county in which the ~~special-absentee~~ military or overseas voter is registered to provide the ~~absentee~~ ballot that contains the appropriate measures and races for the precinct in which the ~~special-absentee~~ military or overseas voter is registered.

#### **Amends and Renumbers Elections Code ~~3444~~ 3112**

Whenever by any statute of the United States, provision is made for vote by mail, an application for a vote by mail ballot made under that law may be given the same effect as an application for a vote by mail ballot made under this code.

If, by any federal statute, provision is made for the transmission of applications for vote by mail status to the Secretary of State, he or she shall transmit the applications to the county elections official of the county in which the applicant claims residence, or for a military or overseas voter qualified pursuant to paragraph ~~(3)~~ (2) of subdivision (b) of Section 321, to the county in which the applicant's parent or legal guardian resided when the parent or legal guardian last lived within the territorial limits of the United States or the District of Columbia.

#### **Amends and Renumbers Elections Code ~~3442~~ 3113**

If by any act of Congress which is now or may become effective during the effective period of this section, provision is made for voting by ~~special-absent voter~~ military or overseas voters, that act shall control and be superior to any conflicting provisions of this code, and all state, county, municipal, and district officers who are charged with the performance of duties with reference to

the election laws of this state shall perform the duties and discharge the obligations placed upon them by that act of Congress. It is the purpose and intent of this section that full effect shall be given to ballots cast by ~~special absentee~~ military or overseas voters under federal statutes in order that no person shall be deprived of his or her vote by virtue of having cast his or her ballot under any federal statute rather than under the laws of this state.

#### **Adds Elections Code 3114**

*(a) For an election for which this state has not received a waiver pursuant to the Military and Overseas Voter Empowerment Act (42 U.S.C. Sec. 1973ff et seq.), not sooner than 60 days but not later than 45 days before the election or, if the 45th day before the election is a weekend or holiday, not later than the business day preceding the 45th day, the elections official shall transmit a ballot and balloting materials to each military or overseas voter who by that date submits a valid application pursuant to Section 3102.*

*(b) If a ballot application from a military or overseas voter arrives after the 45th day before the election, the elections official charged with distributing a ballot and balloting materials to that voter shall transmit them to the voter as soon as practicable after the application arrives.*

#### **Adds Elections Code 3116**

*A military or overseas voter may use a federal write-in absentee ballot to vote for all offices and ballot measures described in subdivision (a) of Section 3102.*

#### **Adds 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.*

#### **Adds Elections Code 3118**

*The elections official shall include with the ballot a declaration to be signed by the military or overseas voter that a material misstatement of fact in completing the ballot may be grounds for a conviction of perjury under the laws of this state or the United States.*

#### **Adds Elections Code 3119**

*Elections officials shall implement an electronic free access system by which a military or overseas voter may determine by telephone, electronic mail, or Internet whether the military or overseas voter's ballot has been received.*

#### **Adds 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. An elections official shall provide 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.*

#### **Adds Elections Code 3121**

*(a) As soon as practicable before an election, each elections official shall publish on his or her Internet Web site a list of all of the ballot measures and federal, state, and local offices that, as of that date, the elections official expects to be on the ballot on the date of the election. The list shall also contain specific instructions for how a voter is to indicate on a federal write-in absentee ballot the voter's choice for each office to be filled and for each ballot measure to be contested.*

*(b) A military or overseas voter may request a copy of the list described in subdivision (a). The elections official shall send the list to the voter by facsimile, electronic mail, or regular mail, as the voter requests.*

*(c) Not later than 60 days before a regularly scheduled election and as soon as practicable before a special election, the elections official shall update on his or her Internet Web site the list described in subdivision (a) with the certified candidates for each office and certified ballot measures and make the updated list publicly available.*

#### **Adds Elections Code 3122**

*(a) If a military or overseas voter's mistake or omission in the completion of a document under this chapter does not prevent determining whether a military or overseas voter is eligible to vote, the mistake or omission does not invalidate the document. Failure to satisfy a nonsubstantive requirement, such as using paper or envelopes of a specified size or weight, does not invalidate a document submitted under this chapter. In a write-in ballot authorized by this chapter, if the intention of the voter is discernible under this state's uniform definition of what constitutes a vote and the ballot is eligible to be counted pursuant to Sections 3019 and 3106, an abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be accepted as a valid vote.*

*(b) Notarization is not required for the execution of a document under this chapter. An authentication, other than the declaration specified in Section 3106, 3117, or 3118 or the declaration on the federal postcard application and federal write-in*

absentee ballot, is not required for execution of a document under this chapter. The declaration and any information in the declaration may be compared with information on file to ascertain the validity of the document.

#### **Adds Elections Code 3123**

*A court may issue an injunction or grant other equitable relief appropriate to ensure substantial compliance with, or enforce, this chapter on application by either of the following:*

- (a) A military or overseas voter.*
- (b) An elections official in this state.*

#### **Repeals Section 3104 and Chapter 4 (commencing with Section 3300) of Division 3 of the Elections Code**

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### **COUNTY, CITY, AND DISTRICT INITIATIVE PETITIONS**

#### **Assembly Bill 1851**

#### **Chapter 240**

#### **CURRENT PROVISIONS:**

Permits a proposed ordinance to be submitted to a county board of supervisors, a legislative body of a city, or a governing board of a district by filing an initiative petition with the appropriate elections official, signed by not less than a specified number of voters.

Specifies that before a proponent of a county or city initiative measure may circulate an initiative petition for signatures, he or she is required to file specified materials with the elections official, including a notice of intention to do so and the written text of the initiative.

Specifies that before a proponent of a district initiative measure may circulate an initiative petition for signatures, he or she is required to publish or post a notice of intention to do so and a statement of the reasons for the initiative petition.

#### **NEW PROVISIONS:**

Requires an elections official to retain at his or her office specified materials filed by the proponents of the measure and to furnish a copy of those materials to any person upon request.

Permits an elections official to charge a fee to a person obtaining copies of these materials, not exceed the actual cost incurred by the elections official in providing the copies.

Requires a proponent of a district initiative measure to file specified materials, including the written text of the measure, with the district elections official prior to circulating the initiative petition for signatures.

#### **SECTIONS AFFECTED:**

#### **Adds Elections Code 9103.5**

*From the time materials pertaining to an initiative petition are filed pursuant to Section 9103 until the day after the county elections official determines that the initiative petition does not contain the minimum number of signatures required, the day after the election at which the initiative measure is put before the voters, or the day after the proposed ordinance is adopted by the board of supervisors after being submitted to the board of supervisors pursuant to Section 9101, as applicable, the county elections official shall do both of the following:*

*(a) Keep on file at his or her office the notice of intention, written text of the initiative, and request for a ballot title and summary that the proponents of the initiative measure filed with the county elections official pursuant to Section 9103.*

*(b) Furnish copies of the materials he or she is required to keep on file pursuant to subdivision (a) to any person upon request. The county elections official may charge a fee to a person obtaining copies pursuant to this subdivision. The fee may not exceed the actual cost incurred by the county elections official in providing the copies.*

#### **Adds Elections Code 9202.5**

*From the time materials pertaining to an initiative petition are filed pursuant to Section 9202 until the day after the elections official determines that the initiative petition does not contain the minimum number of signatures required, the day after the election at which the initiative measure is put before the voters, or the day after the proposed ordinance is adopted by the legislative body of the city after being submitted to the legislative body of the city pursuant to Section 9201, as applicable, the elections official shall do both of the following:*

*(a) Keep on file at his or her office the notice of intention, written text of the initiative, and written statement setting forth the reasons for the proposed petition, if any, that the proponents of the initiative measure filed with the elections official pursuant to Section 9202.*

(b) Furnish copies of the materials he or she is required to keep on file pursuant to subdivision (a) to any person upon request. The elections official may charge a fee to a person obtaining copies pursuant to this subdivision. The fee may not exceed the actual cost incurred by the elections official in providing the copies.

#### **Amends Elections Code 9304**

Within 10 days after the date of publication or posting, or both, of the notice of intention and statement *of the reasons for the proposed petition*, the proponents shall file *with the district elections official* a copy of the notice and statement as published or posted, or both, together with *the written text of the initiative and* an affidavit made by a representative of the newspaper in which the notice was published or, if the notice was posted, by a voter of the district certifying to the fact of publication or posting. ~~The affidavit, together with a copy of the notice of intention and statement, shall be filed with the district elections official.~~

#### **Adds Elections Code 9304.5**

*From the time materials pertaining to an initiative petition are filed pursuant to Section 9304 until the day after the district elections official determines that the initiative petition does not contain the minimum number of signatures required, the day after the election at which the initiative measure is put before the voters, or the day after the proposed ordinance is adopted by the governing board of the district after being submitted to the governing board of the district pursuant to Section 9301, as applicable, the district elections official shall do both of the following:*

(a) *Keep on file at his or her office the notice of intention, statement of the reasons for the proposed petition, written text of the initiative, and affidavit of publication or posting that the proponents of the initiative measure filed with the district elections official pursuant to Section 9304.*

(b) *Furnish copies of the materials he or she is required to keep on file pursuant to subdivision (a) to any person upon request. The district elections official may charge a fee to a person obtaining copies pursuant to this subdivision. The fee may not exceed the actual cost incurred by the district elections official in providing the copies.*

#### **Amends Elections Code 9305**

~~After the publication or posting, or both, filing a copy of the notice of intention and, statement of the reasons for the proposed petition, written text of the initiative, and affidavit of publication or posting with the district elections official pursuant to Section 9304,~~ the petition may be circulated among the voters of the district for signatures by any person who is a voter or who is qualified to register to vote in the district. Each section of the petition shall bear a copy of the notice of intention and statement.

