Assembly Committee on
Elections and Redistricting

Legislative Summary - 2015

Sebastian Ridley-Thomas,
Chair

November 2015

Interested Parties:

This booklet summarizes selected legislation approved by the Assembly Committee on Elections and Redistricting during the 2015 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 register all eligible individuals to vote at the time they apply for a driver's license or state identification card, unless they opt out; consolidate local elections with statewide elections in situations where non-consolidated local elections have resulted in significantly lower turnout than in statewide elections; prohibit elections procedures that negatively impact voting rights; and modernize the state's election laws, procedures, and equipment to ensure that all voters have the ability to participate in elections. These are just some of the important policy changes 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, 2016. Those bills noted as urgency measures took effect earlier this year, as detailed in the description of those bills. The full text of legislation summarized in this pamphlet, as well as the committee analysis of those measures, may be viewed on the Internet at the California Legislative Information web site (http://leginfo.legislature.ca.gov/).

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

Sincerely,

Sebastian Ridley-Thomas

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KEY TO ABBREVIATIONS USED

N/R: Vote is 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.

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 AND REDISTRICTING LEGISLATIVE HIGHLIGHTS

IMPROVING VOTER ACCESS AND PARTICIPATION:

In commemoration of the 50th anniversary of the signing of the federal Voting Rights Act of 1965, the Legislature approved a resolution calling on the President and Congress to continue to secure citizens' right to vote and remedy any racial discrimination in voting. Bills approved by the Legislature and signed by the Governor will protect the voting rights of individuals with disabilities, improve accessibility for language minority voters, improve voter participation in local elections by providing for greater consolidation with state elections, and ensure that voters who cast their ballots by mail are not disenfranchised due to inadvertent errors. In addition, the Legislature approved measures designed to prohibit practices and policies in local elections that dilute or abridge the rights of voters.

MODERNIZING AND STREAMLINING CALIFORNIA'S ELECTIONS:

To streamline and modernize the state's electoral process, the Legislature approved and the Governor signed a bill that creates new processes for the certification, approval, and use of ballot on demand systems and electronic poll books. Other new laws authorize county elections officials to begin processing polling place ballots during the day on election day, in order to speed-up the release of election results; provide for state-funded manual recounts in close elections for statewide office and state ballot measures; and modernize the state's elections laws to prepare for the deployment of the state's new federally-mandated voter registration database.

IMPROVING VOTER REGISTRATION:

As part of the budget process, the Legislature and the Governor took steps to significantly improve voter registration opportunities at the Department of Motor Vehicles. Building on that action, a new law will provide for every eligible person to be registered to vote at the time he or she applies for a driver's license or state identification card, unless that person opts-out of being registered. Another bill that was signed into law will allow election officials to offer same-day voter registration at satellite offices prior to election day.

CAMPAIGN DISCLOSURE AND TRANSPARENCY:

The Legislature approved and the Governor signed bills to streamline and simplify reporting requirements under the Political Reform Act, while ensuring that campaign contributions and expenditures are disclosed in a timely manner. Another new law will make it easier for voters to identify campaign advertisements that are funded by independent expenditures.

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING
LEGISLATIVE SUMMARY

ASSEMBLY BILLS AND RESOLUTIONS

AB 10 (GATTO)
VETOED
POLITICAL REFORM ACT OF 1974: ECONOMIC INTEREST DISCLOSURES.

[Amends Sections 82033, 82034, 87103, 87206, and 87207 of, and adds Sections 87206.5 and 87211 to, the Government Code]

Legislative History	
Assembly Elections	6-0
Assembly Appropriations	17-0
Assembly Floor	79-0
Assembly Concurrence	80-0
Senate Elections	4-0
Senate Appropriations	7-0
Senate Floor	40-0

As part of the Political Reform Act's comprehensive scheme to prevent conflicts of interest by state and local public officials, existing law identifies certain elected and other high-level state and local officials who must file Statements of Economic Interests (SEIs). Similarly, candidates for those positions must file SEIs. Other state and local public officials and employees are required to file SEIs if the position they hold is designated in an agency's conflict of interest code. A position is designated in an agency's conflict of interest code when the position entails the making or participation in the making of governmental decisions that may foreseeably have a material financial effect on the decision maker's financial interests.

Under existing law, when a public official or a candidate for public office is required to disclose a financial interest on his or her SEI, the filer is not required to disclose the exact value of the interest, but instead must select a monetary range that describes the value of the interest. This bill would have revised the monetary ranges that public officials use to describe the values of their financial interests on SEIs. In most cases, the revised disclosure categories in this bill would have provided greater specificity about the values of financial interests held by public officials, although in some cases, this bill could have provided somewhat less specificity about the value of financial interests held by the public official.

Additionally, this bill would have increased the thresholds at which certain financial interests of a public official can give rise to a conflict of interest that requires the official to recuse himself or herself from participating in a governmental decision. This bill would have required a public official or candidate to disclose the names of certain business partners on the person's SEI, and would have required greater disclosure on SEIs of the business activity of business entities that are required to be disclosed. Finally, this bill would have required specified public officials to disclose on their SEIs each governmental decision for which a financial interest resulted in the official's

disqualification from making, participating in making, or in any way attempting to use his or her official position to influence a governmental decision.

On October 10, 2015, this bill was vetoed by Governor Brown. In his veto message, the Governor expressed his concern that this bill "adds yet more complexity to existing reporting requirements without commensurate benefit."

AB 44 (MULLIN)
CHAPTER 723, STATUTES OF 2015
ELECTIONS: STATEWIDE RECOUNTS.

