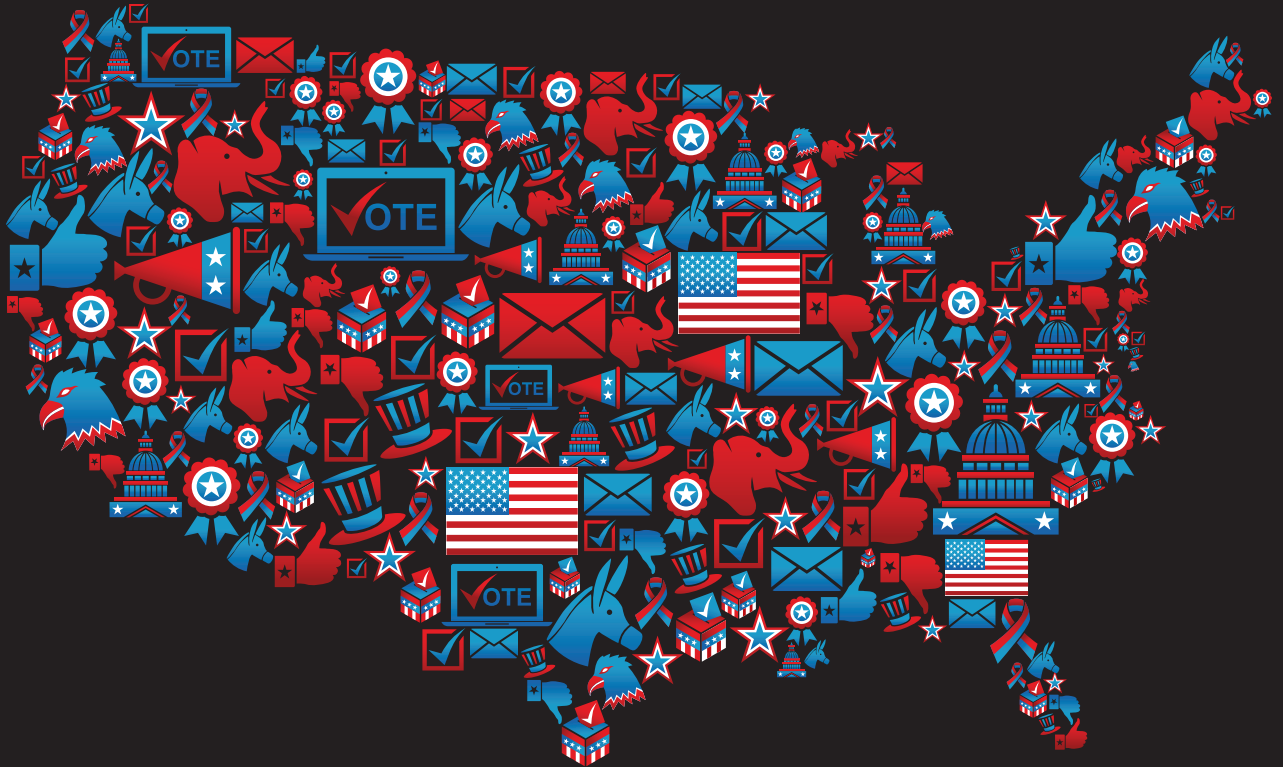

Assembly Committee on Elections and Redistricting

2014 LEGISLATIVE SUMMARY

Paul Fong, Chair



Committee Members

Tim Donnelly, Vice Chair

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November 2014

Dear Interested Parties:

This booklet summarizes selected legislation approved by the Assembly Committee on Elections and Redistricting during the 2014 legislative year. Those bills that made it through the legislative process and were subsequently signed or vetoed by the Governor are included. Those bills that failed to reach the Governor's desk are not.

Among the more noteworthy legislation considered and approved by the Committee were measures to improve the timeliness, accuracy, and usefulness of campaign finance disclosure, strengthen the state's ethics laws, enhance the information that voters receive about proposed ballot measures, and protect the voting rights of Californians who vote by mail. These are just some of the important reforms approved by the Legislature this session. This booklet has a complete listing of these and other measures.

Most of the bills signed into law will take effect on January 1, 2015. Those bills noted as urgency measures took effect earlier this year, as detailed in the description of those bills. The full text of legislation summarized in this pamphlet, as well as the committee analysis of those measures, may be viewed on the Internet via the Legislative Counsel's web site (<http://leginfo.legislature.ca.gov/>).

I hope this publication will be informative and useful as a reference tool. For additional copies or other information concerning Committee activities, please contact us at (916) 319-2094.

Sincerely,

Paul Fong

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KEY TO ABBREVIATIONS USED

- 28.8: Bill reported to Senate Floor pursuant to Senate Rule 28.8, which provides that bills referred to the Senate Appropriations Committee that do not have significant state costs shall be reported to the Senate Floor without a hearing by the Appropriations Committee.
- 29.10: Bill referred to policy committee pursuant to Senate Rule 29.10, which provides that a bill that has been substantially amended since approval by a policy committee may be re-referred to a policy committee.
- 77.2: Bill referred to policy committee pursuant to Assembly Rule 77.2, which provides that a bill that has been substantially amended since approval by a policy committee may be re-referred to a policy committee.

ASSEMBLY COMMITTEE ON ELECTIONS & REDISTRICTING LEGISLATIVE HIGHLIGHTS

ENHANCING CAMPAIGN DISCLOSURE:

In response to increased campaign activity by nonprofit organizations, the Legislature approved and the Governor signed legislation to ensure that multipurpose organizations that make campaign contributions and expenditures are required to disclose the major donors to those efforts. Another new law will strengthen the authority of the Fair Political Practices Commission to ensure that campaign donors are properly reported prior to the election. The Legislature also approved a measure to begin the development of a new campaign disclosure system and to require campaign contributions and expenditures to be reported in a timelier manner.

STRENGTHENING ETHICS LAWS:

The Committee continued its work to strengthen the state's comprehensive ethics laws by approving bills to crack down on the personal use of campaign funds by candidates and public officials, further restrict gifts given to public officials, and require greater public disclosure of travel by public officials that is funded by nonprofit organizations. Measures signed by the Governor will strengthen enforcement of conflict of interest and bribery laws, limit the ability of lobbyists to host fundraisers for public officials, and prohibit public officials from paying their spouses for campaign work.

PROTECTING VOTE BY MAIL VOTERS:

As an increasing number of voters choose to vote by mail, the Legislature has taken steps to ensure that those voters are able to cast a valid ballot. In response to cutbacks in postal facilities that have delayed the delivery of some mail, a new law will allow ballots that arrive by mail after election day to be counted if they are postmarked by election day. Other new laws will protect vote by mail ballots from being improperly rejected by computer systems that are used to verify the signatures on vote by mail ballot envelopes and will ensure that overseas and military voters will receive a ballot for every election for which they are eligible.

BALLOT MEASURE REFORMS:

The Legislature approved and the Governor signed a number of bills designed to improve the information that voters receive about proposed ballot measures, including measures to provide additional information online about donors supporting and opposing ballot measures and to provide voters with more information about the potential fiscal impacts of local bond measures. Another new law is designed to encourage initiative proponents to work with the Legislature in an attempt to reach a compromise over a proposed measure, and to avoid the need for the initiative to appear on the ballot.

ASSEMBLY COMMITTEE ON ELECTIONS & REDISTRICTING
LEGISLATIVE SUMMARY

AB 400 (FONG)

VETOED

PETITIONS: INITIATIVE, REFERENDUM, OR RECALL.

[Adds Sections 336.8 and 9011.5 to the Elections Code]

Under existing law, initiative, referendum, and recall petitions may be circulated by volunteers or by paid circulators.

This bill would have required an initiative, referendum, or recall petition that was circulated by a paid circulator to include a statement identifying the five largest contributors of \$10,000 or more in support of the measure. The disclosure statement would have been required to be updated within seven days of any change in the five largest contributors.

Additionally, this bill would have required a committee that employed one or more paid circulators to circulate a state initiative, referendum, or recall petition to submit the disclosure statement required by this bill, and any updates, to the Secretary of State (SOS), and would have required the SOS to post those statements on his or her Internet Web site.

This bill was vetoed by Governor Brown on September 27, 2014. In his veto message, the Governor argued that "[i]t is not practical to include contributor information on petitions as signatures are being gathered" and stated that "[t]he brief time allotted to collect hundreds of thousands of signatures does not provide flexibility for a proponent to reprint petitions each time there is a change in the top five contributors."

Legislative History

Assembly Elections.....	5-2
Assembly Appropriations	12-5
Assembly Floor	53-24
Assembly Concurrence.....	53-24
Senate Elections	3-1
Senate Appropriations	(28.8)
Senate Floor	23-12

AB 510 (AMMIANO)
 CHAPTER 868, STATUTES OF 2014
 POLITICAL REFORM ACT OF 1974: ADVERTISEMENT DISCLOSURES.

[Repeals and adds Section 84511 of the Government Code]

In 2000, the Legislature passed and the Governor signed SB 1223 (Burton), Chapter 102, Statutes of 2000, which became Proposition 34 on the November 2000 general election ballot. One of the provisions of Proposition 34 requires any ballot measure advertisement that features a paid spokesperson to include a disclaimer that the person was paid if the committee funding the advertisement made an expenditure of \$5,000 or more to the individual appearing in the advertisement.

<u>Legislative History</u>	
Assembly Elections.....	5-1
Assembly Appropriations	12-2
Assembly Floor	58-16
Assembly Concurrence.....	60-19
Senate Elections	4-0
Senate Appropriations	(28.8)
Senate Floor	27-9

This bill requires an advertisement relating to a ballot measure to include the following disclaimer if it includes an appearance by an individual who is paid to appear in the advertisement and it communicates that the individual is a member of an occupation that requires licensure or specialized training:

Persons portraying members of an occupation in this advertisement are compensated spokespersons not necessarily employed in those occupations.

The disclaimer is not required if the occupation of the individual who appears in the advertisement is substantially similar to the occupation portrayed in the advertisement.

AB 800 (GORDON)
 CHAPTER 9, STATUTES OF 2014
 POLITICAL REFORM ACT OF 1974. URGENCY.

[Amends Sections 84303, 89519, 90002, 90003, 90004, and 90005 of, and adds Sections 90008 and 90009 to, the Government Code]

Three weeks prior to the November 2012 statewide general election, the Small Business Action Committee PAC (SBAC PAC) received an \$11 million campaign contribution from Americans for Responsible Leadership (ARL), an Arizona-based non-profit organization. The SBAC PAC, which was a primarily formed committee that was opposing Proposition 30 and supporting Proposition 32 at the time the contribution was received, filed a campaign

<u>Legislative History</u>	
Assembly Elections.....	5-2
Assembly Appropriations	12-5
Assembly Floor	54-22
Assembly Concurrence.....	54-19
Senate Elections	4-1
Senate Appropriations	(28.8)
Senate Floor	27-9

report disclosing that the \$11 million contribution was made by ARL. ARL, in turn, initially refused to disclose the names of its contributors, arguing that it was not required to do so under California law.

After receiving a complaint regarding the \$11 million contribution, the Fair Political Practices Commission (FPPC) requested to review certain records held by ARL to ensure compliance with state campaign disclosure laws, and subsequently commenced a discretionary audit of ARL. When ARL did not produce records requested by the FPPC, the FPPC sued ARL in an effort to compel the production of those records. ARL opposed that request on a variety of grounds, including arguing that the FPPC was prohibited from conducting an audit or an investigation prior to the election. The Court ultimately granted the FPPC's request for an order for ARL to produce the requested records, finding that an existing statutory prohibition against pre-election audits and investigations applied only to candidates and certain types of committees, and was not applicable to ARL. After an unsuccessful appeal, ARL and the FPPC reached a settlement in which ARL revealed that it was not the true source of the \$11 million contribution, but instead was an intermediary for that contribution.

This bill gives the FPPC additional tools to ensure compliance with the Political Reform Act (PRA) by permitting the FPPC to seek injunctive relief to compel disclosure that is required by the PRA, and by requiring the court to grant expedited review to any such action in order to ensure that campaign contributions and expenditures are disclosed prior to the election. This bill also repeals a provision of law that prohibits the FPPC from beginning specified audits and investigations of candidates, controlled committees, and committees primarily supporting or opposing a candidate or measure prior to the election at which the candidate or measure appears on the ballot.

