



Assembly Committee on Elections and Redistricting

SUMMARY OF LEGISLATION

2010

Paul Fong, Chair



Anthony Adams, Vice Chair
Bill Berryhill
Mike Gatto
Tony Mendoza
Lori Saldaña
Sandr  Swanson

Yes No Will you be 18 years of age on or before the next election?

If you checked "no" in response to either of these questions, you must complete this form.

VOTER DECLARATION—Read, sign, and date below
I am a U.S. citizen, will be at least 18 years old on or before the next election, and am not currently in the armed services. I certify under penalty of perjury that the information on this form is true and correct.

SIGNATURE—You must sign in the box below.

X Signature

70 GK 944317

OPTIONAL SURVEY: Can you help in the following areas?

Provide a Polling Place Site

October 2010

Dear Interested Parties:

This booklet summarizes selected legislation approved by the Assembly Committee on Elections and Redistricting during the 2010 legislative year. Those bills that made it through the legislative process and were subsequently signed or vetoed by the Governor are included. Those bills that failed to reach the Governor's desk are not.

Among the more noteworthy legislation considered and approved by the Committee were measures to crack down on individuals who engage in initiative and voter registration fraud, provide voters with greater information about the individuals and entities that fund initiative campaigns and independent expenditures, bring greater transparency and oversight to the state's public pension systems, and protect the right of Californians who are overseas—including members of the military—to vote in California's elections. These are just some of the important reforms approved by the Legislature this session. This booklet has a complete listing of these and other measures.

Most of the bills signed into law will take effect on January 1, 2011. 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 ABBREVIATIONS USED

N/R: Vote Not Relevant

28.8: Bill reported to Senate Floor pursuant to Senate Rule 28.8, which provides that bills referred to the Senate Appropriations Committee that do not have significant state costs shall be reported to the Senate Floor without a hearing by the Appropriations Committee.

29.10: Bill referred to policy committee pursuant to Senate Rule 29.10, which provides that a bill that has been substantially amended since approval by a policy committee may be re-referred to a policy committee.

77.2: Bill referred to policy committee pursuant to Assembly Rule 77.2, which provides that a bill that has been substantially amended since approval by a policy committee may be re-referred to a policy committee.

ASSEMBLY COMMITTEE ON ELECTIONS & REDISTRICTING 2010 LEGISLATIVE HIGHLIGHTS

CAMPAIGN FINANCE:

The committee considered a number of bills aimed at providing greater disclosure and transparency about those individuals and entities that are funding political campaigns. Among the measures approved by the Legislature were bills to require candidates for the state's public pension boards to file regular campaign reports and to abide by campaign contribution limits, to provide greater access to campaign reports online, to more completely document the activities of slate mailer organizations, and to provide voters with more information about the financial supporters of state ballot measures.

GOVERNMENT TRANSPARENCY AND ETHICS REFORMS:

The Legislature took steps to improve transparency and oversight of public pension systems by enacting measures to require placement agents to register as lobbyists and to provide greater public notice about those individuals who are responsible for making investment decisions for public pension systems. Additionally, the committee approved a measure aimed at ensuring the accuracy of lobbying disclosure reports.

STREAMLINING ELECTIONS LAWS AND PROCEDURES:

The committee considered and approved a number of measures to streamline the state's election laws and procedures. Among the bills approved by the Legislature were measures to allow voters to opt-out of receiving a hard copy of the sample ballot and to get that information online instead, to allow county elections officials to adjust precinct boundaries to even out the number of voters served at each polling place, and to eliminate outdated requirements that create unnecessary work for elections officials when processing voter registration forms or issuing replacement ballots to voters. Other measures created a pilot project to determine whether there is a more efficient and accurate way to audit election results, and proposed another pilot project to examine the feasibility and desirability of conducting certain local elections entirely by mail.

OVERSEAS VOTERS:

In order to ensure that Californians who are overseas—including members of the military—are able to vote without having to worry that their ballots will be delayed, the Legislature enacted a measure to make permanent a law that allows overseas voters to return their ballots by fax.

ASSEMBLY COMMITTEE ON ELECTIONS & REDISTRICTING 2010 LEGISLATIVE SUMMARY

AB 46 (MONNING) CHAPTER 28, STATUTES OF 2010 ELECTIONS: OFFICIAL CANVASS: MANUAL TALLY. URGENCY.

[Adds and repeals Section 15360.5 of the Elections Code]

Existing law requires the elections official, during the official canvass of an election in which a voting system is used, to conduct a public manual tally of ballots cast in one percent of the precincts, including any vote by mail (VBM) ballots cast in those precincts.

On April 27, 2010, the Governor issued a proclamation setting August 17, 2010, as the date for a special runoff election to fill the vacancy in Senate District 15, which was created when former Senator Abel Maldonado was sworn in as Lieutenant Governor. Pursuant to current law, the special primary election was scheduled for June 22, 2010, just two weeks after the regular Statewide Primary Election on June 8, 2010.

Concerns over the cost associated and man power required to conduct two June elections prompted the Senate District 15 counties to work with the Secretary of State's office to develop a proposal to improve the ability of the counties to manage this compacted election schedule. This bill allowed an official who conducted an election in San Luis Obispo, Santa Barbara, Santa Clara, or Santa Cruz County that took place on June 8th, June 22nd, or August 17th of 2010, to conduct a separate manual tally of the ballots cast at the polling place and of VBM ballots. By allowing the counties to conduct separate manual tallies for polling place and VBM ballots, this bill relieved elections officials of the need to sort VBM ballots by precinct prior to conducting the manual tally. According to information from Santa Barbara and San Luis Obispo counties, this alternate manual tally process reduces the number of man-hours required for the post-election manual tally by up to 90 percent.

This bill contained an urgency clause and will sunset on January 1, 2011.

