

ASSEMBLY COMMITTEE ON ELECTIONS & REDISTRICTING

2005 LEGISLATIVE SUMMARY

AB 215 (OROPEZA)

VETOED

CODE OF FAIR CAMPAIGN PRACTICES.

[Amends Section 20400 of, and adds Section 9093.5 to, the Elections Code]

Under existing law, when a candidate for elective office receives his or her declaration of candidacy or nomination papers from the election official, the candidate is also given the opportunity to voluntarily subscribe to the Code of Fair Campaign Practices (Code). Candidates who subscribe to the Code voluntarily pledge to do the following:

- a) Conduct campaigns openly and publicly;
- b) Refrain from using or permitting the use of character defamation of any candidate;
- c) Refrain from using or permitting any appeal to negative prejudice based on race, sex, religion, national origin, physical health status, or age;
- d) Refrain from using or permitting any dishonest or unethical practice which tends to corrupt or undermine the American system of free elections;
- e) Refrain from coercing election help or campaign contributions from employees;
- f) Immediately and publicly repudiate support deriving from any individual or group which resorts to methods and tactics condemned by the candidate; and
- g) Defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.

Legislative History	
Assembly Elections	4-2
Assembly Appropriations	13-5
Assembly Floor	47-32
Senate Elections	4-2
Senate Appropriations	(28.8)
Senate Floor	24-14

A candidate who subscribes to the Code completes a form that indicates the candidate's willingness to comply with the provisions of the Code. That form is a public document that is available for public inspection until 30 days after the election at which the candidate was running for office.

This bill would have required the state ballot pamphlet to include the text of the Code, along with an indication that a list of those candidates who had subscribed to the Code

was available on the Internet web site of the Secretary of State (SOS) and by contacting a local elections official. This bill would have required the SOS to post the text of the Code along with a list of all candidates for state or federal office who had subscribed to the Code on his or her web site, and would have permitted any local elections official to post the same information on his or her official web site.

On September 6, 2005, Governor Schwarzenegger vetoed this bill. In his veto message, the Governor noted that the Code is unenforceable other than through the exercise of the vote at the ballot box.

**AB 582 (MATTHEWS)  
CHAPTER 711 – STATUTES OF 2005  
POLITICAL ADVERTISEMENT: TEXT MESSAGES.**

[Amends Section 17538.41 of the Business and Professions Code]

In 2002, the Legislature approved and the Governor signed a bill (AB 1769 [Leslie], Chapter 699, Statutes of 2002), that prohibits a business from transmitting unsolicited text message advertising to a cellular telephone or pager, with certain exceptions.

This bill similarly prohibits candidates and political committees from transmitting unsolicited text message advertising to a cellular telephone, pager, or two-way messaging device.

Legislative History	
Assembly Elections	5-1
Assembly Appropriations	18-0
Assembly Floor	74-1
Senate B.P. & E. D.	5-1
Senate Appropriations	(28.8)
Senate Floor	33-3

**AB 738 (NATION)  
VETOED  
ELECTIONS.**

[Adds Section 101.5 to the Elections Code]

Under existing law, initiative, referendum, and recall petitions may be circulated by volunteers or by paid circulators. All state and local initiative petitions are required to contain a notice, at the top of the petition, stating that the petition may be circulated by a volunteer or a paid signature gatherer, and that the public has the right to ask.

Legislative History	
Assembly Elections	4-2
Assembly Floor	44-33
Senate Elections	4-2
Senate Floor	24-13

This bill would have required an individual who receives compensation to circulate an initiative, referendum, or recall petition to wear a badge identifying himself or herself as a paid signature gatherer.

On September 6, 2005, Governor Schwarzenegger vetoed this bill. In his veto message, Governor Schwarzenegger argued that the bill was unnecessary because the notice that is required on all initiative petitions provides sufficient notification to voters that the signature gatherer may be paid.

**AB 739 (NATION)  
VETOED  
POLITICAL EXPENDITURE DISCLOSURE.**

[Adds Section 85310.5 to the Government Code]

Advertisements that expressly advocate the election or defeat of a clearly identified candidate for elective office are considered campaign communications. A campaign committee that makes an expenditure for such an advertisement is required to disclose making that expenditure and is required to disclose contributions received by the committee, in order that voters can know the source of the funds that paid for that communication.

Legislative History	
Assembly Elections	6-0
Assembly Appropriations	13-5
Assembly Floor	60-15
Senate Elections	4-2
Senate Appropriations	8-5
Senate Floor	26-12

At both the state and federal levels, certain organizations have avoided this disclosure by running "issue ads" – advertisements that do not expressly advocate the election or defeat of a candidate. While some of these advertisements are truly intended to inform the public about important policy issues, other advertisements are thinly disguised campaign ads that identify a candidate and associate that candidate with the issue that is addressed in the advertisement.