[Amends Sections 15601, 15620, 15621, 15626, 15627, and 15632, of, adds Sections 15621.5 and 19204.5 to, and adds Article 5 (commencing with Section 15645) to Chapter 9 of Division 15 of, the Elections Code]

Legislative History

Assembly Elections	6-0
Assembly Appropriations	17-0
Assembly Floor	74-4
Assembly Concurrence	73-5
Senate Elections	4-0
Senate Appropriations	5-2
Senate Floor	35-4

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

This bill creates a new recount method for statewide offices and sets up a new process for a state-funded manual recount for statewide offices and ballot measures. Specifically, this measure permits the Governor to order a state-funded manual recount of all votes cast for a statewide office (other than Governor) or state ballot measure if the difference in the number of votes received is less than or equal to the lesser of 1,000 votes or 0.00015 of the number of all votes cast for that office.

In elections for Governor, this bill authorizes the Secretary of State (SOS) to order a state-funded manual recount of all votes cast if the conditions described above are met. Finally, this bill requires the SOS to revise and adopt regulations specifying procedures for recounting ballots.

AB 182 (ALEJO, ET AL.)
VETOED
CALIFORNIA VOTING RIGHTS ACT OF 2001.

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

Legislative History

Assembly Elections.....5-2
Assembly Judiciary.....7-3
Assembly Floor.....53-25
Assembly Concurrence.....53-24

Senate Elections.....4-1
Senate Floor.....26-14

SB 976 (Polanco), Chapter 129, Statutes of 2002, enacted the California Voting Rights Act of 2001 (CVRA) to address racial block voting in at-large elections for local office in California. In areas where racial block voting occurs, an at-large method of election can dilute the voting rights of minority communities if the majority typically votes to support candidates that differ from the candidates who are preferred by minority communities. In such situations, breaking a jurisdiction up into districts can result in districts in which a minority community can elect the candidate of its choice or otherwise have the ability to influence the outcome of an election. Accordingly, the CVRA prohibits an at-large method of election from being imposed or applied in a political subdivision in a manner that impairs the ability of a protected class of voters to elect the candidate of its choice or to influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters who are members of the protected class.

This bill would have expanded the CVRA to permit challenges to be brought to district-based election systems that impair the ability of a protected class of voters to elect the candidates of its choice as a result of the dilution or the abridgement of the rights of voters who are members of the protected class. Challenges to district-based election systems under this bill would have been subject to standards and procedures similar to those that apply to challenges to at-large election systems brought under the CVRA. If a district-based election system were found to violate the CVRA under this bill, the court would have been required to implement an effective district-based election system that provides the protected class the opportunity to elect candidates of its choice from single-member districts. If the court found that it was not possible to create a district plan in which the protected class had the opportunity to elect candidates of its choice, this bill would have allowed the court to consider other remedies, including increasing the size of the governing body, implementing a district-based election system that provides the protected class the opportunity to join in a coalition of two or more protected classes to elect candidates of their choice if certain conditions were met, delaying an election, or changing the dates of elections in the political subdivision.

This bill was vetoed by Governor Brown on October 10, 2015. In his veto message, the Governor stated that "the federal Voting Rights Act and the California Voting Rights Act

provide important and sufficient safeguards to ensure that the electoral strength of minority voters is protected."

AB 254 (ROGER HERNÁNDEZ AND CALDERON)

VETOED

ELECTION DATES.

[Amends, repeals, and adds Sections 1000, 1301, and 13112 of the Elections Code]

Legislative History	
Assembly Elections	5-2
Assembly Appropriations	12-5
Assembly Floor	44-31
Senate Elections	3-1
Senate Appropriations	(28.8)
Senate Floor	25-15

In 1973, the Legislature approved and Governor Reagan signed SB 230 (Biddle), Chapter 1146, Statutes of 1973, which created "regular election dates" (which subsequently were renamed "established election dates"). The concept behind having a regular election schedule that governed when most elections would be held was that such a schedule would encourage election consolidations, thereby potentially reducing election costs, and could encourage greater voter participation because voters would become used to voting on these regular election dates. Since that time, the exact dates that are established election dates have fluctuated, often moving to reflect changes in the date of the statewide primary election held in even-numbered years, though generally there have been at least three established election dates in each year.

Most regularly-scheduled (that is, non-special) elections held to elect public officials in California are required to be held on an established election date, with a few limited exceptions. In addition, certain other types of elections (including elections held to fill vacancies on school or community college boards, or in elective city offices in general law cities) are required to be held on an established election date.

This bill would have eliminated established election dates in April of even-numbered years and in March of odd-numbered years, effective January 1, 2020. Additionally, this bill would have eliminated the ability of cities to hold their general municipal elections in April of odd-numbered years, effective January 1, 2020. As a result, the practical effect of this bill would have been to require general law cities, school districts, community college districts, and special districts to hold their general elections and certain special elections at the same time as the statewide primary or statewide general election, or in June or November of odd-numbered years, beginning in 2020.

This bill was vetoed by Governor Brown on October 1, 2015. In his veto message, the Governor noted that he had signed SB 415 (Hueso), which would "consolidate most off-cycle local elections with established statewide elections, with certain exceptions," and indicated that he was vetoing AB 254 because he was "hesitant to restrict local governments from availing themselves of the full election authority contained in SB 415."

AB 277 (ROGER HERNÁNDEZ)
CHAPTER 724, STATUTES OF 2015
CALIFORNIA VOTING RIGHTS ACT OF 2001.