Legislative History

Assembly Utilities	N/R
Assembly Appropriations	N/R
Assembly Floor.....	N/R
Assembly Elections (77.2)	7-0
Assembly Concurrence	75-0
Senate Energy.....	N/R
Senate Appropriations	N/R
Senate Elections (29.10)	4-0
Senate Floor.....	33-0

AB 814 (HILL)
VETOED
ELECTIONS: BALLOTS: NOTIFICATION.

[Amends Sections 3010, 13300, and 13303 of the Elections Code]

Existing law requires the Secretary of State (SOS) to produce a state ballot pamphlet for each statewide election and requires the SOS to mail one copy of the ballot pamphlet to every household in the state having one or more registered voters as of the 29th day before the election. Among other information, the state ballot pamphlet contains an analysis and the complete text of each state ballot measure. In the days leading up to the June 2010 statewide primary election, it was reported that an undetermined number of voters in San Mateo County failed to receive their state ballot pamphlets for that election.

<u>Legislative History</u>	
Assembly Pub. Safety	N/R
Assembly Appropriations	N/R
Assembly Floor	N/R
Assembly Elections (77.2)	5-0
Assembly Concurrence	74-0
Senate Elections	4-0
Senate Appropriations	8-0
Senate Floor	30-1

This bill would have required county elections officials, for every statewide election, to provide voters with a notification that the voter should receive a state ballot pamphlet at least one week prior to the election along with a statement that the ballot pamphlet will be made available on the SOS's Internet Web site and at the polling place at the time of the election.

On September 25, 2010, Governor Schwarzenegger vetoed this bill, expressing concern that it could result in additional costs to local governments, thereby creating a reimbursable state mandate.

AB 1181 (HUBER)
CHAPTER 18, STATUTES OF 2010
POLITICAL REFORM ACT OF 1974: STATEMENTS AND REPORTS.

*[Amends Sections 84203, 84204, 84215, 84218, 84225, 84605,
85200, 86100, 86107, and 86118 of the Government Code]*

Existing law requires all candidates and committees that are required to file campaign reports in connection with a state elective office or state measure to file those reports online or electronically if the cumulative amount of contributions received, expenditures made, loans made, or loans received is \$50,000 or more. Similarly, general purpose committees

<u>Legislative History</u>	
Assembly Elections	6-1
Assembly Appropriations	14-2
Assembly Floor	76-1
Assembly Concurrence	71-0
Senate Elections	4-1
Senate Appropriations	(28.8)
Senate Floor	27-9

and small contributor committees that cumulatively receive contributions or make expenditures of \$50,000 or more to support or oppose candidates for any elective state office or state measures must file campaign reports online or electronically, and slate mailer organizations must file campaign reports online or electronically if the cumulative reportable payments received or made for the purposes of producing slate mailers is \$50,000 or more. Lobbyists, lobbying firms, lobbyist employers, and other persons required to file periodic lobbying disclosure reports must file such reports online or electronically if the total amount of any category of reportable payments, expenses, contributions, gifts, or other items is \$5,000 or more in a calendar quarter.

This bill lowers the monetary thresholds that trigger mandatory electronic reporting of campaign contributions and expenditures by candidates, officeholders, committees, major donors, and slate mailer organizations from \$50,000 to \$25,000. Additionally, this bill lowers the threshold that triggers mandatory electronic submission of periodic lobbying disclosure reports from \$5,000 per calendar quarter to \$2,500 per calendar quarter. Finally, this bill eliminates various requirements for candidates and committees to file paper copies of campaign statements with local filing officers in situations where the originals of those campaign statements were filed with the Secretary of State.

AB 1335 (LIEU)

VETOED

ELECTIONS: WRITE-IN CANDIDATES.

[Amends Sections 8203 and 8600 of the Elections Code]

Unlike candidates for Legislature, incumbent superior court judges do not appear on the ballot if nobody files to run against them unless a petition is filed within a specified time period indicating that a write-in campaign will be conducted. In fact, candidates for superior court judge typically do not appear on the ballot, because it is fairly common for an incumbent judge to be unopposed in a re-election bid.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	11-0
Assembly Floor	76-0
Assembly Elections (77.2)	6-0
Assembly Concurrence	53-21
Senate Elections	4-1
Senate Appropriations	(28.8)
Senate Floor	23-11

During the June 2008 primary election, a known white supremacist filed petitions in Los Angeles indicating that a write-in campaign would be conducted against six incumbent judges with Spanish surnames. Although the petitions were filed several weeks before the election, the six judges did not know if they would actually have write-in campaigns run against them at the time, because write-in candidates can file campaign paperwork up until two weeks before the election. As a result, the six incumbent judges were uncertain as to whether they needed to raise campaign money, hire consultants and carry out a campaign.

This bill would have changed the number of signatures needed on a petition indicating that a write-in campaign will be conducted for the office of superior court judge from 100 signatures to a number of signatures equal to one tenth of one percent of the registered voters qualified to vote with respect to the office, except that the petition would have required at least 100 signatures and would not have needed more than 1,000 signatures. Additionally, this bill would have required a write-in candidate for the office of superior court judge to include a statement that he or she satisfies the eligibility requirements for a judge on his or her declaration of write-in candidacy.

This bill was vetoed by Governor Schwarzenegger on September 30, 2010, who expressed concern that the increased number of signatures required to conduct a write-in campaign against an incumbent judge could deter an individual from challenging an incumbent for the office of superior court judge.

AB 1514 (HAYASHI)
CHAPTER 77, STATUTES OF 2010
POLITICAL REFORM ACT OF 1974: REPORTING.

[Amends Section 84218 of the Government Code]

Under existing law, a slate mailer organization must file a semiannual campaign statement for any period in which it has received payments totaling \$500 or more from any person for the support of or opposition to candidates or ballot measures in a slate mailer, or in which it has expended \$500 or more to produce one or more slate mailers. However, for any reporting period during which a slate mailer organization expended or received payments of less than \$500, the slate mailer organization is not

required to file a campaign statement, even if the slate mailer organization has not ceased operation. This creates gaps between the campaign reports filed by a slate mailer organization, which can create uncertainty of whether the organization still exists and, if so, whether the organization failed to file a campaign disclosure report for a certain period of time.