In order to protect against this avoidance of disclosure, California law requires that a person who makes a payment of \$50,000 or more for a communication that clearly identifies a candidate for elective state office, but does not expressly advocate the election or defeat of the candidate, and that is disseminated, broadcast, or otherwise published within 45 days of an election, to file a report with the Secretary of State disclosing the name, address, occupation, and employer of the person, and the amount of the payment. The report must also disclose any payments of \$5,000 or more the person received for the purpose of making that communication.

This bill would have established similar requirements for communications that identify a candidate for elective local office, but with lower monetary thresholds to trigger the

reporting requirement. Payments of \$10,000 or more for a communication identifying a candidate for local office would have had to be disclosed, and any payments of \$1,000 made to the person making the communication for the purpose of making that communication would have had to be disclosed. If signed by the Governor, this bill would have been placed on the ballot for the approval of voters.

This bill was vetoed by Governor Schwarzenegger on October 7, 2005 due to concerns that this bill sets a lower threshold for local candidates than state candidates. The Governor argued that the disclosure threshold was arbitrary, and may or may not be appropriate in some local jurisdictions.

**AB 783 (JONES)**  
**CHAPTER 714 – STATUTES OF 2005**  
**ELECTIONS: PAYMENT OF EXPENSES. URGENCY.**

[Amends Section 13001 of the Elections Code]

Existing law requires the counties to pay all expenses in the preparation and conduct of an election, except that expenses that are incurred for the preparation and conduct of elections called by the governing body of a city must be paid by the city.

This bill restores a provision of law, which had sunset on January 1, 2005, that requires the state to pay the costs of a special election to fill a vacancy in the office of the California State Senate or Assembly, or to fill a vacancy in the office of United States Senator or Representative. This bill applies to any special election held on or after January 1, 2005 and before January 1, 2006.

Legislative History	
Assembly Elections	6-0
Assembly Appropriations	18-0
Assembly Floor	73-0
Assembly Concurrence	79-0
Senate Elections	5-1
Senate Appropriations	13-0
Senate Floor	36-0

AB 866 (YEE)  
VETOED  
CODE OF FAIR CAMPAIGN PRACTICES.

[Amends Section 20440 of the Elections Code]

Under existing law, when a candidate for elective office receives his or her declaration of candidacy or nomination papers from the election official, the candidate is also given the opportunity to voluntarily subscribe to the Code of Fair Campaign Practices (Code). Candidates who subscribe to the Code voluntarily pledge to do the following:

- a) Conduct campaigns openly and publicly;
- b) Refrain from using or permitting the use of character defamation of any candidate;
- c) Refrain from using or permitting any appeal to negative prejudice based on race, sex, religion, national origin, physical health status, or age;
- d) Refrain from using or permitting any dishonest or unethical practice which tends to corrupt or undermine the American system of free elections;
- e) Refrain from coercing election help or campaign contributions from employees;
- f) Immediately and publicly repudiate support deriving from any individual or group which resorts to methods and tactics condemned by the candidate; and
- g) Defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.

**Legislative History**

Assembly Elections	4-2
Assembly Appropriations	13-5
Assembly Floor	47-27
Senate Elections	4-1
Senate Appropriations	(28.8)
Senate Floor	21-13

A candidate who subscribes to the Code completes a form that indicates the candidate's willingness to comply with the provisions of the Code. That form is a public document that is available for public inspection until 30 days after the election at which the candidate was running for office.

This bill would have added a provision to the Code specifying that a candidate will not use or permit any appeal to negative prejudice based on sexual orientation or gender identity.

This bill was vetoed by Governor Schwarzenegger on September 6, 2005. In his veto message, the Governor expressed his confidence that voters will reject candidates that use appeals to negative prejudices against any group of people.

AB 938 (UMBERG)  
VETOED  
CAMPAIGN EXPENDITURE DISCLOSURES.

[Adds Section 84204.5 to the Government Code]

Under existing law, a committee that is primarily formed to support or oppose a state ballot measure is required to file a report within 10 days of receiving a contribution of \$5,000 or more. These reports help ensure that the public knows who is funding an initiative, and allows voters to make an informed decision when deciding whether or not to sign an initiative petition.

However, if an initiative petition drive is being funded by a general purpose committee, it can be difficult for the public to determine who is funding that drive. General purpose committees are not required to immediately report large contributions and large independent expenditures that are made outside of the election cycle, so it is possible that a general purpose committee could receive and spend millions of dollars in qualifying a ballot measure, and the public wouldn't know about it until the measure was already qualified for the ballot.

This bill would have required campaign committees that are required to file campaign reports electronically to file an electronic report within 10 business days of making contributions or independent expenditures of \$10,000 or more to support or oppose the qualification or passage of a single state ballot measure. If signed by the Governor, this bill would have been placed on the ballot for the approval of voters.

