

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

SUMMARY OF LEGISLATION

— 2009 —

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Dear Interested Parties:

This booklet summarizes selected legislation approved by the Assembly Committee on Elections and Redistricting during the 2009 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. Additionally, this booklet summarizes two elections-related proposals that were approved by the Legislature, but were not considered by the Assembly Committee on Elections and Redistricting.

Among the more noteworthy legislation considered and approved by the Committee were measures to allow 17-year-olds to "pre-register" to vote, to provide vote-by-mail voters with additional information to help them ensure that their ballots are counted, to reform the initiative process, and to protect voters from being disenfranchised due to the fraudulent conduct of others. These are just some of the important reforms approved by the committee this session. The booklet has a complete listing of other measures.

Most of the bills signed into law will take effect on January 1, 2010. 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://www.leginfo.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 ABBREVIATION 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.

ASSEMBLY COMMITTEE ON ELECTIONS & REDISTRICTING 2009 LEGISLATIVE HIGHLIGHTS

INITIATIVE REFORM:

The committee considered a number of bills aimed at reforming the initiative, referendum, and recall processes. Among the measures approved by the Legislature were bills to prohibit signature gatherers from being paid based on the number of signatures collected on petitions and to prohibit signature gathering firms from entering into contracts where payment to the firm is contingent upon the measure qualifying for the ballot. These practices have been criticized due to concerns that they may create a financial incentive for signature gatherers and signature gathering firms to commit fraud. Other measures approved by the committee sought to provide voters with additional information about the fiscal impacts of proposed ballot measures and to require initiative proponents to identify budget cuts or revenue increases to fund costly initiative measures.

VOTER REGISTRATION:

California joined a growing number of states that allow teenagers to "pre-register" to vote. With the approval of pre-registration, Californians will be able to register to vote when they are 17-years-old, with the voter registration automatically becoming effective when the voter turns 18. The committee also approved legislation to ensure that voters who register through a voter registration drive by a private organization are not disenfranchised if that organization mishandles their voter registration forms.

CAMPAIGN FINANCE:

In response to a concern that a candidate received a personal financial benefit from his campaign funds by hiring his spouse to do his campaign fundraising, the Legislature unanimously approved a bill outlawing such arrangements. Additionally, the committee approved measures to increase disclosure of the funding sources of independent expenditure advertisements, to streamline disclosure of expenditures in connection with local government reorganization proposals, and to clarify provisions of existing law that prohibit the use of public funds for the production or distribution of campaign materials.

VOTE BY MAIL BALLOTING IMPROVEMENTS:

Recognizing that a growing number of Californians choose to vote by mail, the Legislature approved measures to make the mail balloting process more voter-friendly. Among the measures approved by the committee were bills to provide voters with information about whether their vote by mail ballots were counted, to more clearly inform voters about the laws governing voting by mail, and to streamline state law governing who a voter may designate to pick up or return a vote by mail ballot on his or her behalf.

ASSEMBLY COMMITTEE ON ELECTIONS & REDISTRICTING 2009 LEGISLATIVE SUMMARY

AB 6 (SALDAÑA)

VETOED

INITIATIVES: PAID CIRCULATORS.

[Adds Section 9023 to the Elections Code]

Existing law establishes a process for proposing initiative measures that are submitted to voters in California and sets forth qualifications for persons who circulate initiative petitions.

This bill would have required all professional petition firms, defined as entities that pay individuals to circulate petitions and gather signatures for the purpose of qualifying an initiative on a state or local election ballot, to register with the Secretary of State (SOS) and pay a registration fee established by the SOS. The bill also would have required the SOS to use the fees collected to maintain an online directory of such professional petition firms.

Legislative History

Assembly Elections	5-2
Assembly Appropriations	11-5
Assembly Floor.....	49-28
Senate Elections	3-2
Senate Appropriations	(28.8)
Senate Floor.....	21-15

On October 11, 2009, Governor Schwarzenegger vetoed this bill, arguing that requiring organizations that pay individuals to collect signatures to register with the SOS and pay a fee would "reduce the ability of many organizations to qualify a measure for the ballot."

AB 9 (JOHN A. PÉREZ)

CHAPTER 363, STATUTES OF 2009

POLITICAL REFORM ACT OF 1974: EXPENDITURES.

[Amends Sections 82015 and 82031 of the Government Code]

Existing state law prohibits the use of public resources for campaign activities. In April 2009, the California Supreme Court ruled in Vargas v. City of Salinas (2009) 46 Cal.4th 1, that the expenditure of public funds for materials or activities that reasonably are characterized as campaign materials or activities is not authorized by existing law, even when the message delivered does not constitute express advocacy.

Legislative History

Assembly Elections	6-0
Assembly Floor.....	72-3
Assembly Concurrence	78-1
Senate Elections	5-0
Senate Floor.....	38-0

This bill clarifies that the payment of public moneys by a state or local governmental agency for a communication to the public that expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage, or defeat of a clearly identified measure, or, taken as a whole and in context, unambiguously urges a particular result in an election is either a contribution or an independent expenditure under the Political Reform Act (PRA), and thus is subject to the restrictions and reporting requirements of the PRA.

AB 18 (KNIGHT)
VETOED
LOCAL GOVERNMENT: CITY COUNCILS.

[Amends Sections 34902, 36512, 57377, and 57379 of the Government Code]

Under existing law, when a vacancy occurs in an elective city office, the city council has 30 days to appoint someone to fill that vacancy or to call a special election to fill the vacancy. If the council calls a special election, the election is held on the next regularly established election date not less than 114 days after the call of the election.

<u>Legislative History</u>	
Assembly Elections	2-4
Assembly Elections	7-0
Assembly Local Government....	7-0
Assembly Floor.....	77-0
Assembly Concurrence	78-0
Senate Local Government.....	5-0
Senate Floor.....	38-0

This bill would have extended the amount of time that a city council has to appoint someone or call a special election to fill a vacancy from 30 days to 60 days after the office becomes vacant.

Existing law provides for terms of varying lengths to the first set of city council members who are elected after the formation of a city. This policy ensures that, for future elections, the terms of city council members are staggered. Under existing law, if a newly incorporated city will elect council members at large, three council members serve short terms, while two council members serve full terms. However, if the newly incorporated city will elect city council members by districts, two council members serve short terms, while three council members serve full terms. Because the number of council members who receive short terms is dependent on whether the future council members will be elected at large or by districts, the length of a council member's term can change after he or she is elected to office if a city changes its method of electing council members before the first general municipal election.

This bill would have provided that three council members would serve full terms in a newly incorporated city, with two council members serving short terms, regardless of whether the newly incorporated city elects council members at large or by districts. This change would have eliminated the possibility that a council member could have his or her term cut short in the middle of that term by virtue of the city changing the method by which it elects council members.

On October 11, 2009, Governor Schwarzenegger vetoed this bill, maintaining that 30 days is a sufficient amount of time for a city council to fill a vacancy in an elective city office by appointment or to call a special election.

