

# 2012 New Law Workbook

A SUMMARY OF LEGISLATION AFFECTING COUNTY CLERKS & ELECTION OFFICIALS



# **2012 New Law Workbook**

*Presented by*

**California Association of Clerks and  
Election Officials**

**Legislative Committee**

**Sacramento, California**

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## 2012 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 1325</b>
<b>Chapter Number:</b>	368
<b>Author:</b>	Lara
<b>Topic:</b>	Business filings: fictitious business name statements
<b>Impact:</b>	<b>Important</b>
<b>Summary:</b>	Requires fictitious business name (FBN) statements to contain language specifying that false declarations are a misdemeanor punishable by a fine of up to \$1000 and replace reference to "husband and wife" with "a married couple". Requires a registrant or an agent filing on behalf of a registrant to present acceptable government identification to the county clerk and complete and sign an affidavit of identity statement on a form prescribed by the county clerk. Requires a registrant that mails a fictitious business name statement to a county clerk's office to submit a completed and notarized affidavit of identify statement. Also, requires a registrant that is a corporation, limited liability company, or limited liability partnership to submit with it's affidavit of identity statement a certificate of status issued by the Secretary of State certifying to that business entity's existence and good standing. This bill will be operative on January 1, 2014.
<b>Effect:</b>	Amend, repeal and add Sections 17913,17916, 17922, 17923, 17927, and 17929 of the Business and Professions Code.
<b>Actions Required:</b>	State-mandated local program
<b>Presenter:</b>	Monique Blakely, Los Angeles County

## 2012 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 1509</b>
<b>Chapter Number:</b>	498
<b>Author:</b>	Hayashi
<b>Topic:</b>	Political Reform Act of 1974: statement of economic interests
<b>Impact:</b>	<b>Minor</b>
<b>Summary:</b>	Requires any city or county clerk maintaining an Internet website to post a notification on that site identifying the elected officers who have filed statements of economic interests with them. Requires the notification to include a statement that copies of the Form 700 that were filed can be obtained by visiting the offices of the Fair Political Practices Commission (FPPC), or the city or county clerk. Requires the notification to include a link to the FPPC's Internet website, along with a notice that statements of economic interests for some state and local governmental agency elected officers may be available in an electronic format by visiting the FPPC's Internet website.
<b>Effect:</b>	Adds Section 87505 to the Government Code.
<b>Actions Required:</b>	Update websites of county clerks who receive Forms 700.
<b>Presenter:</b>	Terri Irving, Alameda County

## 2012 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 1751</b>
<b>Chapter Number:</b>	637
<b>Author:</b>	Pan
<b>Topic:</b>	Child support: access to information
<b>Impact:</b>	<b>Minor</b>
<b>Summary:</b>	This bill would require all state departments, boards, agencies, bureaus, or other agencies of the state, or any of its political subdivisions, to provide information to county child welfare agencies and county probation departments for use in identifying, locating, and notifying the parents of children who are in juvenile court proceedings, as well as for use in establishing parent and child relationships and in assessing the appropriateness of placing the child with a noncustodial parent.
<b>Effect:</b>	Amends Sections 17212, 17505, and 17506 of the Family Code, and Section 11478.1 of the Welfare and Institutions Code
<b>Actions Required:</b>	None
<b>Presenter:</b>	Wardell House, Santa Clara County
<b>Notes:</b>	A county clerk may be asked for documents that show a filer's personal information, e.g., Process Server or LDA documents. No impact to the Clerk's Reference Manual

## 2012 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 2062</b>
<b>Chapter Number:</b>	500
<b>Author:</b>	Davis
<b>Topic:</b>	Political Reform Act of 1974: statements of economic interests: electronic filing
<b>Impact:</b>	<b>Minor</b>
<b>Summary:</b>	Allows agencies to permit electronic filing of statements of economic interests. Requires FPPC to develop database design requirements. Requires agencies that intend to permit electronic filing to submit a proposal to FPPC for certification. Permits FPPC to adopt regulations that require agencies to redact information from statements prior to posting on their websites. Permits agencies that participated in pilot program to continue to use their system until FPPC adopts regulations, then requires those agencies to submit a description of their system(s) for certification. Allows the FPPC to conduct discretionary audits after approval and certification of an agency's electronic filing system.
<b>Effect:</b>	Adds Section 87500.2 to the Government Code
<b>Actions Required:</b>	None
<b>Presenter:</b>	Terri Irving, Alameda County
<b>Notes:</b>	Agencies which choose to permit electronic filing will need to develop software that meets FPPC requirements.