This bill was vetoed by Governor Schwarzenegger on October 7, 2005 due to concerns that the bill sets a higher threshold for general purpose committees to report contributions (\$10,000) than is in place for committees that are primarily formed to support or oppose state ballot measures (\$5,000).

#### Legislative History

Assembly Elections	4-2
Assembly Appropriations	12-5
Assembly Floor	49-28
Assembly Concurrence	48-30
Senate Elections	4-2
Senate Appropriations	8-5
Senate Floor	25-10

**AB 1054 (BOGH)**  
**CHAPTER 65 – STATUTES OF 2005**  
**POLITICAL PARTIES: REPUBLICAN PARTY.**

[Adds Section 7400.5 to the Elections Code]

Under existing law, the 54 members of the San Bernardino County Republican Central Committee were elected by Assembly district – with six members elected from each of the nine Assembly districts located within the county. Because some Assembly districts are located entirely within San Bernardino County while other districts are located only partially within the county, the number of registered Republicans who live in San Bernardino County in each of these nine Assembly districts varies widely – from 289 registered Republicans who are residents of San Bernardino County in Assembly District 32 to 97,500 registered Republicans who are residents of San Bernardino County in Assembly District 63.

Legislative History	
Assembly Elections	6-0
Assembly Appropriations	17-0
Assembly Floor	77-0
Senate Elections	6-0
Senate Appropriations	(28.8)
Senate Floor	33-0

This bill requires that the Republican Central Committee members in San Bernardino County be elected by County Board of Supervisor districts, and establishes a minimum of 30 members for the committee.

**AB 1096 (UMBERG)**  
**VETOED**  
**ABSENTEE BALLOTS.**

[Amends Sections 3009 and 3017 of the Elections Code]

Existing law allows a voter to designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household as the voter to return the voter's absentee ballot if he or she is ill or disabled. Because elections officials have no way of knowing whether a voter is in fact ill or disabled, this provision of law is unenforceable, and largely ignored.

Legislative History	
Assembly Elections	4-2
Assembly Floor	44-32
Senate Elections	4-1
Senate Floor	22-14

This bill would have deleted the requirement that a voter be ill or disabled in order for that voter to be able to designate another person to return the voter's absentee ballot.

In addition, existing law allows a voter's spouse, or a voter's parent if the voter is unmarried, to pick-up a ballot for that voter from the office of the elections official. This can create hurdles for those voters who do not have a spouse or parent available to pick-up a ballot.

This bill would have expanded the list of individuals who may pick up a ballot for an absentee voter so that the list was identical to the list of individuals who may return a ballot for an absentee voter.

This bill was vetoed by Governor Schwarzenegger on July 26, 2005. In his veto message, the Governor indicated that he did not believe that this bill struck an appropriate balance between increasing voter participation and guarding against a potential increase in voter fraud.

**AB 1636 (UMBERG)**  
**CHAPTER 718 – STATUTES OF 2005**  
**VOTING SYSTEMS.**

[Amends Sections 17301, 17302, and 19250 of, and adds  
 Sections 19200.5 and 19223 to, the Elections Code]

In 2004, the Legislature approved and the Governor signed SB 1438 (Johnson), Chapter 814, Statutes of 2004, a bill to require all electronic voting systems used in the state to contain a voter verified paper audit trail, beginning January 1, 2006. That bill accelerated, by six months, a deadline originally set by then-Secretary of State Kevin Shelley to require all electronic voting systems in the state to contain a paper trail.

Legislative History	
Assembly Elections	6-0
Assembly Appropriations	17-0
Assembly Floor	77-0
Assembly Concurrence	76-0
Senate Elections	6-0
Senate Appropriations	(28.8)
Senate Floor	34-0

The paper trail requirement was enacted to protect the integrity of elections in California by ensuring the security of electronic voting machines and by ensuring that voters have confidence in elections conducted on electronic voting machines. However, the requirement that electronic voting machines have a paper trail was just one of a number of requirements that Secretary of State Shelley put into place to ensure the security of electronic voting systems.

This bill places into statute various electronic voting system security directives issued by Secretary Shelley. The directives that are placed into statute by this bill are as follows:



- 1) Requires the elections official to retain the paper record copies of ballots cast on a direct recording electronic (DRE) voting system for the same amount of time and in the same manner as the elections official is required to retain voted polling place ballots.
- 2) Prohibits the Secretary of State (SOS) from approving for use in the state any voting system that permits a voter to exit a polling place with a facsimile of the ballot cast by that voter at that polling place.
- 3) Requires the SOS to conduct random audits of software installed on DRE voting systems to ensure that the installed software is identical to the software that has been approved for use on that voting system.
- 4) Requires all DRE voting systems to include a method by which a voter may electronically verify, through a nonvisual method, the information contained on the paper record copy of that voter's ballot.
- 5) Requires the paper record copy of a ballot cast on a DRE voting system to be printed in the same language that the voter used when casting his or her ballot on the voting system.
- 6) Prohibits a DRE voting system from being connected to the Internet at any time.
- 7) Prohibits a DRE voting system from receiving or transmitting official election results through an exterior communication network, including the public telephone system.
- 8) Prohibits a DRE voting system from receiving or transmitting wireless communications or wireless data transfers.