This bill requires slate mailer organizations to file a semiannual campaign statement for every 6-month period irrespective of whether the organization received payments or made expenditures for that period.

<u>Legislative History</u>	
Assembly Elections	6-0
Assembly Appropriations	15-1
Assembly Floor.....	77-0
Assembly Concurrence	75-2
Senate Elections	3-1
Senate Appropriations	(28.8)
Senate Floor.....	34-0

AB 1668 (KNIGHT)
 CHAPTER 38, STATUTES OF 2010
 LOCAL GOVERNMENT: CITY COUNCILS.

[Amends Sections 31479.1, 34873, 34875, 34900, 34901, 34902, 36508, 36511, 36512, 36515, 36516.1, 36516.5, 36804, 36811, 50271, 57377, 57379, and 65063.7 of the Government Code, and to amend Sections 40255 and 40326 of the Health and Safety Code]

Under existing law, when a vacancy occurs in an elective city office, the city council has 30 days to either appoint someone to fill the vacancy or to call a special election. In order to give a city more time to find an appropriate appointee and potentially avoid the added costs of a special election, this bill extends the amount of time a city council has to appoint someone to fill a vacancy from 30 days to 60 days.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Local Gov.....	9-0
Assembly Floor.....	70-0
Assembly Concurrence	75-0
Senate Local Gov.....	5-0
Senate Floor.....	29-0

Existing law provides for terms of varying lengths to the first set of elected officials in a newly incorporated city. This policy ensures that, for future elections, the terms of city council members are staggered. For city council members that are elected by districts, current law provides longer terms to the two council members who received the highest number of votes and shorter terms to the three members with the lowest number of votes. To promote greater political continuity, this bill increases the number of city council members in a newly incorporated city who hold office until the second general municipal election after incorporation from two to three, and reduces the number of members who hold office until the first general municipal election from three to two.

This bill also makes various non-substantive changes to existing law to make references to city council members gender-neutral.

AB 1681 (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

<u>Legislative History</u>	
Assembly Elections	5-0
Assembly Floor.....	49-25
Assembly Concurrence	51-24
Senate Elections	3-2
Senate Floor.....	21-16

district or city with a population of 100,000 or less.

This bill would have created a pilot program allowing Yolo County to conduct not more than three local elections as all-mailed ballot elections, subject to certain conditions.

On September 30, 2010, Governor Schwarzenegger vetoed this bill, arguing that by limiting options for voters to cast a ballot in person, this bill could leave some citizens without a sufficient opportunity to vote.

AB 1689 (TORRES)
CHAPTER 190, STATUTES OF 2010
ELECTIONS: DEMOCRATIC PARTY.

[Amends Sections 6002, 6003, 6020, 6023, 6024, 6041, 6042, 6080, 6082, 6101, 6105, 6108, 6122, 6145, 6160, 6180, 6240, 6241, and 6950 of, and to repeal Sections 6004, 6005, 6021, 6086, 6087, and 6100 of, to add and repeal Section 7110 of, and to repeal Article 11 (commencing with Section 6200) of Chapter 1 of Part 1 of Division 6 of the Elections Code]

Existing law, the Alquist Open Presidential Primary Act, specifies procedures for the selection of delegates and alternates to represent the state at the National Convention of the Democratic Party to nominate a candidate for President.

This bill aligns provisions of state law with the standing rules and bylaws of the Democratic National Committee (DNC) and the California Democratic Party (CDP), and requires the CDP to post its standing rules and bylaws related to the process for selecting delegates and alternates on its Internet Web site. This bill also repeals various provisions of state law that are inconsistent with those rules and bylaws.

Additionally, if the National Convention of the Democratic Party will conclude after the deadline for the Secretary of State (SOS) to deliver certificates of nomination to local elections officials, this bill requires the Chairperson of the Democratic State Central Committee to notify the SOS of the apparent nomination of the Democratic candidates for President and Vice President of the US, under specified conditions.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	15-0
Assembly Floor	74-0
Assembly Concurrence	78-0
Senate Elections	4-0
Senate Appropriations	(28.8)
Senate Floor	33-0

AB 1717 (DE LEÓN)
 CHAPTER 119, STATUTES OF 2010
 BALLOT MATERIALS: ELECTRONIC ACCESS.

[Adds Section 13300.7 to the Elections Code]

Existing law requires the elections official to send each voter a sample ballot and a voter's pamphlet for each election. Last year, the Legislature approved AB 306 (Fuller), Chapter 98, Statutes of 2009, which requires the Secretary of State to establish a process to enable a voter to opt out of receiving the state ballot pamphlet by mail.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Floor.....	71-0
Assembly Concurrence	76-0
Senate Elections	5-0
Senate Floor.....	31-0

This bill similarly allows elections officials to establish procedures to permit a voter to opt out of receiving his or her sample ballot, voter pamphlet, notice of polling place, and associated materials by mail and instead receive them electronically by e-mail or on the elections official's Internet web site.

AB 1743 (HERNANDEZ)
 CHAPTER 668, STATUTES OF 2010
 POLITICAL REFORM ACT OF 1974: PLACEMENT AGENTS.

[Amends Sections 7513.8, 82002, and 82039 of, and adds Sections 7513.86, 7513.87, 82025.3, 82047.3, and 86206 to, the Government Code]

In 2009, the Legislature approved and the Governor signed AB 1584 (Public Employees, Retirement & Social Security Committee), Chapter 301, Statutes of 2009, which required all public pension systems to adopt a policy requiring the disclosure of fees paid to investment placement agents, required the disclosure of campaign contributions and gifts made by placement agents to public retirement board members, prohibited public retirement board members from selling investment products to other public retirement systems, and lengthened post-employment restrictions on influencing retirement board actions for former system executives and board members.