Additionally, this bill helps ensure that campaign expenditures are properly disclosed by requiring subagents and subcontractors that make expenditures on behalf of or for the benefit of a candidate or committee to make information about those expenditures known to the agent or independent contractor of the candidate or committee; extends, for a period of 90 days, the period of time before campaign funds that are under the control of a former candidate or elected officer become surplus campaign funds, and thus subject to additional restrictions on how those funds can be spent; allows the FPPC and the Franchise Tax Board (FTB) to make audits and investigations regarding any statement or report that is required by any provision of the PRA, instead of allowing such audits and investigations only of specified statements or reports; extends, from one year to two years, the limit on the amount of time that the FTB has to complete its report of any audit that it conducts under specified provisions of the PRA; and prohibits the FPPC and its staff from divulging or making known in any manner the particulars of any information that it receives as part of an audit or investigation conducted pursuant to the PRA, except in furtherance of the work of the FPPC or in connection with a court proceeding or the lawful investigation of any agency.

This bill contains an urgency clause, and became operative on July 1, 2014.

AB 882 (GORDON)
 CHAPTER 586, STATUTES OF 2014
 VOTER REGISTRATION AND RECALL ELECTIONS.

[Amends Sections 2153 and 11105 of the Elections Code]

Existing law permits elections officials to use a random sampling technique when verifying the signatures on petitions in certain situations where officials are presented with petitions with large numbers of signatures. Under this technique, officials select a specified number of signatures from the petition at random, check the validity of those signatures, and based on that check of a small number of signatures, project the total number of valid signatures on the petition.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	17-0
Assembly Floor	76-0
Assembly Concurrence	78-0
Senate Elections	4-0
Senate Appropriations	(28.8)
Senate Elections (29.10).....	5-0
Senate Floor	35-0

In almost every case in which existing law provides for a random sampling process for verifying signatures on petitions, the law requires the elections official to verify either a certain number of signatures, or a certain percentage of the total number of signatures submitted, whichever is larger. As a general rule, this policy means that petitions with a larger number of signers will have a larger number of signatures chosen for verification as part of the random sampling process.

However, in the case of petitions for the recall of a state officer, for any petition that has 500 signatures or more, existing law provides that the elections official must examine either 500 signatures or three percent of the signatures on the section of the petition, whichever is *less*. This appears to be a technical error in the statute.

This bill corrects this apparent technical error by providing that elections officials must examine the *greater* of 500 signatures or three percent of the signatures on the section of the petition whenever examining a section of a petition for the recall of a state officer.

Additionally, existing law requires an affidavit of registration to show specified information required for voter registration. If an affidavit is missing required information, the county elections official may attempt to collect the missing information by phone. If the elections official is unable to collect the missing information by phone, existing law requires the elections official to mail a new voter registration card to the person who is attempting to register to vote. In this situation, an individual who filled out most of the voter registration affidavit but omitted one piece of required information would have to complete an entirely new voter registration card, rather than simply supplying the missing information. This bill permits an elections official to send a voter a document other than a new voter registration card to obtain information missing from the affiant's original voter registration card, as long as the document is completed under penalty of perjury.

AB 1311 (BRADFORD)
CHAPTER 591, STATUTES OF 2014
RECALL ELECTIONS AND VOTER REGISTRATION.

[Amends Sections 2208, 2209, and 11302 of the Elections Code, and amends Sections 1823, 1826, 1828, 1851, and 1910 of the Probate Code]

Existing law provides that if an elected official resigns after a recall petition is filed with the county elections official, the entire recall process, including the requirement that an election be held, must proceed. The meaning of the word "filed" in this context, however, is unclear.

This bill clarifies the process to be followed when an elected official resigns after a recall has been initiated against the official. When an official who is the subject of a recall effort resigns, the elections official will determine the number of valid signatures that have been submitted on recall petitions as of that date. If the number of signatures is sufficient for the recall to qualify for the ballot, then the recall election will proceed. If number of valid signatures is less than the number needed for the recall to qualify, then the recall election does not proceed, and the vacancy created by the official's resignation is filled in the manner provided by law for vacancies in that office. This bill also prohibits a person who was the subject of a recall effort from resigning and then being appointed to the vacated office or to any other vacancy in office on the same governing board, as specified.

In addition, state law specifies circumstances under which a person is disqualified from voting. One of these is a finding by a court that a person is mentally incompetent. Californians with intellectual or developmental disabilities who are placed under conservatorship are evaluated during a court proceeding for mental competency. If the potential voter in question is unable to complete a voter registration application, he or she is disqualified. However, federal and state laws permit an individual to receive assistance from another person when completing an affidavit of voter registration, as specified, which includes voters who need assistance to vote by reason of blindness, disability, or inability to read or write. These allowances are not referenced or included in the statutes regulating conservatorship proceedings. This lack of clarity holds the potential for qualified voters to be disenfranchised.

This bill ensures that federal and state laws related to voter registration assistance are applied equally to any individual who seeks to register to vote. Accordingly, this bill prohibits a person, including a conservatee, from being disqualified from voting on the basis that he or she signs the affidavit of voter registration with mark or a cross, signs the

<u>Legislative History</u>	
Assembly Elections	5-1
Assembly Floor	57-14
Assembly Elections (77.2)	5-1
Assembly Concurrence	63-12
Senate Elections	5-0
Senate Elections (29.10)	3-0
Senate Floor	34-2

affidavit of voter registration with a signature stamp, or completes the affidavit of registration with the assistance of another person.

AB 1431 (GONZALEZ)
VETOED

CAMPAIGN CONTRIBUTIONS: SCHOOL DISTRICT AND COMMUNITY COLLEGE
DISTRICT ADMINISTRATORS.

[Adds Section 85705 to the Government Code]

Enacted in response to allegations that federal government employees were using their positions to assist candidates for federal office in the late 1930s, the federal Hatch Act (5 U.S.C. §§ 7321-7326) generally restricts certain political activities of most civilian federal government employees. The nature of the political activities that are restricted under the Hatch Act vary, depending on the position held by an employee. Employees in intelligence and enforcement agencies, for instance, typically are subject to broader restrictions on political activities than other public employees. Individuals who violate the Hatch Act are subject to "removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, reprimand, or an assessment of a civil penalty not to exceed \$1,000." One provision of the Hatch Act prohibits federal employees from soliciting, collecting, or receiving political contributions, except from other members of the same federal labor organization under certain conditions.

<u>Legislative History</u>	
Assembly Elections.....	5-1
Assembly Judiciary	8-2
Assembly Appropriations	12-4
Assembly Floor	60-17
Assembly Concurrence.....	58-19
Senate Elections	5-0
Senate Appropriations	(28.8)
Senate Floor	33-2

This bill, which is modeled after that provision of the Hatch Act, would have prohibited an administrator of a school or community college district from knowingly soliciting, accepting, or receiving a political contribution from any person for the campaign of an elected official of the district employing the administrator, or for a candidate for that office, and similarly would have prohibited elected officials and candidates from requesting an administrator to solicit, accept, or receive a political contribution. This bill was prompted in response to three government corruption cases in San Diego County in which the common thread, according to the author of this bill, was the practice of school administrators soliciting campaign funds for board members.

This bill was vetoed by Governor Brown on September 30, 2014. In his veto message, the Governor stated that he was "not inclined to establish a separate set of rules that apply to one class of school employees."

AB 1440 (CAMPOS)
 CHAPTER 873, STATUTES OF 2014
 ELECTIONS: DISTRICT BOUNDARIES: PUBLIC HEARING.

[Adds Sections 21507, 21607, 21621, and 22001 to, adds Chapter 2 (commencing with Section 10010) to Part 1 of Division 10 of, and repeals Sections 21500.1, 21601.1, and 21620.1 of, the Elections Code]

Counties, cities, and districts that elect governing board members using a district-based election system are required under existing law to adjust the boundaries of the governing boards' districts in the year following the decennial census. County boards of supervisors and city councils are required to hold a public hearing on proposed district boundaries prior to a vote to adjust the boundaries of supervisorial or council districts. No such public hearing requirement applied, however, when other districts were considering proposals to adjust the boundaries of the governing board's divisions. Similarly, state law did not explicitly require a local governmental body to hold a public hearing on proposed district boundaries if the body was transitioning from an at-large method of election to a district based method of election.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Local Government....	9-0
Assembly Appropriations	17-0
Assembly Floor	77-0
Assembly Concurrence.....	78-0
Senate Elections	4-0
Senate Appropriations	(28.8)
Senate Floor	36-0

The California Voting Rights Act (CVRA), which was enacted in 2002, prohibits an at-large method of election from being imposed or applied in a political subdivision in a manner that impairs the ability of a protected class of voters to elect the candidate of its choice or to influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters who are members of the protected class. Legal uncertainty surrounding the CVRA limited the impacts of that law in the first five years after its passage. Since that time, however, the law has had a significant impact, as more than 130 local governmental jurisdictions in California have switched from at-large to district based elections in order to avoid liability under the CVRA.

This bill requires any political subdivision that is switching from an at-large method of election to a district-based method of election to hold at least two public hearings on the proposed district boundaries prior to adopting those boundaries. This bill further requires the governing body of a district to hold at least one public hearing on proposed division boundaries prior to a hearing at which the board votes to adjust the boundaries. Finally, this bill specifies that at least one public hearing is required on proposed district boundaries before *any* vote to adjust the boundaries of districts, instead of requiring a public hearing only if the adjustment of the boundaries follows the decennial census.

AB 1446 (MULLIN)
CHAPTER 593, STATUTES OF 2014
VOTER REGISTRATION: PERSONAL INFORMATION.

[Amends Sections 2138.5, 2146, 2157, 2158, 2159.5, 2194, 2194.1, 18108.5, and 18109 of the Elections Code, and amends Sections 6254.4 and 6276.46 of the Government Code]

In 2011, the Legislature passed and the Governor signed SB 397 (Yee), Chapter 561, Statutes of 2011, which authorized the Secretary of State (SOS), in conjunction with the California Department of Motor Vehicles, to implement online voter registration prior to the completion of a new statewide voter registration database.

<u>Legislative History</u>	
Assembly Elections	5-0
Assembly Appropriations	12-4
Assembly Floor	55-18
Senate Elections	4-0
Senate Appropriations	(28.8)
Senate Floor	27-5

Due to the increased usage of the online voter registration system, many third parties, such as advocacy organizations, political parties, campaigns, non-partisan civic groups, and other entities, may desire to conduct voter registration drives using computers or mobile devices to register voters using the online voter registration system. However, current laws and regulations for voter registration drives that ensure the privacy of voters' personal information, outlaw the discrimination or intimidation of voters, and facilitate fraud investigations, are tailored more to paper voter registration cards and do not clearly apply to online voter registration. This bill updates the voter registration process to reflect the availability of online voter registration and ensures that the duties, responsibilities, and safeguards in current law that apply to paper based voter registration drives, as specified, are applied to individuals and organizations conducting voter registration using the online registration system. Additionally, this bill expands the scope of existing voting registration crimes to apply to those conducting voter registration drives using online voter registration, as specified.

AB 593 (Ridley-Thomas), Chapter 819, Statutes of 2003, created the Student Voter Registration Act of 2003 (Act) which, among other things, requires the SOS to provide every high school, California Community College (CCC), California State University (CSU), and University of California (UC) campus with voter registration forms and information describing eligibility requirements and instructions on how to return the completed form. SB 854 (Ridley-Thomas), Chapter 481, Statutes of 2007, amended the law to require every CCC and CSU that operates an automated class registration system to permit students, during the class registration process, to receive a voter registration application that is preprinted with personal information relevant to voter registration, as specified. Under the law, the UC is encouraged to comply with this provision. This bill deletes outdated provisions of the Act and updates the Act to reflect the advent of online voter registration, as specified.

AB 1589 (FRAZIER)
 CHAPTER 649, STATUTES OF 2014
 MILITARY OR OVERSEAS VOTERS: ELECTRONIC BALLOTS.