AB 1755 (ELECTIONS & REDISTRICTING)  
 CHAPTER 200 – STATUTES OF 2005  
 POLITICAL REFORM ACT OF 1974.

[Amends Sections 82048.7, 84203, 84204, 87205, and 87500 of, and repeals Sections 84200.3 and 84200.4 of, the Government Code]

Two sections were added to the Political Reform Act (PRA) in 1999 to require additional and earlier campaign filings in connection with the March statewide primary election. SB 1730 (Johnson), Chapter 817, Statutes of 2004, moved the state primary election from March to June, and as a result, candidates and committees now file campaign reports pursuant to sections of the PRA that reference a June primary. This bill repeals the two now-unnecessary sections of law that require campaign filings in connection with a March statewide primary election.

Legislative History	
Assembly Elections	6-0
Assembly Appropriations	17-0
Assembly Floor	77-0
Assembly Concurrence	73-0
Senate Elections	5-0
Senate Appropriations	(28.8)
Senate Floor	34-0

SB 604 (Perata), Chapter 478, Statutes of 2004, among its provisions provided that an entity that is required to file campaign reports electronically and that is required to file an electronic report disclosing the receipt of a contribution of \$1,000 or more received during an election cycle does not need to file a late contribution report that discloses the same information. Similarly, SB 604 provided that an entity that is required to file campaign reports electronically and that is required to file an electronic report disclosing the making of an independent expenditure of \$1,000 or more received during an election cycle does not need to file a late independent expenditure report that discloses the same information. The intent of these provisions was to eliminate the necessity for certain candidates and committees to file two different disclosure reports that disclosed the same information. The provisions were not intended to eliminate any candidate's or committee's requirement to disclose expenditures or contributions altogether. The language in SB 604 was developed in coordination with the Fair Political Practices Commission.

After SB 604 was enacted into law, it became apparent that language used in these two provisions could inadvertently exempt campaign committees from disclosing certain expenditures and contributions. This bill modifies the language that was in SB 604 to ensure that late contributions and independent expenditures are disclosed in a timely manner, while still relieving candidates of the necessity to file two different reports at the same time disclosing the same information.

Existing law requires every person who is elected to certain specified offices to file a statement of economic interests within 30 days after assuming the office. Similarly, that officer is required to file a statement of economic interests within 30 days after leaving office. When an officer completes a term in one of these specified offices and begins

another term in the same office or another office of the same jurisdiction within 30 days, the officer is not deemed to have assumed office or to have left office, thereby relieving that officer of the necessity to file two statements of economic interests in a very short period of time. Instead, the officer continues to file an annual statement of economic interests.

However, because members of the Legislature begin their terms of office in early December while statewide elected officials begin their terms of office in January, if a member of the Legislature is elected to statewide office, slightly more than 30 days elapses between the time that person leaves the Legislature and the time that person is sworn in to statewide office. As a result, that person is required to file a leaving office statement of economic interests by early January, and an assuming office statement of economic interests by early February. This bill provides that an officer that completes a term of office and within 45 days begins another term in the same office or another office in the same jurisdiction is not deemed to assume office or leave office, thereby relieving a member of the Legislature who is elected to statewide office from the necessity of filing two statements of economic interests in a five week period.

In addition, this bill clarifies that candidates for city treasurer are required to file a statement of economic interests with the city clerk and requires candidates for judge to file a statement of economic interests with the person with whom the candidate's declaration of candidacy is filed, instead of filing the statement with the clerk of the court. This bill also makes various technical and clarifying changes to the PRA.

**AB 1756 (ELECTIONS & REDISTRICTING)  
CHAPTER 620 – STATUTES OF 2005  
CITY COUNCILS: SELECTION OF MAYOR.**

[Amends Section 36801 of the Government Code]

Prior to the enactment of AB 2598 (Elections, Reapportionment & Constitutional Amendments), Chapter 344, Statutes of 2002, state law required the city council of a general law city to select a mayor and mayor pro tempore on the Tuesday following the general municipal election. In recognition of the fact that not all city councils meet on Tuesdays and because canvassing of the vote may take more than a week, AB 2598 among its provisions instead required the city council of a general law city to choose a mayor and mayor pro tempore at the next regularly scheduled meeting following the meeting when the declaration of the elections results occurred. Subsequent legislation (AB 2790 [Pacheco], Chapter 785, Statutes of 2004) further amended state law to require the city council of a general law city to choose a mayor and mayor pro tempore at the meeting

Legislative History	
Assembly Elections	6-0
Assembly Floor	77-0
Senate Elections	5-0
Senate Floor	40-0

when the declaration of the elections results occurs.