[Amends Section 14026 of the Elections Code]

Legislative History
Assembly Elections.....5-2
Assembly Floor.....55-22
Senate Elections.....4-1
Senate Floor.....28-12

SB 976 (Polanco), Chapter 129, Statutes of 2002, enacted the California Voting Rights Act of 2001 (CVRA) to address racial block voting in at-large elections for local office in California. In areas where racial block voting occurs, an at-large method of election can dilute the voting rights of minority communities if the majority typically votes to support candidates that differ from the candidates who are preferred by minority communities. In such situations, breaking a jurisdiction up into districts can result in districts in which a minority community can elect the candidate of its choice or otherwise have the ability to influence the outcome of an election. Accordingly, the CVRA prohibits an at-large method of election from being imposed or applied in a political subdivision in a manner that impairs the ability of a protected class of voters to elect the candidate of its choice or to influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters who are members of the protected class.

The California Constitution gives cities and counties the ability to adopt charters, which give those jurisdictions greater autonomy over local affairs. Specifically, the Constitution provides that a county's charter may provide for members of the governing board of the county (commonly known as the board of supervisors) to be elected by district, at-large, or at-large with a requirement that members reside in a district. The Constitution also gives a great deal of autonomy to charter cities over the rules governing the election of municipal officers, granting "plenary authority," subject to limited restrictions, for a city charter to provide "the manner in which, the method by which, the times at which, and the terms for which the several municipal officers and employees…shall be elected or appointed."

Given the autonomy granted by the California Constitution to charter cities and charter counties, questions have been raised concerning whether the CVRA is applicable to those jurisdictions.

In July 2013, the Superior Court of the State of California for the County of Los Angeles, Central District, found that the City of Palmdale's at-large method for electing city council members violated the CVRA (*Jauregui v. City of Palmdale* (2013) Case BC 483039). In the case, in addition to denying that its elections violated the CVRA, the City of Palmdale argued that the CVRA was unconstitutional as applied to the city because it is a charter city, and the California Constitution gives charter cities plenary

authority to determine the manner and method in which their voters elect municipal officers. The court disagreed, finding that "state law regulating a matter of statewide concern preempts a conflicting local ordinance if the state law is narrowly tailored to limit its incursion into local interest," and concluding that "[t]here can be no question that the dilution of minority voting rights is a matter of statewide concern."

The City of Palmdale appealed to the California Court of Appeals, Second District, Division Five. In its appeal, Palmdale again argued that, as a charter city, it was not subject to the provisions of the CVRA. The appellate court disagreed, finding that the CVRA addresses an issue of statewide concern, is narrowly tailored to avoid unnecessary interference in municipal governance, and is reasonably related to the resolution of statewide concerns of the right to vote, equal protection, and the integrity of elections (*Jauregui v. City of Palmdale* (2014) 226 Cal.App.4th 781). Palmdale appealed to the California Supreme Court, and in August 2014, the Supreme Court denied Palmdale's request to hear the case.

This bill explicitly provides that charter cities, charter counties, and charter cities and counties are subject to the provisions of the CVRA, effectively codifying the appellate court's ruling in *Jauregui v. City of Palmdale*.

AB 363 (STEINORTH)
CHAPTER 725, STATUTES OF 2015
CLOSING OF THE POLLS.

[Amends Sections 14405, 14420, and 14421 of, and adds Section 14422 to, the Elections Code]

Legislative History

Assembly Elections	7-0
Assembly Appropriations	17-0
Assembly Floor	78-0
Assembly Concurrence	79-0
Senate Elections	4-0
Senate Appropriations	7-0
Senate Floor	40-0

Existing law establishes procedures for processing ballots following the closing of the polls on election day. Specifically, once the polls close, current law requires members of the precinct board to account for ballots delivered to them whether voted, unused, spoiled, or canceled. This process is commonly known as ballot reconciliation. Existing law prohibits a ballot container from being opened until after the polls are closed and further prohibits the removal of a ballot container from a polling place until all ballots are counted. Once reconciliation is completed, ballot containers are allowed to be delivered to their assigned receiving center or central counting location for processing.

This bill authorizes county elections officials to use an additional reconciliation procedure. This bill permits the ballot reconciliation process to begin before the polls close, instead of after the polls close and allows ballot containers to be transported to a receiving center or central counting place for ballot reconciliation and processing before the polls close.

This new procedure gives county elections officials the ability to expedite ballot processing by allowing ballots to be processed and transported to counting locations prior to the closing of the polls, thereby providing for more timely results, reduced election administrative costs, and increased overall election efficiency.

AB 370 (BROWN)
CHAPTER 105, STATUTES OF 2015
ELECTION CAMPAIGNS: CANDIDATE MISREPRESENTATION.

[Amends Section 18350 of the Elections Code]

Current law provides that it is a crime for a person to knowingly try to mislead voters by his or her statements or conduct by assuming, pretending, or implying that he or she is an incumbent of a public office or has been acting in the capacity of the public officer, when that is not the case. A violation of this law is a misdemeanor. This bill expands this crime to include misrepresentations made in a candidate's campaign materials, which could help prevent candidate misrepresentation in future elections.

Legislative History

Assembly Elections.....7-0
Assembly Appropriations 16-0
Assembly Floor.....78-0

Senate Elections.....5-0
Senate Appropriations .....(28.8)
Senate Floor.....38-0

AB 477 (MULLIN)
CHAPTER 726, STATUTES OF 2015
ELECTIONS: BALLOTS AND THE GREEN PARTY.