AB 30 (PRICE)
CHAPTER 364, STATUTES OF 2009
ELECTIONS: VOTER REGISTRATION.

[Amends Sections 100, 2102, 2106, 2150, and 2205 of 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. Existing federal law establishes the Help America Vote Act (HAVA) of 2002 (42 U.S.C. Section 15301 et seq.) which, among other provisions, requires states to implement a statewide voter registration database.

<u>Legislative History</u>	
Assembly Elections	5-2
Assembly Appropriations	11-5
Assembly Floor.....	49-29
Assembly Concurrence	50-28
Senate Elections	3-2
Senate Appropriations	8-5
Senate Floor.....	22-15

This bill authorizes a person who is at least 17 years of age and who otherwise meets all eligibility requirements to vote to submit a voter registration affidavit. The bill will become operative only when the Secretary of State (SOS) certifies that the state has a statewide voter registration database that complies with the requirements of HAVA.

AB 84 (HILL)
VETOED
VOTE BY MAIL BALLOTS.

[Amends Section 3019 of the Elections Code]

Existing law outlines procedures for casting a vote by mail (VBM) ballot and establishes requirements for elections officials to compare the signature on VBM ballots with the signature appearing on the voter registration affidavit. Existing law also provides that on or before March 1, 2008, the elections official shall establish procedures to track and confirm the receipt of VBM ballots and to make this information available by means of online access using the county's elections division Internet web site. If the county does not have an elections division Internet web site, the

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	12-4
Assembly Floor.....	70-0
Assembly Concurrence	74-0
Senate Elections	4-1
Senate Appropriations	7-5
Senate Floor.....	26-13

elections official is required to establish a toll-free telephone number that may be used to confirm the date a VBM ballot was received.

This bill would have required elections officials to establish procedures to allow a VBM voter to find out whether his or her VBM ballot was counted, and, if not, the reason why it was not counted.

On October 11, 2009, Governor Schwarzenegger vetoed this bill, expressing concern that it could result in additional costs to local governments.

**AB 101 (ANDERSON)
VETOED
ELECTIONS: VOTE BY MAIL BALLOTS.**

[Amends Section 3010 of the Elections Code]

Existing law requires all vote by mail (VBM) ballots to be received by the elections official from whom they were obtained or by a precinct board in the county no later than the close of polls on election day in order to be counted.

This bill would have required elections officials to notify each VBM voter that a VBM ballot must actually be received by the elections official before the polls close on election day in order for the ballot to be counted and that an envelope postmarked by the day of the election is not sufficient. This notice could have been included on the VBM ballot identification envelope or in instructions to the voter.

On October 11, 2009, Governor Schwarzenegger vetoed this bill, expressing his concern that it could result in additional costs to local governments.

**AB 265 (COOK)
CHAPTER 93, STATUTES OF 2009
OFFICE HOLDING: FORFEITURE.**

[Amends Section 3003 of the Government Code]

The federal Stolen Valor Act makes it a crime for any person to falsely represent himself or herself as having been awarded any decoration or medal authorized by Congress for the armed forces of the United States, or any of the service medals or badges awarded to the

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	16-0
Assembly Floor.....	79-0
Assembly Concurrence	78-0
Senate Elections	5-0
Senate Appropriations	12-0
Senate Floor.....	40-0

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Floor.....	78-0
Senate Governmental Org.....	12-0
Senate Floor.....	40-0

members of such forces. SB 1482 (Correa), Chapter 118, Statutes of 2008, requires a local elected official to forfeit his or her office upon the conviction of a violation of the Stolen Valor Act that involves a false claim of receipt of any military decoration or medal.

This bill similarly requires an elected state official to forfeit his or her office upon the conviction of a violation of the Stolen Valor Act involving a false claim of receipt of any military decoration or medal.

AB 269 (SILVA)
CHAPTER 94, STATUTES OF 2009
ELECTIONS: CORRUPTION OF VOTING.

[Adds Section 18562.5 to the Elections Code]

While the processing of ballots is open to the public to observe, existing law also explicitly prohibits such observers from touching official ballots or other official elections materials while they are observing. These prohibitions against the handling of official election materials by people who are not elections officials or officers are important not only to protect the secrecy of voters' ballots, but also to protect against the tampering with or destruction of official ballots.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	16-0
Assembly Floor.....	78-0
Senate Elections	5-0
Senate Appropriations	(28.8)
Senate Floor.....	40-0

This bill was inspired by an incident where an observer was alleged to have deliberately viewed a voter's ballot by removing it from the vote by mail ballot envelope, viewing it and replacing it. According to the author of this bill, prosecutors believed they did not have grounds to prosecute the observer for inappropriately handling the vote by mail ballot.

This bill provides additional protections designed to ensure that the secrecy of a voter's ballot is not compromised by prohibiting an observer from willfully attempting to ascertain a voter's ballot choices when the observer knows the identity of the voter who cast the ballot in question. A violation of the provisions of this bill is a misdemeanor.

AB 306 (FULLER)
CHAPTER 98, STATUTES OF 2009
ELECTIONS: VOTER PAMPHLETS.

[Adds Section 9094.5 to the Elections Code]

Existing law requires the Secretary of State (SOS) to mail a copy of the state ballot pamphlet to each registered voter, but permits the SOS to mail only one ballot pamphlet to two or more registered voters having the same postal address. Existing law additionally requires the SOS to make the complete ballot pamphlet available to voters over the Internet.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	16-0
Assembly Floor.....	79-0
Senate Elections	5-0
Senate Appropriations	11-0
Senate Floor.....	34-0

This bill requires the SOS to establish a process to enable a voter to opt out of receiving the state ballot pamphlet by mail. Where two or more voters share the same postal address, the SOS would have to continue to mail at least one ballot pamphlet to that address unless every voter at the address chooses to opt out.

This bill will become effective only after the SOS certifies that the state has a statewide voter registration database that complies with the federal Help America Vote Act of 2002 (42 U.S.C. Section 15301 et seq.).

AB 330 (SALDAÑA)
VETOED
ELECTIONS: VOTING DEVICES.

[Adds Section 15005 to the Elections Code]

Existing law requires elections officials to conduct a test or series of tests prior to each election to ensure that every device used to tabulate ballots accurately records each vote.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	16-0
Assembly Floor.....	76-0
Assembly Concurrence	73-0
Senate Elections	3-2
Senate Appropriations	(28.8)
Senate Floor.....	23-11

This bill would have required that the elections official provide at least five days public notice of the time and place of those tests.

On October 11, 2009, Governor Schwarzenegger vetoed this bill, expressing his belief that mandating a specific time period for providing public notice of the tests was unnecessary because those who wish to observe the process already have the ability to call their local elections office to find out when such tests will be conducted.

AB 348 (SALAS)
 CHAPTER 99, STATUTES OF 2009
 SOUTH BAY IRRIGATION DISTRICT: DIRECTORS.