Since the enactment of AB 2790, the Assembly Elections Committee has received calls inquiring whether AB 2598 and AB 2790 had the effect of requiring a city council to choose a mayor and mayor pro tempore after the declaration of election results for a special municipal election held to fill a vacancy or to vote on a local initiative. It was not the intent of either bill to require a city council to choose a new mayor and mayor pro tempore under such circumstances. This bill clarifies that the city council is required to choose a mayor and mayor pro tempore from among its members only after a general municipal election.

**AB 1757 (ELECTIONS & REDISTRICTING)  
CHAPTER 201 – STATUTES OF 2005  
ELECTIONS: PRECINCT BOARD MEMBERS.**

[Amends Sections 12105, 12106, 12107, and 12108 of,  
and adds Section 12105.5 to, the Elections Code]

Under existing law, local elections officials are required to publish a list of polling places along with the names of polling place workers in a newspaper of general circulation in the area where the election is to be held. These lists can be lengthy, and thus costly for election officials to publish. In addition, because these lists often must be generated and distributed to the newspapers before all polling place workers have been appointed, the list of polling place workers can be incomplete and inaccurate.

Legislative History	
Assembly Elections	6-0
Assembly Appropriations	18-0
Assembly Floor	74-0
Assembly Concurrence	73-0
Senate Elections	5-0
Senate Appropriations	(28.8)
Senate Floor	34-0

This bill requires local elections officials to post the names of polling place workers at their offices and on their Web sites, instead of publishing those names in a local newspaper. Elections officials would still be required to publish a list of polling places in the newspaper.

By repealing the requirement that the names of polling place workers be published in the newspaper, this bill will save money for local jurisdictions while still ensuring that the public is given adequate notice of the election.

AJR 19 (DYMALLY)  
RESOLUTION CHAPTER 60 – STATUTES OF 2005  
VOTING RIGHTS ACT OF 1965.

The 15<sup>th</sup> Amendment to the United States Constitution provides, in part, that "[t]he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude." Additionally, the 15<sup>th</sup> Amendment authorizes Congress to enact legislation to enforce its provisions. The 15<sup>th</sup> Amendment was ratified in February 1870.

Legislative History	
Assembly Elections	6-0
Assembly Floor	75-0
Senate Elections	5-0
Senate Floor	35-0

In 1965, Congress determined that state officials were failing to comply with the provisions of the 15th Amendment. Congressional hearings found that litigation to eliminate discriminatory election practices was largely ineffective, because states and local jurisdictions would institute new discriminatory practices to replace any such practices that were struck down in court. As a result, Congress passed and President Johnson signed the Voting Rights Act of 1965 (Act). The Act, among other provisions, prohibits any "voting qualification or prerequisite to voting or standard, practice, or procedure" from being imposed by any "State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color."

While much of the Act is permanent, certain special provisions of the Act are temporary. Section 5 of the Act requires certain covered jurisdictions to receive approval for any changes to law and practices affecting voting from the United States Department of Justice or the United States District Court for the District of Columbia to ensure that the changes do not have the purpose or effect of "denying or abridging the right to vote on account of race or color." Sections 6 through 9 of the Act allow federal employees to monitor elections to ensure compliance with the Act. Section 203 of the Act requires certain jurisdictions with significant populations of voting-age citizens who belong to a language minority community to provide voting materials in languages other than English. These sections are scheduled to expire in August 2007.

This resolution memorializes the President and Congress of the United States to declare their public support for reauthorizing the Voting Rights Act of 1965.

**SB 8 (SOTO)**  
**CHAPTER 680 – STATUTES OF 2005**  
**POLITICAL REFORM ACT OF 1974: LOCAL OFFICIALS: CONFLICTS OF INTEREST.**

[Adds Section 87406.3 to the Government Code]

Existing law prohibits a former elected state official or former designated employee of a state administrative agency from lobbying on behalf of any other person before the agency for which the individual was employed for 12 months after leaving office if the appearance or communication is for the purpose of influencing legislative or administrative action. These types of laws are informally known as "revolving door" laws.

Legislative History	
Senate Elections	4-0
Senate Appropriations	11-2
Senate Floor	31-8
Senate Concurrence	27-7
Assembly Elections	4-1
Assembly Appropriations	13-4
Assembly Floor	66-13

The "revolving door" law applies only to former state officials – not to local officials. There is nothing in existing law to prohibit a city or county from adopting "revolving door" prohibitions similar to those that currently apply to state officials; in fact, at least two cities, Los Angeles and San Francisco, have adopted "revolving door" laws. However, many local jurisdictions have not adopted "revolving door" laws.