[Amends Sections 3019 and 6901 of, adds Chapter 5 (commencing with Section 6850) to Part 1 of Division 6 of, and adds Part 6 (commencing with Section 7900) to Division 7 of, the Elections Code]

Current law requires a county elections official, upon receiving a vote by mail (VBM) ballot, to compare the signature on the identification envelope with the signature in the voter's registration file, as specified. A VBM ballot is rejected and not counted if the signatures do not compare.

Recent surveys and studies have shown a significant number of VBM ballots that are received by elections officials are rejected during ballot processing. The top two reasons

Legislative History

Assembly Elections.....4-2
Assembly Appropriations 12-5
Assembly Floor.....50-29
Assembly Elections (77.2) 4-2
Assembly Concurrence.....50-30

Senate Elections.....4-0
Senate Appropriations 5-2
Senate Floor.....26-14

why a VBM ballot is uncounted are because the ballot is received late or has a signature issue, such as a missing signature or a mismatching signature.

This bill will help address those VBM ballots that arrive with no signature. Specifically, this bill helps to remedy this problem by permitting a voter who failed to sign his or her VBM ballot identification envelope to complete and sign an unsigned ballot statement up to eight days after the election, as specified, in order to have his or her ballot counted.

Additionally, current law provides for specific procedures by which the Democratic Party, Republican Party, American Independent Party, and Peace and Freedom Party participate in the presidential primary. Furthermore, existing law authorizes the Democratic Party, Republican Party, American Independent Party, and Peace and Freedom Party to each elect county central committees and establish state central committees, as specified. Similarly, this bill establishes procedures for the Green Party to participate in the presidential primary, authorizes the Green Party to establish county councils by election, and establish a state coordinating committee, as specified.

AB 547 (GONZALEZ)
CHAPTER 727, STATUTES OF 2015
ELECTIONS: SPECIAL ELECTIONS: ALL-MAILED BALLOT ELECTIONS.

[Amends Section 4000.5 of the Elections Code]

Legislative History
Assembly Elections.....4-3
Assembly Floor.....51-24
Senate Elections.....4-0
Senate Floor.....28-11

In 2014, the Legislature approved and Governor Brown signed AB 1873 (Gonzalez and Mullin), Chapter 598, Statutes of 2014, which established a pilot project under which special elections in San Diego County to fill vacancies in the Legislature and Congress can be conducted by mailed ballot until 2020, subject to certain conditions. This bill modifies some of those conditions, and significantly expands the types of elections that are allowed to be conducted as mailed ballot elections pursuant to the pilot project.

Specifically, this bill expands the pilot project to allow special elections held to fill vacancies in local government offices and for local ballot measures to be conducted as mailed ballot elections, subject to the conditions established by AB 1873, provided that the election is for a district or political subdivision whose boundaries are located wholly within San Diego County. This bill further clarifies requirements for recruiting bilingual poll workers for elections conducted under the pilot project and for conducting voter education workshops, clarifies the reporting requirements for elections conducted pursuant to the pilot project, and extends the end of the pilot project to January 1, 2021.

AB 554 (MULLIN)
CHAPTER 150, STATUTES OF 2015
ELECTIONS: PRECINCT BOARD MEMBERS.

[Amends Section 12302 of the Elections Code]

Legislative History
Assembly Elections.....5-2
Assembly Floor.....53-21
Senate Elections.....4-1
Senate Floor.....28-11

Under existing law a high school student may serve as a precinct board member, despite his or her lack of eligibility to vote, as long as the student is 16 years of age at the time of the election, a United States (U.S.) citizen at the time of the election, and is enrolled and attending school with a grade point average of at least 2.5. County elections officials are permitted to recruit up to five student poll workers for each precinct.

In 2013 the Legislature passed AB 817 (Bonta), Chapter 162, Statutes of 2013, which authorizes elections officials to recruit and appoint someone who is a legal permanent resident, and otherwise eligible to register to vote except for his or her lack of U.S. citizenship, to serve as a precinct board member.

This bill seeks to provide for additional precinct board members who are bilingual by allowing elections officials to appoint students who are legal permanent residents to serve as precinct board members. This bill provides that a pupil who is a legal permanent resident may be appointed to serve as a precinct board member if the pupil otherwise possesses the qualifications required for a pupil to serve as a precinct board member.

AB 562 (HOLDEN)
VETOED
ELECTIONS: BALLOTS.

[Amends Section 13109 of the Elections Code]

Legislative History
Assembly Elections.....7-0
Assembly Floor.....74-0
Senate Elections.....5-0
Senate Floor.....40-0

Current law requires a ballot to comply with a variety of laws that dictate its form and content. For example, existing law requires a ballot to contain the title of each office, the names of all qualified candidates and their ballot designations, titles and summaries of measures submitted to voters, and instructions to voters, among other things. In addition, current law requires a ballot to follow certain formatting requirements, such as the order offices must appear on the ballot and font size. While existing law does allow for some flexibility in ballot format, such as allowing a county elections official to make ballot formatting changes to accommodate the limitations of a voting system or vote tabulating device, as specified, most requirements are fairly specific.

Specifically, existing law requires the office of State Superintendent of Public Instruction (SPI) to be listed under the heading SCHOOL, which is listed after candidates for President and Vice President, candidates for statewide offices (such as Governor, Lieutenant Governor, Secretary of State, etc.), candidates for United States Senator and Representative, candidates for state Senate and Assembly, candidates for county central committees, and finally judicial candidates. As a result, the office of SPI is found further down the ballot, often on the second page. This bill would have required the office of the SPI to be moved up on the ballot and be listed after candidates for the state Assembly under the new heading of STATEWIDE EDUCATION.