[Adds Section 21100.7 to the Water Code]

Existing law requires that each director of an irrigation district be a voter, a landowner in the district, and a resident of the division of the district that he or she represents at the time of his or her nomination or appointment and through his or her entire term, unless elected at a formation hearing. Existing law also removes the landownership requirement from the list of qualifications to serve as a director of an irrigation district if the district is required to submit an urban water management plan and removes the landownership requirement for the director of an irrigation district with divisions, if the district is required to submit an urban water management plan to the State Department of Water Resources, and supplies drinking water to the division for which the director represents or seeks to represent.

<u>Legislative History</u>	
Assembly Local Gov.....	7-0
Assembly Elections	7-0
Assembly Floor.....	78-0
Senate Local Gov.....	5-0
Senate Floor.....	40-0

This bill eliminates the landownership requirement in order to serve as a director of the South Bay Irrigation District.

AB 436 (SALDAÑA)
 VETOED
 ELECTIONS: INITIATIVES.

[Adds Section 9004.5 to the Elections Code]

Existing law requires the proponents of a state initiative measure to submit a draft of that measure to the Attorney General (AG) so that the AG may prepare a summary of the chief purposes and points of the measure, and requires the proponents to pay a fee of two hundred dollars (\$200) at the time of submitting the draft of the measure to the AG. This bill would have increased that fee incrementally from \$200 to \$2,000 pursuant to the following fee schedule:

- \$500 beginning in 2010;
- \$1,000 beginning in 2012;
- \$1,500 beginning in 2014; and,

<u>Legislative History</u>	
Assembly Elections	5-2
Assembly Appropriations	11-5
Assembly Floor.....	47-28
Assembly Concurrence	49-29
Senate Elections	3-2
Senate Appropriations	(28.8)
Senate Floor.....	21-18

- \$2,000 beginning in 2016.

Additionally, this bill would have required the AG to adjust the fee for inflation in 2018 and every two years thereafter, and would have specified that fee revenues shall be used for the reimbursement of the costs incurred by the AG for preparing the title and summary.

On October 11, 2009, Governor Schwarzenegger vetoed this bill stating that using the fees to reimburse the AG for actual costs of preparing a title and summary sets a precedent of allowing the fee to increase to the point that it could significantly deter grassroots and volunteer efforts to qualify a measure.

AB 528 (SILVA)
CHAPTER 113, STATUTES OF 2009
LOCAL GOVERNMENT: REORGANIZATION: EXPENDITURE REPORTING.

[Amends Sections 56100.1, 56700.1, 57009, and 82035.5 of the Government Code]

Existing law requires contributions and expenditures for political purposes on boundary changes approved by a Local Agency Formation Commission (LAFCO) to be disclosed and reported to the LAFCO to the same extent and subject to the same requirements of the Political Reform Act (PRA) as provided for local initiative measures. Existing law also provides that a LAFCO may require, through the adoption of written policies and procedures, the disclosure of contributions, expenditures, and independent expenditures made in support of or opposition to a proposal.

<u>Legislative History</u>	
Assembly Local Gov.....	7-0
Assembly Elections	7-0
Assembly Floor.....	78-0
Assembly Concurrence	78-0
Senate Local Gov.....	5-0
Senate Floor.....	40-0

This bill requires contributions and expenditures made for political purposes related to a proposal or proceeding before a LAFCO be disclosed and reported pursuant to the appropriate section in the PRA and amends the definition of a "LAFCO proposal" in the PRA to conform to the definition contained in existing laws governing LAFCOs.

AB 686 (RUSKIN)
VETOED
VOTING: POLLING PLACE PROCEDURES.

[Amends Section 14224 of, and repeals Section 19363 of, the Elections Code]

Existing law contains two conflicting provisions that set a limit on the amount of time that a voter can remain in a voting booth or compartment. Elections Code Section 14224 sets a 10 minute limit on the amount of time a voter can remain in a voting booth or compartment to cast his or her ballot, while Elections Code Section 19363 sets a five minute limit. Elections Code Section 19363 is located in a part of the code dealing with lever voting machines—machines that are no longer used in this state.

<u>Legislative History</u>	
Assembly Elections	5-0
Assembly Floor.....	65-6
Senate Elections	5-0
Senate Floor.....	35-0

To resolve this conflict, this bill would have repealed the provision of law pertaining to lever voting machines and would have retained the 10 minute time limit that exists in Section 14224 of the Elections Code. Additionally, this bill would have specified that a voter would be allowed more than 10 minutes to mark his or her ballot if the voter informs precinct board members that he or she needs more time.

On October 11, 2009, Governor Schwarzenegger vetoed this bill, stating that "[t]here is no evidence that the discrepancy in current law has resulted in a significant problem for voters."

AB 742 (SALDAÑA)
VETOED
ELECTIONS: FELONY CONVICTION STATEMENTS.

[Amends Section 2212 of the Elections Code]

The California Constitution prohibits a person from voting if the person is imprisoned or on parole for the conviction of a felony. In accordance with that provision, Section 2212 of the Elections Code requires county elections officials to cancel the affidavits of registration of those persons who are imprisoned or on parole for the conviction of a felony. In order

<u>Legislative History</u>	
Assembly Elections	5-0
Assembly Floor.....	50-29
Senate Elections	3-2
Senate Floor.....	22-13

In order to enable the county elections official to comply with this requirement, Section 2212 of the Elections Code also requires the clerk of the superior court to furnish to the elections official a statement with the names, addresses, and dates of birth of all persons who were convicted of felonies since the court's last report. However, if a court adheres to a literal

interpretation of this requirement, the county elections official does not have the information necessary to determine whether or not a voter's registration should be canceled, because the list would include any person who was convicted of a felony but not sentenced to prison.

This bill would have clarified that the court must send the elections official a list of persons who have been convicted of felonies and sentenced to prison, so that the county elections officials would have had the information necessary to comply with the requirement that they cancel the registrations of those persons who are imprisoned or on parole for the conviction of a felony.

On October 11, 2009, Governor Schwarzenegger vetoed this bill. In his veto message, the Governor indicated that he believed the bill was unnecessary because "Superior Court clerks throughout the state have worked with local elections officials to provide this information in a format that is most appropriate for their jurisdiction."

AB 753 (ADAMS)
CHAPTER 373, STATUTES OF 2009
BALLOT TITLES AND LABELS.

[Amends Sections 303, 336, 342, 9003, 9004, 9005, 9007, 9008, 9034, 9035, 9050, 9053, 9054, 9063, 13247, and 13282 of, adds Sections 303.5, 9016, 9017, and 9018 to, repeals Sections 9052, 13280, and 13281 of, and repeals and adds Sections 9001, 9002, 9006, 9009, 9012, 9013, 9014, 9015, and 9051 of, the Elections Code]

Existing law uses various terms to refer to summaries that are prepared for state measures and proposed state initiatives and referenda.

When a person or organization proposes a state initiative or referendum measure, that measure is given a "title and summary" by the AG.