This bill prohibits a local elected official from lobbying the local government agency of which that official was a member for a period of one year after leaving office, thereby ensuring that "revolving door" laws apply to all local jurisdictions in the state.

**SB 39 (MURRAY)**  
**CHAPTER 113 – STATUTES OF 2005**  
**ABSENTEE VOTING.**

[Amends Section 3206 of the Elections Code]

Existing law allows any voter to become a permanent absentee voter (PAV). A voter who is a PAV automatically receives a ballot in the mail for each election in which he or she is eligible to vote. A voter's name must be deleted from the PAV list if the voter fails to return an absentee ballot for any statewide general election.

Legislative History	
Senate Elections	4-2
Senate Appropriations	(28.8)
Senate Floor	24-14
Senate Concurrence	25-13
Assembly Elections	4-2
Assembly Appropriations	11-5
Assembly Floor	45-31

This bill instead requires that a voter's name only be deleted from the PAV list if he or she

fails to return an absentee ballot for *two consecutive* statewide general elections.

**SB 61 (BATTIN)**  
**CHAPTER 450 – STATUTES OF 2005**  
**COMMON INTEREST DEVELOPMENTS: ELECTIONS.**

[Amends Section 1357.120 of, amends the heading of Article 2 (commencing with Section 1363.05) of Chapter 4 of Title 6 of Part 4 of Division 2 of, and adds Sections 1363.03, 1363.04, and 1363.09 to, the Civil Code]

Existing law permits a homeowners' association in a common interest development (CID) to levy regular and special assessments sufficient to perform its duties under the governing documents of the CID and under state law.

This bill, among other provisions, prohibits a homeowners' association in a CID from using association funds for campaign purposes in connection with an election for the association board of directors.

Legislative History	
Senate Transportation	14-0
Senate Floor	36-0
Senate Concurrence	38-0
Assembly Judiciary	9-0
Assembly Housing	7-0
Assembly Floor	79-0

While this bill was not heard in the Assembly Committee on Elections and Redistricting, the committee heard and approved SB 186 (Battin), which contained the provision that is described above, by a 6-0 vote. The contents of SB 186 were subsequently added to this bill, and SB 186 was used as a vehicle for other legislation.

**SB 316 (MARGETT)**  
**CHAPTER 660 – STATUTES OF 2005**  
**STATE AGENCIES: VOTER REGISTRATION INFORMATION.**

[Adds Section 2250 to the Elections Code, and adds Section 1679 to the Vehicle Code]

Under exiting Federal law, the National Voter Registration Act of 1993 (NVRA), the state Department of Motor Vehicles (DMV) is required to provide voter registration information and materials to prospective voters when they apply for driver's licenses or receive other motor vehicle documents.

This bill will require the DMV, beginning July 1, 2006, to include in any document mailed to

Legislative History	
Senate Transportation	12-0
Senate Appropriations	13-0
Senate Floor	40-0
Senate Concurrence	38-0
Assembly Transportation	12-0
Assembly Elections	6-0
Assembly Appropriations	17-0
Assembly Floor	77-1

individuals promoting the department's role in implementing the NVRA a notice informing prospective voters that if they have not received voter registration information within 30 days of requesting it, they should contact their local elections office or the office of the Secretary of State.

Additionally, this bill will require all other state agencies that are required to provide voter registration information and materials to prospective voters pursuant to the NVRA, beginning July 1, 2007, to provide similar notices in any mailed documents that offer a person the opportunity to register to vote.

**SB 370 (BOWEN)**  
**CHAPTER 724 – STATUTES OF 2005**  
**ELECTIONS.**

[Amends Section 15627 of, and adds Section 19253 to, the Elections Code]

In 2004, the Legislature approved and the Governor signed SB 1438 (Johnson), Chapter 814, Statutes of 2004, a bill to require all electronic voting systems used in the state to contain a voter verified paper audit trail (VVPAT), beginning January 1, 2006. That bill accelerated, by six months, a deadline originally set by then-Secretary of State Kevin Shelley to require all electronic voting systems in the state to contain a paper trail.

Legislative History	
Senate Elections	6-0
Senate Appropriations	(28.8)
Senate Floor	35-0
Senate Concurrence	36-0
Assembly Elections	5-0
Assembly Appropriations	18-0
Assembly Floor	57-19

The paper trail requirement was enacted to protect the integrity of elections in California by ensuring the security of electronic voting machines and by ensuring that voters have confidence in elections conducted on electronic voting machines. However, the requirement that electronic voting machines have a paper trail was just one of a number of requirements that Secretary of State Shelley put into place to ensure the security of electronic voting systems.