On October 10, 2015, Governor Brown vetoed this bill stating that, "Just as the Chief Justice is placed with all other judicial candidates—both local and regional—on the ballot, it stands to reason that the Superintendent of Public Instruction should be placed with all other educational candidates. The current ballot order has existed with minimal changes for decades, and I don't think there is a good reason to change it now."

AB 594 (GORDON)
CHAPTER 364, STATUTES OF 2015
POLITICAL REFORM ACT OF 1974: CAMPAIGN STATEMENTS.

[Amends Sections 82013, 82036, 82036.5, 84101, 84103, 84200.6, 84206, 84207, 84218, and 85201 of, repeals Sections 84200.7, 84202.5, and 84203.5 of, and repeals and adds Section 84200.5 of, the Government Code]

Legislative History	
Assembly Elections	5-0
Assembly Appropriations	17-0
Assembly Floor	77-0
Assembly Concurrence	79-0
Senate Elections	4-0
Senate Appropriations	(28.8)
Senate Floor	40-0

Under the Political Reform Act (PRA), there are two general types of reporting requirements. The first type of report is commonly referred to as a periodic report. Periodic reports must be filed according to a specified time schedule for all similarly-situated candidates and committees, regardless of the amount of campaign activity during the period of time covered by the report. These reports generally include all campaign activity (contributions, loans, expenditures, etc.) that occurred over a specified period of time. Semi-annual reports and preelection reports are two examples of periodic reports that are required under the PRA.

The second type of report that the PRA requires is an activity-based report. An activity-based report is triggered when a candidate or committee has campaign activity that meets or exceeds a specific dollar threshold. Late contribution reports and late independent expenditure reports are examples of activity-based reports.

This bill eliminates two types of special activity-based reports in an effort to streamline the campaign reporting process. The reports that would be eliminated are supplemental

preelection statements and supplemental independent expenditure reports. Due to modifications made to campaign limits and disclosure requirements after these reporting requirements were established, these special activity-based reporting requirements no longer serve their original purposes. Additionally, this bill further simplifies campaign reporting requirements by standardizing the dates by which preelection reports must be filed, and by eliminating a requirement for city general purpose committees to file preelection reports in situations where those committees have not received contributions of $1,000 or more. Finally, this bill requires contributions and independent expenditures of $1,000 or more that are received or made on election day to be reported within 24 hours, and increases the amount of contributions that an entity must receive in a calendar year in order to be considered a "committee" under the PRA from $1,000 to $2,000.

AB 683 (LOW)
CHAPTER 334, STATUTES OF 2015
VOTING ACCESSIBILITY ADVISORY COMMITTEE.

[Amends Sections 2053, 9082.7, and 13300.7 of the Elections Code]

Existing law requires the Secretary of State (SOS) to produce an audio recorded version of the state ballot pamphlet and to make it available to the public. In addition, current law requires the SOS to make the complete state ballot pamphlet available over the Internet.

Legislative History

Assembly Elections	7-0
Assembly Appropriations	15-0
Assembly Floor	76-0
Assembly Concurrence	79-0
Senate Elections	4-0
Senate Appropriations	(28.8)
Senate Floor	40-0

This bill requires the SOS to establish a Voting Accessibility Advisory Committee (VAAC) to make recommendations related to improving the accessibility of elections for voters with disabilities, as specified. Specifically, AB 683 requires the SOS to consult with the VAAC and consider the VAAC's recommendations related to improving the accessibility of elections for voters with disabilities.

In addition, this bill requires the state ballot pamphlet, the sample ballot, and other voter information made available over the Internet by the SOS and county and city elections officials to meet or exceed the most current, ratified standards under Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d), as amended, and the Web Content Accessibility Guidelines 2.0 adopted by the World Wide Web Consortium for accessibility.

AB 809 (OBERNOLTE)
CHAPTER 337, STATUTES OF 2015
LOCAL INITIATIVE MEASURES: BALLOT PRINTING SPECIFICATIONS.

[Amends Section 13119 of the Elections Code]

Current law requires a ballot to comply with a variety of laws that dictate its form and content. For example, existing law requires a ballot to contain the title of each office, the names of all qualified candidates and their ballot designations, titles and summaries of measures submitted to voters, and instructions to voters, among other things. Moreover, current law requires a ballot to be printed in a certain form.

Legislative History

Assembly Elections.....4-3
Assembly Appropriations 17-0
Assembly Floor.....57-8

Senate Elections.....4-0
Senate Appropriations .....(28.8)
Senate Floor.....40-0

This bill requires the ballot, if a proposed local ordinance imposes a tax or raises the rate of a tax, to include in the statement of the ordinance the amount of money to be raised annually and the rate and duration of the tax to be levied. This bill will help provide voters with financial information that may be helpful when determining how a local measure will raise taxes.

AB 952 (CRISTINA GARCIA)
CHAPTER 185, STATUTES OF 2015
LOCAL GOVERNMENT: VACANCIES.

[Amends Section 36512 of the Government Code]

State law contains different procedures for filling vacancies on local governmental bodies depending on the type of local government in question. For example, vacancies on the boards of supervisors of general law counties are filled by gubernatorial appointment, while vacancies at other levels of local government (including for cities, school districts, and special districts) typically can be filled by appointment or by a special election, at the discretion of the remaining members of the governing body on which there is a vacancy. Charter counties and charter cities are able to establish their own rules for filling vacancies on their governing bodies, and employ a range of different procedures for doing so.