#### **Amends Elections Code 9306**

Signatures upon petitions and sections thereof shall be secured, and the petition, together with all sections thereof, shall be filed within 180 days from the date of ~~publication or posting, or both, of the notice of intention and statement~~ *filing the materials specified in Section 9304 with the district elections official*. If the petitions are not filed within the time permitted by this section, the petition and its sections shall be void for all purposes.

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## **ELECTIONS: CASTING BALLOTS**

### **Assembly Bill 1929 Chapter 694**

#### **CURRENT PROVISIONS:**

Prohibits the use of a voting system for an election unless it has been approved as meeting specified criteria by the Secretary of State prior to the election.

Defines a voting system as any mechanical, electromechanical, or electronic system and its software, or any combination of these used to cast or tabulate votes, or both.

#### **NEW PROVISIONS:**

Exempts from the definition of a "voting system" a ballot marking system.

Defines a ballot marking system to mean a mechanical, electromechanical, or electronic system and its software that is used for the sole purpose of marking a ballot for a special absentee voter and that is not connected to a voting system at any time.

Requires the Secretary of State to study and adopt regulations governing the use of ballot marking systems.

Establishes procedures to govern the approval of ballot marking systems by the Secretary of State.

Prohibits the use of a ballot marking system at an election until it has been approved by the Secretary of State as meeting prescribed criteria.

## SECTIONS AFFECTED:

### Adds Elections Code 303.3

"Ballot marking system" means any mechanical, electromechanical, or electronic system and its software that is used for the sole purpose of marking a ballot for a special absentee voter and is not connected to a voting system at any time.

### Amends Elections Code 362

"Voting system" means ~~any a~~ a mechanical, electromechanical, or electronic system and its software, or any combination of these used ~~to cast or tabulate~~ for casting a ballot, tabulating votes, or both. "Voting system" does not include a ballot marking system.

### Amends Elections Code 19100

The Secretary of State shall study and adopt regulations governing the use of voting machines, voting devices, ~~and~~ vote tabulating devices, and ballot marking systems.

### Amends Elections Code 19103

(a) (1) No later than 10 business days after the Secretary of State approves the use of a new or updated voting system, the vendor of the voting system shall cause an exact copy of the approved source code for each component of the voting system, including complete build and configuration instructions and related documents for compiling the source code into object code, to be transferred directly from the United States Election Assistance Commission or the voting system testing laboratory, which evaluated the voting system and is accredited by the United States Election Assistance Commission, and deposited into an approved escrow facility.

(2) No later than 10 business days after the Secretary of State approves the use of a new or updated ballot marking system, the vendor of the ballot marking system shall cause an exact copy of the approved source code for each component of the ballot marking system, including complete build and configuration instructions and related documents for compiling the source code into object code, to be deposited into an approved escrow facility.

(b) The Secretary of State shall adopt regulations relating to all of the following:

(1) The definition of source code components of a voting system or ballot marking system, including source code for all firmware and software of the voting system or ballot marking system. Firmware and software shall include commercial off-the-shelf or other third-party firmware and software that is available and able to be disclosed by the vendor of the voting system or ballot marking system.

(2) Specifications for the escrow facility, including security and environmental specifications necessary for the preservation of the voting system or ballot marking system source codes.

(3) Procedures for submitting voting system or ballot marking system source codes.

(4) Criteria for access to voting system or ballot marking system source codes.

(5) Requirements for the vendor to include in the materials deposited in escrow build and configuration instructions and documents so that a neutral third party may create, from the source codes in escrow, executable object codes identical to the code installed on approved voting systems or ballot marking systems.

(c) The Secretary of State shall have reasonable access to the materials placed in escrow, under the following circumstances:

(1) In the course of an investigation or prosecution regarding vote counting or ballot marking equipment or procedures.

(2) Upon a finding by the Secretary of State that an escrow facility or escrow company is unable or unwilling to maintain materials in escrow in compliance with this section.

(3) In order to fulfill the provisions of this chapter related to the examination and approval of voting systems or ballot marking systems.

(4) In order to verify that the software on a voting system, voting machine, ~~or~~ vote tabulating device, or ballot marking system is identical to the approved version.

(5) For any other purpose deemed necessary to fulfill the provisions of this code or Section 12172.5 of the Government Code.

(d) The Secretary of State may seek injunctive relief requiring the elections officials, approved escrow facility, or any vendor or manufacturer of a voting machine, voting system, ~~or~~ vote tabulating device, or ballot marking system to comply with this section and related regulations. Venue for a proceeding under this section shall be exclusively in Sacramento County.

(e) This section applies to all elections.

### Adds Elections Code 19260

*The Secretary of State shall not approve any ballot marking system, or part of a ballot marking system, unless it fulfills the requirements of this code and the regulations of the Secretary of State.*

### Adds Elections Code 19261

*(a) A ballot marking system, in whole or in part, shall not be used unless it has received the approval of the Secretary of State prior to the election at which it is to be first used.*

*(b) A jurisdiction shall not purchase or contract for a ballot marking system, in whole or in part, unless it has received the approval of the Secretary of State.*

#### **Adds Elections Code 19262**

(a) A person or corporation owning or having an interest in a ballot marking system or a part of a ballot marking system may apply to the Secretary of State to examine it and report on its accuracy and efficiency to fulfill its purpose. As part of its application, the vendor of a ballot marking system or a part of a ballot marking system shall notify the Secretary of State in writing of any known defect, fault, or failure of the version of the hardware, software, or firmware of the ballot marking system or a part of the ballot marking system submitted. The Secretary of State shall not begin his or her examination until he or she receives a completed application from the vendor of the ballot marking system or a part of the ballot marking system. The vendor shall also notify the Secretary of State in writing of any defect, fault, or failure of the version of the hardware, software, or firmware of the ballot marking system or a part of the ballot marking system submitted that is discovered after the application is submitted and before the Secretary of State submits the report required by Section 19267. The Secretary of State shall complete his or her examination without undue delay.

(b) After receiving a vendor's written notification of a defect, fault, or failure, the Secretary of State shall notify the United States Election Assistance Commission or its successor entity of the problem as soon as practicable so as to present a reasonably complete description of the problem. The Secretary of State shall subsequently submit a report regarding the problem to the United States Election Assistance Commission or its successor entity. The report shall include any report regarding the problem submitted to the Secretary of State by the vendor.

(c) The following definitions apply for purposes of this chapter:

(1) "Defect" means any flaw in the hardware or documentation of an approved or conditionally approved ballot marking system that could result in a state of unfitness for use or nonconformance to the manufacturer's specifications.

(2) "Failure" means a discrepancy between the external results of the operation of any software or firmware in an approved or conditionally approved ballot marking system and the manufacturer's product requirements for that software or firmware.

(3) "Fault" means a step, process, or data definition in any software or firmware in an approved or conditionally approved ballot marking system that is incorrect under the manufacturer's program specification.

#### **Adds Elections Code 19263**

The Secretary of State may make all arrangements for the time and place to examine ballot marking systems proposed to be sold in this state. He or she shall furnish a complete report of the findings of the examining engineers to the Governor and the Attorney General.

#### **Adds Elections Code 19264**

(a) Prior to giving his or her decision approving or withholding approval of any ballot marking system, the Secretary of State shall hold a public hearing to give interested persons an opportunity to express their views for or against the system.

(b) The Secretary of State shall give notice of the hearing in the manner prescribed in Section 6064 of the Government Code in a newspaper of general circulation published in Sacramento County. The Secretary of State shall also transmit written notice of the hearing, at least 30 days prior to the hearing, to each county elections official, to any person that the Secretary of State believes will be interested in the hearing, and to any person who requests, in writing, notice of the hearing.

(c) The decision of the Secretary of State, either approving or withholding approval of a ballot marking system, shall be in writing and shall state the findings of the Secretary of State. The decision shall be open to public inspection.

#### **Adds Elections Code 19265**

The Secretary of State shall establish the specifications for and the regulations governing ballot marking systems, and the related software. The criteria for establishing the specifications and regulations shall include, but not be limited to, the following:

(a) The system and its software shall be suitable for the purpose for which it is intended.

(b) The system shall preserve the secrecy of the ballot.

(c) The system shall be safe from fraud or manipulation.

#### **Adds Elections Code 19266**

For the purpose of assistance in examining a ballot marking system, the Secretary of State may employ not more than three expert electronic technicians at a cost to be set by the Secretary of State. The compensation of the electronic technicians shall be paid by the person or corporation submitting the ballot marking system. The Secretary of State may require the person or corporation submitting the ballot marking system to deposit sufficient funds to guarantee the payment of the examination charges. The Secretary of State may deposit the funds in an appropriate treasury trust account and, within 30 days after his or her report of examination, draw a refund check to the credit of the person or corporation for any amount in excess of costs.