This bill places into statute one of the electronic voting system security directives issued by Secretary Shelley – the requirement that the VVPAT of ballots cast on an electronic voting system be used to conduct the one percent manual tally of ballots cast.

In a signing message to this bill, the Governor expressed concerns that the VVPAT may not be fully accessible to sight-impaired voters, and he urged the Legislature, "local elections officials, and other interested parties to work with the Secretary of State to perfect a comprehensive solution for electronic voting system verification."



**SB 443 (ELECTIONS, REAPPORTIONMENT AND  
CONSTITUTIONAL AMENDMENTS)  
CHAPTER 86 – STATUTES OF 2005  
ELECTIONS.**

[Amends Sections 4002, 4004, 4108, and 10510 of the Elections Code]

Existing law prohibits a person from filing for more than one office at a primary election or for filing for more than one office at a school district election, however, an individual is free to file for more than one office at a district election. As a result, certain individuals have filed for multiple offices or terms of office in the same district at the same election. Because an individual cannot hold more than one office in a single district at the same time, when an individual wins more than one office in a single district at a single election, a vacancy is automatically created. As a result, a district can be forced to call a special election to fill that vacancy.

Legislative History	
Senate Elections	6-0
Senate Floor	38-0
Assembly Elections	6-0
Assembly Floor	75-0

This bill remedies this situation by prohibiting a person from filing for more than one district office or term of office in the same district at the same election. In addition, this bill corrects multiple code reference errors.

**SB 469 (BOWEN)  
VETOED  
PETITIONS: INITIATIVE, REFERENDUM, RECALL.**

[Amends Section 101 of, and adds Sections 336.7,  
357.3, and 9011.5 to, the Elections Code]

Under existing law, initiative, referendum, and recall petitions may be circulated by volunteers or by paid circulators. All initiative petitions are required to contain a notice, at the top of the petition, stating that the petition may be circulated by a volunteer or a paid signature gatherer, and that the public has the right to ask whether the circulator is paid or a volunteer.

Legislative History	
Senate Elections	4-1
Senate Appropriations	7-4
Senate Floor	25-13
Senate Concurrence	23-15
Assembly Elections	4-2
Assembly Appropriations	12-5
Assembly Floor	46-32

This bill would have required an initiative, referendum, or recall petition to indicate whether it is being circulated by a paid circulator or volunteer and to include a statement identifying the five largest contributors in support of the measure.

This bill was vetoed by Governor Schwarzenegger on October 7, 2005. In his veto message, the Governor stated that he was vetoing this bill because it "attacks the initiative process and makes it more difficult for the people of California to gather signatures and qualify measures for the ballot."

**SB 1009 (FLOREZ)**  
**CHAPTER 275 – STATUTES OF 2005**  
**WATER STORAGE DISTRICTS: ELECTION ROLLS.**

[Amends Section 41027 of, and repeals and adds Section 41026 of, the Water Code]

Until 1990, in water storage districts created pursuant to the California Water Storage District Law, a voter was entitled to one vote for each \$100 value of land, exclusive of improvements, minerals, and mineral rights. The value of a voter's land, for the purpose of distributing votes, was based on the county assessment roll.

Legislative History	
Senate Local Gov.	7-1
Senate Floor	35-2
Assembly Local Gov.	7-0
Assembly Elections	6-0
Assembly Floor	76-1

The enactment of Proposition 13 in 1978 rolled back assessed property values to their 1975 levels. Pursuant to Proposition 13, the assessed value of a property may increase only because of inflation (capped at 2% a year), new construction, or ownership changes. When a property changes owners, county officials reassess the property at its new market value. As a result, identical properties can have widely differing assessed values. Farmland that hasn't been sold since 1978 has a lower assessed value than farmland that is sold in 2005.

Because votes in water storage districts were allocated based on the county's assessed value of each property, a long-time owner of a piece of property (whose property had not been reassessed at full value) has fewer votes than an owner of an identical piece of property who recently acquired that property.

In response, the Legislature enacted SB 1963 (Rogers), Chapter 1593, Statutes of 1990. SB 1963 permits a water storage district to prepare an "alternative election roll" that assigns votes based on an estimated value of each parcel of land, as determined by a qualified appraiser. However, according to information provided to the committee, no water storage district has used this alternative election roll, which some say is costly and cumbersome.

This bill modifies the alternative election roll procedure originally enacted by SB 1963. Under this bill, a water storage district could assign votes on a 'one-vote per acre' basis or on the basis of the benefits derived by each parcel, as determined by a civil engineer.