Legislative History

Assembly Local Government....8-0
Assembly Elections.....7-0
Assembly Floor.....74-0

Senate Gov. and Finance 6-0
Senate Floor.....39-0

In most cases where state law allows a vacancy on the governing body of a local government to be filled by appointment, that appointment is temporary in situations where the vacancy occurs early in the term of office. For example, when the Governor

appoints a person to fill a vacancy on a county board of supervisors, that person holds office only until the next statewide general election unless the term for the vacant office is scheduled to expire shortly after the next statewide general election. Similarly, laws allowing for appointments to fill vacancies on the governing boards of school districts and special districts generally provide that those appointments are temporary, and last only until the next general district election, in situations where the vacancy occurs early in the term of office. By allowing vacancies to be filled on a temporary basis by appointment, these laws permit local governments to avoid the costs of a standalone special election while allowing the electorate to fill the vacancy at the next election where voters in that jurisdiction are otherwise voting on matters relating to that jurisdiction.

When a vacancy in an elective city office is filled by appointment, however, state law allows the appointee to remain in office for the remainder of the term, regardless of how much time remains in the term for that vacant office. For example, if a city council member resigned in the first month of a four-year term, state law allowed the remaining members of the city council to appoint someone to serve the three years and 11 months remaining on the term, without the need for a special election at the next general municipal election.

This bill provides that if a vacancy in an elective city office occurs during the first half of the term, and at least 130 days prior to the next general municipal election, the city council has the option of appointing someone to fill the vacancy, but that appointment is temporary, and a special election will be held at the same time as the next general municipal election to fill the remainder of the term. This bill does not affect the ability that city councils have under existing law, however, to adopt alternative procedures for filling vacancies, including requiring a special election to be held to fill any vacancy in elective city office.

AB 990 (BONILLA)
CHAPTER 747, STATUTES OF 2015
POLITICAL REFORM ACT OF 1974: ADVERTISEMENT DISCLOSURES. URGENCY.

[Amends Sections 84506.5, 84507, and 84511 of the Government Code]

Existing law requires specified campaign advertisements to contain disclosure statements. Those disclosure statements, when required on a non-electronic printed advertisement, generally must be printed in at least 10-point type (disclosure statements on advertisements on over-size print media, such as yard signs and billboards, generally must appear in larger type). For other types of advertisements, including video, audio, and electronic text or graphic advertising, the disclosure statement must be presented in a "clear and conspicuous

Legislative History

Assembly Health	N/R
Assembly Appropriations	N/R
Assembly Floor	N/R
Assembly Elections (77.2)	4-1
Assembly Concurrence	66-10
Senate Elections	4-1
Senate Appropriations	(28.8)
Senate Floor	32-8

manner," as specified pursuant to regulations adopted by the Fair Political Practices Commission.

In response to concerns that voters do not notice disclosure statements because they are not prominent enough, this bill increases the required size of the disclosure statements, when those statements appear on a non-electronic printed advertisement, from a minimum of 10-point type to a minimum of 14-point type. This bill also requires such disclosure statements to be printed in bold, sans serif type font.

Additionally, this bill specifies the exact language that must be used for a disclaimer statement that specifies that an advertisement supporting or opposing a candidate that is paid for by an independent expenditure (IE) was not authorized or paid for by a candidate for the office. For those IEs, if delivered through the mail, the disclosure statement is required to be located within one-quarter of an inch of the recipient's name and address and be contained in a box that has an outline with a line weight of at least 3.25 points.

This bill contains an urgency clause, and became operative on October 10, 2015.

AB 1020 (RIDLEY-THOMAS)
CHAPTER 728, STATUTES OF 2015
ELECTIONS: VOTER REGISTRATION.

[Amends Sections 2000, 2101, 2103, 2106, 2114, 2115, 2119, 2120, 2139, 2140, 2150, 2155.3, 2157, 2158, 2163, 2165, 2166, 2166.5, 2166.7, 2168, 2183, 2184, 2185, 2187, 2188, 2188.1, 2188.5, 2191, 2193, 2194, 2196, 2200, 2201, 2202, 2206, 2208, 2209, 2210, 2211, 2212, 2221, 2224, 2225, 2226, 2227, 3009, 3010, 3011, 3019, 8401, 9030, 9114, 9115, 9308, 9309, 11224, 11225, 14202, 18104, and 18109 of, and repeals Sections 2104, 2107, 2108, 2109, 2110, 2113, 2117, 2118, 2118.5, 2135, 2136, 2137, 2141, 2160, 2180, 2181, 2182, 2190, 2192, 2203, and 2204 of the Elections Code]

On October 29, 2002, President George W. Bush signed the Help America Vote Act of 2002 (HAVA). Enacted partially in response to the 2000 Presidential election, HAVA was designed to improve the administration of federal elections. Among other provisions, HAVA requires every state to implement a computerized statewide voter registration list maintained at the state level. This statewide voter registration list will serve as the official list of eligible voters for any federal election held within the state.