#### **Adds Elections Code 19267**

Within 30 days after completing the examination of any ballot marking system, the Secretary of State shall place on file a report stating whether, in his or her opinion, the kind of ballot marking system examined can safely be used. The report shall also contain a written or printed description and drawings and photographs clearly identifying the system and its operation.

#### **Adds Elections Code 19268**

If the report states that the ballot marking system can be used, it shall be deemed approved by the Secretary of State and systems of its kind may be adopted for use at elections.

#### **Adds Elections Code 19269**

*Within 10 days after filing the report, the Secretary of State shall send a copy to the board of supervisors of each county.*

#### **Adds Elections Code 19270**

(a) *When a ballot marking system has been approved by the Secretary of State, the vendor shall notify the Secretary of State and all local elections officials who use the system in writing of any defect, fault, or failure of the hardware, software, or firmware of the system or a part of the system within 30 calendar days after the vendor learns of the defect, fault, or failure.*

(b) *After receiving a vendor's written notification of a defect, fault, or failure pursuant to subdivision (a), the Secretary of State shall notify the United States Election Assistance Commission or its successor entity of the problem as soon as practicable so as to present a reasonably complete description of the problem. The Secretary of State shall subsequently submit a report regarding the problem to the United States Election Assistance Commission or its successor entity. The report shall include any report regarding the problem submitted to the Secretary of State by the vendor.*

#### **Adds Elections Code 19271**

*When a ballot marking system has been approved by the Secretary of State, it shall not be changed or modified until the Secretary of State has been notified in writing and has determined that the change or modification does not impair its accuracy and efficiency sufficient to require a reexamination and reapproval pursuant to this chapter. The Secretary of State may adopt rules and regulations governing the procedures to be followed in making his or her determination as to whether the change or modification impairs accuracy or efficiency.*

#### **Adds Elections Code 19272**

*The Secretary of State may seek injunctive and administrative relief when a ballot marking system has been compromised by the addition or deletion of hardware, software, or firmware without prior approval or is defective due to a known hardware, software, or firmware defect, fault, or failure that has not been disclosed pursuant to Section 19270.*

#### **Adds Elections Code 19273**

(a) *The Secretary of State may seek all of the following relief for an unauthorized change in hardware, software, or firmware in a ballot marking system approved or conditionally approved in California:*

(1) *A civil penalty from the offending party or parties, not to exceed ten thousand dollars (\$10,000) per violation. For purposes of this subdivision, each ballot marking system component found to contain the unauthorized hardware, software, or firmware shall be considered a separate violation. A penalty imposed pursuant to this subdivision shall be apportioned 50 percent to the county in which the violation occurred, if applicable, and 50 percent to the Office of the Secretary of State for purposes of bolstering ballot marking system security efforts.*

(2) *Immediate commencement of proceedings to withdraw approval for the ballot marking system in question.*

(3) *Prohibiting the manufacturer or vendor of a ballot marking system from doing elections-related business in the state for one, two, or three years.*

(4) *Refund of all moneys paid by a local agency for a ballot marking system or a part of a ballot marking system that is compromised by an unauthorized change or modification, whether or not the ballot marking system has been used in an election.*

(5) *Any other remedial actions authorized by law to prevent unjust enrichment of the offending party.*

(b) (1) *The Secretary of State may seek all of the following relief for a known but undisclosed defect, fault, or failure in a ballot marking system or part of a ballot marking system approved or conditionally approved in California:*

(A) *Refund of all moneys paid by a local agency for a ballot marking system or part of a ballot marking system that is defective due to a known but undisclosed defect, fault, or failure, whether or not the ballot marking system has been used in an election.*

(B) *A civil penalty from the offending party or parties, not to exceed fifty thousand dollars (\$50,000) per violation. For purposes of this subdivision, each defect, fault, or failure shall be considered a separate violation. A defect, fault, or failure constitutes a single violation regardless of the number of ballot marking system units in which the defect, fault, or failure is found.*

(C) *In addition to any other penalties or remedies established by this section, the offending party or parties shall be liable in the amount of one thousand dollars (\$1,000) per day after the applicable deadline established in Section 19270 until the required disclosure is filed with the Secretary of State.*

(2) *A penalty imposed pursuant to subparagraph (B) or (C) of paragraph (1) shall be deposited in the General Fund.*

(c) *Prior to seeking any measure of relief under this section, the Secretary of State shall hold a public hearing. The Secretary of State shall give notice of the hearing in the manner prescribed by Section 6064 of the Government Code in a newspaper of general circulation published in Sacramento County. The Secretary of State also shall transmit written notice of the hearing, at least 30 days prior to the hearing, to each county elections official, the offending party or parties, any persons that the Secretary of State believes will be interested in the hearing, and any persons who request, in writing, notice of the hearing.*

(d) *The decision of the Secretary of State, to seek relief under this section, shall be in writing and state his or her findings. The decision shall be open to public inspection.*

**Adds Elections Code 19274**

*(a) The Secretary of State may seek injunctive relief requiring an elections official, or any vendor or manufacturer of a ballot marking system, to comply with the requirements of this code, the regulations of the Secretary of State, and the specifications for the ballot marking system, and its software, including the programs and procedures for vote marking and testing.*

*(b) Venue for a proceeding under this section shall be exclusively in Sacramento County.*

**Adds Elections Code 19275**

*A ballot marking system or part of a ballot marking system shall not do any of the following:*

*(a) Have the capability, including an optional capability, to use a remote server to mark a voter's selections transmitted to the server from the voter's computer via the Internet.*

*(b) Have the capability, including an optional capability, to store any voter identifiable selections on any remote server.*

*(c) Have the capability, including the optional capability, to tabulate votes.*

~~SEC. 2.~~ SEC. 6. 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 to avoid delays, prior to the upcoming statewide general election, that are caused by current voting systems that disenfranchise *overseas voters and* United States military personnel serving overseas by preventing ballots from being returned to elections officials in time to be counted, it is necessary that this act take effect immediately.

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**STATEMENTS OF ECONOMIC INTERESTS: ELECTRONIC FILING**

**\*Assembly Bill 2062  
Chapter 500**

**SECTIONS AFFECTED:**

Adds Section 87500.2 to the Government Code

**CURRENT PROVISIONS:**

Existing law establishes, until December 31, 2012, a pilot program authorizing specified local government agencies to develop and implement a system for the electronic filing of statements of economic interests by certain public officials, as specified.

Provides that a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties.

**NEW PROVISIONS:**

Authorizes all agencies to permit the electronic filing of a statement of economic interests, in accordance with regulations adopted by the Fair Political Practices Commission.

Requires the Commission to approve and certify an electronic filing system proposed by an agency, upon payment by the agency of a fee of \$1,000 to the Commission, if the system meets prescribed requirements.

Exempts the city and counties that participated in the existing pilot program from paying the \$1,000 fee.

Authorizes the Commission to conduct discretionary audits of an agency's electronic filing system to evaluate its performance and compliance with the requirements of this bill.

Requires the Commission to accept electronic copies of statements of economic interests forwarded to it by an agency that has received an electronically filed statement from filers.

Authorizes a city or county that developed an electronic filing system pursuant to the pilot program to continue to use that system during the time it takes the Commission to adopt the regulations to govern the electronic filing system program, and requires the city or county to submit a description of its electronic filing system to the Commission for approval and certification after the Commission's regulations take effect, as specified.

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**VOTE BY MAIL BALLOTS**

**Assembly Bill 2080  
Chapter 501**

#### CURRENT PROVISIONS:

Specifies that a vote by mail voter who is unable to return his or her ballot due to illness or physical disability may designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household to return the ballot to the specified elections official or precinct board member.

#### NEW PROVISIONS:

Deletes the requirement that a vote by mail voter be ill or physically disabled in order to designate one of the above-mentioned persons to return his or her marked ballot.

#### SECTIONS AFFECTED:

##### Amends Elections Code 3017

(a) All vote by mail ballots cast under this division shall be voted on or before the day of the election. After marking the ballot, the vote by mail voter shall do either of the following: (1) return the ballot by mail or in person to the elections official from whom it came or (2) return the ballot in person to ~~any a~~ member of a precinct board at ~~any a~~ polling place within the jurisdiction. However, a vote by mail voter who, ~~because of illness or other physical disability~~, is unable to return the ballot ~~;~~ may designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household as the vote by mail voter to return the ballot to the elections official from whom it came or to the precinct board at ~~any a~~ polling place within the jurisdiction. The ballot must, however, be received by either the elections official from whom it came or the precinct board before the close of the polls on election day.

(b) The elections official shall establish procedures to ensure the secrecy of ~~any a~~ ballot returned to a precinct polling place and the security, confidentiality, and integrity of any personal information collected, stored, or otherwise used pursuant to this section.

(d) The provisions of this section are mandatory, not directory, and ~~no a~~ ballot shall not be counted if it is not delivered in compliance with this section.

(e) Notwithstanding subdivision (a), ~~no a~~ vote by mail voter's ballot shall not be returned by ~~any a~~ paid or volunteer worker of ~~any a~~ general purpose committee, controlled committee, independent expenditure committee, political party, candidate's campaign committee, or any other group or organization at whose behest the individual designated to return the ballot is performing a service. However, this subdivision ~~shall~~ does not apply to a candidate or a candidate's spouse.