## 2012 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 2082</b>
<b>Chapter Number:</b>	247
<b>Author:</b>	Atkins (coauthor: Chesbro)
<b>Topic:</b>	Public lands: State Lands Commission: violations
<b>Impact:</b>	<b>Information Only</b>
<b>Summary:</b>	Prohibits a person from constructing, placing, maintaining, owning, using, or possessing a structure or facility on land that is under the commission's jurisdiction and owned by the state, without first obtaining all necessary easements, leases, or permits from the commission
<b>Effect:</b>	Adds Sections 6224.3, 6224.4, and 6224.5 to the Public Resources Code, relating to public lands.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Wardell House, Santa Clara County
<b>Notes:</b>	This bill does not impact the County Clerk or the Clerk's Reference Manual.

## 2012 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 2194</b>
<b>Chapter Number:</b>	143
<b>Author:</b>	Gaines
<b>Topic:</b>	Corporations for prevention of cruelty to animals: humane officers: criminal history
<b>Impact:</b>	<b>Information Only</b>
<b>Summary:</b>	Current law requires applicants for appointment as humane officers to submit to the CA Dept. of Justice (DOJ) fingerprint images so that DOJ can obtain information concerning the existence and content of state convictions and/or arrests, in order to determine the applicant's fitness for appointment. This bill adds the requirement that the DOJ forward fingerprint images of applicants to the FBI, in order to obtain information regarding any federal convictions/arrests.
<b>Effect:</b>	Amends Section 14502 of the Corporations Code.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Terri Irving, Alameda County

## 2012 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 2326</b>
<b>Chapter Number:</b>	202
<b>Author:</b>	Wagner
<b>Topic:</b>	Execution of documents
<b>Impact:</b>	<b>Information Only</b>
<b>Summary:</b>	Expands the type of notarized documents that require a party signing a document to place his or her fingerprint in the notary's journal to include all documents pertaining to real property. Adds documents affecting real property to the list of documents whose execution cannot be proved by a subscribing witness.
<b>Effect:</b>	Amends Section 1195 of the Civil Code; Sections 8206 and 27287 of the Government Code. Repeals Section 27287 of the Government Code, as amended by section 9 of Chapter 269 of the Statutes of 2011.
<b>Actions Required:</b>	None
<b>Presenter:</b>	De Ana M. Thompson, San Bernardino County
<b>Notes:</b>	No effect to county clerks

## 2012 Chaptered Bill Analysis

**Bill Number:** AB 2452

**Chapter Number:** 126

**Author:** Ammiano

**Topic:** Political Reform Act of 1974: online disclosure

**Impact:** **Minor**

**Summary:** Permits a local government agency to require electronic or online filing of campaign statements, reports and other documents required by Government Code section 84100 et seq. Exempts filers who receive less than \$1000 in contributions and have less than \$1000 in expenditures in a calendar year.

Lists requirements that local agency must meet:

- 1) Local legislative body must adopt ordinance approving such online filing;
- 2) Electronic system used must accept filings that are compatible with format developed by Secretary of State, and must provide a way for electronic filer to sign under penalty of perjury;
- 3) System adopted must ensure security and integrity of data;
- 4) No charge to file;
- 5) File date will be date received by local filing officer;
- 6) Filings must be made available on Internet, with certain information removed;
- 7) Local ordinance may specify monetary limits or document types to which online filing requirement applies;
- 8) Requires local filing officer to issue electronic confirmation upon receipt of report;

(continued)

## 2012 Chaptered Bill Analysis

- 9) Specifies that a timely electronic confirmation along with a copy of filing kept by filer constitute rebuttable presumption that filing was timely;
- 10) Requires local filing officer to make complete and unredacted copies of electronic filings available to any person upon request;
- 11) If original document is required to be filed with Secretary of State and a copy to be filed locally, ordinance may permit copy to be filed online or electronically.

**Effect:** Adds Section 84615 to the Government Code.

**Actions Required:** None

**Presenter:** Terri Irving, Alameda County

## 2012 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>SB 991</b>
<b>Chapter Number:</b>	63
<b>Author:</b>	Runner
<b>Topic:</b>	Marriage: solemnization
<b>Impact:</b>	<b>Minor</b>
<b>Summary:</b>	Authorizes a sitting member of a Board of Supervisors to solemnize a marriage.
<b>Effect:</b>	Amends Section 400.1 of the Family Code.
<b>Actions Required:</b>	Requires a County Clerk to provide all available instructions for marriage solemnization to a county supervisor before he/she performs his/her first solemnization of marriage.
<b>Presenter:</b>	Craig A. Kramer, Sacramento County

## 2012 Chaptered Bill Analysis

**Bill Number:** SB 1171

**Chapter Number:** 162

**Author:** Harmon

**Topic:** Maintenance of the codes

**Impact:** **Information Only**

**Summary:** Does not make any changes to the duties of the County Clerk in Section 21152 (a) of the Public Resources Code.

**Effect:** None

**Actions Required:** None

**Presenter:** Sheila Harmon, Ventura County