Legislative History

Assembly Elections.....7-0
Assembly Floor.....74-0
Assembly Elections (77.2) 5-1
Assembly Concurrence.....70-7

Senate Elections.....4-0
Senate Appropriations .....(28.8)
Senate Floor.....38-1

At the time HAVA was approved, California was already using a statewide voter registration system, known as Calvoter, which achieved some of the goals of the voter registration list required by HAVA. However, Calvoter did not satisfy many of the requirements in that law, including requirements that the database be fully interactive and

have the capability of storing a complete voter registration history for every voter. Discussions between the United States Department of Justice and the Secretary of State (SOS) led to the adoption of a memorandum of agreement (MOA) between the two parties. In that MOA, the SOS committed to further upgrades to the Calvoter system to achieve short term interim compliance with the requirements of HAVA, and to complete development and implementation of a longer term solution for replacing the Calvoter system with a new permanent statewide voter registration system. That new permanent system is commonly known as VoteCal.

After a number of delays, the VoteCal system is being developed, and is being rolled out to counties. VoteCal will continue to roll out to counties in waves, with the last counties scheduled to transition to VoteCal in March 2016. After the final wave is completed, the SOS will certify VoteCal as the system of record for voter registration information in California. The current project schedule provides for that certification to occur by June 2016.

The implementation of VoteCal will help streamline the voter registration process, including allowing voters to update their voter registration records seamlessly when they update their address with the Department of Motor Vehicles or with the state's Employment Development Department. VoteCal will also make it easier and more efficient for elections officials to do "list maintenance," including identifying and eliminating duplicate registrations, transferring a voter's record from one county to another when the voter moves, and canceling the registrations of individuals who are no longer eligible to vote.

This bill incorporates multiple federal VoteCal requirements into voter registration and other related statutes by revising and repealing relevant Elections Code sections as necessary. These provisions were developed through collaboration between the SOS and county elections officials to identify statutory changes in preparation for implementing VoteCal, including the following:

- Streamlining voter registration updates and voter file maintenance, so that voters' registrations are seamlessly updated using the real-time efficiencies of VoteCal.

- Eliminating outdated references and procedures, including references to deputy registrars of voters and technology-specific references to obsolete registration systems, and requirements to maintain multiple paper copies of registration records.

- Codifying language necessary to prescribe the new VoteCal system and procedures, including clarifying the roles of state and county elections officials.

- Improving clarity in existing law by repealing code sections that are no longer used and are irrelevant to VoteCal.

- Consolidating obsolete voter registration management statutes into fewer, more specific code sections.

- Ensuring the continued protection for confidential voters and their personal information.

AB 1083 (EGGMAN)
CHAPTER 186, STATUTES OF 2015
POLITICAL REFORM ACT OF 1974: LOCAL ENFORCEMENT.

[Adds and repeals Section 83123.6 of the Government Code]

Legislative History
Assembly Elections.....5-1
Assembly Local Government....9-0
Assembly Appropriations.....17-0
Assembly Floor.....74-1
Senate Elections.....5-0
Senate Appropriations.....6-0
Senate Floor.....39-0

In 2012, the Legislature passed and the Governor signed AB 2146 (Cook), Chapter 169, Statutes of 2012, which permitted San Bernardino County (County) and the Fair Political Practices Commission (FPPC) to enter into an agreement that provides for the FPPC to enforce the County's local campaign finance reform ordinance. Prior to this, the FPPC did not enforce any local campaign finance ordinances. The County, which had been the subject of several high-profile corruption cases, was in the process of developing a campaign finance ordinance. Rather than appoint an ethics commission, which could present financial as well as conflict of interest challenges, the County proposed to contract with the FPPC to enforce their local campaign finance ordinance. Moreover, the County determined that it was in its best interest to retain the services of the FPPC to provide for the enforcement and interpretation of the County's local campaign finance ordinance as the FPPC has special skills, knowledge, experience, and expertise in the area of enforcement and interpretation of campaign laws necessary to effectively advise, assist, litigate, and otherwise represent the County on such matters.

The City Council of the City of Stockton, which currently imposes no limits on donations by individuals to campaigns for city offices, is considering the adoption of a municipal ordinance setting individual campaign donation limits. The City of Stockton, however, does not have the resources to oversee and enforce such an ordinance.

This bill permits the City Council of the City of Stockton and the FPPC to enter into an agreement that provides for the FPPC to enforce a local campaign finance ordinance passed by the City Council of the City of Stockton, as specified. In addition, this bill requires the FPPC, if an agreement is entered into, to report to the Legislature on or before January 1, 2019, as specified, and contains January 1, 2020 sunset date.

AB 1100 (LOW AND BLOOM)
CHAPTER 229, STATUTES OF 2015
BALLOT INITIATIVES: FILING FEES.

[Amends Section 9001 of the Elections Code]

Legislative History
Assembly Elections.....5-2
Assembly Appropriations 12-5
Assembly Floor.....46-28
Assembly Concurrence.....48-31
Senate Elections.....3-2
Senate Appropriations 5-1
Senate Floor.....23-14

In 1943, legislation was passed to require the proponent of a state ballot initiative to pay a fee of $200 to the Attorney General (AG) at the time the proponent submitted the measure for preparation of a title and summary. The $200 fee was intended to cover the administrative costs incurred by the AG to analyze the proposal and prepare a title and summary. Fees submitted to the AG are placed in a trust fund in the office of the State Treasurer, and are refunded to the proponents of any initiative measure that qualifies for the ballot within two years after the title and summary is issued. The $200 fee has never been increased.

This bill increases the fee to submit a proposed state ballot initiative to the AG for preparation of a title and summary from $200 to $2,000.

AB 1148 (BETH GAINES)
CHAPTER 111, STATUTES OF 2015
REPUBLICAN COUNTY CENTRAL COMMITTEES: PLACER COUNTY.