Once a measure qualifies for the ballot, the AG must prepare a "ballot title" for the measure, which is also frequently referred to as the "ballot title and summary." In addition to preparing a ballot title for any measure that

appears on the statewide ballot, the AG must also prepare a "condensed statement of the ballot title," which is also referred to as the "ballot label." Because of the similarities in the language used to refer to these various summaries of state measures, and because existing law occasionally uses multiple different terms to refer to the same type of summary, there often is confusion about the proper terminology for specific types of summaries of state measures. This bill clarifies and standardizes the terminology that is used to refer to these summaries.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	16-0
Assembly Floor.....	78-0
Assembly Concurrence	78-0
Senate Elections	5-0
Senate Appropriations	(28.8)
Senate Floor.....	39-0

In addition to clarifying and standardizing the terminology that is used to refer to summaries of state ballot measures and proposed measures, this bill reorganizes the

provisions of the Elections Code that establish the procedures for the preparation of those summaries. This reorganization is primarily non-substantive.

AB 894 (FURUTANI)
CHAPTER 485, STATUTES OF 2009
BALLOT MEASURES: FISCAL IMPACT STATEMENTS.

[Amends Sections 9005 and 9087 of the Elections Code]

Existing law establishes a process for the Attorney General (AG) to prepare a summary of the chief purposes and points of a proposed initiative measure. If the AG determines that the proposed measure would affect the revenues or expenditures of the state or local government, the Department of Finance (DOF) and the Joint Legislative Budget Committee (JLBC) are required to prepare an estimate of the fiscal impact of the measure, which is included in the summary of the measure that is prepared by the AG. This bill requires the fiscal estimate that is included in the summary to be printed in boldface print.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	16-0
Assembly Floor.....	77-0
Assembly Concurrence	78-0
Senate Elections	5-0
Senate Appropriations	(28.8)
Senate Floor.....	35-0

Additionally, existing law requires the Legislative Analyst's Office (LAO) to prepare a fiscal analysis for any measure that will appear on the statewide ballot. This bill requires the LAO, if it is estimated that a measure will result in increased costs to the state, to include in the fiscal analysis a discussion of the measure's estimated impact on the state and an estimated percentage of the General Fund that would be expended due to the measure's passage. The bill also requires the LAO to use a uniform method in each analysis to describe the estimated increase or decrease in revenue or costs of a measure, to allow average voters to draw comparisons among the fiscal impacts of measures.

AB 1068 (SALDAÑA)
VETOED
PETITIONS: SIGNATURE GATHERING.

[Adds Section 9024 to the Elections Code]

Existing law authorizes any person who is a voter or who is qualified to register to vote to circulate an initiative or referendum petition, and authorizes any person who is a voter to circulate a recall petition. A 2008 report by the Center for Governmental Studies indicated that some for-profit signature gathering firms are

<u>Legislative History</u>	
Assembly Elections	5-2
Assembly Floor.....	48-29
Senate Elections	3-2
Senate Floor.....	23-15

willing to guarantee ballot qualification of any initiative for a price. To the extent that initiative proponents enter into a contract with a signature gathering firm where payment is contingent upon the measure qualifying for the ballot, the signature gathering firm will have a significant financial incentive to ensure that the measure qualifies for the ballot. In turn, this could create a financial incentive to commit fraud—to mislead voters about the contents of an initiative in order to secure signatures on the petition.

This bill would have provided that a contract for circulating a petition or collecting signatures for a proposed state or local initiative, referendum, or recall measure is void if it makes payment to any person under the contract contingent upon the measure qualifying for the ballot.

On October 11, 2009, Governor Schwarzenegger vetoed this bill, indicating that he could not "support limiting how proponents of a measure negotiate a contract for gathering signatures."

AB 1096 (GALGIANI)
VETOED
ELECTIONS: PRECINCT MAPS.

[Amends Sections 12220 and 12260 of the Elections Code]

Existing law requires elections officials to prepare either maps or exterior descriptions of precincts each calendar year and to make that information accessible to members of the public upon request. Current law also provides that local elections officials may charge a person requesting copies of the information the cost necessary to reimburse the jurisdiction for its expenses in providing the copies.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	13-0
Assembly Floor.....	77-0
Assembly Concurrence	78-0
Senate Elections	5-0
Senate Appropriations	(28.8)
Senate Floor.....	38-0

This bill would have required elections officials to provide all current precinct boundaries, including the boundaries of any subprecincts, if available, and precinct consolidations to any interested person, and would have required precinct maps, boundary changes, and consolidations be made available in both print and electronic formats.

On October 11, 2009, Governor Schwarzenegger vetoed this bill arguing that it could result in additional costs to local governments.

AB 1134 (MENDOZA)
CHAPTER 510, STATUTES OF 2009
ELECTIONS: PETITIONS.

[Amends Sections 103, 9602, and 11303 of the Elections Code]

Existing law provides that any voter who has signed an initiative, referendum or recall petition may have his or her signature withdrawn from the petition upon filing a written request with the elections official prior to the day the petition is filed.

This bill clarifies that a voter's written request for removal of a signature from an initiative, referendum, or recall petition does not constitute a petition or paper requiring a declaration of the circulator.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Floor.....	78-0
Senate Elections	5-0
Senate Floor.....	40-0

AB 1149 (DAVIS)
CHAPTER 139, STATUTES OF 2009
POLITICAL REFORM ACT OF 1974: ELECTRONIC FILING.

[Amends Section 87500.1 of the Government Code]

AB 2607 (Davis), Chapter 498, Statutes of 2008, established a pilot project which permits Los Angeles, Merced, Orange, and Stanislaus counties to permit the electronic filing of a Statement of Economic Interests (SEIs) in accordance with regulations adopted by the Fair Political Practices Commission (FPPC). AB 2607 requires the pilot project to be complete

by January 1, 2012, and further requires the pilot project to include the reporting periods of 2008 to 2011. However, because public officials are required to file SEIs annually outlining economic interests during the previous year, the deadline for a public official to file his or her SEI for the 2011 calendar year will fall months after the January 1, 2012 end date for the pilot project created by AB 2607.

To resolve this conflict, this bill changes the reporting periods that are covered by the pilot project to the 2008 to 2010 reporting periods. This bill also moves up the deadline for the Legislative Analyst's Office (LAO) to provide a report to the Legislature evaluating the pilot project from March 1, 2012 to February 1, 2012.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Floor.....	78-0
Senate Elections	5-0
Senate Floor.....	40-0

AB 1228 (YAMADA)
 VETOED
 ELECTIONS: ALL-MAILED BALLOT ELECTIONS.

[Adds and repeals 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.

<u>Legislative History</u>	
Assembly Elections	5-0
Assembly Floor.....	48-27
Assembly Concurrence	50-28
Senate Elections	3-2
Senate Floor.....	21-17

This bill would have created a pilot program allowing Santa Clara and Yolo Counties to conduct not more than three local elections at all-mail ballot elections, subject to certain conditions.