##### SEC. 1.5.

(a) All vote by mail ballots cast under this division shall be voted on or before the day of the election. After marking the ballot, the vote by mail voter shall do either of the following: (1) return the ballot by mail or in person to the elections official ~~from whom it came who issued the ballot~~ or (2) return the ballot in person to ~~any a~~ member of a precinct board at ~~any a~~ polling place within the jurisdiction state. However, a vote by mail voter who, ~~because of illness or other physical disability~~, is unable to return the ballot ~~;~~ may designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household as the vote by mail voter to return the ballot to the elections official ~~from whom it came who issued the ballot~~ or to the precinct board at ~~any a~~ polling place within the jurisdiction state. The ballot must, however, be received by either the elections official ~~from whom it came who issued the ballot~~ or ~~the a~~ precinct board before the close of the polls on election day. If a vote by mail ballot is returned to a precinct board at a polling place located in a county that is not the county of the elections official who issued the ballot, the elections official for the county in which the vote by mail ballot is returned shall forward the ballot to the elections official who issued the ballot.

(b) The elections official shall establish procedures to ensure the secrecy of ~~any a~~ ballot returned to a precinct polling place and the security, confidentiality, and integrity of ~~any~~ personal information collected, stored, or otherwise used pursuant to this section.

(d) The provisions of this section are mandatory, not directory, and ~~no a~~ ballot shall not be counted if it is not delivered in compliance with this section.

(e) Notwithstanding subdivision (a), ~~no a~~ vote by mail voter's ballot shall not be returned by ~~any a~~ paid or volunteer worker of ~~any a~~ general purpose committee, controlled committee, independent expenditure committee, political party, candidate's campaign committee, or any other group or organization at whose behest the individual designated to return the ballot is performing a service. However, this subdivision ~~shall~~ does not apply to a candidate or a candidate's spouse.

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## COUNTY CENTRAL COMMITTEES

### Assembly Bill 2191 Chapter 502

#### CURRENT PROVISIONS:

The Political Reform Act of 1974 requires elected officers, candidates for elective office, and committees to prepare and file various campaign finance reports, as specified.

The act imposes limitations on contributions by persons to candidates for elective state office and permits local jurisdictions to impose additional contribution limitations, as specified. The act also authorizes a local agency to impose additional filing requirements on a person, except as specified.

**NEW PROVISIONS:**

Exempts an elected member of, or a candidate for election to, a county central committee of a qualified political party who receives contributions of less than \$1,000 and who makes expenditures of less than \$1,000 in a calendar year from the requirements to file specified campaign statements, and prohibits a local government agency from imposing any filing requirements on those elected member.

Prohibits a local jurisdiction from imposing any contribution limitations or prohibitions on an elected member of, or a candidate for election to, a county central committee of a qualified political party, or on a committee primarily formed to support or oppose a person seeking election to a county central committee of a qualified political party.

**SECTIONS AFFECTED:**

**Adds Elections Code 84207**

(a) *An elected member of, or a candidate for election to, a county central committee of a qualified political party who receives contributions of less than one thousand dollars (\$1,000) and who makes expenditures of less than one thousand dollars (\$1,000) in a calendar year shall not be required to file any campaign statements required by this title.*

(b) *Notwithstanding Sections 81009.5 and 81013, a local government agency shall not impose any filing requirements on an elected member of, or a candidate for election to, a county central committee of a qualified political party who receives contributions of less than one thousand dollars (\$1,000) and who makes expenditures of less than one thousand dollars (\$1,000) in a calendar year.*

**Amends Elections Code 85703**

(a) Nothing in this act shall nullify contribution limitations or prohibitions of any local jurisdiction that apply to elections for local elective office, except that these limitations and prohibitions may not conflict with ~~the provisions of Section 85312.~~ *However, a local jurisdiction shall not impose any contribution limitations or prohibitions on elected members of, or candidates for election to, a county central committee of a qualified political party, or on a committee primarily formed to support or oppose a person seeking election to a county central committee of a qualified political party.*

(b) Limitations and prohibitions imposed by a local jurisdiction on payments for a member communication, as defined in subdivision (c), that conflict with Section 85312 and which are thereby prohibited by subdivision (a) include, but are not limited to, any of the following:

(1) Source restrictions on payments for member communications that are not expressly made applicable to member communications by a state statute or by a regulation adopted by the ~~commission~~ *Commission* pursuant to Section 83112.

(2) Limitations on payments to a political party committee for a member communication that are not expressly made applicable to member communications by a state statute or by a regulation adopted by the ~~commission~~ *Commission* pursuant to Section 83112.

(3) Limitations on the scope of payments considered directly related to the making of a member communication, including costs associated with the formulation, design, production, and distribution of the communication such as surveys, list acquisition, and consulting fees that are not expressly made applicable to member communications by a state statute or by a regulation adopted by the ~~commission~~ *Commission* pursuant to Section 83112.

(c) For purposes of this section, "member communication" means a communication, within the meaning of Section 85312, to members, employees, shareholders, or families of members, employees, or shareholders of an organization, including a communication by a political party to its members who are registered with that party.

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**ELECTIVE OFFICE: FELONY CONVICTION**

**\*Assembly Bill 2410  
CHAPTER 160**

**SECTIONS AFFECTED:**

Adds Section 20 to the Election Code

**CURRENT PROVISIONS:**

Prescribes various eligibility and procedural requirements for a person to become a candidate for elective office.

**NEW PROVISIONS:**

Prohibits the consideration of a person as a candidate for, and would provide that the person is not eligible to be elected to, any state or local elective office if the person has been convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes.

Provides that "conviction of a felony" includes a conviction of a felony in this state and a conviction under the laws of any other state, the United States, or any foreign government or country of a crime that, if committed in this state, would be a felony, and for which the person has not received a pardon from the Governor of this state, the governor or other officer authorized to grant pardons in another state, the President of the United States, or the officer of the foreign government or country authorized to grant pardons in that foreign jurisdiction.

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## ONLINE DISCLOSURE

### **\*Assembly Bill 2452**

#### **CHAPTER 126**

#### **SECTIONS AFFECTED:**

Adds Section 84615 to the Government Code

#### **CURRENT PROVISIONS:**

The Political Reform Act of 1974 requires specified candidates, committees, slate mailer organizations, and lobbyists, lobbying firms, and lobbyist employers to file campaign statements and reports online or electronically with the Secretary of State, as specified. The act requires certain of these entities to also file campaign statements and reports with local filing officers, as specified.

#### **NEW PROVISIONS:**

Authorizes a local government agency to require an elected officer, candidate, committee, or other person required to file specified statements, reports, or other documents to file those statements, reports, or other documents online or electronically with a local filing officer, as specified.

Prescribes criteria that must be satisfied by a local government agency that requires online or electronic filing of statements, reports, or other documents, as specified, including, among others, that the system be available free of charge to filers and to the public for viewing filings, and that the system include a procedure for filers to comply with the requirement that they sign statements and reports under penalty of perjury.

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## ONLINE AND ELECTRONIC FILING

### **\*Assembly Bill 2691**

#### **Chapter 503**

#### **SECTIONS AFFECTED:**

Amends Section 84602, and repeals Sections 84604, 84609, and 84610 of Government Code

#### **CURRENT PROVISIONS:**

The Political Reform Act of 1974 requires the Secretary of State, in consultation with the Fair Political Practices Commission, to develop an online and electronic filing system to be used by certain entities, including specified candidates, general purpose committees, slate mailer organizations, and lobbyists, lobbying firms, and lobbyist employers, in filing statements and reports required under the act.

The act imposes certain online or electronic disclosure requirements that are specific to the 1998 statewide general election and the 2000 statewide primary election.

The act also appropriates to the Secretary of State the sum of \$1,100,000 for the purpose of developing online or electronic disclosure systems, effective September 16, 1999, and specifies that an appropriation is available to be encumbered for 3 years after the date upon which it first became available for Encumbrance.

#### **NEW PROVISIONS:**

Repeals the provisions relating to online or electronic disclosure requirements specific to the 1998 statewide general election and the 2000 statewide primary election.

Repeals the provision making a \$1,100,000 appropriation to the Secretary of State, which has been available for encumbrance for more than 3 years.

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## ELECTORAL DISTRICTS AND PRECINCTS

### Assembly Bill 2692

#### Chapter 504

#### CURRENT PROVISIONS:

Requires the local elections official to divide the jurisdiction into election precincts.

Requires the elections official to establish precinct boundaries so that they do not cross census tract or enumeration district lines, to the extent possible without subjecting the voter to significant inconvenience.

Establishes the boundaries of Senate, Assembly, State Board of Equalization, and congressional districts based on the 2000 national census.

#### NEW PROVISIONS:

Repeals the requirement that precinct boundaries not cross census tract or enumeration district lines.

Deletes a provision of law requiring each precinct to be identified according to the census tract or enumeration district in which it is located.

Repeals, effective January 1, 2013, existing provisions establishing Assembly and congressional districts, and further repeals, effective January 1, 2015, existing provisions establishing Senate and State Board of Equalization districts.

#### SECTIONS AFFECTED:

#### Amends Elections Code 12222

(a) No precinct shall be established so that its boundary crosses the boundary of any supervisorial district, congressional district, senatorial district, Assembly district, board of equalization district, judicial district, incorporated city, ward, or city council district. ~~To the extent possible, without subjecting the voter to significant inconvenience, precinct boundaries should not cross census tract or enumeration district lines.~~

(b) If, at any election, any precinct contains an insufficient number of qualified persons to make up a precinct board, the precinct may be consolidated with an adjoining precinct.