[Amends Section 3120 of the Elections Code]

In 2012, the Legislature passed and the Governor signed AB 1805 (Huffman), Chapter 744, Statutes of 2012, which was a uniform law that established new voting procedures for military and overseas voters and was written in a way that it could be applicable in multiple states that have different election procedures. AB 1805 was an effort to address the lack of uniformity between states regarding the ability of overseas and military voters to vote in state and local elections, which complicates efforts to more fully enfranchise those voters. However, applying a uniform law across states can be complicated and unintended consequences can occur. This bill addresses such a situation and deletes a uniform provision of law that could unintentionally result in the disenfranchisement of military or overseas voters.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	17-0
Assembly Floor	72-0
Senate Elections	4-0
Senate Appropriations	(28.8)
Senate Floor	34-0

Specifically, this bill eliminates a provision of law that requires a military or overseas voter to renew his or her request to receive a ballot by email every two years. Under existing law, a military or overseas voter that requests his or her ballot be transmitted via mail or facsimile is not subject to the same requirements. As a result, if a military or overseas voter requests that his or her ballot be received via mail or facsimile, that request is considered to be a standing request for each election until such time that the voter changes his or her preference or does not vote in a certain number of regularly scheduled statewide elections, as specified. Prior to the passage of AB 1805, state law did not require an expiration date to apply to requests to receive a vote by mail (VBM) ballot via email. This bill, which eliminates the requirement for a military or overseas voter to renew the request to receive a VBM ballot via email every two years, will ensure that all requests from military and overseas voters to receive VBM ballots are treated the same.

AB 1596 (GARCIA)
 CHAPTER 596, STATUTES OF 2014
 ELECTIONS: VOTE BY MAIL BALLOT APPLICATIONS.

[Amends Section 3006 of the Elections Code]

Existing law requires a printed vote by mail (VBM) ballot application that is distributed to a voter to include certain information, including the voter's name, residence, address to which the ballot is to be mailed, signature, and date of the election for which the request is made. Current law prohibits a VBM ballot from being mailed to the address of a political party, a

political campaign headquarters, or a candidate's residence address (unless the VBM ballot is being requested by a candidate, a member of the candidate's immediate family, or a person who shares the same residence address as the candidate). This same prohibition, however, does not apply to the return address of the VBM ballot application. As a result, some VBM ballot applications have been distributed by campaigns with a preprinted return address for the campaign headquarters instead of the elections official's office, and some applications have been delayed, lost, or not returned at all.

This bill aids in preventing VBM ballot applications from being delayed or interfered with by requiring a VBM ballot application to inform the voter of the address of the elections official and specify that that address is the only appropriate destination address for mailing the application.

<u>Legislative History</u>	
Assembly Elections	6-0
Assembly Floor	78-0
Senate Elections	5-0
Senate Floor	36-0

AB 1666 (GARCIA)
 CHAPTER 881, STATUTES OF 2014
 POLITICAL REFORM ACT OF 1974: CAMPAIGN FUNDS: BRIBERY FINES.

[Amends Section 89513 of the Government Code, and amends Section 86 of the Penal Code]

Existing law prohibits the use of campaign funds for an expenditure that confers a substantial personal benefit on any individual or individuals with authority to approve the expenditure unless the expenditure is directly related to a political, legislative, or governmental purpose. Additionally, current law prohibits the use of campaign funds to compensate a candidate or elected officer for the performance of political, legislative, or governmental activities, except for reimbursement of out-of-pocket expenses incurred for political, legislative, or governmental purposes. Moreover, a Member of the Legislature or any local legislative

<u>Legislative History</u>	
Assembly Elections	6-0
Assembly Appropriations	17-0
Assembly Floor	78-0
Assembly Concurrence	78-0
Senate Elections	4-1
Senate Appropriations	(28.8)
Senate Floor	31-1

body, as specified, who asks, receives, or agrees to receive, any bribe upon any understanding that his or her official vote, opinion, judgment, or action shall be influenced, is punishable by imprisonment and a fine, as specified.

In 2001, the Governor signed and the Legislature passed SB 923 (McPherson), Chapter 282, Statutes of 2001, which increased the fines for specified bribery offenses involving public officials. However, these fine thresholds have not been adjusted since they were raised in 2001. This bill strengthens the penalties associated with bribery offenses involving public officials by doubling the fines, as specified. In addition, this bill prohibits campaign funds from being used to pay a restitution fine imposed for a bribery offense.

AB 1673 (GARCIA)
CHAPTER 882, STATUTES OF 2014
POLITICAL REFORM ACT OF 1974: CONTRIBUTIONS.

[Amends Section 82015 of the Government Code]

The Political Reform Act (PRA) requires candidates and committees to disclose contributions made and received and expenditures made in connection with campaign activities. The term "contribution" is defined as any payment for political purposes for which full and adequate consideration is not provided to the donor.

<u>Legislative History</u>	
Assembly Elections.....	6-0
Assembly Appropriations	17-0
Assembly Floor	75-0
Assembly Concurrence.....	78-0
Senate Elections	5-0
Senate Appropriations	(28.8)
Senate Floor	35-0

When individuals or entities make payments in connection with holding a fundraiser for a candidate, such payments ordinarily are considered contributions to the candidate. However, current law allows for some exceptions. For instance, payments made by the occupant of a home or office for costs related to any meeting or fundraising event in the occupant's home or office are not considered contributions under the PRA if the costs for the meeting or fundraising event are \$500 or less.

Although existing law prohibits lobbyists from making contributions to elected state officers or candidates for elected state office if that lobbyist is registered to lobby the governmental agency for which the candidate is seeking election or the governmental agency of the elected state officer, the exception to the definition of the term "contribution" for the purposes of hosted fundraising events does not exclude events hosted by lobbyists. As a result, a lobbyist could hold a fundraiser at his or her home and the cost would not be considered a contribution, as long as the total cost of such an event did not exceed \$500. However, if the cost of the event exceeds \$500, all payments are counted as contributions.

This bill provides that a payment made by a lobbyist or a cohabitant of a lobbyist for costs related to a fundraising event held at the home of the lobbyist, including the value of the use of the home as a fundraising event venue, is a contribution for the purposes of the PRA regardless of the amount of the payment. In addition, this bill provides that a payment described above is attributable to the lobbyist for purposes of the prohibition against a lobbyist making a contribution to an elected state officer or candidate for elected state office. Finally, this bill provides that a payment made by a lobbying firm for costs related to a fundraising event held at the office of the lobbying firm, including the value of the use of the office as a fundraising event venue, is a contribution for the purposes of the PRA regardless of the amount of the payment.

AB 1692 (GARCIA)
CHAPTER 884, STATUTES OF 2014
POLITICAL REFORM ACT OF 1974.

[Amends Sections 85304, 85304.5, 89511, 89512, 89513, and 89519 of the Government Code]

The Political Reform Act (PRA) generally prohibits campaign funds from being used for personal expenses, and instead requires campaign expenditures to be reasonably related to a political, legislative, or governmental purpose. When a campaign expenditure results in a personal benefit of more than \$200 to an individual who had the authority to approve the expenditure, the expenditure must be *directly* related to a political, legislative, or governmental purpose. These provisions are intended to ensure that campaign funds are not used as a method of personally enriching candidates and officers of political committees.

<u>Legislative History</u>	
Assembly Elections.....	6-0
Assembly Appropriations	17-0
Assembly Floor	77-0
Assembly Concurrence.....	79-0
Senate Elections	4-1
Senate Appropriations	(28.8)
Senate Floor	31-1

The PRA allows campaign funds to be used to pay or reimburse fines and penalties only if the action is one for which the use of campaign funds to pay attorney's fees would be permissible. The use of campaign funds to pay attorney's fees is permissible only when those attorney's fees arise directly out of an election campaign, the electoral process, or the performance of an official's governmental activities. These provisions are a natural extension of the "personal use" provisions of the PRA—if litigation against a candidate or elected official is unrelated to that person's duties or activities as a candidate or official, then the expenditure of campaign funds for attorney's fees (or to pay any fines or penalties that result from the litigation) would not be reasonably or directly related to a political, governmental, or legislative purpose, but instead would serve to defray the personal legal expenses of the candidate or official.

This bill prohibits the use of campaign funds to pay fines, penalties, judgments, or settlements that result from an improper personal use of campaign funds. Additionally, this bill codifies a regulatory definition of the term "attorney's fees and other related legal

costs" for the purposes of provisions of existing law that specify the permissible uses of funds raised into a legal defense fund, and makes that definition applicable to provisions of state law that restrict the use of surplus campaign funds and that limit the circumstances under which campaign funds may be used to pay fines, penalties, judgments, or settlements.

**AB 1716 (GARCIA)
VETOED
POLITICAL REFORM ACT OF 1974: POSTEMPLOYMENT ACTIVITY
RESTRICTIONS.**

[Amends Section 87400 of, and adds Section 87406.5 to, the Government Code]

Existing law restricts the post-governmental activities of certain former public officials. These restrictions are commonly known as a "revolving door ban." There are two main types of revolving door restrictions in the Political Reform Act that may apply to former public officials.

A one-year ban prohibits certain officials, for one year after leaving public service, from representing any other person by appearing before or communicating with, for compensation, their former agency in an attempt to influence agency decisions that involve the making of general rules (such as regulations or legislation), or to influence certain proceedings involving a permit, license, contract, or transaction involving the sale or purchase of property or goods. Members of the Legislature, members of state boards and commissions with decision-making authority, local elected officials, and individuals who manage public investments are examples of people who are subject to the one-year ban. (A related, but slightly different, one-year ban applies to former air pollution control district and air quality management district members.) When originally adopted, this one-year ban applied primarily to former state employees, but subsequent legislation also made the one-year ban applicable to specified former local officials.

<u>Legislative History</u>	
Assembly Elections	6-0
Assembly Appropriations	15-1
Assembly Floor	73-1
Senate Elections	4-0
Senate Appropriations	5-0
Senate Floor	29-1

The second main type of revolving door restriction permanently prohibits former state administrative officials from being paid to work on proceedings that they participated in while working for the state. The ban prohibits appearances and communications to represent any other person, as well as aiding, advising, counseling, consulting, or assisting in representing any other person, for compensation, before any state administrative agency in a proceeding involving specific parties (such as a lawsuit, a hearing before an administrative law judge, or a state contract) if the official previously participated in the proceeding. This permanent ban on "switching sides" does not apply to local officials, though some local jurisdictions have adopted similar rules.

This bill would have made the permanent ban on "switching sides" in a proceeding

applicable to former local administrative officials.

On September 30, 2014, this bill was vetoed by Governor Brown. In his veto message, the Governor stated that "[l]ocal governments are currently able to adopt a 'permanent ban' if so desired. These decisions are best left where they can be carefully constructed to fit the needs of the local jurisdiction."

**AB 1728 (GARCIA)
VETOED
POLITICAL REFORM ACT OF 1974.**

[Amends Section 84308 of the Government Code]

Existing law, the Levine Act (Act), restricts campaign contributions made to officers of most state and local agencies by parties to a proceeding pending before those agencies. Enacted in 1982, the Act was a response to reports that members of a state agency sought to raise money from individuals and entities that had permit requests pending before the agency. The Act is unique among the provisions of the Political Reform Act (PRA) in that it is the only area in which a campaign contribution can be the basis for a disqualifying conflict of interest. The PRA otherwise does not treat campaign contributions as a potential basis for conflicts of interest.

<u>Legislative History</u>	
Assembly Elections	5-0
Assembly Local Government	8-1
Assembly Appropriations	12-4
Assembly Floor	56-16
Senate Elections	5-0
Senate Appropriations	5-0
Senate Floor	27-7

The Act is narrowly drafted to apply only to proceedings involving licenses, permits, or other entitlements for use. Proceedings of a more general nature and with broader applicability are not covered by the Act.

The Act generally does not apply to the judicial branch, local governmental bodies whose members are elected directly by the voters, members of the Legislature, or constitutional officers. Because the Act does not apply to local governmental bodies whose members are elected directly by the voters, the Act applies to some special districts, but not others.

According to information from the 2010 report, "What's So Special About Special Districts? (Fourth Edition)," prepared by the Senate Committee on Local Government, there are more than 700 different water districts of various types in California. In most cases, the governing boards of these water districts are elected, and as a result are not subject to the provisions of the Act. There are at least some water districts, however, that are governed by appointed boards of directors, or by boards of directors that are a combination of elected and appointed members. Those districts are subject to the Act under existing law.

This bill would have made all districts that are formed pursuant to the Water Code

subject to the Act.

On September 30, 2014, this bill was vetoed by Governor Brown, who argued that "[e]xpanding the Act to one subset of special districts, namely water boards, would add more complexity without advancing the goals of the Political Reform Act."

AB 1752 (FONG)
CHAPTER 887, STATUTES OF 2014
REDISTRICTING: INCUMBENT DESIGNATION.

[Amends Section 13108 of the Elections Code]

In 1961, the Legislature passed and the Governor signed AB 2444 (Crown), Chapter 1238, Statutes of 1961, which established a procedure for determining which candidate for reelection would be considered the incumbent in a congressional, Assembly, Senate, or Board of Equalization (BOE) district at the first election after redistricting. Under that

<u>Legislative History</u>	
Assembly Elections	6-0
Assembly Floor	74-0
Senate Elections	5-0
Senate Floor	36-0

procedure, an elected official who was running in a district that had the same number as the district that he or she held had priority over another official running in the same seat.