<u>Legislative History</u>	
Assembly PERSS.....	4-1
Assembly Elections	7-0
Assembly Appropriations	11-5
Assembly Floor.....	56-8
Assembly Concurrence	64-13
Senate PE&R	4-1
Senate Elections	4-0
Senate Appropriations	8-0
Senate Floor.....	29-7

This bill prohibits a person from acting as a placement agent in connection with any potential investment made by a state public retirement system unless that person is registered as a lobbyist in accordance with, and is in full compliance with, the

requirements of the Political Reform Act (PRA). Additionally, this bill requires placement agents connected with investments made by local public retirement systems to comply with any applicable requirements imposed by a local government agency on lobbyists pursuant to the PRA.

AB 1799 (FONG)

VETOED

VOTING: REPLACEMENT BALLOTS.

[Amends Section 3014 of the Elections Code]

Currently, if a voter loses, damages, or does not receive his or her vote by mail (VBM) ballot, that voter can request the elections official to send a replacement ballot to the voter. Before the elections official can send the replacement ballot to the voter, however, the voter must make a statement under penalty of perjury stating that he or she didn't receive, lost, or

damaged his or her VBM ballot. The requirement for a voter to make this statement under penalty of perjury predates the election management systems now in use that allow an elections official to ensure that no more than one ballot is counted for any voter.

<u>Legislative History</u>	
Assembly Elections	5-2
Assembly Floor.....	49-27
Senate Elections	3-1
Senate Floor.....	21-16

In order for a voter to make a statement under penalty of perjury that he or she lost, damaged, or did not receive his or her VBM ballot, the voter must either go into the office of the county elections official or send in a written and signed statement – the voter cannot make a request for a replacement ballot over the phone. As a result, this process can delay the issuance of a replacement ballot, which may prevent a voter from being able to cast a ballot in an election.

This bill would have eliminated the requirement for a VBM voter to make a statement under penalty of perjury that he or she lost, damaged, or did not receive his or her VBM ballot before a replacement ballot could be issued. Instead, this bill would have required the county elections official to verify, prior to issuing a replacement ballot, that the voter had not already cast a ballot in the same election. Additionally, this bill would have required elections officials to adopt procedures to ensure that no more than one ballot was counted for any VBM voter.

Governor Schwarzenegger vetoed this bill on September 25, 2010, asserting that it would "remove [an] important safeguard against fraud."

AB 1832 (SALDAÑA)
VETOED
INITIATIVE MEASURES: FILING FEE.

[Amends Section 9001 of 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 \$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:

<u>Legislative History</u>	
Assembly Elections	5-1
Assembly Floor.....	48-29
Senate Elections	3-2
Senate Floor.....	21-15

- \$500 beginning in 2011;
- \$1,000 beginning in 2013;
- \$1,500 beginning in 2015; and,
- \$2,000 beginning in 2017.

On September 24, 2010, Governor Schwarzenegger vetoed this bill. In his veto message, the Governor argued that although the \$200 filing fee may not be sufficient to deter frivolous initiative filings, he "cannot support increasing the fee ten-fold," and that "[w]hile well-funded special interest groups would have no problem paying the sharply increased fee, it will make it more difficult for citizen groups to qualify an initiative."

AB 1921 (DAVIS)
CHAPTER 58, STATUTES OF 2010
POLITICAL REFORM ACT OF 1974: ELECTRONIC FILING.

[Amends Section 87500.1 of the Government Code]

AB 2607 (Davis), Chapter 498, Statutes of 2008, and AB 1149 (Davis), Chapter 139, Statutes of 2009, established a pilot project which permits Los Angeles, Merced, Orange, and Stanislaus counties to permit the electronic filing of a Statement of Economic Interests (SEI) in accordance with regulations adopted by the Fair Political Practices Commission (FPPC). The pilot project will be complete by January 1, 2012, and the Legislative Analyst's Office will provide a report to the Legislature evaluating the pilot project by February 1, 2012.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Floor.....	69-1
Senate Elections	5-0
Senate Floor.....	31-0

This bill expands the pilot project by allowing Santa Clara and Ventura counties and the City of Long Beach to permit the electronic filing of SEIs as part of the pilot project.

AB 2007 (ADAMS)
VETOED
POLITICAL REFORM ACT OF 1974: GIFTS.

[Adds Section 86119 to the Government Code]

Under existing law, any entity that is required to file a lobbying disclosure report must include in that report a list of activity expenses that it made. Activity expenses are defined to include any payment made by the entity which benefits any elective state official, legislative official, agency official, state candidate, or member of the immediate family of one of those individuals. Activity expenses include gifts.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	14-1
Assembly Floor.....	74-0
Assembly Concurrence	77-0
Senate Elections	5-0
Senate Appropriations	11-0
Senate Floor.....	34-0

In late 2009 and early 2010, a number of public officials were investigated by the Fair Political Practices Commission (FPPC) because the FPPC believed those officials may have failed to disclose certain gifts they had received on their Statements of Economic Interests (SEIs). The FPPC determined which individuals to investigate by comparing gifts that lobbyist employers had reported making on their lobbying disclosure reports with gifts reported as having been received by public officials on their SEIs. In cases where a lobbyist employer reported making a gift to a public official that was valued at \$50 or more, and the official did not report that gift on his or her SEI, the FPPC initiated an investigation and pursued enforcement actions. While a number of officials agreed to pay fines for failing to disclose gifts they had received, the FPPC also dismissed a number of investigations where a lobbyist employer had erroneously reported making a gift to a public official, and the public official had not disclosed the receipt of that gift on his or her SEI because the official did not receive such a gift.

This bill would have required the FPPC to post information on its Web site describing all gifts that were reported on lobbying disclosure reports to have been given to Members of the Legislature and designated employees of the Legislature in the previous calendar year. The information would have to be posted on or before February 1 of each year, and would have to be posted in a manner that permitted the public to access information regarding all reported gifts made to a specific recipient by entering that recipient's name into an appropriate search feature.