#### Amends Elections Code 21000

The county elections official in each county shall compile and make available to the Legislature or any appropriate committee of the Legislature any information and statistics that may be necessary for use in connection with the reapportionment of legislative districts, including, but not limited to, precinct maps indicating the boundaries of municipalities, school districts, judicial districts, Assembly districts, senatorial districts and congressional districts, lists showing the election returns for each precinct, and election returns for each precinct reflecting the vote total for all ballots cast, including both vote by mail ballots and ballots cast at polling places, compiled pursuant to ~~subdivision (a) of Section 15321~~ in the county at each statewide election. If the county elections official stores the information and statistics in data-processing files, he or she shall make the files available, along with whatever documentation shall be necessary in order to allow the use of the files by the appropriate committee of the Legislature and shall retain these files until the next reapportionment has been completed.

~~Each precinct shall be identified according to the census tract or enumeration district in which it is located. When a precinct is divided among two or more census tracts or enumeration districts, the county elections official shall include an estimate of the proportion of the precinct's registered voters in each census tract or enumeration district. If the United States Census Bureau divides or alters any census tract or enumeration district between the time of an election and the census upon which the reapportionment is based, the county elections official shall provide whatever corrections or additional information may be necessary to reflect those changes.~~

#### Adds Elections Code 21141

*This chapter shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.*

#### Adds Elections Code 21305

*This chapter shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.*

Repeals Chapter 3 (Commencing with Section 21200) of Division 21 of the Elections Code

Repeals Chapter 5 (Commencing with Section 21400) of Division 21 of the Elections Code

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## VOTER REGISTRATION AGENCIES

**\*Senate Bill 35**  
**Chapter 505**

### **SECTIONS AFFECTED:**

Adds Section 219 to, and Chapter 6 (commencing with Section 2400) to Division 2 of, the Elections Code

### **CURRENT PROVISIONS:**

The federal National Voter Registration Act of 1993 requires each state to establish procedures to register voters by application in person at certain federal, state, or nongovernmental agencies designated by state law as voter registration agencies.

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 voter registration.

The federal National Voter Registration Act of 1993 provides for state departments of motor vehicles to make voter registration information and materials available to an applicant for a driver's license and other vehicular documents.

Additionally provides that a person who is qualified to register to vote and who has a valid California driver's license or state identification card may submit an affidavit of voter registration electronically on the Internet Web site of the Secretary of State.

Requires the Department of Motor Vehicles and the Secretary of State to develop a process and the infrastructure to allow a person who is qualified to register to vote in the state to register to vote online.

### **NEW PROVISIONS:**

Establishes procedures to register voters in accordance with the federal National Voter Registration Act of 1993the act, and would require voter registration agencies to perform specified tasks related to voter registration.

Requires the Secretary of State and county elections officials to coordinate with the voter registration agencies, as specified.

Requires a voter registration agency that allows a person to apply online for service or assistance, or to submit a recertification, renewal, or change of address form relating to the service or assistance, to implement a process and the infrastructure that allows an applicant to electronically submit a voter preference form, as defined, and to submit an affidavit of voter registration electronically on the Internet Web site of the Secretary of State.

Requires the California Health Benefit Exchange, no later than July 1, 2014, to implement a process and the infrastructure to allow a person who applies online for service or assistance, or who submits a recertification, renewal, or change of address form relating to the voter registration service or assistance online, to submit an affidavit of voter registration electronically on the Internet Web site of the Secretary of State.

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## SLATE MAILERS

**\*Senate Bill 488**  
**Chapter 865**

### **SECTIONS AFFECTED:**

Adds Section 84305.7 to the Government Code

### **CURRENT PROVISIONS:**

The Political Reform Act of 1974 regulates mass mailings, known as slate mailers, that support or oppose multiple candidates or ballot measures for an election.

The act requires that each slate mailer identify the slate mailer organization that is sending the slate mailer and make other specified disclosures, and further requires the slate mailer organization to file periodic statements reporting payments received and expenditures made to produce slate mailers.

**NEW PROVISIONS:**

Provides that, if a slate mailer organization sends a slate mailer or other mass mailing that displays a logo, insignia, emblem, or trademark that is identical or substantially similar to the logo, insignia, emblem, or trademark of a governmental agency or a nongovernmental organization that represents law enforcement, firefighting, emergency medical, or other public safety personnel, and that would reasonably be understood to imply the participation or endorsement of that governmental agency or nongovernmental organization, the slate mailer organization is required to obtain the express written consent of the governmental agency or nongovernmental organization associated with the logo, insignia, emblem, or trademark prior to using the logo, insignia, emblem, or trademark in the slate mailer or other mass mailing.

Provides that, if a slate mailer organization sends a slate mailer or other mass mailing that identifies itself or its source material as representing a nongovernmental organization with a name that would reasonably be understood to imply that the organization is composed of, or affiliated with, law enforcement, firefighting, emergency medical, or other public safety personnel, the slate mailer or mass mailing is required to disclose the total number of members in the organization identified in the slate mailer or mass mailing.

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**LOBBYIST AND COMMITTEES: FEES**

**\*Senate Bill 1001  
Chapter 506**

**SECTIONS AFFECTED:**

Amends Section 86102 of, and adds Sections 84101.5 and 84613 to the Government Code

**CURRENT PROVISIONS:**

The Political Reform Act of 1974 requires a committee, as defined, to file a statement of organization with the Secretary of State and, as applicable, to file semiannual campaign statements.

The Political Reform Act of 1974 regulates the activities of lobbyists, lobbying firms, and lobbyist employers, as defined, in connection with attempts to influence legislative and administrative action by legislative and other state officials.

The act requires that lobbying firms and lobbyist employers register with the Secretary of State, and authorizes the Secretary of State to charge each lobbying firm and lobbyist employer a fee of up to \$25 per year for each lobbyist required to be listed on its registration statement.

**NEW PROVISIONS:**

Establishes the Political Disclosure, Accountability, Transparency, and Access Fund in the State Treasury and require that moneys collected as fees from committees, as described above, and one-half of fees collected from lobbying firms and lobbyist employers, as described above, be deposited in this fund. Requires that the other 1/2 of the fees collected from lobbying firms and lobbyist employers be deposited in the General Fund.

Requires that moneys deposited in the Political Disclosure, Accountability, Transparency, and Access Fund be expended for the maintenance, repair, and improvement of the online or electronic disclosure program implemented by the Secretary of State, allows the Secretary of State to use these moneys for purposes of implementing these provisions.

Provide that expenditures from this fund for purposes of the maintenance, repair, and improvement of the online or electronic disclosure program are subject to the project approval and oversight process established by the California Technology Agency, as specified.

Requires the Secretary of State to charge each committee that is required to file a statement of organization, and requires each committee to pay, except as specified and subject to specified deadlines, a fee of \$50 per year until the committee is terminated.

Requires the Secretary of State to charge each lobbying firm and lobbyist employer a fee of \$50 per year for each lobbyist required to be listed on its registration statement.

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**CITIZENS REDISTRICTING COMMISSION**

**\*Senate Bill 1096**

## Chapter 271

### SECTIONS AFFECTED:

Amends Sections 8251, 8252, 8252.5, 8253, and 8253.6 of the Government Code

### CURRENT PROVISIONS:

The Voters FIRST Act and the Voters FIRST Act for Congress, the Citizens Redistricting Commission is charged with various duties and responsibilities in connection with redistricting Assembly, Senate, Board of Equalization, and congressional districts.

Requires the Citizens Redistricting Commission to hire commission staff, legal counsel, and consultants, as needed.

Requires the Secretary of State to provide support functions to the Citizens Redistricting Commission until its staff and office are fully functional.

Requires the Governor to include in the Governor's Budget submitted to the Legislature amounts of funding for the State Auditor, the Citizens Redistricting Commission, and the Secretary of State that are sufficient to meet the estimated expenses of each of those officers or entities in implementing the redistricting process, and requires the Legislature to make the necessary appropriation in the Budget Act.

Requires the State Auditor to initiate a process by which members of the commission are selected, including requirements that applicants be screened by an Applicant Review Panel comprised of 3 qualified independent auditors, as defined, and that the State Auditor and Applicant Review Panel meet prescribed deadlines in selecting members of the commission.

Requires that a vacancy on the commission be filled within 30 days from a specified pool of applicants.

Requires the commission to take public comment for at least 14 days from the date that any map is publicly displayed.

### NEW PROVISIONS:

Requires the State Auditor to provide support functions to the Citizens Redistricting Commission until its staff and office are fully functional.

Deletes the requirement that the Governor's Budget include amounts of funding for the Secretary of State in connection with the redistricting process.

Revises the prescribed deadlines to provide additional time to select commission members.

Redefines the term "qualified independent auditor" to mean only auditors who are employed by the Bureau of State Audits and who have been practicing independent auditors for at least 10 years, thereby limiting membership on the Applicant Review Panel to auditors who are employed by the Bureau of State Audits.

Requires that the commission fill a vacancy within 30 days from the specified subpool of applicants if the vacancy occurs prior to December 31 of a year ending in 2, but within 90 days if the vacancy occurs on or after December 31 of a year ending in 2.