When the Legislature was responsible for drawing new district lines, it typically numbered districts in a manner that was designed to promote continuity in district numbers, so the practical effect was that the person who represented a larger portion of the new district typically was considered the incumbent. But when the Citizens Redistricting Commission (CRC) numbered districts, it did so in a manner that followed the geographic placement of the districts much more strictly.

This bill makes the portion of a new district that is represented by an elected official a more important factor than district number when determining which candidate is considered the "incumbent" after redistricting in an election for Congress, Legislature, or BOE. Additionally, this bill makes conforming changes to reflect that the CRC, rather than the Legislature, is responsible for adjusting the boundaries of Congressional, Legislative, and BOE districts following the federal decennial census.

AB 1768 (FONG)
 CHAPTER 130, STATUTES OF 2014
 DECLARATION OF CANDIDACY: RESIDENCE ADDRESS.

[Amends Section 8040 of the Elections Code]

Existing law requires a candidate for public office to file a declaration of candidacy that contains the residence address of the candidate and requires the elections official to verify whether a candidate's residence address is within the appropriate political subdivision. Candidates for judicial office, however, are not required to state their residence addresses on a declaration of candidacy. When a judicial candidate does not state his or her residence address on the declaration of candidacy, the elections official is required to verify whether his or her address is within the appropriate political subdivision and add the notation of "verified" if appropriate.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	17-0
Assembly Floor	75-0
Assembly Concurrence	77-0
Senate Elections	4-0
Senate Floor	32-0

Existing law permits a voter to have his or her registration information made confidential under a variety of different provisions of law. Under these provisions, victims of stalking and domestic violence, peace officers, persons working in the reproductive health care field, and people who face life-threatening circumstances may have the information relating to their residence addresses, telephone numbers, and e-mail addresses kept confidential from political campaigns and from other individuals or organizations that would otherwise have access to that information.

This bill provides, at the discretion of the elections official, that a candidate for any office whose voter registration information is confidential may withhold his or her residence address on a declaration of candidacy and provides that if a candidate does not state his or her residence address on the declaration of candidacy, the elections official shall verify whether the candidate's address is within the appropriate political subdivision and add the notation "verified" where appropriate on the declaration.

AB 1817 (GOMEZ)
CHAPTER 131, STATUTES OF 2014
VOTER REGISTRATION: HIGH SCHOOL PUPILS.

[Amends Section 49040 of, and adds Section 49041 to, the Education Code]

Existing law provides that the last two full weeks in April and the last two full weeks in September shall be known as "high school voter weeks," during which time deputy registrars of voters shall be allowed to register students and school personnel to vote on any high school campus in areas designated by the school administration, which are reasonably accessible to all students.

<u>Legislative History</u>	
Assembly Elections	5-1
Assembly Floor	54-20
Assembly Concurrence	55-22
Senate Education	5-2
Senate Elections	4-1
Senate Floor	26-9

This bill designates the last two weeks in April and in September to be "high school voter education weeks," during which time any person authorized by the county elections official are allowed to register students and school personnel to vote on any high school campus in areas designated by the administrator of the high school, or his or her designee. This bill additionally permits the administrator of a high school, or his or her designee, to appoint one or more pupils who are enrolled at that high school to be voter outreach coordinators.

AB 1873 (GONZALEZ & MULLIN)
CHAPTER 598, STATUTES OF 2014
SPECIAL MAIL BALLOT ELECTIONS: SAN DIEGO COUNTY.

[Amends Section 10703 of, and adds and repeals Section 4000.5 of, the Elections Code]

Existing law allows elections to be conducted entirely by mailed ballot in certain circumstances, including an election in which no more than 1,000 registered voters are eligible to participate, an election on the issuance of a general obligation water bond, or a special election to fill a vacancy in a school district or city with a population of 100,000 or less. Additionally, AB 413 (Yamada), Chapter 187, Statutes of 2011, created a pilot project allowing Yolo County to conduct not more than three local elections as all-mailed ballot elections, subject to certain conditions.

<u>Legislative History</u>	
Assembly Elections	4-2
Assembly Floor	44-32
Assembly Concurrence	47-29
Senate Elections	5-0
Senate Elections (29.10)	4-0
Senate Floor	24-8

This bill allows special elections in San Diego County that are held to fill vacancies in the Legislature and Congress to be conducted by mailed ballot until 2020, as specified. Among other requirements, elections officials who are conducting elections by mailed

ballot pursuant to this bill are required to offer early voting on weekends, ballot drop-off locations throughout the district in the week before election day, and at least one polling place for every 10,000 voters on election day. San Diego County is required to report to the Legislature and to the Secretary of State within six months of any mailed ballot election regarding the success of that election.

AB 2028 (MULLIN)
CHAPTER 209, STATUTES OF 2014
ALL-MAILED BALLOT ELECTIONS: SAN MATEO COUNTY.

[Amends Section 4001 of the Elections Code]

Existing law allows elections to be conducted entirely by mailed ballot in certain circumstances, including an election in which no more than 1,000 registered voters are eligible to participate, an election on the issuance of a general obligation water bond, or a special election to fill a vacancy in a school district or city with a population of 100,000 or less. Additionally, AB 413 (Yamada), Chapter 187, Statutes of 2011, created a pilot project allowing Yolo County to conduct not more than three local elections as all-mailed ballot elections, subject to certain conditions.

<u>Legislative History</u>	
Assembly Elections	4-1
Assembly Floor	51-23
Senate Elections	4-0
Senate Floor	25-10

This bill expands the Yolo County pilot program to allow San Mateo County to participate in the pilot program by conducting not more than three local elections as all-mailed ballot elections. San Mateo County is required to report to the Legislature and to the Secretary of State within six months of any all-mailed ballot election regarding the success of that election. The pilot project will conclude not later than January 1, 2018.

AB 2093 (GROVE)
CHAPTER 106, STATUTES OF 2014
PETITIONS: FILINGS.

[Amends Section 9014 of the Elections Code]

Statewide initiatives and referenda have different petition filing deadline requirements. State law requires a petition for a proposed statewide initiative to be filed with the county elections official not later than 150 days from the official summary date, and prohibits a county elections official from accepting a petition for the proposed initiative measure after that period. Additionally, Elections Code Section 15 permits an act to be performed on the next business day if the last day for the performance of any act provided for or

<u>Legislative History</u>	
Assembly Elections	6-0
Assembly Floor	74-0
Senate Elections	4-0
Senate Floor	32-0

required by the Elections Code is a holiday, as defined. As a result, it has been the longstanding practice that when a deadline for a proposed initiative measure falls on a weekend or holiday, the deadline moves forward to the next business day. However, this only applies to dates set in statute in the Elections Code. Article II, Section 9 of the California Constitution requires a petition for a proposed statewide referendum to be filed with the county elections official not later than 90 days from the date of the enactment of the bill, and state law prohibits a county elections official from accepting a petition for the proposed referendum after that period.

Because the deadlines for statewide referendum are in the California Constitution, it is unclear whether the provisions of Elections Code Section 15 apply to extend the deadline for submitting referendum petitions when the deadline falls on a weekend or holiday. As a result, it has been the longstanding practice for the Secretary of State (SOS), should a filing deadline fall on a weekend, to request county registrars to briefly open their offices on the weekends to accept petition signatures, but not to move the deadline forward to the next business day as with initiative measures.

In 2013, a lawsuit was filed against the SOS challenging the SOS's practice to reject referendum petition signatures that are filed after the 90 day deadline. The Superior Court ruled in favor of the petitioner and in the ruling the judge cited a 1915 decision by the state Supreme Court which stated that referendum power "should be liberally construed and should not be interfered with by the courts except upon clear showing that the law is being violated." (*Laam v. McLaren* (1915) 28 Cal.App.632, 638.)

In an effort to bring clarity to state law, this bill permits a statewide referendum petition, if the last day to file a petition is a holiday, to be filed with the county elections official on the next business day, as specified. In addition, this bill specifies that it will not be construed to affect any ongoing litigation.

AB 2219 (FONG)
CHAPTER 681, STATUTES OF 2014
INITIATIVE AND REFERENDUM PETITIONS: VERIFICATION OF SIGNATURES.

[Amends Sections 9031 and 9115 of the Elections Code]

In general, in order to qualify for the ballot, state law requires a petition for an initiative or referendum to be signed by a specified number of registered voters. Once the requisite number of signatures has been collected on the petition, they must be filed with the appropriate county elections official. Once submitted, current law requires elections officials to examine the petition and determine if the raw number of signatures submitted equals or exceeds the number of signatures required. If it is

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Appropriations	17-0
Assembly Floor	74-0
Assembly Concurrence.....	78-0
Senate Elections	4-0
Senate Appropriations	(28.8)
Senate Floor	36-0

determined a sufficient number of signatures has been submitted, current law requires county elections officials to examine the petition, and from records of registration, verify the signatures to ascertain whether the petition is signed by the requisite number of voters.

Under existing law, county elections officials are required to continue to examine and verify petition signatures even after the number of verified signatures has exceeded the required amount of signatures to qualify the measure for the ballot.

This bill revises the signature verification process for statewide initiatives and referendums and makes it more efficient and transparent. Specifically, this bill allows a county elections official to suspend signature verification on initiative or referendum petitions once it has been determined by the Secretary of State that the measure has the requisite number of valid signatures to qualify the measure for the ballot. Additionally, this bill permits the county elections official to end signature verification on a petition for a county measure if it is determined by the elections official that the petition has the requisite number of signatures to qualify the measure for the ballot.

AB 2233 (DONNELLY)
CHAPTER 270, STATUTES OF 2014
PRIMARY ELECTIONS: PETITIONS: SIGNATURES.

[Adds Section 8106.5 to the Elections Code]

California law requires candidates for many elective offices to pay a filing fee at the time they obtain nomination papers from the elections official. Filing fees are intended, in part, to help cover the administrative costs of conducting the election, but also serve as a means of limiting the size of the ballot in order to reduce voter confusion, prevent voting systems from being overwhelmed, and allow the electorate to focus attention on a smaller number of candidates in order that elections may better reflect the will of the majority. Courts have long recognized that states have a legitimate interest in regulating the number of candidates on the ballot for these reasons.

<u>Legislative History</u>	
Assembly Elections.....	5-0
Assembly Floor	70-3
Senate Elections	5-0
Senate Floor	30-3

At the same time, courts have also found that a state cannot require candidates to pay a filing fee in order to appear on the ballot unless the state also provides a reasonable alternative means of ballot access. In light of that fact, state law permits candidates to file petitions containing the signatures of a specified number of registered voters in lieu of paying a filing fee. At a regularly scheduled election, candidates have 56 days to collect signatures on a petition in lieu of a filing fee.

At a special election held to fill a vacancy, however, the amount of time that candidates have to collect signatures on a petition in lieu of a filing fee can be considerably shorter.

For special elections held during the 2013-2014 Legislative session, candidates had between three and 42 days to collect signatures on in lieu petitions.

This bill provides that if the number of days for a candidate to collect signatures on a petition in lieu of a filing fee for a special election that is held to fill a vacancy is less than the number of days that a candidate would have to collect signatures on a petition at a regular election for the same office, the elections official shall reduce the required number of signatures for the petition by the same proportion as the reduction in time for the candidate to collect signatures. This bill additionally provides that an in-lieu-filing-fee petition for a special election held to fill a vacancy in the office of Representative in Congress, state Senator, or Member of the Assembly shall require not less than 100 signatures, regardless of the amount of time that a candidate has to collect signatures on such a petition.

AB 2320 (FONG)
CHAPTER 902, STATUTES OF 2014
POLITICAL REFORM ACT OF 1974: CAMPAIGN FUNDS.

[Amends Section 84307.5 of the Government Code]

The Political Reform Act (PRA) places restrictions on the use of campaign funds for state and local candidates and elected officers. For example, the PRA prohibits the use of campaign funds for gifts or personal purposes unless they are directly related to a political, legislative, or governmental purpose. Furthermore, the PRA prohibits campaign funds from being used to compensate a candidate or elected officer for the performance of political, legislative, or governmental activities, except for reimbursement of out-of-pocket expenses incurred for political, legislative, or governmental purposes.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	17-0
Assembly Floor	75-0
Senate Elections	4-0
Senate Appropriations	(28.8)
Senate Floor	33-1

In 2009, the Legislature passed and the Governor signed SB 739 (Strickland), Chapter 360, Statutes of 2009, which prohibits a spouse or domestic partner of an elected officer or a candidate from receiving compensation from campaign funds for services rendered in connection with fundraising for the benefit of the elected officer or candidate.