On October 11, 2009, Governor Schwarzenegger vetoed this bill, noting that it could "increase the distance needed to travel to vote in-person," and expressing concern that "[t]his burden would fall disproportionately on those who are less mobile, frequently the poor, disabled and elderly."

AB 1271 (KREKORIAN)
 VETOED
 ELECTIONS: VOTE BY MAIL BALLOTS.

[Amends Sections 3001, 3009, 3017 of, and adds Section 3025 to, the Elections Code]

Existing law authorizes a vote by mail (VBM) voter to deliver by mail or in person his or her VBM ballot and allows the elections official to issue the ballot to the applicant or his or her spouse, child, parent, grandparent, grandchild, sibling, or a person residing in the same household, provided that the individual to whom the ballot is being issued is 16 years of age or older and is authorized by the VBM voter to receive the ballot. Current law also

<u>Legislative History</u>	
Assembly Elections	5-2
Assembly Appropriations.....	10-5
Assembly Floor.....	50-29
Senate Elections	3-2
Senate Appropriations	(28.8)
Senate Floor.....	23-13

provides that if a VBM voter is unable to return his or her VBM ballot due to illness or physical disability, that voter may designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household as the VBM voter to return the VBM ballot.

This bill would have allowed a VBM voter to designate any person who is 16 years of age or older, other than candidates or campaign workers, to deliver or receive a VBM ballot on his or her behalf.

On October 11, 2009, Governor Schwarzenegger vetoed this bill arguing that "[w]hile some VBM voters could benefit from [the] added flexibility" provided by this bill, "it would leave the door open for bad actors to abuse the system."

AB 1326 (HUFFMAN)
VETOED
VOTER REGISTRATION: ACTION TO COMPEL REGISTRATION.

[Amends Section 2142 of the Elections Code]

Existing law provides that if the county elections official refuses to register any qualified elector in the county, the elector may proceed by action in the superior court to compel his or her registration. Current law also provides that if the county elections official has not registered any qualified elector who claims to have registered to vote through the Department of Motor Vehicles (DMV) or any other public agency designated as a voter registration agency pursuant to the National Voter Registration Act (NVRA) of 1993 (42 U.S.C. Section 1973gg), the elector may proceed by action in the superior court to compel his or her registration.

<u>Legislative History</u>	
Assembly Elections	5-1
Assembly Judiciary	7-3
Assembly Appropriations	11-5
Assembly Floor	51-29
Assembly Concurrence	50-28
Senate Judiciary	3-2
Senate Elections	3-2
Senate Appropriations	(28.8)
Senate Floor	25-15

This bill would have permitted a qualified elector who claims to have completed a voter registration affidavit and deposited that affidavit with a third party to bring an action in superior court to compel his or her registration. This bill additionally would have permitted the county elections official to bring such an action in the superior court on behalf of the elector at the elector's request.

On October 11, 2009, Governor Schwarzenegger vetoed this bill arguing that it was unnecessary because "[u]nder current law, if the elections official refuses to register any qualified elector in the county, the elector may proceed by action in the superior court to compel his or her registration."

AB 1337 (EVANS)
CHAPTER 146, STATUTES OF 2009
ELECTIONS: ELECTIONEERING.

[Amends Section 18370 of, and adds Section 319.5 to, the Elections Code]

Existing law prohibits a person, on election day or at any time that a voter may be casting a ballot within 100 feet of a polling place or an elections official's office, from doing any electioneering. However, the term "electioneering" is not defined in existing law.

This bill defines "electioneering" as the visible display or audible dissemination of information that advocates for or against any candidate or measure on the ballot within 100 feet of a polling place, an elections official's office, or a satellite voting location. This bill specifies that prohibited electioneering information includes, but is not limited to, a display of a candidate's name, likeness, or logo; a display of a ballot measure's number, title, subject, or logo; buttons, hats, pencils, pens, shirts, signs, or stickers containing electioneering information; or dissemination of audible electioneering information.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	16-0
Assembly Floor.....	78-0
Assembly Concurrence	78-0
Senate Elections	5-0
Senate Appropriations	(28.8)
Senate Floor.....	40-0

AB 1396 (TORRES)
CHAPTER 392, STATUTES OF 2009
ELECTIONS: DEMOCRATIC PARTY.

[Repeals and adds Chapter 3 (commencing with Section 7150) of Part 2 of Division 7 of the Elections Code]

Existing law establishes the membership of the state central committee of the Democratic Party of California and includes various provisions regarding the operation of the party's state central committee.

This bill repeals the statutory rules governing the operation of the state central committee of the Democratic Party, and instead generally provides that operations of the central committee shall be governed by the standing rules and bylaws of the Democratic Party.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Floor.....	78-0
Assembly Concurrence	78-0
Senate Elections	5-0
Senate Floor.....	40-0

AB 1440 (SWANSON)
 CHAPTER 395, STATUTES OF 2009
 ELECTIONS: PROVISIONAL BALLOTS.

[Adds Section 14313 to the Elections Code]

Under existing law, if a voter casts a provisional ballot in the county in which he or she is registered to vote, the elections official will count the votes for the candidates and measures on which the voter was entitled to vote in his or her assigned precinct. If a voter casts a provisional ballot in a county other than that in which he or she is registered to vote, however, that voter's ballot is not counted, even for races and measures on which that candidate was eligible to vote.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	16-0
Assembly Floor.....	75-0
Assembly Concurrence	78-0
Senate Elections	5-0
Senate Appropriations	8-0
Senate Floor.....	39-0

This bill establishes a procedure for emergency workers who are responding to a declared state of emergency to vote a provisional ballot outside their county of residence and still have that ballot counted. Under the provisions of this bill, an emergency worker will vote a provisional ballot in the county where he or she is responding to the emergency, and the county elections official in that county will transmit the ballot to the county where the voter is registered. The emergency worker's votes will be counted for any candidate and measure on which the voter was entitled to vote in his or her assigned precinct.

AB 1490 (GALGIANI)
 CHAPTER 149, STATUTES OF 2009
 ELECTIONS: RESULTS.

[Amends Sections 15375, 15501, 15503, and 15505 of the Elections Code]

Under existing law, county elections officials have 28 days after the election to complete the official canvass of ballots, and they must transmit the results of certain elections to the Secretary of State (SOS) by the 35th day after the election. The SOS, in turn, is required to certify the persons having the highest number of votes for certain offices by the 39th day after the election, but must certify the names of the presidential electors who were elected not later than the first Monday of the month following the Presidential election. These deadlines have caused conflicts, and leave the SOS with little time to compile election results and

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	16-0
Assembly Floor.....	78-0
Senate Elections	5-0
Senate Appropriations	(28.8)
Senate Floor.....	40-0

certify the winners once election results are received from county election officials. The deadline for the SOS to certify the results for some offices—the 39th day after the election—falls on a Saturday. Furthermore, in three out of every four Presidential elections, the deadline for the SOS to certify the names of the presidential electors who were elected falls before the county elections officials are required to finish the official canvass of ballots for that election.