On September 30, 2010, Governor Schwarzenegger vetoed this bill, arguing that requiring the FPPC to post this information on their Web site would be "duplicative and costly."

AB 2023 (SALDAÑA)
CHAPTER 122, STATUTES OF 2010
ELECTION RESULTS.

*[Amends Sections 15620, 15621, 16401, and 16421 of, and adds Chapter 8.5
(commencing with Section 15560) to Division 15 of, the Elections Code]*

For 45 years, California law has required elections officials, in counties that use voting systems to tabulate ballots, to manually tally the ballots cast in one percent of the precincts as a check to ensure that the voting systems are tallying ballots correctly. Although state law governing the one percent manual tally has been updated to reflect changes in voting technology and to provide additional public notice and reporting requirements, the requirement to manually tally the ballots cast in one percent of precincts has not significantly changed since first being enacted in 1965.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	17-0
Assembly Floor.....	76-0
Senate Elections	5-0
Senate Appropriations	(28.8)
Senate Floor.....	34-0

This bill authorizes the Secretary of State (SOS) to conduct a pilot project in five or more counties to evaluate risk-limiting audits of election results. Under the provisions of this bill, a risk-limiting audit is a manual tally employing a statistical method that ensures a large, predetermined minimum chance of requiring a full manual tally whenever a full manual tally would show an electoral outcome that differs from the outcome reported by the vote tabulating device for the audited contest. County participation in the pilot project is voluntary, and the SOS is required to report to the Legislature on or before March 1, 2012, on the effectiveness and efficiency of post canvass risk-limiting audits conducted as part of the pilot project.

AB 2088 (ADAMS)
VETOED
RECALL ELECTIONS.

[Amends Sections 11105 and 11302 of the Elections Code]

The California Constitution and existing law authorize the recall of state and local elected officials. However, current law is silent on what happens if the target of a recall resigns or otherwise leaves office after a recall effort has begun but before the recall has qualified for the ballot. This bill would have clarified that if the target of a recall vacates office after the recall process has begun but before it has qualified for the ballot, the elections official for each

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Floor.....	76-0
Senate Elections	5-0
Senate Floor.....	37-0

county in which a section of the recall petition has been filed would immediately verify the signatures on the petition sections submitted to the elections official as of the date of the vacancy.

This bill would have provided that if a sufficient number of signatures were filed prior to the date of the vacancy, the recall election would proceed. On the other hand, if an insufficient number of signatures, or no signatures, were filed prior to the date of the vacancy, the recall election would not proceed and the vacancy in the office that was the subject of the recall election would be filled as otherwise provided by law. Additionally, this bill would have prohibited a person who was subject to a recall petition from being appointed to fill the vacancy in the office or to fill any other vacancy on the same governing board for the duration of the term of office of the seat that he or she vacated.

Finally, this bill would have clarified a conflict regarding the number of signatures that need to be verified using a random sampling technique when recall petitions are filed.

On September 30, 2010, Governor Schwarzenegger vetoed this bill arguing that it would limit an important power of direct democracy by limiting voters' ability to recall an elected official and elect a replacement through a recall election.

AB 2101 (FONG)
CHAPTER 372, STATUTES OF 2010
ELECTIONS: PROHIBITING PAYMENTS.

[Adds Sections 18112 and 18604 to the Elections Code]

In the last three election cycles, individuals registering voters have been arrested and charged in schemes to change voters' partisan affiliations without the voters' consent. Additionally, numerous recent complaints have uncovered a common tactic of dishonest signature gatherers, who tell voters that they need to sign multiple times to have their signature counted on an initiative petition. These signature gatherers then get voters to sign other initiative petitions without disclosing to the voter what those petitions would do.

<u>Legislative History</u>	
Assembly Elections	6-0
Assembly Judiciary	10-0
Assembly Appropriations	15-0
Assembly Floor.....	74-0
Assembly Concurrence	78-0
Senate Elections	5-0
Senate Public Safety	7-0
Senate Floor.....	34-0

This bill permits a court to prevent someone who is convicted of initiative fraud or voter registration fraud from being paid to circulate petitions or register voters as a condition of probation.

AB 2154 (SOLORIO)
VETOED
VOTE BY MAIL BALLOTS: TELEPHONE APPLICATIONS.

[Amends Section 3001 of, and adds Section 3007.8 to, the Elections Code]

Under existing law, any voter may apply for a vote by mail (VBM) ballot in writing. Existing law also allows elections officials to permit voters to apply for a VBM ballot electronically over the Internet, though elections officials are not required to offer this option.

<u>Legislative History</u>	
Assembly Elections	5-2
Assembly Floor.....	49-19
Senate Elections.	3-2
Senate Floor.....	21-13

This bill would have allowed counties to offer the voters the option of applying for a VBM ballot over the phone. Prior to issuing a VBM ballot in response to a request received over the phone, the applicant would have been required to provide the elections official with personal identifying information that matched the information contained on the applicant's voter registration affidavit.

On September 25, 2010, this bill was vetoed by Governor Schwarzenegger, who expressed concern that it could open the VBM ballot application process to fraud.

AB 2156 (EVANS)
VETOED
MILITARY AND VETERANS: VETERANS' HOME ALLIED COUNCIL.

[Amends Section 1050 of the Military and Veterans Code]

Existing law establishes the Veterans' Home Allied Council (Allied Council), composed of members of the Veterans' Home of California, as an established advisory body to the administrator of the Veterans' Home.

<u>Legislative History</u>	
Assembly Veterans Affairs.....	9-0
Assembly Elections	7-0
Assembly Appropriations	15-0
Assembly Floor.....	74-0
Assembly Concurrence	78-0
Senate Veterans Affairs.....	4-0
Senate Appropriations	(28.8)
Senate Floor.....	33-0

The California Department of Veterans Affairs interprets existing law to prohibit the Allied Council from representing veterans' interests directly to the Legislature.