Despite these restrictions, however, ethical concerns may continue to arise because existing law allows a candidate or officeholder to pay a spouse for services other than fundraising that are rendered to, and paid by, the campaign. Under such circumstances, a candidate or officeholder can personally benefit financially from contributions received by his or her campaign.

This bill strengthens campaign integrity by prohibiting a candidate or officeholder from paying his or her spouse or domestic partner from campaign funds for providing any services to the campaign.

AB 2351 (GORDON)
CHAPTER 903, STATUTES OF 2014
POLITICAL PARTY QUALIFICATION.

[Amends Sections 5100 and 5151 of the Elections Code]

In 2009, the Legislature approved SCA 4 (Maldonado), Resolution Chapter 2, Statutes of 2009, which was enacted by the voters as Proposition 14 on the June 2010 statewide primary election ballot. Proposition 14 implemented a top two primary election system in California for most elective state and federal offices. At primary elections, voters are able to vote for any candidate, regardless of party, and the two candidates who receive the most votes, regardless of party, advance to the general election.

<u>Legislative History</u>	
Assembly Elections.....	6-0
Assembly Floor	77-0
Assembly Concurrence.....	79-0
Senate Elections	4-0
Senate Floor	34-0

The implementation of the top two primary system has had a significant impact on third parties. Only the top two candidates for most elective state and federal offices advance to the general election. Under this new process, it is challenging for a third party candidate for statewide office to advance to the general election ballot. Consequently, it has become impractical for third parties to maintain their status as qualified political parties based on the number of votes cast for their candidates for statewide office at the general election, since their candidates typically will not appear on the general election ballot. As that method for maintaining party qualification becomes less of a realistic option for some political parties, those parties likely will have to meet a registration test in order to maintain their status as qualified political parties.

In an effort to address this problem, this bill allows a political party to maintain its status as a qualified party if at the last preceding gubernatorial primary election, the sum of the votes cast for all of the party's candidates for a statewide office totals at least 2% of the votes for that office. Prior to the enactment of this bill, state law provided that a political party could maintain its status if the party's candidate for a statewide office at a gubernatorial *general* election received at least 2% of the votes for that office.

Additionally, this bill changes the registration threshold for party qualification from 1% of all votes cast in the previous gubernatorial general election to 0.33% of all registered voters that have declared their preference for that party, regardless of the gubernatorial voter turnout. The combination of these changes will help alleviate the challenges smaller parties face when trying to maintain their status as qualified political parties.

AB 2369 (HAGMAN)
CHAPTER 904, STATUTES OF 2014
ELECTIONS: VOTER-REQUESTED RECOUNTS.

[Amends Section 15624 of the Elections Code]

Existing law permits any registered voter to request a recount within five days following the completion of the official canvass of election results. Additionally, at any time during the conduct of a recount and for 24 hours thereafter, current law allows any voter other than the original requestor to request a recount of additional precincts. The voter filing the request for the recount is required to deposit, before the recount commences and at the beginning of each day following, sums as required by the elections official to cover the cost of the recount for that day. If upon completion of the recount, the results are reversed, the deposit is returned.

<u>Legislative History</u>	
Assembly Elections.....	4-1
Assembly Floor	66-7
Assembly Concurrence.....	72-0
Senate Elections	5-0
Senate Floor	36-0

Moreover, current law requires a candidate or a ballot measure committee that pays for a recount to disclose and report the payment. If a recount is paid for by third party in coordination with or at the request of a candidate or a ballot measure committee, it is considered a reportable in-kind contribution under the Political Reform Act.

This bill specifies that a campaign committee may pay for a recount on behalf of a voter who has requested that recount.

AB 2439 (DONNELLY)
CHAPTER 168, STATUTES OF 2014
SECRETARY OF STATE: INITIATIVE INFORMATION.

[Adds Section 12172.3 to the Government Code]

Existing law requires the Secretary of State (SOS) to prepare a Statewide Initiative Guide which provides an overview of the procedures and requirements for preparing and circulating initiatives and for filing sections of the petition, and describing the procedure of verifying signatures on the petition. Current law permits the proponents of an initiative to obtain assistance from the Office of the Legislative Counsel in drafting the language of the proposed law, if they are able to obtain the signatures of 25 or more electors on the request for a draft of the proposed law.

<u>Legislative History</u>	
Assembly Elections.....	6-0
Assembly Appropriations	17-0
Assembly Floor	78-0
Senate Elections	4-0
Senate Appropriations	(28.8)
Senate Floor	35-0

In addition, existing law requires the SOS, upon the request of the proponents of an initiative measure which is intended to be submitted to the voters of the state, to review the provisions of the initiative measure after its preparation and before its circulation, as specified.

This bill requires the SOS to post on his or her Internet Web site, and include in the Statewide Initiative Guide, information that clearly describes that these services are available to the proponents of a proposed measure.

AB 2530 (RODRIGUEZ)
CHAPTER 906, STATUTES OF 2014
BALLOT PROCESSING.

[Amends Sections 3019, 14310, 15101, 15320, and 15350 of the Elections Code]

Current law requires a county elections official, upon receiving a vote by mail (VBM) ballot, mail ballot precinct ballot, or provisional ballot, to compare the signature on the identification envelope with the signature appearing in the voter's registration record, as specified. If the signatures compare, existing law requires the county elections official to deposit the ballot, still in the identification envelope, in a ballot container in his or her office. Due to an increase in VBM and provisional ballots, and to make the verification process more efficient, many county elections officials use signature verification technology to compare and verify signatures on ballot identification envelopes.

<u>Legislative History</u>	
Assembly Elections	5-1
Assembly Appropriations	12-5
Assembly Floor	53-25
Assembly Concurrence	54-25
Senate Elections	4-1
Senate Appropriations	(28.8)
Senate Floor	23-11

Computer signature verification technology is not infallible and unfortunately there are circumstances that may lead the verification software to determine incorrectly that a signature on an identification envelope does not compare to the signature on the voter's registration record. For example, the location of the voter's signature on the envelope, a problem with the digital image of the signature, or an outdated signature, all may lead verification software to determine incorrectly that the signatures do not match. Consequently, it is the existing practice of county elections officials to visually compare signatures that signature verification technology finds do not compare before rejecting a voted ballot. This practice, however, is not required by law.

This bill codifies this practice and explicitly authorizes an elections official, when comparing the signatures on a VBM ballot identification envelope, to use signature verification technology.

AB 2551 (WILK)
 CHAPTER 908, STATUTES OF 2014
 LOCAL BALLOT MEASURES: BOND ISSUES.

[Amends Section 9401 of the Elections Code]

Existing law requires all bond issues proposed by a county, city and county, district, or other political subdivision, to be submitted to the voters for approval. In addition, current law requires the preparation of a statement for each bond measure that includes certain fiscal information, as specified, and requires that statement to be mailed to the voters with the sample ballot for the bond election. The fiscal information required to be included for local bond measures in that statement, however, mostly has been unchanged since the requirement became law decades ago.

<u>Legislative History</u>	
Assembly Elections.....	6-0
Assembly Floor	78-0
Assembly Concurrence.....	77-0
Senate Gov. and Finance	7-0
Senate Elections	5-0
Senate Floor	36-0

In an effort to improve voter clarity on local bond measures and to help voters better understand the bond measure's future fiscal implications, this bill updates and makes modifications to the bond issue statement mailed to voters with the sample ballot. Specifically, this bill requires the statement to include the best estimate from official sources of the total debt service, including the principal and interest that would be required to be repaid if all the bonds are issued and sold. As a result, voters will better understand the fiscal effect of the measure, how the estimate of the tax rate was reached, and what the costs will be through the period of debt service on the bond.

AB 2562 (FONG)
 CHAPTER 909, STATUTES OF 2014
 ELECTIONS.

[Amends Section 5091 of the Education Code, amends Sections 100, 105, 2102, 2107, 9020, 9285, 14300, 17301, 17302, and 19202 of, and repeals Section 10552 of, the Elections Code]

This is an elections omnibus bill that makes various minor and technical changes to provisions of law governing elections, as detailed below.

Under existing law, when a vacancy occurs on the board of a school or community college district, the board has two options for filling that vacancy. The board can either call a special election or make a provisional appointment to fill the vacancy. If the board makes a provisional appointment, voters in the district have the ability to require a special

<u>Legislative History</u>	
Assembly Elections.....	6-0
Assembly Floor	78-0
Assembly Concurrence.....	76-0
Senate Elections	4-0
Senate Floor	33-0

election to be held by submitting signatures on a petition. The number of signatures needed is based on the number of registered voters in the district.

The law concerning the number of signatures needed to force a special election is ambiguous, however, in cases where board members are elected from trustee areas. In this situation, it is unclear whether the number of signatures needed to force a special election is based on the number of registered voters in the entire school or community college district, or if it is based on the number of registered voters in the trustee area in question. This bill clarifies that the number of signatures needed is based on the number of registered voters in the trustee area.

Additionally, if a school or community college district board fills a vacancy by appointment, the person who is appointed holds the seat only until the next regularly scheduled election for district governing board members, whereupon an election is held to fill the vacancy for the remainder of the term. If a vacancy occurs shortly before a scheduled election for district governing board members, however, it may not be logistically possible to add an additional contest to the ballot for the upcoming election.

This bill provides that a person who is appointed to fill a vacancy on a school or community college district board holds office until the next regularly scheduled election for district governing board members that is scheduled at least 130 days after the effective date of the vacancy.

When a voter signs an election petition or paper, including nomination papers and initiative, referendum, and recall petitions, the voter is required to provide his or her address. A voter's signature is not counted as valid if the address on the petition or paper does not match the address on the voter's affidavit of registration. Voters who live in apartments often omit their apartment number, or transpose numbers in the apartment number, when writing their address on a petition. This bill specifies that an incomplete or inaccurate apartment or unit number in the residence address of a signer on an election petition or paper shall not invalidate that person's signature.

In 2012, the Secretary of State (SOS) launched a system that permits California voters to register to vote on the SOS's website, pursuant to legislation previously approved by the Legislature and Governor. Since the launch of the online voter registration system, it has come to light that sections of the Elections Code that describe processes related to voter registration do not reference the existence of the electronic application. This bill makes various non-substantive changes to provisions of law governing the voter registration process to recognize the existence of online voter registration.

Section 9285 of the Elections Code, dealing with the exchange of ballot arguments on city measures, specifies that elections officials must transmit copies of arguments in favor of a city measure to the opponents of the measure, and in opposition to a city measure to the proponents of the measure, immediately upon *receiving* those arguments. However, because multiple arguments may be received by the city elections official, and because arguments can be withdrawn up until the deadline for filing ballot arguments, the official

cannot know which arguments will be the *official* arguments that will be included in election materials until after the deadline has passed for submitting arguments. This bill clarifies that a city elections official will transmit ballot arguments once the arguments that will be printed in the ballot pamphlet have been *selected*, rather than once they have been received.

The Uniform District Election Law (UDEL) was first enacted through the passage of AB 1892 (Porter, et al.), Chapter 2019, Statutes of 1965, in an attempt to consolidate and standardize election procedures for various districts in the state. Since 1968, counties have been required to file an annual report with the SOS detailing certain information about elections held in the county under UDEL. Elections officials have indicated that the reporting requirement has outlived its usefulness, that the reports take a significant amount of staff time and resources to prepare, and that the completed reports that are submitted to the SOS are filed away by the SOS and are not regularly reviewed or otherwise used for any specific purpose. This bill repeals that reporting requirement.

In 2013, the Legislature approved and the Governor signed SB 360 (Padilla), Chapter 602, Statutes of 2013, which overhauled and reorganized procedures and criteria for the certification and approval of a voting system. This bill moves back the date under which a voting system had to be submitted for federal qualification in order for that system to be subject to the pre-SB 360 testing requirements by one month.

This bill also corrects various erroneous cross-references in the Elections Code.

AB 2631 (DABABNEH)
CHAPTER 911, STATUTES OF 2014
ELECTIONS: VOTING MACHINES.