This bill makes various minor changes to deadlines for state and local elections officials to certify election results after an election to resolve some of these conflicts. County elections officials still have 28 days to complete the official canvass of ballots, but the deadline for elections officials to submit those results to the SOS is moved up from the 35th day after the election to the 31st day after the election. The deadline for submitting results for Presidential electors moves up to the 28th day after the election. The deadline for the SOS to certify the results for presidential electors moves to the 32nd day after the election, while the deadline for the SOS to certify results for other offices moves up to the 38th day after the election.

AB 1525 (BEALL)
CHAPTER 541, STATUTES OF 2009
ELECTIONS: RECOUNTS.

[Amends Section 15620 of the Elections Code]

Under existing law, any voter may request a recount in an election after the official canvass is complete. In the case of an election that is not a statewide election, the recount must be requested within five days of the completion of the official canvass. Because each county conducts its own canvass, if an office or measure is voted on in more than one county, the deadline for requesting a recount for that race can vary in each county, which can cause confusion.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	16-0
Assembly Floor.....	78-0
Assembly Concurrence	79-0
Senate Elections	5-0
Senate Appropriations	(28.8)
Senate Floor.....	38-0

This bill specifies that in the case of an election that is conducted in more than one county, but not statewide, a voter may request a recount within five days beginning on the 29th day after the election, instead of within five days of the completion of the official canvass.

AB 1572 (COMMITTEE ON ELECTIONS AND REDISTRICTING)
CHAPTER 547, STATUTES OF 2009
VOTING.

[Amends Section 1363.03 of the Civil Code, amends Sections 354.5, 13107.3, 13307, and 14225 of the Elections Code, and amends Section 22970.20 of the Water Code]

This committee omnibus bill made various minor and technical changes to state law governing elections.

AB 1243 (Karnette), Chapter 508, Statutes of 2007 changed the name of "absentee" voting to vote by mail (VBM) voting, among other provisions, in an effort to clarify that a voter does not need to be absent from his or her precinct on election day in order to choose to vote by mail. This bill changed various remaining instances of the use of the term "absentee ballot" and "absentee voter" to VBM ballot and VBM voter, respectively, to conform with the Legislature's and Governor's actions on AB 1243.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Floor.....	78-0
Senate Elections	5-0
Senate Floor.....	40-0

AB 18 (Blakeslee), Chapter 485, Statutes of 2007 allows a disabled person who is unable to write to use a signature stamp in place of a signature on an elections-related document. One of the provisions of AB 18 specified that if the user of signature stamp votes by mail, the user is required to affix the stamp on the VBM ballot. This bill clarified that a voter who uses a signature stamp and who votes by mail is required to affix the stamp on the *identification envelope*, not on the VBM ballot itself.

AB 1090 (Spitzer), Chapter 505, Statutes of 2007 requires a candidate who wants to have a ballot designation to file a ballot designation worksheet. However, the provisions of AB 1090 that require a candidate to file a ballot designation worksheet specify that the worksheet has to be filed in addition to nomination documents that are filed for a primary election. As a result, the provisions of AB 1090 could be interpreted to apply only to primary elections for partisan office, and not to candidates for non-partisan office who do not run at a primary election. This bill clarifies that the requirement that candidates file a ballot designation worksheet applies to all candidates who wish to have a ballot designation, not just candidates who are running at a primary election for partisan office.

Existing law allows any candidate for local office to submit a candidate statement, which is printed in the voter information portion of the sample ballot. Local agencies have the option of billing the candidate for the pro-rated cost of including the statement. If the local agency charges candidates for their statements, the local agency is responsible for providing candidates with an estimate of the total costs, which the candidate must pay to the local agency or to the elections official. This bill specifies that the local agency that is responsible for providing a cost estimate for candidate statements is also responsible for collecting any balance due from candidates if the estimated cost did not cover the actual cost of the statements. Additionally, this bill clarified that whichever entity collected the

estimated cost (the local agency or the elections official) is responsible for refunding any overpayment if the statements cost less than was estimated. Finally, this bill repealed an obsolete provision in the code section dealing with payments for candidate statements. That provision became inoperative on January 1, 2007.

AB 1573 (COMMITTEE ON ELECTIONS & REDISTRICTING)
CHAPTER 548, STATUTES OF 2009
ELECTIONS: VOTING.

[Amends Sections 13314 and 15104 of the Elections Code]

This is one of the Assembly Elections & Redistricting Committee's omnibus bills, containing various minor and technical changes to provisions of state law governing elections.

Last year, in a case in Orange County, the ballot designation of a candidate for Congress was challenged. The Secretary of State (SOS) was not named as a respondent in the case. The Fourth District Court of Appeals ultimately dismissed the challenge in Cook v. Superior Court (2008) 161 Cal.App.4th 569, because the SOS was not a party to the case and because the case was not filed in Sacramento. In its decision, the court ruled that because the SOS has a statutory role in the process of Congressional primaries, the SOS is an indispensable party to any case involving ballot-related issues. Additionally, the court noted that any state lawsuit in which the SOS is a party must be filed in the Sacramento Superior Court.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	16-0
Assembly Floor.....	78-0
Senate Elections	5-0
Senate Appropriations	(28.8)
Senate Floor.....	40-0

This bill codifies that ruling and clarifies existing law by explicitly requiring the SOS to be named as a respondent or a real party in interest in any proceeding concerning a measure or a candidate, except for a judge of the superior court, when the SOS is a recipient of the results of the election.

Under existing law, interested individuals are permitted to observe the processing of completed vote by mail (VBM) ballots that are received by the elections official, and are required to be allowed sufficiently close access to enable them to observe and challenge the processing of those ballots. As part of the processing of a VBM ballot, the signature on the VBM ballot is compared to the signature on that voter's registration card. However, existing law generally makes the signature on a voter registration card confidential, subject to viewing only under certain specified circumstances. This has led to confusion in some counties as to whether individuals who are observing the processing of VBM ballots are allowed to observe the comparison of the signature on the VBM ballot envelope with the signature on the voter's registration card.

This bill clarifies that VBM ballot processing observers must be allowed to view the signature comparison that is part of the VBM ballot processing.

AB 1574 (COMMITTEE ON ELECTIONS AND REDISTRICTING)
CHAPTER 549, STATUTES OF 2009
ELECTIONS.

*[Amends Sections 9162, 9286, and 10229 of the Elections Code,
and amends Section 4716 of the Health and Safety Code]*

This is one of the Assembly Elections and Redistricting Committee's omnibus bills, containing various minor and technical changes to provisions of state law governing elections.

Elections Code Section 9162 provides in part that a member of a county board of supervisors may submit an argument in support of or in opposition to a county ballot measure only if the member is authorized to do so by the board. However, this provision arguably is

unconstitutional, as it limits the ability of a member of the board to submit an argument in support of or in opposition to a measure, thereby limiting that member's right to free speech. This bill repeals the requirement that a member of a board of supervisors must be authorized by the board to submit arguments on a county ballot measure in order to submit such arguments.