This bill would have permitted the Allied Council to represent veterans who reside at a veterans' home in matters before the Legislature, if the Council complied with the following requirements:

- 1) The Council's representation was approved by a majority of the voting members of the Council;
- 2) The Council could not engage in any campaign or endorse public candidates in connection with that representation; and,
- 3) The Council's actions must be in accordance with its constitution, bylaws, and policies and procedures.

On August 27, 2010, the Governor vetoed this bill, arguing that it was unnecessary because "[t]here are numerous advocacy organizations that represent the interests of California veterans" and "if a resident at a state veteran's home wishes to voice their concerns to the Legislature, they are currently free to do so."

AB 2369 (BLOCK)
 CHAPTER 261, STATUTES OF 2010
 ELECTIONS: BALLOTS.

*[Amends Section 3103.5 of, and amends and repeals
 Sections 3102 and 3103 of, the Elections Code]*

Existing law permits a special absentee voter who is temporarily living outside the United States to return his or her ballot by facsimile transmission to the elections official. That provision was scheduled to sunset on January 1, 2011.

This bill deletes the sunset date on the provision of law that allows overseas voters to transmit their ballots by fax, thereby making this law permanent.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	15-0
Assembly Floor	74-0
Senate Elections	4-0
Senate Appropriations	9-0
Senate Floor	34-0

AB 2371 (ANDERSON)
VETOED
SECRETARY OF STATE: VOTER REGISTRATION FRAUD.

[Adds Section 12172.8 to the Government Code]

Existing law makes the Secretary of State (SOS) the chief elections officer of the state, responsible for the administration of the provisions of the Elections Code.

This bill would have required the SOS to acknowledge, in writing, receipt of a complaint alleging that an Elections Code violation has occurred within 21 days of receipt by the SOS.

On August 23, 2010, Governor Schwarzenegger vetoed this bill, asserting that it is unnecessary, because the current practice of the SOS is to reply to all complaints in the timeline required by this bill.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	17-0
Assembly Floor.....	76-0
Senate Elections	4-0
Senate Appropriations	(28.8)
Senate Floor.....	33-0

AB 2467 (MONNING)
CHAPTER 683, STATUTES OF 2010
ELECTIONS: VOTE BY MAIL.

[Amends Section 3006, 3007.5, and 3205 of the Elections Code]

Existing law provides that a vote by mail (VBM) ballot is available to any registered voter and requires the Secretary of State to prepare and distribute a uniform electronic application for a VBM ballot to elections officials.

This bill deletes the requirement that an application for a VBM ballot contain a space for the voter to fill-in the date that the application must be received by the election official, and instead requires the applications to inform voters that the application for the VBM ballot must be received by the elections official not later than seven days prior to the date of the election. This bill also makes various other minor and technical changes to the format of VBM ballot applications.

<u>Legislative History</u>	
Assembly Elections.	7-0
Assembly Floor.....	71-0
Assembly Concurrence	75-0
Senate Elections	3-1
Senate Floor.....	23-10

AB 2616 (HILL)
VETOED
ELECTIONS: VOTE BY MAIL BALLOTS.

[Amends Section 3017 of the Elections Code]

Existing law requires elections officials to establish procedures to allow voters to track and confirm the receipt of their vote by mail (VBM) ballots 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 elections official is required to establish a toll-free telephone number that may be used to confirm the date a VBM ballot was received.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	15-0
Assembly Floor.....	75-0
Assembly Concurrence	75-1
Senate Elections	4-1
Senate Appropriations	(28.8)
Senate Floor.....	23-8

This bill would have expanded current law to require elections officials to allow a VBM voter, in addition to tracking and confirming the receipt of his or her VBM ballot, to find out whether the ballot was counted, and, if not, identify the reason why it was not counted.

On September 24, 2010, Governor Schwarzenegger vetoed this bill arguing that he could not support mandating additional costs and noting that nothing in current law prohibits county elections officials from providing this information.

AB 2796 (ELECTIONS & REDISTRICTING COMMITTEE)
CHAPTER 401, STATUTES OF 2010
ELECTIONS: BALLOT MEASURES.

[Amends Sections 9166, 9501, and 9503 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.

In 2009, the Assembly Elections & Redistricting Committee authored AB 1574, Chapter 549, Statutes of 2009, a local elections omnibus bill. Among other provisions, AB 1574 repealed a 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. That provision was repealed due to concerns that it arguably was unconstitutional, as it limited the ability of a member

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Floor.....	76-0
Senate Elections	4-0
Senate Floor.....	36-0

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 similarly eliminates a requirement that a member of a school board must be authorized by the board in order to submit arguments for or against a school measure. Additionally, this bill makes corresponding changes to two provisions of state law that govern the priority order that elections officials follow if multiple ballot arguments are submitted in support of or in opposition to a ballot measure.

AB 2797 (ELECTIONS & REDISTRICTING COMMITTEE)
CHAPTER 402, STATUTES OF 2010
ELECTIONS: VOTER REGISTRATION AND BALLOTS.

[Amends Sections 302, 2130, 15281, 19370, 19380, and 19384 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.

Under existing law, counties are reimbursed by the state for net costs incurred by them in complying with various state voter registration laws and for conducting certain voter outreach programs. State law requires counties to submit claims for those costs to the Controller by October 31 in the year following the fiscal year in which the costs were incurred. According to the State Controller's office, however, all other claims are due on February 15, so in practice, counties have been allowed to file claims for these costs until February 15. This bill conforms state law to existing practice by extending the deadline for counties to file claims for voter registration and outreach costs from October 31 to February 15 in the year following the fiscal year in which the costs were incurred.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Floor.....	76-0
Assembly Concurrence	78-0
Senate Elections	4-0
Senate Floor.....	35-0

Existing law requires the results of votes cast on voting machines at a polling place to be posted outside the polling place after the polls close on election day. However, because of changes in technology and restrictions on the use of certain types of voting machines, most counties have only one voting machine per polling place, which is used to comply with state and federal laws that require that voters with disabilities be given the opportunity to cast a vote without assistance. As a result, it is often the case that few ballots are cast on a voting machine at a polling place, so posting the results of votes cast on those machines could compromise the secrecy of the ballot of those voters who used that machine. This bill provides that in cases where fewer than 10 voters cast ballots on machines on which the results are tallied at the precinct and posting the results may violate a person's right to cast a secret ballot, the precinct board shall post only the total number of people who voted at the precinct on machines that keep vote tallies. Additionally, this bill provides that if a precinct board tallies votes manually at the polling place and fewer than 10 voters cast ballots at that polling place, the precinct board

shall post only the total number of people who voted at the precinct instead of posting the results of ballots cast at that precinct.