[Amends Sections 361, 3018, 15250, and 19371 of, amends the heading of Article 5 (commencing with Section 13282) of Chapter 3 of Division 13 of, amends and renumbers Sections 19382 and 19385 of, adds Section 15250.5 to, and repeals Sections 13283, 13284, 13285, 13286, 13287, 13288, 13289, 19370, 19380, 19381, 19383, 19384, and 19386 of, the Elections Code]

Current law defines a voting machine as any device upon which a voter may register his or her vote, and which, by means of counters, embossing, or printouts, furnishes a total of the number of votes cast for each candidate or for each measure. This definition, however, was placed into law in the 1970s when the use of gear-and-lever machines was permitted. Voting machine technology has since evolved and those gear-and-lever machines now fail to meet federal requirements specified in the federal Help America Vote Act of 2002 and are no longer in use in California. Statutes related to voting machines and polling place procedures fail to capture the nuances of

<u>Legislative History</u>	
Assembly Elections	6-0
Assembly Appropriations	17-0
Assembly Floor	71-1
Assembly Concurrence	78-0
Senate Elections	4-1
Senate Appropriations	(28.8)
Senate Floor	27-9

newer machines currently in use. This bill updates the Elections Code to reflect that lever voting machines are no longer in use in California elections and ensures that there is clarity in the Elections Code about the procedures and equipment used in California elections.

AB 2661 (BRADFORD)
VETOED
POLITICAL REFORM ACT OF 1974: CONFLICTS OF INTEREST: ENERGY COMMISSION.

[Adds Article 3.7 (commencing with Section 87375) to Chapter 7 of Title 9 of the Government Code, and repeals and adds Section 25205 of the Public Resources Code]

The California Energy Commission (CEC) was created by the Legislature in 1974 through the passage of AB 1575 (Warren), Chapter 276, Statutes of 1974, as the state's primary energy policy and planning agency. AB 1575 was signed into law two weeks prior to the adoption of the Political Reform Act (PRA) by the voters through the passage of Proposition 9 at the June 1974 statewide primary election. As a result, at the time that the CEC was created, and its specific conflict of interest rules were

<u>Legislative History</u>	
Assembly Elections.....	6-0
Assembly Nat. Resources.....	8-0
Assembly Appropriations	17-0
Assembly Floor	78-0
Senate Elections	4-0
Senate Appropriations	5-0
Senate Floor	34-0

established, the Fair Political Practices Commission (FPPC) did not exist, and the state did not have the conflict of interest rules that were enacted through the PRA and through subsequent amendments to the PRA (although general conflict of interest rules existed prior to the adoption of the PRA, the PRA enacted more comprehensive rules, including a requirement for governmental agencies to adopt a conflict of interest code).

This bill would have limited the ability of a person to be appointed to the CEC if he or she received income from a load serving entity in the two years prior to his or her appointment. Additionally, this bill proposed transferring certain other conflict of interest rules that are specific to the CEC from the Public Resources Code into the PRA.

On September 30, 2014, this bill was vetoed by Governor Brown. In his veto message, the Governor argued that it "would place undue restrictions on the appointment of qualified commissioners with relevant, real-world experience" and that it is "unnecessary in light of current law, which already prohibits officials from having a conflict of interest."

AB 2692 (FONG)
 VETOED
 POLITICAL REFORM ACT OF 1974: EXPENDITURES.

[Adds Section 89521.5 to the Government Code]

Existing law generally prohibits campaign funds from being used for personal expenses, and requires campaign expenditures to be reasonably related to a political, legislative, or governmental purpose. When a campaign expenditure results in a personal benefit of more than \$200 to an individual who had the authority to approve the expenditure, the expenditure must be *directly* related to a political, legislative, or governmental purpose.

These provisions are intended to ensure that campaign funds are not used to personally enrich candidates and officers of political committees.

This bill would have provided that if the Fair Political Practices Commission (FPPC) determined in an administrative action that an expenditure was made that conferred a substantial personal benefit to a person who had the authority to approve that expenditure, but the expenditure was not directly related to a political, legislative, or governmental purpose, that the individual who received the substantial personal benefit would have been required to pay to the General Fund of the state an amount equal to the personal benefit that he or she received. This payment would have been in addition to any administrative penalty imposed by the FPPC.

This bill was vetoed by Governor Brown on September 30, 2014. In his veto message, the Governor expressed his belief that existing fines were a sufficient deterrent against the improper personal use of campaign funds.

AB 2766 (ELECTIONS & REDISTRICTING COMMITTEE)
 CHAPTER 543, STATUTES OF 2014
 ELECTIONS: CENTRAL COMMITTEES: OATHS.

[Repeals Sections 7210, 7408, and 7655 of the Elections Code]

Article XX, Section 3 of the California Constitution requires public officials to take an oath or affirmation of office to support and defend the California and United States Constitutions. Additionally, existing state statute requires each county central committee member of the Democratic, Republican, and American Independent Party, whether elected

<u>Legislative History</u>	
Assembly Elections	6-0
Assembly Appropriations	17-0
Assembly Floor	76-0
Senate Elections	4-0
Senate Appropriations	(28.8)
Senate Floor	34-0

<u>Legislative History</u>	
Assembly Elections	4-0
Assembly Floor	54-22
Senate Elections	4-0
Senate Floor	23-12

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

In 2013, a lawsuit was filed against the Secretary of State challenging the loyalty oath requirement for political party central committee members. In the lawsuit, the petitioner alleged that requiring central committee members to take the oath of office is a violation of the United States and California Constitutions. Additionally, the petitioner alleged that the oath requirement violates the associational rights of the political parties by regulating the internal affairs of these political parties without a compelling state interest. The Superior Court ruled in favor of the petitioner's request for a declaratory judgment that the loyalty oaths in the Elections Code are unconstitutional.

This bill repeals the loyalty oath requirements in the Elections Code for the county central committee members of the Democratic, Republican, and American Independent Parties.

HR 37 (WIECKOWSKI)
ADOPTED BY THE ASSEMBLY
CAMPAIGN CONTRIBUTIONS.

In April 2014, the United States (US) Supreme Court issued its decision in *McCutcheon v. Federal Election Commission* (2014) No. 12-536 (*McCutcheon*), a case concerning a federal law restricting the aggregate amount that a donor may contribute in total to all federal candidates and committees in an election cycle.

<u>Legislative History</u>	
Assembly Elections.....	5-0
Assembly Floor	54-22

Federal campaign finance law contains two types of contribution limits. The first, referred to as "base limits," cap the amount that a donor can give to a candidate, a political party, or a political action committee (PAC) that makes contributions to candidates (for instance, a donor is prohibited from making contributions to a federal candidate totaling more than \$5,200 per election cycle—\$2,600 for the primary election, and \$2,600 for the general election). The Supreme Court's decision did not address these limits, which are similar to contribution limits in the Political Reform Act.

The second type of contribution limits are aggregate limits, which cap the total amount that an individual donor can contribute in an election cycle. The aggregate limits permit an individual to contribute a total of \$48,600 to federal candidates and a total of \$74,600 to other political committees (political parties and PACs) in each two-year election cycle. The base limits and the aggregate limits work in tandem, so a donor would be unable to give the maximum \$5,200 contribution to more than nine different federal candidates in an election cycle.

It was these second type of limits—aggregate limits—that were at issue in *McCutcheon*. The Supreme Court, on a 5-4 ruling, struck down the aggregate limits, finding that the limits impermissibly burden individuals' "expressive and associational rights" because they limit the number of candidates that a donor can support. Chief Justice Roberts' opinion rejected arguments that the aggregate limits served an important function in preventing corruption. By contrast, the dissenting justices argued that the court's ruling applied an unreasonably narrow definition of corruption, and maintained that the aggregate limits serve an important role in limiting undue influence by campaign donors.

This resolution states the Assembly's disagreement with the US Supreme Court's decision in *McCutcheon*.

SB 27 (CORREA)
CHAPTER 16, STATUTES OF 2014
POLITICAL REFORM ACT OF 1974. URGENCY.

[Amends Section 9084 of the Elections Code, and amends Sections 82015, 82048.7, 84105, and 88001 of, and adds Sections 84222 and 84223 to, the Government Code]

Multipurpose organizations (MPOs) may receive donations or other payments (e.g., membership dues) for purposes other than making campaign contributions and expenditures in California. These MPOs nevertheless may, at times, use some of these funds to make contributions or expenditures to support or oppose California state or local candidates or ballot measures.

<u>Legislative History</u>	
Senate Elections	4-1
Senate Appropriations	5-2
Senate Floor	28-8
Senate Concurrence	28-7
Assembly Elections	5-1
Assembly Appropriations	12-5
Assembly Floor	58-12

Under state law, when an MPO made contributions or independent expenditures of specified amounts in connection with an election in California, that MPO was required to file a report disclosing that it made the contributions or independent expenditures. In some cases, the MPO was required to report only the fact that it made a contribution or independent expenditure, while in other cases, the report was required to disclose certain donors to the MPO. One of the key rules in determining whether a MPO was required to disclose its donors when it made contributions or independent expenditures in connection with California elections is commonly referred to as the "one bite at the apple" rule.

The "one bite" rule is intended to ensure that an MPO is required to reveal the name of a donor only if the donor knew, or had reason to know, that his or her donation could be used for political purposes in California. Under the "one bite" rule, an MPO is not necessarily required to disclose any information about its donors unless it has previously made expenditures or contributions of at least \$1,000 during the calendar year, or at any time in the prior four calendar years. Once a MPO takes its first "bite" by making contributions or expenditures of \$1,000 or more, its donors are presumed to know that the

organization is involved in making contributions or expenditures in connection with California elections, and thus are presumed to know that their donations may be used for political purposes.

Even if an MPO has not taken its "one bite at the apple," it nonetheless may be required to disclose the names of donors when it makes a contribution or expenditure if those donors knew or had reason to know that their donations would be used for political purposes. For instance, if an MPO sent a solicitation for donations, and that solicitation specified that the donations were being sought for the purpose of making contributions or expenditures in a California election, individuals who donated in response to that solicitation would know that their donations would be used for political purposes, and as a result their names may be subject to disclosure notwithstanding the fact that the MPO did not previously take its "one bite at the apple." However, it can be difficult to enforce this reporting requirement.

Without adequate enforcement of these reporting requirements, there is a concern that individuals who wish to conceal their involvement in making contributions or expenditures in connection with California elections can do so by moving their money through MPOs that have not yet taken their "one bite at the apple." This frustrates one of the key purposes of the Political Reform Act: to ensure that receipts and expenditures in election campaigns are fully and truthfully disclosed so that the voters may be fully informed and improper practices may be inhibited.

Three weeks prior to the November 2012 statewide general election, the Small Business Action Committee PAC (SBAC PAC) received an \$11 million campaign contribution from Americans for Responsible Leadership (ARL), an Arizona-based non-profit organization. The SBAC PAC, which was a primarily formed committee that was opposing Proposition 30 and supporting Proposition 32 at the time the contribution was received, filed a campaign report disclosing that the \$11 million contribution was made by ARL. ARL, in turn, initially refused to disclose the names of its contributors, arguing that it was not required to do so under California law because it had not "solicited earmarked contributions for any particular project" and because "[n]o contributors to ARL at any time specified where any of their donations 'must go.'" Additionally, ARL had not previously made contributions or expenditures in California elections.

This bill is intended to address some of the challenges with ensuring thorough and appropriate campaign disclosure by specifying circumstances in which an MPO is required to disclose its donors when it makes contributions or expenditures. Some of these provisions are similar to regulations adopted by the Fair Political Practices Commission (FPPC). For instance, this bill requires a donor to an MPO to be disclosed when that MPO makes contributions or expenditures if the donation was received in response to a solicitation in which the MPO indicated that the money would be used to make contributions or expenditures, or if there was an agreement or understanding between the MPO and the donor that the money would be used for those purposes.

This bill also establishes a new situation in which an MPO is required to disclose the

identities of donors when that MPO makes contributions or expenditures. Under this provision, if an MPO makes contributions or expenditures of \$50,000 or more in a 12 month period, or \$100,000 or more in a four year period, the MPO is required to account for the source of the money that was used to make those contributions or expenditures, even if the MPO had not yet taken its "one bite at the apple." To the extent that the MPO uses only nondonor funds to make the contributions or expenditures, as specified, the MPO would not be required to disclose the identities of any of its donors. Furthermore, an MPO would not be required to disclose the identity of any donor who specified that his or her donation was not to be used for political purposes. An MPO could be required, however, to disclose the identities of certain donors who had given \$1,000 or more to the MPO, pursuant to a formula under which the donors that are identified would be those whose donations were received closest in time prior to the contribution or expenditure being made by the MPO.