Elections Code Section 9286 establishes the deadline for voters to submit arguments for or against city ballot measures, among other provisions. AB 2368 (Robert Pacheco), Chapter 371, Statutes of 2002, sought to ensure that the deadlines established in Section 9286 would not apply when the city election is consolidated with another election, because in that case, the deadline for submitting arguments for or against a city ballot measure will depend on the county's timeline for preparation of election materials. However, rather than exempting those city measures from the deadlines in Section 9286, AB 2368 exempted city measures that will appear on the ballot at a consolidated election from all of the provisions of Section 9286. This bill clarifies that, in the case of a city measure that will appear on the ballot at a consolidated election, the deadlines in Section 9286 would not apply to that measure, but the other provisions of Section 9286 (regarding the changing and withdrawal of arguments) continue to apply to that measure.

Elections Code Section 10229 establishes various procedures for how a city office may be filled if no candidates file or only one candidate files to run for that city office. Section 10229 specifies that it shall apply in any case where no candidates have filed or only one candidate has filed by 5 p.m. on the date of the filing deadline. However, under existing law, the deadline for filing for office is not 5 p.m., but rather "during regular business hours as posted" on the day of the deadline. This bill amends Section 10229 of the Elections Code to specify that it applies if no candidates file or only one candidate files for a city office by the deadline day during regular business hours as posted.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	16-0
Assembly Floor.....	78-0
Assembly Concurrence	78-0
Senate Elections	5-0
Senate Appropriations	(28.8)
Senate Floor.....	39-0

SB 6 (MALDONADO)
CHAPTER 1, STATUTES OF 2009
ELECTIONS: PRIMARIES.

[Amends Sections 13, 334, 337, 2150, 2151, 2152, 2154, 8025, 8062, 8068, 8081, 8121, 8124, 8142, 8148, 8150, 8300, 8550, 8600, 8605, 8805, 8807, 10705, 10706, 12108, 13102, 13105, 13110, 13206, 13207, 13208, 13230, 13300, 13302, 13305, 15451, 15452, 15670, 15671, 19300, and 19301 of, amends Part 1 of Division 7 of, adds Sections 300.5, 325, 332.5, 338.5, 359.5, 8002.5, 8005, 8141.5, 8606, 9083.5, 9084.5, 13109.5, and 14105.1 to, adds Chapter 0.5 (commencing with Section 6000) to Part 1 of Division 6 of, amends and renumbers Section 6000 of, repeals and adds Section 8125 of, repeals Sections 8802 and 8806 of, the Elections Code, and amends Section 88001 of the Government Code]

California currently operates under a "modified closed" primary system, in which voters who are not affiliated with a political party may participate in a political party's primary election if the party authorizes such participation in its party rules.

<u>Legislative History</u>	
Senate Floor.....	27-11
Assembly Floor.....	46-22

This bill is a companion measure to SCA 4 (Maldonado), which would establish a "top-two" primary election system, in which voters may vote for any state or congressional candidate regardless of party registration, with the two candidates receiving the most votes, regardless of party affiliation, advancing to the general election. This bill would make various changes to state statute that are necessary if SCA 4 is approved by the voters.

As a constitutional amendment, SCA 4 requires the approval of voters to take effect, and will be considered by the voters at the June 8, 2010 statewide primary election. This bill will go into effect only if the voters approve SCA 4.

SB 34 (CORBETT)
VETOED
PETITIONS: COMPENSATION FOR SIGNATURES.

[Adds Section 102.5 to the Elections Code]

Existing law provides that a voter or a person who is qualified to register to vote in this state may circulate an initiative, referendum, or recall petition.

This bill would have prohibited a person from paying or receiving money or any other thing of value based on the number of signatures

<u>Legislative History</u>	
Senate Elections	3-2
Senate Public Safety	5-2
Senate Appropriations	(28.8)
Senate Floor.....	22-14
Assembly Elections	4-2
Assembly Appropriations	12-5
Assembly Floor.....	43-29

obtained on a state or local initiative, referendum, or recall petition.

On October 11, 2009, Governor Schwarzenegger vetoed this bill arguing that "prohibitions on per-signature payments will make it more difficult for grassroots organizations to gather the necessary signatures and qualify measures for the ballot."

**SB 172 (FLOREZ)
VETOED
VOTER REGISTRATION.**

[Amends Sections 2224, 2225, and 2226 of the Elections Code]

Under existing law, a voter's name may be placed on an inactive list of voters if a residency confirmation mailing sent to the voter is returned by the post office as undeliverable and provides no forwarding address for the voter, or the voter's forwarding address is outside the county. Additionally, a voter may be placed on the inactive list if the voter fails to confirm his or her address as part of the alternate residency confirmation process. Once a voter has been placed on the inactive list, that voter's registration may be cancelled if he or she fails to offer to vote or vote at any election between the date of the residency confirmation mailing and two federal general elections.

<u>Legislative History</u>	
Senate Elections	3-2
Senate Appropriations	(28.8)
Senate Floor.....	21-15
Senate Concurrence.....	24-14
Assembly Elections	4-2
Assembly Appropriations	12-5
Assembly Floor.....	48-29

This bill would have extended the period of time, from two federal general elections to four presidential elections, between the date that a voter's name is placed on the list of inactive voters and the date that voter's registration is cancelled for failure to vote or offer to vote at any election.

On October 11, 2009, Governor Schwarzenegger vetoed this bill, arguing that "[i]ncreasing the time an individual may remain on the inactive file of registered voters to 16 years will have a detrimental effect on the ability of elections officials to maintain" the accuracy of the voter rolls.

SB 288 (YEE)
VETOED
ELECTIONS: NAMES OF CANDIDATES.

[Adds Section 13211.7 to the Elections Code]

Existing law requires the translation of ballots and ballot materials into languages other than English under certain circumstances. This bill would have required elections officials, when translating the name of a candidate into a character-based language (such as Mandarin Chinese, Cantonese, Japanese, or Korean) to use a phonetic transliteration of the candidate's name unless the candidate can demonstrate that he or she has a character-based name by birth or regularly has used a character-based name in the prior two years.

<u>Legislative History</u>	
Senate Elections	5-0
Senate Appropriations	(28.8)
Senate Floor.....	35-0
Senate Concurrence.....	39-0
Assembly Elections	7-0
Assembly Appropriations	15-0
Assembly Floor.....	76-0

On October 11, 2009, Governor Schwarzenegger vetoed this bill arguing that a change in state policy is unnecessary, and that local jurisdictions can adopt a policy regarding the translations of candidates names if necessary.

SB 321 (BENOIT)
CHAPTER 580, STATUTES OF 2009
LOCAL GOVERNMENT: ASSESSMENTS: ELECTION REQUIREMENTS.