This bill also makes various non-substantive technical changes.

SB 211 (SIMITIAN)
CHAPTER 306, STATUTES OF 2010
ELECTIONS: SPECIAL ELECTIONS.

*[Amends Sections 3311, 10730, 10731, 10733, and 10734
of, and adds Section 10735 to, the Elections Code]*

In 2002, in response to the September 11, 2001 terrorist attacks, the Legislature enacted AB 2760 (Simitian), Chapter 658, Statutes of 2002, which established procedures for expedited special elections to fill vacancies in congressional offices caused by a natural or man-made catastrophe. Under the provisions of AB 2760, if at least one-fourth of the seats in the US House of Representatives or at least one-fourth of the seats in the California congressional delegation become vacant due to a natural or man-made catastrophe, the

<u>Legislative History</u>	
Senate Local Gov.	N/R
Senate Floor.....	N/R
Senate Elections (29.10)	4-0
Senate Concurrence.....	34-0
Assembly Local Gov.....	N/R
Assembly Elections (77.2)	6-0
Assembly Appropriations (77.2)	17-0
Assembly Floor.....	76-0

Governor must issue an election proclamation to schedule a special election for any vacant seat in the California congressional delegation within seven days, and any such special election must be held not later than 63 days after the issuance of a proclamation. Under these circumstances, no special primary election is held; the special election is a winner-take-all election in which the candidate who receives the plurality of votes is elected, regardless of the percentage of the vote that candidate receives.

Subsequent to California's approval of AB 2760, the federal government enacted the Continuity in Representation Act as part of the Legislative Branch Appropriations Act, 2006 (H.R. 2985 of the 109th Congress). The provisions of the Continuity in Representation Act were similar to the provisions of AB 2760, but differed on a few key details. For instance, while the expedited special election process is triggered under AB 2760 when one-fourth of the seats in the US House of Representatives become vacant (109 seats in the current 435-seat House), the Continuity in Representation Act requires expedited special elections to be held whenever more than 100 seats become vacant. Additionally, while AB 2760 allows an expedited special election to be held up to 70 days after a catastrophe occurs (seven days for the Governor to issue an election proclamation, and up to an additional 63 days from that time until the election), the Continuity in Representation Act requires special elections to be held within 49 days, except in certain limited circumstances.

This bill makes numerous changes to provisions of state law that were originally enacted by AB 2760 in order to conform to the federal Continuity in Representation Act.

**SB 970 (CORBETT)
VETOED
VOTE BY MAIL VOTING.**

*[Adds and repeals Article 6 (commencing with Section 12290)
to Chapter 3 of Division 12 of the Elections Code]*

This bill would have created a pilot project to study the feasibility and desirability of establishing vote by mail (VBM) ballot dropoff sites on college campuses. Under the terms of the pilot project, the Secretary of State, in conjunction with county elections officials, the University of California, the California State University, and the California Community Colleges would have established VBM ballot dropoff locations on three college campuses in the state for at least one general election held between January 1, 2011, and December 31, 2016. At the conclusion of the pilot project, each participating county would have submitted a report to the Legislature including information about the cost of establishing the dropoff locations, the number of ballots returned at each dropoff location, and any problems with VBM ballot dropoff locations that were made known to the county elections official.

<u>Legislative History</u>	
Senate Elections	3-2
Senate Appropriations	7-3
Senate Floor.....	22-13
Senate Concurrence.....	23-11
Assembly Elections	5-2
Assembly Appropriations	11-5
Assembly Floor.....	48-28

On September 25, 2010, Governor Schwarzenegger vetoed this bill, arguing that it is unnecessary because "[c]urrent law provides sufficient flexibility for voters that vote by mail to return their ballots in a timely manner."

**SB 1007 (HANCOCK)
CHAPTER 633, STATUTES OF 2010
POLITICAL REFORM ACT OF 1974: RETIREMENT SYSTEM BOARDS.**

[Amends Sections 82023, 82024, 82036, 82036.5, 84101, 84200.5, 84215, and 85204 of, adds Section 84200.9 to, and repeals and adds Section 84225 of, the Government Code]

Since 1999, candidates for seats on the Board of Administration of the Public Employees' Retirement System (CalPERS) have been required to file one pre-election statement and one post-election statement disclosing contributions received and expenditures made. Shortly thereafter, the voters approved

<u>Legislative History</u>	
Senate Elections	5-0
Senate Appropriations	(28.8)
Senate Floor.....	33-0
Senate Concurrence.....	35-0
Assembly Elections	7-0
Assembly Appropriations	16-1
Assembly Floor.....	73-1

Proposition 34 at the November 2000 election. Among other provisions, Proposition 34 imposed contribution limits on candidates for the CalPERS board.

At the time that the campaign disclosure requirements and campaign contribution limits were made applicable to candidates for the CalPERS board, the Teachers' Retirement Board of the State Teachers' Retirement System (CalSTRS) did not have member-elected representatives like the CalPERS board did. As a result, the campaign disclosure requirements and contribution limits were not made applicable to the CalSTRS board.