Requires the commission to publicly display the first preliminary statewide maps for specified offices no later than July 1 of a year ending in 1, and prohibits the public display of any other map during the 14 days of public comment for those maps.

Requires subsequent preliminary statewide maps to be subject to public comment for at least 7 days, and the final statewide maps to be subject to public comment for 3 days.

Requires that a bill be in print for at least 12 days and additionally prohibits the Legislature from amending the act in a year ending in 9.

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## ELECTIONS: INITIATIVES: PETITIONS: CIRCULATOR'S SIGNATURE

### Senate Bill 1188 Chapter 132

### CURRENT PROVISIONS:

Requires that each section of any petition or paper signed by voters, including initiative, referendum, recall, and nominating petitions, have attached to it a specified declaration or affidavit signed by the circulator of the petition or paper, including a

45

Changes in or additions to text are shown by underlined italics, deletions by ~~strikethroughs~~, 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)

certification to the content of the declaration as to its truth and correctness, under penalty of perjury under the laws of this state, with the signature of his or her name at length, including given name, middle name or initial, or initial and middle name.

Authorizes the formation of reclamation districts to reclaim land that is subject to overflow or incursions from the tide or inland waters.

Authorizes the formation of county waterworks districts to supply water to the inhabitants of those districts for irrigation, domestic, industrial, or fire protection purposes.

Authorizes reclamation districts and county waterworks districts to conduct elections by all-mailed ballots, as specified.

Establishes mailed ballot election dates.

**NEW PROVISIONS:**

Deletes the requirement that the circulator's signature certifying the content of the declaration includes the giving name, middle name or initial, or initial and middle name.

Corrects erroneous cross-references to sections of the Elections code affected by new provisions.

**SECTIONS AFFECTED:**

**Amends Elections Code 104**

(c) The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury under the laws of the State of California, with the signature of his or her name ~~at length, including given name, middle name or initial, or initial and middle name.~~ The circulator shall state the date and the place of execution on the declaration immediately preceding his or her signature.

**Amends Elections Code 9022**

(b) The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury under the laws of the State of California, with the signature of his or her name ~~at length, including given name and middle name or initial.~~ The circulator shall state the date and the place of execution on the declaration immediately preceding his or her signature.

**Amends Water Code 50707**

(b) An election conducted pursuant to this section shall be held on a date prescribed in Section ~~4504~~ 1500 of the Elections Code or on any other date other than an established election date.

**Amends Water Code 55310.2**

(b) There shall be five members of the board who shall be elected at large throughout the district. The directors shall be residents of the district at the time of election and shall remain residents throughout their term. Failure to maintain residency shall cause the director to vacate the office. The directors shall serve four-year terms. The election of directors shall be held by the all-mailed ballot procedure pursuant to Division 4 (commencing with Section 4000) of the Elections Code on the date described in Section ~~4504~~ 1500 of the Elections Code.

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**POLITICAL PARTY ORGANIZATION: COUNTY CENTRAL COMMITTEES**

**Senate Bill 1272  
Chapter 507**

**CURRENT PROVISIONS:**

Establishes the political party organizations of the Democratic Party of California, the California Republican Party, the American Independent Party of California, and the Peace and Freedom Party of California.

Requires if a county elections official finds that the number of candidates nominated for a political party's county central committee does not exceed the number to be elected, that the designation of the office and the names of the candidates not be printed on the party's ballot, unless a petition is filed indicating that a write-in campaign will be conducted for the office.

Requires the county board of supervisors to declare elected those candidates who have been nominated, and to state that those candidates are entitled to receive certificates of election in the same manner as other candidates elected to the committee.

Requires that a candidate for membership on a county central committee must be affiliated with the political party of that committee for not less than 3 months immediately prior to presenting his or her declaration of candidacy, and requires that the candidate must not have been affiliated with any other political party within 12 months prior to filing a declaration of candidacy.

Requires a candidate for membership on a county central committee to file nomination forms, as specified.

Requires that the nomination forms be made available on the 113th day prior to a direct primary election and be delivered no later than 5:00 p.m. on the 88th day prior to the direct primary election.

#### **NEW PROVISIONS:**

Deletes the requirement that county central committee members be elected at every statewide direct primary election and instead would permit those members to be elected at every presidential primary election.

Specifies that a county central committee of the Democratic Party of California, the California Republican Party, the American Independent Party of California, and the Peace and Freedom Party of California, in accordance with specified rules and regulations, may select its members at any time by holding a caucus or convention, or by using any other approved method of selection.

Deletes the exception for petitions indicating a write-in campaign will be conducted and deletes the provision relating to candidates' entitlements to receive certificates of election.

Permits a county central committee to establish the length of time that a candidate for membership on the committee must be affiliated with the party of that committee, or must not have been affiliated with any other political party.

Requires that the nomination forms for candidates for county central committees be available 158 days prior to the primary election.

#### **SECTIONS AFFECTED:**

##### **Amends Elections Code 7206**

In each county the nominee of this party for Senator or the incumbent Senator, the nominees of this party for the Assembly, and any person elected to either the Senate or Assembly at a special election to fill a vacancy in that house, and the nominee of this party for Representative in Congress, and any person elected at a special election to fill a vacancy in the House of Representatives, shall be ex officio members of this committee. If the person elected from one party at the special election for an Assembly or Senate seat, or for the House of Representatives, shall be other than the nominee of that party for the same office at the prior election, the ex officio membership of the nominee shall expire immediately upon certification by the Secretary of State of the election. Ex officio members shall be entitled to all the rights and privileges, including the right to vote, and shall have the same standing in every way as other members of this committee, except they shall not be entitled to a ballot designation of incumbent upon seeking election to this committee in the next ~~direct~~ *presidential* primary.

##### **Amends Elections Code 7225**

At every ~~direct~~ *presidential* primary election, a county central committee ~~shall~~ *may* be elected in each county.

##### **Amends Elections Code 7226**

The elections official, no later than January 31 preceding the ~~direct~~ *presidential* primary, shall compute the number of members of the committee allotted to each Assembly district or supervisor district, as the case may be, pursuant to this article.

##### **Amends Elections Code 7228**

If the elections official, on the 73rd day prior to the ~~direct~~ *presidential* primary election, finds that the number of candidates nominated for election to a committee from an Assembly or supervisorial district does not exceed the number of candidates to be elected from that Assembly or supervisorial district, the designation of the office and the names of the candidates shall not be printed on this party's ballot in the Assembly or supervisorial district, ~~unless there is filed with the elections official, not later than 20 days after the final date for filing nomination papers for the positions, a petition indicating that a write-in campaign will be conducted for the office and signed by 25 registered voters affiliated with the political party involved.~~ In lieu thereof, the board of supervisors shall declare elected the candidates who have been nominated, ~~and those candidates shall be entitled to receive certificates of election in the same manner as other candidates elected to a committee.~~

##### **Adds Elections Code 7230**

*Notwithstanding any other provision of law, a county central committee, in accordance with the rules and regulations adopted by the committee, may select its members at any time by holding a caucus or convention, or by using any other method of selection approved by the committee.*

#### **Amends Elections Code 7242**

The committees shall perform any other duties and services for this political party as seem to be for the benefit of the party. They shall continue to function and exist until the election at the succeeding ~~direct~~ *presidential* primary, or the selection pursuant to Section 7230, and qualification of the members of the new committees.

#### **Amends Elections Code 7404**

(a) In each county, the nominee of the party for State Senator, the nominees of the party for the Assembly, and any person nominated to either the Senate or Assembly at a special election to fill a vacancy in the house, and the nominee of the party for Representative in Congress shall be ex officio members of this committee. If the person most recently nominated or elected from one party at the special election for an Assembly or Senate seat, or for the House of Representatives shall be other than the nominee of that party for the same office at the earlier election, the ex officio membership of the latter nominee shall expire immediately upon certification by the Secretary of State of the nomination or, if there is no runoff, the election of the person most recently nominated or elected. Ex officio members shall be entitled to all the rights and privileges, including the right to vote, and shall have the same standing in every way as other members of this committee, except they shall not be entitled to a ballot designation of incumbent upon seeking election to this committee in the next ~~direct~~ *presidential* primary. A person shall be entitled to ex officio membership upon receiving a certificate of nomination from the Secretary of State pursuant to Section 8147, at which time the term of the former nominee shall expire.

(b) If the person most recently nominated to the Senate, Assembly, or House of Representatives received ~~less~~ *fewer* votes for the particular office at the ensuing general election than a write-in candidate for the same office, and the write-in candidate is elected to that office, the write-in candidate shall, for purposes of this part, be considered the ex officio member of each affected county, provided that the write-in candidate's affidavit of registration reflects that that candidate has been affiliated with the party for at least six months prior to the general election.

#### **Amends Elections Code 7420**

(a) At every ~~statewide direct~~ *presidential* primary election, a member ~~shall~~ *may* be elected to a county central committee to replace a member whose term is expiring.

#### **Amends Elections Code 7421**

The elections official, no later than January 31 preceding the ~~direct~~ *presidential* primary, shall compute the number of members of the committee allotted to each Assembly district or supervisor district, as the case may be, pursuant to this article.