**SB 1016 (BOWEN)**  
**CHAPTER 726 – STATUTES OF 2005**  
**VOTER INFORMATION: PRIVACY.**

[Amends Sections 2150, 2157, 2160, 2194, and 2202 of, and adds Sections 2157.1, 2157.2, 2188.1, 9607, 9608, 9609, and 9610 to, the Elections Code, and amends Section 6254.4 of the Government Code]

AB 2832 (Shelley), Chapter 959, Statutes of 2002, required the Secretary of State (SOS) to appoint a task force to study and recommend to the SOS appropriate standards for safeguarding voter registration information. The Task Force on Voter Privacy (task force), consisting of seven members with experience in campaigns, administration of elections, and other relevant backgrounds, was established by the SOS on October 27, 2003. The task force met four times in November and December of 2003, and released its report to the SOS and the

**Legislative History**

Senate Elections	4-0
Senate Appropriations	7-0
Senate Floor	29-6
Senate Concurrence	28-12
Assembly Elections	4-2
Assembly Appropriations	12-4
Assembly Floor	51-24

Legislature on June 14, 2004. This bill includes some of the consensus recommendations from the task force report. Those recommendations are as follows:

- 1) The voter registration affidavit must contain a statement informing voters of the right for certain voters to request that their voter information remain confidential.
- 2) The voter registration affidavit must contain a statement that the use of voter registration information for commercial purposes is a misdemeanor and that suspected misuse shall be reported to the SOS. In addition, the voter registration affidavit must contain a toll-free fraud hotline telephone number maintained by the SOS that the public may use to report suspected fraud concerning the misuse of voter registration information.
- 3) Specified information regarding the possible uses of voter information must be posted on the web sites of any local elections official and the SOS and in the state ballot pamphlet, in order to inform voters of the permissible uses of information they supply on voter registration affidavits.
- 4) The SOS must study the feasibility of inserting fictitious names of voters into the voter registration information database as a possible investigative and enforcement tool for determining inappropriate or unauthorized uses of voter registration information.

- 5) Provides that the signature of the voter shown on the voter registration card is confidential and shall not be disclosed to any person except that the signature may be released to specified individuals when a person's vote is challenged. Requires an elections official to permit a person to view a signature for the purpose of determining whether it matches a signature on an affidavit of registration or petition, but provides that such a signature shall not be copied.

In addition, AB 2832 also made various other changes regarding the privacy of voter's information. Those provisions sunset on January 1, 2005. This bill reenacts the following provisions of AB 2832:

- 1) Requires the proponents of an initiative measure to ensure that any person, organization, or company who solicits signatures for that initiative measure instructs petition circulators of the requirements and prohibitions imposed by state law with respect to the circulation of petitions.
- 2) Requires a proponent of an initiative measure, a person who is in charge of signature gathering for an initiative measure, and any circulator of a petition for an initiative measure to submit a signed statement indicating that he or she is aware of the state law that prohibits the use of signatures on an initiative petition for any purpose other than qualification of the measure for the ballot.

Finally, this bill makes changes to the format of the voter registration affidavit to conform to federal law.

### SB 1050 (BOWEN)

VETOED

ELECTIONS: WRITE-IN CANDIDATES.

[Amends Section 15342 of the Elections Code]

Donna Frye was a qualified write-in candidate for mayor in the city of San Diego at the November 2004 general election. When the official canvass of election results was completed, it showed Frye finishing second to incumbent mayor Dick Murphy by 2,108 votes. A recount, requested by five media organizations and two Frye supporters, uncovered a total of 5,551 ballots in which a voter wrote-in Frye's name on the ballot in the correct location, but did not darken the oval next to the write-in space. Had those ballots been counted for Frye, she would have won the election by 3,443 votes. However, the registrar of voters in San Diego County refused

#### Legislative History

Senate Elections	4-2
Senate Floor	23-15
Senate Concurrence	23-15
Assembly Elections	4-2
Assembly Appropriations	13-4
Assembly Floor	44-35

to count those votes, citing state law that requires the oval to be filled-in in order for a write-in vote to count.

This bill requires a write-in vote to be counted if the intent of the voter can be determined, even if the voter has failed to mark or slot the voting space next to the write-in space on the ballot, under certain specified circumstances. This bill requires a hand tally of ballots, including write-in ballots, at the request of the write-in candidate and prior to completion of the official canvass, under either of the following circumstances:

- 1) If the votes cast for a write-in candidate plus the total undervotes for the same office is equal to or greater than the votes cast for the candidate with the greatest number of votes for that office.
- 2) In the case of an office for which a voter may vote for more than one candidate, if the votes cast for a write-in candidate plus the total undervotes is equal to or greater than the votes cast for the candidate who received the least number of votes that would be sufficient to be elected.

This bill was vetoed by Governor Schwarzenegger on October 7, 2005 due to concerns that the process will expand the number of manual hand recounts, which will lead to a delay in completing the canvass and certifying election results.