Additionally, this bill requires a committee that is primarily formed to support or oppose a state ballot measure or candidate, and that raises \$1 million or more for an election, to maintain an accurate list of the committee's top 10 contributors of \$10,000 or more, as specified by the FPPC, and requires a current list of the top 10 contributors to be disclosed on the FPPC's Web site, as specified. Finally, this bill requires the FPPC to compile, maintain, and display on its Web site a current list of the top contributors supporting and opposing each state ballot measure.

This bill contains an urgency clause, and became operative on July 1, 2014.

SB 29 (CORREA)
CHAPTER 618, STATUTES OF 2014
VOTE BY MAIL BALLOTS AND ELECTION RESULT STATEMENTS.

[Amends Sections 3020, 3117, 4103, 15101, and 15372 of the Elections Code]

Existing law provides that a vote by mail (VBM) ballot must be received by the elections official from whom it was obtained, or by a precinct board in that jurisdiction, no later than the close of polls on election day in order for that ballot to be counted.

In 2012, the Assembly Elections & Redistricting Committee and the Senate Elections & Constitutional Amendments Committee held a joint oversight hearing to discuss United States Postal Service (USPS) facility closures and the impact on voters and upcoming elections. During the hearing, state and county elections officials testified about the impact that recent post office and processing facility closures had on their jurisdictions and on local elections, as well as the anticipated challenges with more closures expected.

<u>Legislative History</u>	
Senate Elections	3-1
Senate Appropriations.....	5-2
Senate Floor.....	27-10
Senate Concurrence	21-11
Assembly Elections	5-2
Assembly Appropriations	12-5
Assembly Floor	54-25

According to testimony from elections officials, one of the most significant impacts those closures had on the election process is that there had been significant delays in mail delivery in some circumstances. Elections officials from counties that were previously served by closed facilities have indicated that some first class mail took five to seven days to arrive after closures of USPS facilities, compared to the usual delivery time of one to three days.

To the extent that these closures and additional future closures planned by the USPS result in mail delivery delays, voters who mail their ballots within a reasonable timeframe could, through no fault of their own, find themselves disenfranchised.

This bill allows VBM ballots to be counted if they are mailed by election day and received by the elections official by mail no later than three days after the election.

SB 113 (JACKSON)
CHAPTER 619, STATUTES OF 2014
ELECTIONS: VOTER REGISTRATION.

*[Amends Sections 2102, 2106, 2150, 2156, 2205, and 2220
of, and adds Section 2155.3 to, the Elections Code]*

Existing law permits a person who is a United States citizen, a resident of California, not in prison or on parole for the conviction of a felony, and at least 18 years of age at the time of the next election to register to vote. Additionally, current law allows a person who is at least 17 years old and otherwise meets all voter eligibility requirements to pre-register to vote. This provision of law, however, will become operative only if the Secretary of State (SOS) certifies that the state has a statewide voter registration database that complies with the federal Help America Vote Act (HAVA).

<u>Legislative History</u>	
Senate Elections	4-1
Senate Appropriations	5-1
Senate Floor	24-8
Senate Concurrence	22-12
Assembly Elections	5-1
Assembly Appropriations	12-4
Assembly Floor	54-21

Studies have shown that the earlier people are introduced to voting, the more likely they are to become life-long participants in democracy. This bill expands pre-registration by authorizing a 16-year-old to pre-register to vote once pre-registration is in effect, provided he or she meets all other eligibility requirements, as specified.

Existing law requires the county elections official, upon receipt of a properly executed affidavit of registration or address correction notice or letter, as specified, to send the voter a voter notification card. This bill creates a new voter notification card, called a voter pre-registration notice, and requires this notice to be sent to those that are under the age of 18 and have pre-registered to vote, as specified.

The SOS has been in the process of implementing a new statewide voter registration database, VoteCal, for several years, as required by the HAVA. The SOS estimates that VoteCal will be fully implemented by 2016. California's existing pre-registration law and the provisions of this bill will not go into effect until the SOS certifies that the VoteCal system is complete.

**SB 831 (HILL)
VETOED
POLITICAL REFORM ACT OF 1974.**

*[Amends Sections 87207, 89506, 89513, 89515, 89516, and 89517 of,
and adds Sections 87106 and 89515.5 to, the Government Code]*

Existing law generally requires an elected officer to report any payments made at the behest of the officer principally for legislative, governmental, or charitable purposes, as specified. Additionally, existing law generally provides that campaign expenditures must be reasonably related to a political, legislative or governmental purpose, unless the expenditure confers a substantial personal benefit to the candidate or a person who has the authority to approve the expenditure, in which case it must be directly related to a political, legislative, or governmental purpose.

<u>Legislative History</u>	
Senate Elections	4-1
Senate Appropriations	7-0
Senate Floor	35-1
Senate Concurrence	35-1
Assembly Elections	6-0
Assembly Appropriations	17-0
Assembly Floor	77-0

This bill would have prohibited an elected officer from requesting that a payment be made at his or her behest to a nonprofit organization that is owned or controlled by that officer or a family member of the officer. Furthermore, this bill would have prohibited an expenditure of campaign funds by an elected officer or committee controlled by an elected officer to a nonprofit organization that is owned or controlled by the elected officer or a family member of the elected officer.

Existing law prohibits specified elected officers and other public officials from receiving gifts, as defined, in excess of \$440 in value from a single source in a calendar year, but provides that certain travel payments made by nonprofit organizations are not subject to the \$440 limit.

This bill would have required a nonprofit organization that made payments for travel by elected officers, as specified, to disclose the names of donors responsible for funding the payments if those donors knew or had reason to know that their donation would be used for travel payments for elected officers. Additionally, this bill would have required a public official, when reporting a gift that is a travel payment, to disclose the travel destination.

Existing law imposes limitations on the use of campaign funds for certain expenditures, including those relating to automotive expenses, travel expenses, tickets for entertainment or sporting events, personal gifts, and real property expenses.

This bill would have prohibited campaign funds from being used to pay a number of different types of expenditures, including personal vacations; membership dues for recreational facilities; tuition payments, as specified; clothing to be worn by a candidate or elected officer; vehicle use not directly related to an election campaign; and gifts to family members of a candidate or elected officer.

On September 30, 2014, Governor Brown vetoed this bill, arguing that "[t]he additional restrictions proposed by this bill would add more complexity to the regulations governing elected officials, without reducing undue influence."

SB 844 (PAVLEY)
 CHAPTER 920, STATUTES OF 2014
 ELECTIONS: BALLOT MEASURE CONTRIBUTIONS.

*[Amends Sections 9082.7 and 9086 of the Elections Code,
 and amends Section 88002 of the Government Code]*

In 1974, California voters passed Proposition 9, the Political Reform Act (PRA), which created the Fair Political Practices Commission (FPPC), and made it primarily responsible for enforcing state laws governing political campaigns. Under existing law, each campaign committee formed or existing primarily to support or oppose a statewide ballot measure must file periodic reports with the Secretary of State (SOS) identifying the sources and amounts of contributions received during specified periods. Additionally, existing law requires a committee primarily formed to support or oppose a state ballot measure or state candidate that raises \$1 million or more for an election to maintain and disclose to the FPPC a list of the committee's top 10 contributors. Moreover, current law requires the FPPC to compile, maintain, and display the top 10 contributors list on its Internet Web site.

<u>Legislative History</u>	
Senate Elections	5-0
Senate Appropriations	6-1
Senate Floor	35-0
Senate Concurrence	36-0
Assembly Elections	6-0
Assembly Appropriations	17-0
Assembly Floor	78-1

This bill expands on current law to help provide voters with easy to access and easy to use tools to identify and make available to the public financial contribution information for state ballot measures. Specifically, this bill requires the SOS to create an Internet Web site, or use other available technology, to consolidate information about each state ballot measure in a manner that is easy for voters to access and understand, as specified. This bill requires the website to include the total amount of reported contributions made in support or opposition to a ballot measure as well as to identify the top 10 contributors compiled by the FPPC. In addition, this bill requires the state ballot pamphlet mailed out

to voters by the SOS to contain a printed statement below each analysis that refers voters to the SOS's website and information on how to access the financial contribution information for state ballot measures.

SB 952 (TORRES)
CHAPTER 483, STATUTES OF 2014
PROHIBITED FINANCIAL INTERESTS: AIDING AND ABETTING.

[Amends Sections 1090, 1093, and 1097 of the Government Code]

Government Code Section 1090 (section 1090) generally prohibits a public official or employee from making a contract in his or her official capacity in which he or she has a financial interest. In addition, a public body or board is prohibited from making a contract in which any member of the body or board has a financial interest, even if that member does not participate in the making of the contract. A violation of this provision is punishable by a fine of up to \$1,000 or imprisonment in the state prison, and any violator is forever disqualified from holding any office in the state. The prohibitions against public officers being financially interested in contracts that are contained section 1090 date back to the second session of the California Legislature (Chapter 136, Statutes of 1851).

<u>Legislative History</u>	
Senate Public Safety.....	6-0
Senate Appropriations	7-0
Senate Floor	37-0
Senate Concurrence	27-0
Assembly Elections.....	6-0
Assembly Appropriations	17-0
Assembly Floor	78-0

Under California law, a person who aids and abets in the commission of a crime generally can be found guilty of the underlying crime if certain conditions are met. Notwithstanding this fact, courts have held that there is no aider and abettor liability under section 1090. In *D'Amato v. Superior Court* (2008) 167 Cal. App. 4th 861, the Court of Appeal for the Fourth Appellate District, Division Three, suggested that the separation of powers doctrine precludes criminal prosecutions of public officials for aiding and abetting a violation of section 1090, absent clear legislative intent to permit such prosecutions. The court did not conclude that the Legislature was prohibited from making it a crime to aid and abet a violation of section 1090. Instead, the court noted that "the 'common-law principles of legislative and judicial immunity...should not be abrogated absent clear legislative intent to do so,'" and the court concluded that the language of section 1090 suggested that the Legislature had not intended to provide for aider and abettor liability for violations of section 1090.

This bill prohibits an individual from aiding or abetting a violation of section 1090 and related laws, and provides that a person who willfully aids or abets a violation of Section 1090 is punishable by a fine of not more than \$1,000, or by imprisonment in the state prison, and is forever disqualified from holding any office in this state.

SB 1063 (BLOCK)
 CHAPTER 624, STATUTES OF 2014
 VOTER REGISTRATION: JUVENILE DETENTION FACILITIES.

[Adds Section 2105.7 to the Elections Code]

Existing law specifies that in order to be eligible to vote, an individual must be a United States citizen, a resident of California, not in prison or on parole for the conviction of a felony, not deemed mentally incompetent, and at least 18 years of age at the time of the next election.

For those individuals incarcerated, existing law requires the facility administrator of each local detention facility to adopt written policies and procedures whereby the county registrar of voters allows those qualified voters in the detention facility to vote. Additionally, existing law requires a county probation department either to establish a hyperlink on its Internet Web site to the Secretary of State's (SOS) voting rights guide for incarcerated persons, or to post a notice that contains the SOS Internet Web site address where the voting rights guide can be found. Moreover, on the state level, the California Department of Corrections Rehabilitation Division of Juvenile Justice (DJJ) has a policy in place pertaining to voting which requires the DJJ to advise eligible wards that are 18 years of age and over of their right to register and vote, provide voter registration forms obtained from the county elections official, assist the ward in completing the voter registration form, and ensure that eligible voters are provided with a ballot, as specified.

Despite these efforts, however, there are many eligible voters in the state that remain unregistered to vote. In an effort to increase voter registration, particularly for hard-to-reach populations, such as currently incarcerated youth, this bill requires a state and local juvenile detention facility to identify individuals housed in their facilities who are of age to register to vote and not currently serving a sentence for a conviction of a felony, to provide those individuals with and to assist them in completing an affidavit of registration, and to return or transmit the completed registration cards to the county elections official.

<u>Legislative History</u>	
Senate Elections	4-1
Senate Appropriations	5-2
Senate Floor	21-12
Senate Concurrence	22-12
Assembly Elections	5-1
Assembly Appropriations	12-5
Assembly Floor	48-28

**SB 1253 (STEINBERG)
CHAPTER 697, STATUTES OF 2014
INITIATIVE MEASURES.**

[Amends Sections 9, 101, 9002, 9004, 9005, 9014, 9030, 9031, 9033, 9034, 9051, 9082.7, 9094.5, 9604, and 18621 of the Elections Code]

In 1911, California voters amended the state Constitution to reserve for themselves the power of the initiative due to concerns that special interests exercised a corrupting influence over state politics. This initiative power allows electors to propose statutes and amendments to the Constitution and to adopt or reject them. Although voters overwhelmingly support the initiative process, they're becoming increasingly concerned over various aspects of the process.