#### **Amends Elections Code 7423**

If the elections official, on the 73rd day prior to the ~~direct~~ *presidential* primary election, finds that the number of candidates nominated for election to a committee from an Assembly or supervisorial district does not exceed the number of candidates to be elected from that Assembly or supervisorial district, the designation of the office and the names of the candidates shall not be printed on this party's ballot in the Assembly or supervisorial district, ~~unless there is filed with the elections official, not later than 20 days after the final date for filing nomination papers for the positions, a petition indicating that a write-in campaign will be conducted for the office, and signed by 25 registered voters affiliated with the political party involved.~~ In lieu thereof, the board of supervisors shall declare elected the candidates who have been nominated, ~~and those candidates shall be entitled to receive certificates of election in the same manner as other candidates elected to a committee.~~

#### **Adds Elections Code 7425**

(a) *Notwithstanding any other provision of law, a county central committee, in accordance with the rules and regulations adopted by the committee, may determine the number, the district allocation, and the manner of election of its members at any time by holding a caucus or convention, or by using any other method approved by the committee.*

(b) *Nothing in this section shall be construed to permit a county central committee to remove an ex officio member of the committee.*

#### **Amends Elections Code 7443**

The committees shall perform any other duties and services for this political party as seem to be for the benefit of the party. Members of a county central committee may serve after the expiration date of their terms until the election, or the selection pursuant to Section 7425, and qualification of the new members replacing them on the county central committees.

#### **Amends Elections Code 7643**

This committee shall conduct party campaigns for this party and in behalf of the candidates of this party. It shall appoint committees and appoint and employ campaign directors and perfect whatever campaign organizations it deems suitable or desirable and for the best interest of the party. This committee shall have power to appoint interim county central committees in all counties in which the voters have not elected one or more county central committee members in the ~~direct~~ *presidential* primary preceding the organization of this committee. Persons appointed to interim county central committees pursuant to this section shall meet the qualifications otherwise required by Chapter 4 (commencing with Section 7650) for appointees to fill vacancies on county central committees. Notice of all appointments pursuant to this section shall be filed by the state central committee with the

elections official of the county for which that interim county central committee is appointed. Interim county central committees appointed pursuant to this section shall have all of the powers and privileges afforded county central committees by the provisions of Chapter 4 (commencing with Section 7650), but members of interim county central committees shall not be designated as incumbents on the ballot in the succeeding primary election.

#### **Amends Elections Code 7652**

The incumbent or nominee of each of the following offices shall be an ex officio member of the committee in the county in which he or she resides:

- (a) Governor.
- (b) Lieutenant Governor.
- (c) Secretary of State.
- (d) Controller.
- (e) Treasurer.
- (f) Attorney General.
- (g) Member of the State Board of Equalization.
- (h) United States Senator from California.
- (i) Representative in Congress from California.
- (j) All Members of the Legislature.
- (k) Any person nominated to a partisan office at a special election to fill a vacancy in that office.

Ex officio members shall be entitled to all the rights and privileges, including the right to vote, and shall have the same standing in every way as other members of this committee, except they shall not be entitled to a ballot designation of incumbent upon seeking election to this committee in the next ~~direct~~ presidential primary.

#### **Amends Elections Code 7670**

At every ~~direct~~ presidential primary election, a county central committee ~~shall~~ may be elected in each county.

#### **Amends Elections Code 7671**

The Secretary of State, no later than 125 days before the ~~direct~~ presidential primary, shall compute the number of members of central committees to be elected in each county, and shall mail a certificate reporting that information to the elections official of each county and to the Chairperson of the American Independent Party State Central Committee.

#### **Amends Elections Code 7673**

If the elections official, on the 73rd day prior to the ~~direct~~ presidential primary election, finds that the number of candidates nominated for election to a committee from an Assembly or supervisor district does not exceed the number of candidates to be elected from that Assembly or supervisor district, the designation of the office and the names of the candidates shall not be printed on this party's ballot in the Assembly or supervisor district, ~~unless there is filed with the elections official, not later than 20 days after the final date for filing nomination papers for the positions, a petition indicating that a write-in campaign will be conducted for the office and signed by 25 registered voters affiliated with the political party involved.~~ In lieu thereof, the board of supervisors shall declare elected the candidates who have been nominated, ~~and those candidates shall be entitled to receive certificates of election in the same manner as other candidates elected to a committee.~~

#### **Adds Elections Code 7675**

*Notwithstanding any other provision of law, a county central committee may select its members at any time by holding a caucus or convention in accordance with the rules and regulations adopted by the county central committee and the state central committee, or by using any other method of selection approved by the state central committee.*

#### **Amends Elections Code 7680**

~~Each committee shall meet in the courthouse at its county seat, upon call, which shall be given by the elections official of the county and in quarters to be arranged or provided for by the elections official of the county, on the second Tuesday in July following the direct presidential primary election, except that in any year in which a national convention of the party includes that date, the existing executive committee of a committee shall set the date of the meeting, not to exceed 30 days after the date herein specified.~~

Each committee shall meet at its county seat, upon call, which shall be given by the chairperson of the county central committee or the immediate predecessor of the current chairperson of the county committee on the second Tuesday in July following the ~~direct~~ presidential primary election, except that in any year in which a national convention of the party includes that date, the existing executive committee of a committee shall set the date of the meeting, not to exceed 30 days after the date herein specified.

#### **Amends Elections Code 7692**

The committee shall perform other duties and services for this political party as seem to be for the benefit of the party. They shall continue to function and exist until the election at the succeeding ~~direct~~ presidential primary, or the selection pursuant to Section 7675, and qualification of the members of the new committees.

#### **Amends Elections Code 7750**

At each ~~direct~~ presidential primary election, members of central committees ~~shall~~ may be elected in each county.

#### **Amends Elections Code 7751**

For the purposes of this chapter, the registration figures used shall be those taken from the statement of voters and their political affiliations transmitted by the elections officials to the Secretary of State on the 135th day prior to the next ~~direct~~ presidential primary election.

#### **Amends Elections Code 7770**

The state party chairperson, no later than the 135th day before the ~~direct~~ presidential primary election, shall notify the Secretary of State whether or not a county central committee election will be held. In the event that a county central committee election is not held, a county central committee will be convened pursuant to rules adopted by the party.

#### **Amends Elections Code 7771**

The elections official, no later than the 115th day before the ~~direct~~ presidential primary election, shall compute the number of members of central committees to be elected in each supervisorial or Assembly district if the election of the members is to be by supervisorial or Assembly district pursuant to this chapter.

#### **Amends Elections Code 7772**

In each county, the name of each candidate for member of central committees shall appear on the ballot only if she or he has done either of the following:

(b) Qualified to have her or his name printed on the ~~direct~~ presidential primary ballot as a candidate for the Peace and Freedom Party nomination to a partisan public office.

#### **Amends Elections Code 7772.1**

Notwithstanding any other provision of law, if the elections official, on the 73rd day prior to the ~~direct~~ presidential primary election, finds that the number of candidates nominated for election to a central committee from any election jurisdiction does not exceed the number to be elected from that jurisdiction, the designation of the office and the names of the candidates shall not be printed on this party's ballot in that jurisdiction, ~~unless there is filed with the elections official, not later than 20 days after the final date for filing nomination papers for the positions, a petition signed by 25 registered voters affiliated with the Peace and Freedom Party indicating that a write-in campaign will be conducted for the office.~~ In lieu thereof, the board of supervisors shall declare elected the candidates who have been nominated, ~~and those candidates shall be entitled to receive certificates of election in the same manner as other candidates elected to a central committee.~~

#### **Amends Elections Code 7780**

The office of member of central committees ~~shall~~ may be placed on the ~~direct~~ presidential primary ballot under the heading "Party Central Committees" in the place and manner designated for the office of county central committee pursuant to Chapter 2 (commencing with Section 13100) of Division 13. The subheading printed under party central committees on the ~~direct~~ presidential primary ballot shall be in substantially the following form:

Member of Peace and Freedom Party Central Committees, 55th Assembly District or Member of Peace and Freedom Party Central Committees, Alpine County

#### **Adds Elections Code 7784**

Notwithstanding any other provision of law, a county central committee, in accordance with the rules and regulations adopted by the committee and subject to the bylaws of the state central committee, may select its members at any time by holding a caucus or convention, or by using any other method of selection approved by the committee.

#### **Amends Elections Code 7800**

At the convention meeting of the state central committee, the state central committee shall consist initially of only those members of central committees elected at the most recent ~~direct~~ presidential primary election or selected pursuant to Section 7784.

#### **Amends Elections Code 7840**

The state central committee shall have power to appoint interim county central committees in the following counties:

(a) Counties in which the voters have not elected one or more members of central committees in the ~~direct~~ presidential primary election preceding the organization of this committee.

#### **Amends Elections Code 7850**

At its first meeting on the second Tuesday in July following the ~~direct~~ presidential primary election and at subsequent meetings, a county central committee, in its sole discretion, may appoint any additional members to the county central committee as it may desire.

#### **Amends Elections Code 7857**

If no members of central committees have been elected in a county at the preceding ~~direct~~ presidential primary election or selected in a county pursuant to Section 7784, or, if for any reason all the members of a county central committee are removed from office or cease to be registered as affiliated as members of the Peace and Freedom Party, then an interim county central committee with full powers may be appointed by the state central committee under the procedures specified in Section 7840.