[Amends Section 53753 of the Government Code]

In November 1996, California voters approved Proposition 218, a constitutional amendment which restricted local officials' ability to impose taxes, assessments, and property-related fees, and imposed various voter approval requirements on these levies. Among other provisions, Proposition 218 and implementing legislation that was enacted into law by the Legislature provides notice, protest, and hearing procedures for the levying of new or increased assessments by local government agencies, among other provisions. Existing law requires, during and after tabulation, that assessment ballots be treated as public documents and be available to both the proponents and opponents. Existing law also requires that the agency that has proposed an assessment must designate an impartial

<u>Legislative History</u>	
Senate Local Gov	5-0
Senate Appropriations	(28.8)
Senate Floor.....	39-0
Senate Concurrence.....	39-0
Assembly Local Gov.....	7-0
Assembly Elections	7-0
Assembly Appropriations	17-0
Assembly Floor.....	74-0

person who does not have a vested interest in the outcome of the proposed assessment to tabulate the ballots.

This bill imposes additional requirements on local governments when conducting assessment ballot proceedings. Specifically, this bill requires the phrase "OFFICIAL BALLOT ENCLOSED" to be printed, in no smaller than 16-point bold type, on envelopes mailed to property owners containing the notices and assessment ballots. Additionally, this bill requires the assessment ballots to be unsealed and tabulated in public view if the agency uses agency personnel for the ballot tabulation or if the agency contracts with a vendor for the ballot tabulation and the vendor or its affiliates participated in the research, design, engineering, public education, or promotion of the assessment. This bill further requires the information used to determine the weight assigned to each vote be public and made equally available to proponents and opponents. Finally, this bill requires assessment ballots to be preserved for at least two years.

**SB 387 (HANCOCK)
VETOED
BALLOTS: IDENTIFYING INFORMATION.**

[Amends Sections 13204, 14287, 15154, and 15208 of the Elections Code]

Existing law prohibits a voter from placing any mark upon a ballot that will make the ballot identifiable. A ballot that is marked or signed by the voter so that the ballot can be identified by others is required to be rejected under existing law.

This bill would have eliminated the prohibition against a voter placing a mark upon a ballot that would make the ballot identifiable, and instead would have prohibited a voter from placing personal information that identifies the voter upon a ballot. Additionally, this bill would have provided that a ballot that contains personal information is not invalid, but instead would be duplicated and counted in the same manner that a damaged ballot is duplicated and counted under existing law.

<u>Legislative History</u>	
Senate Elections	3-1
Senate Appropriations	(28.8)
Senate Floor.....	25-12
Assembly Elections	5-2
Assembly Appropriations.....	11-4
Assembly Floor.....	51-23

On August 6, 2009, Governor Schwarzenegger vetoed this bill maintaining that "remaking a ballot that contains personal identifying information compromises ballot secrecy and increases the opportunity for fraud."

SB 541 (PAVLEY)
VETOED
ELECTIONS: BALLOT CARDS AND VOTING SYSTEMS.

[Amends Sections 13002, 13004, 13005, 13006, 18400, 19202, 19214, and 19214.5 of, adds Section 19212.5 to, and repeals Section 13007 of, the Elections Code]

At the November 2008 statewide election, a programming error in a version of election management software that is used in the state resulted in the deletion of nearly 200 votes cast in that election in Humboldt County. Even though the vendor knew of the problem that caused the deletion, the vendor did not notify the Secretary of State (SOS) about the problem. Under existing law, the SOS is responsible for certifying all voting systems that are used in the state.

<u>Legislative History</u>	
Senate Elections	3-2
Senate Appropriations	(28.8)
Senate Floor.....	22-15
Senate Concurrence.....	26-14
Assembly Elections	4-2
Assembly Appropriations	12-5
Assembly Floor.....	50-29

This bill sought to avoid a similar problem in the future by requiring voting system vendors and ballot paper manufacturers to notify the SOS of any flaws or defects that they discover in their products. This bill would have imposed monetary penalties for voting system vendors and ballot paper manufacturers who failed to comply with its provisions.

Governor Schwarzenegger vetoed this bill on October 11, 2009. In his veto message, the Governor stated that while he supported requiring that the SOS be notified of flaws or defects, he believed that this bill "goes beyond insuring appropriate notification and imposes substantial civil penalties on voting system vendors."

SB 739 (STRICKLAND)
CHAPTER 360, STATUTES OF 2009
POLITICAL REFORM ACT OF 1974: FUNDRAISING.

[Adds Section 84307.5 to the Government Code]

Existing 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.

This bill prohibits a spouse or domestic partner

<u>Legislative History</u>	
Senate Elections	5-0
Senate Appropriations	(28.8)
Senate Floor.....	31-0
Assembly Elections	7-0
Assembly Appropriations	17-0
Assembly Floor.....	74-0

of an elected officer or a candidate for elective office from receiving compensation from campaign funds held by a controlled committee of the elected officer or candidate for elective office for services rendered in connection with fundraising for the benefit of the elected officer or candidate for elective office.

SB 740 (CEDILLO)
CHAPTER 611, STATUTES OF 2009
ELECTIONS: PROVISIONAL BALLOTS.

[Amends Sections 14310, 17301, and 17302 of the Elections Code]

Existing law allows a voter to cast a provisional ballot if he or she claims to be properly registered but his or her eligibility to vote cannot immediately be established. A voter who casts a provisional ballot must also complete and sign a provisional ballot envelope, providing personal information necessary to determine whether the person is registered to vote. If it is determined that the individual was registered to vote at the time of the election and the signature on the provisional ballot envelope matches the signature on that voter's affidavit of registration, the provisional ballot is counted. This bill clarifies that the elections official is required to reject a voted provisional ballot if the provisional ballot envelope is not signed by the voter.

<u>Legislative History</u>	
Senate Elections	5-0
Senate Appropriations	(28.8)
Senate Floor.....	37-0
Assembly Elections	7-0
Assembly Appropriations	15-0
Assembly Floor.....	73-0

Existing law requires elections officials to retain specified elections materials for a period of 22 months after the election for federal elections and six months after the election for non-federal elections. This bill requires provisional ballots and provisional ballot envelopes to be among the election materials that are retained.

SCA 4 (MALDONADO)
RESOLUTION CHAPTER 2, STATUTES OF 2009
ELECTIONS: OPEN PRIMARIES.

[Proposes amendments to Sections 5 and 6 of Article II of the California Constitution]

California currently operates under a "modified closed" primary system, in which voters who are not affiliated with a political party may participate in a political party's primary election if the party authorizes such participation in its party rules.

<u>Legislative History</u>	
Senate Floor.....	27-12
Assembly Floor.....	54-20

This constitutional amendment, if approved by voters, would establish a "top-two" primary election system, in which voters may vote for any state or congressional candidate regardless of party registration, with the two candidates receiving the most votes, regardless of party affiliation, advancing to the general election.

As a constitutional amendment, this measure requires the approval of voters to take effect. This measure will be considered by the voters at the June 8, 2010 statewide primary election.

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