<u>Legislative History</u>	
Senate Elections	4-1
Senate Appropriations	5-2
Senate Floor	29-8
Senate Concurrence	28-9
Assembly Elections	5-1
Assembly Appropriations	12-5
Assembly Floor	55-23

This bill makes significant changes to the initiative process. This bill adds a 30 day public review period and requires the Attorney General (AG) to post the text of the proposed initiative measure on the AG's Internet Web site and provide for the submission of written public comments on the proposed initiative measure, as specified. During the public review period, this bill permits proponents of a proposed initiative measure to submit amendments to the measure.

Moreover, this bill makes changes to initiative measure timeframes. Current law requires a petition for a proposed initiative measure to be filed with the county elections official not later than 150 days from the official summary date. This bill extends the circulation time period to 180 days.

This bill additionally requires the Legislature to hold a public hearing on an initiative measure once the proponents of the measure have certified that they have collected at least 25% of the signatures needed for the measure to qualify for the ballot, but not later than 131 days before the measure will appear on the ballot.

This bill permits the proponents of a statewide initiative or referendum measure to withdraw the measure after filing the petition with the appropriate elections official at any time prior to the 131st day before the election at which the measure will appear on the ballot.

Finally, this bill requires the Secretary of State to create an Internet Web site, or use other available technology, to consolidate information about each state ballot measure in a manner that is easy for voters to access and understand, as specified.

SB 1272 (LIEU)
 CHAPTER 175, STATUTES OF 2014
 CAMPAIGN FINANCE: ADVISORY ELECTION.

[Special Statute]

In January 2010, the United States Supreme Court issued its ruling in *Citizens United v. Federal Election Commission* (2010) 558 U.S. 310, a case involving a nonprofit corporation (Citizens United) that sought to run television commercials promoting a film it produced that was critical of then-Senator and presidential candidate Hillary Clinton. Because federal law prohibited corporations and unions from using their general treasury funds to make expenditures for "electioneering

communications" or for communications that expressly advocated the election or defeat of a candidate, Citizens United was concerned that the television commercials promoting its film could subject the corporation to criminal and civil penalties. In its decision, the Supreme Court struck down the 63-year old law that prohibited corporations and unions from using their general treasury funds to make independent expenditures in federal elections, finding that the law unconstitutionally abridged the freedom of speech.

<u>Legislative History</u>	
Senate Elections	4-1
Senate Appropriations	5-2
Senate Floor	23-12
Senate Concurrence	24-11
Assembly Elections	5-0
Assembly Appropriations	11-4
Assembly Floor	52-23

This bill proposed to place the following advisory question on the ballot at the November 4, 2014, statewide general election:

Shall the Congress of the United States propose, and the California Legislature ratify, an amendment or amendments to the United States Constitution to overturn *Citizens United v. Federal Elections Commission* (2010) 558 U.S. 310, and other applicable judicial precedents, to allow the full regulation or limitation of campaign contributions and spending, to ensure that all citizens, regardless of wealth, may express their views to one another, and to make clear that the rights protected by the United States Constitution are the rights of natural persons only?

On July 16, 2014, Governor Brown announced that he was allowing SB 1272 to become law without his signature. On August 11, 2014, however, the California Supreme Court ordered that the advisory question be removed from the ballot at the November 4, 2014, statewide general election, pending further consideration on the question of whether the Legislature had the authority to place the measure on the ballot.

**SB 1365 (PADILLA)
VETOED
CALIFORNIA VOTING RIGHTS ACT OF 2001.**

[Adds the heading of Article 1 (commencing with Section 14025) and the heading of Article 2 (commencing with Section 14027) to, and adds Article 3 (commencing with Section 14040) to, Chapter 1.5 of Division 14 of the Elections Code]

SB 976 (Polanco), Chapter 129, Statutes of 2002, enacted the California Voting Rights Act (CVRA) to address racial block voting in at-large elections for local office in California. In areas where racial block voting occurs, an at-large method of election can dilute the voting rights of minority communities if the majority typically votes to support candidates that differ from the candidates who are preferred by minority communities. In such situations, breaking a jurisdiction up into districts can result in districts in which a minority community can elect the candidate of its choice or otherwise have the ability to influence the outcome of an election. Accordingly, the CVRA prohibits an at-large method of election from being imposed or applied in a political subdivision in a manner that impairs the ability of a protected class of voters to elect the candidate of its choice or to influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters who are members of the protected class.

<u>Legislative History</u>	
Senate Elections	4-1
Senate Floor	23-11
Senate Concurrence	23-12
Assembly Elections	5-1
Assembly Floor	54-23

Legal uncertainty surrounding the CVRA limited the impacts of that law in the first five years after its passage. Since that time, however, the law has had a significant impact, as more than 130 local governmental jurisdictions in California have switched from at-large to district based elections in order to avoid liability under the CVRA. As an increasing number of jurisdictions have switched from at-large to district-based elections, concerns have arisen that some jurisdictions may be creating districts that have the same negative impact on representation as the at-large election systems that were targeted by the CVRA.

This bill would have expanded the CVRA to permit challenges to be brought to district-based election systems that impair the ability of a protected class of voters to elect the candidates of its choice or to influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters who are members of the protected class. Challenges to district-based election systems under this bill would have been subject to the same standards and procedures that apply to challenges to at-large election systems that are brought under the CVRA. If a district-based election system were found to violate the CVRA under this bill, the court would have been required to implement a single-member district-based election system as a remedy, unless such a remedy was not legally viable. In situations where the court found that such a remedy was not viable, this bill would have required the court to consider other appropriate remedies, including

increasing the size of the governing body, delaying an election, or changing the dates of elections in the political subdivision.

This bill was vetoed by Governor Brown on September 30, 2014. In his veto message, the Governor stated that "the federal Voting Rights Act and the California Voting Rights Act already provide important safeguards to ensure that the voting strength of minority communities is not diluted."

SB 1441 (LARA, ET AL.)
CHAPTER 930, STATUTES OF 2014
POLITICAL REFORM ACT OF 1974: CONTRIBUTIONS.

[Amends Section 82015 of the Government Code]

The Political Reform Act (PRA) requires candidates and committees to disclose contributions made and received and expenditures made in connection with campaign activities. The term "contribution" is defined as any payment for political purposes for which full and adequate consideration is not provided to the donor.

When individuals or entities make payments in connection with holding a fundraiser for a candidate, such payments ordinarily are considered contributions to the candidate. However, current law allows for some exceptions. For instance, payments made by the occupant of a home or office for costs related to any meeting or fundraising event in the occupant's home or office are not considered contributions under the PRA if the costs for the meeting or fundraising event are \$500 or less.

Although existing law prohibits lobbyists from making contributions to elected state officers or candidates for elected state office if that lobbyist is registered to lobby the governmental agency for which the candidate is seeking election or the governmental agency of the elected state officer, the exception to the definition of the term "contribution" for the purposes of hosted fundraising events does not exclude events hosted by lobbyists. As a result, a lobbyist could hold a fundraiser at his or her home and the cost would not be considered a contribution, as long as the total cost of such an event did not exceed \$500. However, if the cost of the event exceeds \$500, all payments are counted as contributions.

This bill provides that a payment made by a lobbyist or a cohabitant of a lobbyist for costs related to a fundraising event held at the home of the lobbyist, including the value of the use of the home as a fundraising event venue, is a contribution for the purposes of the PRA regardless of the amount of the payment. In addition, this bill provides that a payment described above is attributable to the lobbyist for purposes of the prohibition

<u>Legislative History</u>	
Senate Elections	5-0
Senate Appropriations	6-0
Senate Floor	33-0
Senate Concurrence	37-0
Assembly Elections	6-0
Assembly Appropriations	17-0
Assembly Floor	78-0

against a lobbyist making a contribution to an elected state officer or candidate for elected state office. Finally, this bill provides that a payment made by a lobbying firm for costs related to a fundraising event held at the office of the lobbying firm, including the value of the use of the office as a fundraising event venue, is a contribution for the purposes of the PRA regardless of the amount of the payment.

**SB 1442 (LARA, ET AL.)
VETOED
POLITICAL REFORM ACT OF 1974: CAMPAIGN STATEMENTS.**

[Amends Sections 82036, 82036.5, 82048.4, 84101, 84103, 84200, 84200.6, 84215, 84218, and 84252 of, adds Sections 84200.3 and 84620 to, repeals Sections 84200.7, 84202.3, 84202.5, 84202.7, and 84203.5 of, and repeals and adds Section 84200.5 of, the Government Code]

Existing law requires the Secretary of State (SOS), in consultation with the Fair Political Practices Commission (FPPC), to provide an online and electronic filing system for use by specified state candidates, committees, lobbyists, lobbying firms, and lobbyist employers. This online reporting and disclosure system is commonly referred to as the Cal-Access system. In November 2011, the Cal-Access system went down, and the system was unavailable for most of the month of

<u>Legislative History</u>	
Senate Elections	5-0
Senate Appropriations	7-0
Senate Floor	34-0
Senate Concurrence	27-1
Assembly Elections	5-1
Assembly Appropriations	15-1
Assembly Floor	73-5

December. According to information from the SOS, the age and outdated components of the Cal-Access system present a number of challenges to maintaining the existing disclosure system and to replacing that system with a new (and more robust) campaign and lobbying disclosure database.

This bill would have required the SOS, in consultation with the FPPC, to develop a new statewide Internet-based system for the electronic filing and public display of all records filed with the SOS pursuant to the Political Reform Act (PRA). Additionally, this bill would have required state candidates and campaign committees to file periodic campaign reports every calendar quarter, instead of semi-annually, beginning January 1 of the year following the year in which the new campaign filing and display system became operational, and would have streamlined the campaign filing schedule, eliminating a number of campaign reporting requirements in favor of more frequent regular campaign reporting.

This bill was vetoed by Governor Brown on September 30, 2014. In his veto message, the Governor stated that it would be premature to adjust the campaign filing schedule before a new filing system was operational, and that the SOS should complete two ongoing information technology projects before additional information technology projects for that office are authorized.

SB 1443 (DE LEÓN, ET AL.)
 VETOED
 POLITICAL REFORM ACT OF 1974: GIFT LIMITATIONS.

[Amends Sections 86203, 87103, and 89503 of the Government Code]

Existing law prohibits elected state and local officers, candidates for elective state or local office, members of state boards and commissions, and designated employees of state or local government agencies from accepting gifts from a single source in a calendar year with a total value of more than \$440, with certain limited exceptions. The Fair Political Practices Commission (FPPC) is required to adjust this gift limit on January 1 of each odd-numbered year to reflect changes in the Consumer Price Index (CPI). Additionally, existing law prohibits a lobbyist or lobbying firm from making gifts aggregating more than \$10 in a calendar month to a candidate for elective state office, an elected state officer, or a legislative official, or to an agency official of any agency required to be listed on the registration statement of the lobbying firm or the lobbyist employer of the lobbyist.

<u>Legislative History</u>	
Senate Elections	5-0
Senate Appropriations	(28.8)
Senate Floor	34-0
Senate Concurrence	37-0
Assembly Elections	6-0
Assembly Appropriations	17-0
Assembly Floor	75-0

This bill would have lowered the limit on the value of gifts that specified public officials can receive from a single source in a calendar year from \$440 to \$200, and would have given the FPPC the discretion to decide whether to adjust the gift limit every other year to reflect changes in the CPI. Additionally, this bill would have eliminated the \$10 limit on gifts from lobbyists and lobbying firms, and instead would have prohibited lobbyists or lobbying firms from making gifts of any amount to a candidate for elective state office, an elected state officer, or a legislative official, or to an agency official of any agency required to be listed on the registration statement of the lobbying firm or the lobbyist employer of the lobbyist.

Finally, this bill would have prohibited candidates for elective state office, elected state officers, and legislative officials from receiving certain types of gifts, including tickets to professional sporting or entertainment events, theme park tickets, golfing greens fees, spa treatments, and cash or cash equivalents.

On September 30, 2014, this bill was vetoed by Governor Brown. In his veto message, the Governor stated that this bill would "add[] further complexity without commensurate benefit," and maintained that "[p]roper disclosure, as already provided by law, should be sufficient to guard against undue influence."

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