#### **Amends Elections Code 7882**

The committees shall perform other duties and services for this political party as seem to be for the benefit of the party. They shall continue to function and exist until the members of the new committees take office after the succeeding ~~direct~~ presidential primary election or pursuant to Section 7784.

#### **Amends Elections Code 8001**

(a) No declaration of candidacy for a partisan office or for membership on a county central committee shall be filed by a candidate unless (1) at the time of presentation of the declaration and continuously for not less than three months immediately prior to that time, or for as long as he or she has been eligible to register to vote in the state, the candidate is shown by his or her affidavit of registration to be affiliated with the political party the nomination of which he or she seeks, and (2) the candidate has not been registered as affiliated with a qualified political party other than that political party the nomination of which he or she seeks within 12 months, or, in the case of an election governed by Chapter 1 (commencing with Section 10700) of Part 6 of Division 10, within three months immediately prior to the filing of the declaration.

(b) The elections official shall attach a certificate to the declaration of candidacy showing the date on which the candidate registered as intending to affiliate with the political party the nomination of which he or she seeks, and indicating that the candidate has not been affiliated with any other qualified political party for the period specified in subdivision (a) immediately preceding the filing of the declaration. This section shall not apply to declarations of candidacy filed by a candidate of a political party participating in its first direct primary election subsequent to its qualification as a political party pursuant to Section 5100.

(c) Notwithstanding subdivision (a), a county central committee, subject to the bylaws of the state central committee, may establish the length of time that a candidate for membership on that committee must be shown by his or her affidavit of registration to be affiliated with the political party of that committee, and may establish the length of time that a candidate for membership on that committee must not have been registered as affiliated with a qualified political party other than the political party of that committee.

#### **Amends Elections Code 8020**

(a) No candidate's name shall be printed on the ballot to be used at the direct primary unless the following nomination documents are delivered for filing to the county elections official:

- (1) Declaration of candidacy pursuant to Section 8040.
- (2) Nomination papers signed by signers pursuant to Section 8041.

(b) The forms shall first be available on the 113th day prior to the direct primary election, or on the 158th day prior to the primary election for a candidate for membership on a county central committee, and shall be delivered not later than 5 p.m. on the 88th day prior to the ~~direct~~ primary election. The forms may be delivered to the county elections official by a person other than the candidate.

SEC. 36. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

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### **VACANCIES IN OFFICE: SPECIAL ELECTIONS**

#### **Senate Bill 1275 Chapter 685**

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

Requires the Governor to issue a proclamation calling a special election to fill a vacancy in the office of Representative in Congress or either house of the state Legislature within 14 days of when the vacancy occurs.

Requires that a special general election be conducted to fill the vacancy on a Tuesday at least 112 days, but not more than 126 days, following the issuance of the election proclamation.

Requires that a special primary election be conducted on a Tuesday either 8 or 9 weeks prior to the date of the special general election, as specified.

Imposes deadlines relating to the filing of nomination papers for a candidate in a special primary election, as specified.

Imposes deadlines for submitting an application for a vote by mail ballot in a special election.

**NEW PROVISIONS:**

Requires that the special general election occur at least 126 days, but not more than 140 days, after the issuance of the election proclamation.

Requires that the special primary election be conducted on a Tuesday either 9 or 10 weeks prior to the date of the special general election, as specified.

Revises the deadlines relating to the filing of nomination papers for a candidate in a special primary election.

Requires that an application for a vote by mail ballot in a special election be made in the same manner as a regular election according to section 3001 of the Elections code.

**SECTIONS AFFECTED:**

**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 ~~44~~126 days, but not more than ~~126~~140 days, following the issuance of an election proclamation by the Governor pursuant to Section 1773 of the Government Code, except that ~~any~~ *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.

**Amends Elections Code 10704**

(a) Except as provided in subdivision (b), a special primary election shall be held in the district in which the vacancy occurred on the ~~eight~~ninth Tuesday or, if the ~~eight~~ninth Tuesday is the day of or the day following a state holiday, the ~~ninth~~10th Tuesday preceding the day of the special general election at which the vacancy is to be filled. Candidates at the primary election shall be nominated in the manner set forth in Chapter 1 (commencing with Section 8000) of Part 1 of Division 8, except that nomination papers shall not be circulated more than ~~63~~73 days before the primary election, shall be left with the county elections official for examination not less than ~~43~~53 days before the primary election, and shall be filed with the Secretary of State not less than ~~39~~53 days before the primary election.

(b) A special primary election shall be held in the district in which the vacancy occurred on the ~~ninth~~10th Tuesday preceding the day of the special general election at which the vacancy is to be filled if both of the following conditions apply:

(1) The ~~ninth~~10th Tuesday preceding the day of the special general election is an established election date pursuant to Section 1000.

(2) A statewide or local election occurring wholly or partially within the same territory in which the vacancy exists is scheduled for the ~~ninth~~10th Tuesday preceding the day of the special general election.

~~(c) Notwithstanding Section 3001, applications for vote by mail voter ballots may be submitted not more than 25 days before the primary election, except that Section 3001 shall apply if the special election or special primary election is consolidated with a statewide election. Applications received by the elections official prior to the 25th day shall not be returned to the sender, but shall be held by the elections official and processed by him or her following the 25th day prior to the election in the same manner as if received at that time.~~

*(c) An application for a vote by mail ballot for a special election shall be made and processed in the manner required by Section 3001.*

**Section Four**  
**BILLS VETOED BY GOVERNOR**

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<b><u>BILL NO.</u></b>	<b><u>AUTHOR</u></b>	<b><u>SUBJECT</u></b>	<b><u>DATE</u></b>
AB 2054	Fong	Elections: Vote by Mail	9/19/2012
AB 2220	Gatto	Elections Statewide Ballot Pamphlet	9/30/2012
SB 1233	Padilla	Ballot Measure Petitions: Translations	9/30/2012
<b>Total Count:</b>	<b>3</b>		

**Section Four**  
**VETOED MESSAGES**

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BILL NUMBER: AB 2054  
VETOED DATE: 09/29/2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2054 without my signature.

As I noted when vetoing a similar bill last year, allowing voters to return their vote-by-mail ballot at any polling location in the state will add complexity to the voting and election process without commensurate benefit.

Sincerely,

Edmund G. Brown Jr.

BILL NUMBER: AB 2220  
VETOED DATE: 09/30/2010

To the Members of the California State Assembly:

I am returning Assembly Bill 2220 without my signature.

I continue to share the author's concern that voters should understand the impact of their vote for or against an initiative measure.

The Legislative Analyst already prepares a detailed fiscal summary about each measure, and I am not convinced that adding one of these rote disclaimers will provide more clarity for voters.

Sincerely,

Edmund G. Brown Jr.

BILL NUMBER: SB 1233  
VETOED DATE: 09/30/2012

To the Members of the California State Senate:

I am returning Senate Bill 1233 without my signature.

Before the proponents of an initiative circulate petitions to qualify a measure for the ballot, they must request a title and summary from the Attorney General. This bill would in addition require the Attorney General to prepare the circulating titles and summaries for all initiative measures in multiple languages regardless of their qualification status.

The provisions of this bill are well intended. Unfortunately, however, they add substantial burdens to the petition process without commensurate benefit.

I would also note that the vast majority of initiatives submitted to the Attorney General's Office never get to the circulation stage.

Sincerely,

Edmund G. Brown Jr.

**Section Five**  
**2012 STATUTES INDEX**

<u>Code</u>	<u>Bill No.</u>	<u>Chapter No.</u>	<u>Subject</u>	<u>Page No.</u>
<b>Elections</b>	AB 216	495	Voters Residency Confirmation	6
	AB 1200	8	Elections: Central Committees	9
	AB 1436	497	Voter Registration	23
	AB 1499	30	Elections: Ballot Order For Statewide Measures	25
	AB 1509	498	Statement of Economic Interest	26
	AB 1626	191	Election Materials: Public Examination: Writ of Mandate: Elections Official	47
	AB 1724	238	Voting: Polling Place Procedures	27
	AB 1805	744	Military or Overseas Voter	27
	AB 1851	240	County, City, and District Initiative Petitions	33
	AB 1929	694	Elections Casting Ballots	34
	AB 2080	501	Vote by Mail Ballots	38
	AB 2410	160	Elective Office: Felony Conviction	40
	AB 2691	503	Online and Electronic Filing	41
<b>Elections</b>	AB 2692	504	Electoral Districts and Precincts	42
	SB 35	505	Voter Registration Agencies	43
	SB 488	865	Slate Mailers	43
	SB 1188	132	Elections: Initiatives: Petitions: Circulator's Signature	45
	SB 1272	507	Political Party Organization: County Central Committees	46
	SB 1275	685	Vacancies in Office: Special Elections	51
<b>Government</b>	AB 481	496	Campaign Disclosure	8
	AB 1413	3	Elections: Voter Nominated Primary Election	11
	AB 2062	500	Statements of Economic Interest: Electronic Filing	38
	AB 2191	502	County Central Committees	39
	AB 2452	126	Online Disclosure	41
	AB 2691	503	Online and Electronic Filing	41
<b>Government</b>	SB 488	865	Slate Mailers	43
	SB 1001	506	Lobbyist and Committees: Fees	44
	SB 1096	271	Citizens Redistricting Commission	44
<b>Water</b>	SB 1188	132	Elections: Initiatives: Petitions: Circulator's Signature	45