In 2002, the Legislature approved and Governor Davis signed SB 1580 (Burton), Chapter 1049, Statutes of 2002, which provided for three of the members of the CalSTRS board to be elected by the members of CalSTRS.

This bill makes candidates for the CalSTRS board subject to the same campaign contribution limits that currently apply to candidates for the CalPERS board. Additionally, this bill requires candidates for the CalSTRS board to file campaign reports and requires campaign reports filed by candidates for the CalSTRS and CalPERS boards to be filed in generally the same manner and frequency as all other candidates for elective office.

SB 1202 (DESAULNIER)

VETOED

ELECTIONS: STATEWIDE BALLOT PAMPHLET.

[Amends Sections 9084 and 9086 of the Elections Code, and amends Sections 88001 and 88002 of the Government Code]

Under existing law, the Secretary of State prepares a state ballot pamphlet for every statewide election, which includes information about ballot measures that will appear on the statewide ballot. Among the information that is included for each ballot measure is an impartial analysis of the measure, arguments for and against the measure, and the full text of the measure.

<u>Legislative History</u>	
Senate Elections	3-2
Senate Appropriations	7-3
Senate Floor.....	21-14
Senate Concurrence.....	21-11
Assembly Elections	6-1
Assembly Appropriations	12-5
Assembly Floor.....	52-26

This bill would have required the state ballot pamphlet to include a list of the five highest contributors of \$50,000 or more to each primarily formed committee supporting the measure and the total amount of each of their contributions.

On September 23, 2010, this bill was vetoed by Governor Schwarzenegger, who expressed concern that the list printed in the ballot pamphlet could mislead voters about the supporters of a measure because the list would be out of date by the time that voters

receive the ballot pamphlet. Additionally, the Governor expressed concern about the potential costs of printing this additional information in the state ballot pamphlet.

SB 1271 (ROMERO)
CHAPTER 702, STATUTES OF 2010
POLITICAL REFORM ACT OF 1974: CONFLICT OF INTEREST CODES.

[Adds Section 87314 to the Government Code]

Existing law requires certain public officials, including officials who manage public investments, to file Statements of Economic Interests (SEIs) disclosing their financial interests, including investments, real property interests, and income. Most public officials who are required to file SEIs are identified by position either in state law or in the conflict of interest code that is adopted by the agency by which they are employed. The positions of officials who manage public investments, however, may not be identified in an agency's conflict of interest code even though the officials holding those positions are required to file SEIs.

<u>Legislative History</u>	
Senate Elections	5-0
Senate Appropriations	9-0
Senate Floor.....	30-0
Senate Concurrence.....	37-0
Assembly Elections	7-0
Assembly Appropriations	17-0
Assembly Floor.....	76-0

This bill requires a public retirement board to attach an appendix to its conflict of interest code that lists each position with the board for which an individual occupying the position manages public investments, and thus is required to file an SEI.

SB 1342 (SIMITIAN)
CHAPTER 111, STATUTES OF 2010
ELECTION PRECINCTS.

[Amends Section 12223 of the Elections Code]

Existing law provides that when elections officials establish precincts for an election, there may be no more than 1,000 voters in each precinct. In recent years, due to an increase in the number of voters who are permanent vote by mail voters (PVBMVs), fewer voters have been voting at the polling place.

<u>Legislative History</u>	
Senate Elections	4-0
Senate Floor.....	29-4
Assembly Elections	6-1
Assembly Floor.....	62-12

This bill permits an elections official to subtract the number of PVBMVs from the total number of voters when creating precincts provided that the number of voters in the precinct does not exceed the percentage of non-PVBMVs in the jurisdiction on the 88th day prior to the election multiplied by 1,000. In effect, then, this bill will allow county

elections officials to equalize the number of non-PVBMVs at each precinct in the county, but will not permit elections officials to reduce the total number of precincts in any county.

SB 1404 (PAVLEY)
CHAPTER 333, STATUTES OF 2010
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.....	21-12
Assembly Elections	5-2
Assembly Appropriations	12-5
Assembly Floor.....	49-25

This bill seeks 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 also imposes monetary penalties for voting system vendors and ballot paper manufacturers who fail to comply with its provisions.

SB 1434 (PRICE)
VETOED
VOTER REGISTRATION: INCOMPLETE AFFIDAVITS: REBUTTABLE PRESUMPTIONS.

[Amends Sections 2153 and 2154 of the Elections Code]

Existing law establishes a number of rebuttable presumptions that elections officials apply if a completed voter registration card is missing information that is requested on the card. Among other presumptions, existing law provides that if a voter's registration card does not contain a middle name or initial, it is presumed that none exists, and if a voter's registration card does not contain a party affiliation, it is presumed that the voter has no party affiliation.

<u>Legislative History</u>	
Senate Elections	3-2
Senate Floor.....	21-11
Senate Concurrence.....	21-13
Assembly Elections	5-2
Assembly Floor.....	47-27

Among other information, the state's voter registration form asks for a voter's place of birth. The federal uniform voter registration application, however, does not request information about the voter's place of birth. As a result, if a California resident attempts to register to vote on a state voter registration form but leaves off his or her place of birth, that voter's registration is incomplete, and cannot be processed unless the elections official can obtain that information from the voter. On the other hand, if the same voter tried to register to vote using the federal voter registration application, that voter's registration could be processed even though it does not contain information about the voter's place of birth.

This bill would have created a rebuttable presumption specifying that if a voter failed to identify his or her place of birth on a state voter registration card, it would be presumed that the person was eligible to register to vote if he or she marked the box on the affidavit indicating that he or she is a citizen of the United States. Additionally, this bill would have allowed a county elections official to e-mail a voter who submitted an incomplete voter registration form in order to obtain the information that was missing on the affidavit from the voter.

This bill was vetoed by Governor Schwarzenegger on August 23, 2010. In his veto message, the Governor argued that the most direct way to fix the discrepancy between how state and federal voter registration forms are handled would be to remove the line from the state voter registration form requesting information about a voter's place of birth.

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