[Adds Section 7400.2 to the Elections Code]

Legislative History
Assembly Elections.....6-0
Assembly Appropriations 17-0
Assembly Floor.....77-0
Senate Elections.....5-0
Senate Appropriations .....(28.8)
Senate Floor.....38-0

Existing law requires, in each county containing fewer than five Assembly districts, that county central committee members for the Republican Party be elected by supervisorial district, except as specified. The number of members elected from each district are determined by the number of votes received by the Republican candidate for Governor (if any) in the last gubernatorial election pursuant to a specified formula.

In *Eu v. San Francisco County Democratic Central Committee* (1989), 489 U.S. 214, the United States Supreme Court examined the right of a state to impose laws relating to the internal affairs of political parties. The Court found that laws burdening the associational rights of political parties and their members must serve a compelling state interest. Therefore, because a state has a compelling interest in preserving the integrity of its

election process, it may properly enact laws that interfere with a political party's internal affairs when necessary to ensure that elections are fair and honest. However, a state cannot justify regulating a party's internal affairs without showing that such regulation is necessary to ensure an election that is orderly and fair. Subsequent court cases have reaffirmed the Supreme Court's holding in *Eu*. In light of the constitutionally protected rights of political parties, the Legislature frequently has changed provisions of the Elections Code at the request of political parties to reflect those parties' desired methods of electing members to party central committees.

This bill, which was sponsored by the Placer County Republican Party, requires seven members to be elected to the Placer County Republican central committee from each supervisorial district.

AB 1301 (JONES-SAWYER AND ALEJO)

VETOED

VOTING RIGHTS: PRECLEARANCE.

[Adds Chapter 5 (commencing with Section 400) to Division 0.5 of the Elections Code]

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

Legislative History

Assembly Elections.....4-2
Assembly Appropriations 12-5
Assembly Floor.....51-26

Senate Elections.....4-0
Senate Appropriations 5-2
Senate Floor.....26-14

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

Section 5 of the VRA requires certain states and covered jurisdictions to receive approval for any changes to law and practices affecting voting from the U.S. Department of Justice or the U.S. District Court of the District of Colombia to ensure that the changes do not have the purpose or effect of "denying or abridging the right to vote on account of race or

color." The requirement to obtain approval under Section 5 is commonly referred to as a "preclearance" requirement.

In April 2010, Shelby County in Alabama filed suit in the U.S. District Court for the District of Columbia challenging the constitutionality of Section 5 of the VRA, and of the formulas used to determine which jurisdictions were covered by Section 5. On June 25, 2013, the U.S. Supreme Court, in *Shelby County v. Holder*, held that the coverage formulas that determine the jurisdictions that are subject to Section 5 are unconstitutional and can no longer be used as a basis for subjecting jurisdictions to preclearance under the VRA.

This bill would have established a state "preclearance" system under which certain political subdivisions would be required to get approval from the Secretary of State before implementing specified policy changes related to elections. Unlike the federal VRA, in which the preclearance requirement was targeted at jurisdictions that had low voter registration or participation rates, and that used a "test or device" for the purpose or with the effect of denying or abridging the right to vote on account of race or color, this bill would have targeted specific voting practices and policies that have been found to be discriminatory in the past. This type of targeting, which is sometimes referred to as "known practices coverage," has been suggested as one way to adjust the preclearance requirements in federal law in response to the Supreme Court's decision in *Shelby County*.

On October 10, 2015, this bill was vetoed by Governor Brown. In his veto message, the Governor stated that while the "impairment of key provisions in the federal Voting Rights Act deserves a national remedy," he was "unconvinced that a California-only pre-clearance system is needed."

AB 1443 (CHAU)
CHAPTER 347, STATUTES OF 2015
VOTERS: LANGUAGE ACCESSIBILITY.

[Adds Chapter 8 (commencing with Section 2600) to Division 2 of the Elections Code]

Existing law declares the intent of the Legislature that non-English-speaking citizens, like other citizens, should be encouraged to vote and that appropriate efforts should be made to minimize obstacles to voting by citizens who lack sufficient skill in English to vote without assistance. Both federal and state laws require state and local elections officials to accommodate language accessibility, such as providing voting materials in languages other than English.

Legislative History

Assembly Elections.....7-0
Assembly Appropriations 17-0
Assembly Floor.....74-0
Assembly Concurrence.....80-0

Senate Elections.....4-0
Senate Appropriations .....(28.8)
Senate Floor.....40-0

In an effort to improve the voting experience for California's diverse electorate, this bill requries the Secretary of State (SOS) to establish a Language Accessibility Advisory Committee (LAAC). The LAAC is required to be comprised of language experts and elections officials, and is tasked with advising the SOS on best practices, reviewing translated materials, and providing important perspectives from California's language minority communities.

AB 1461 (GONZALEZ, ET AL.)
CHAPTER 729, STATUTES OF 2015
VOTER REGISTRATION: CALIFORNIA NEW MOTOR VOTER PROGRAM.

[Amends Sections 2100 and 2102 of, and adds Chapter 4.5 (commencing with Section 2260) to Division 2 of the Elections Code]

Legislative History

Assembly Transportation 10-5
Assembly Elections.....5-2
Assembly Appropriations 12-5
Assembly Floor.....52-26
Assembly Concurrence.....52-26

Senate Elections.....3-1
Senate Trans. and Housing 8-3
Senate Appropriations 5-2
Senate Floor.....25-15

No state currently takes the responsibility for proactively registering eligible individuals to vote – instead, almost every state puts the impetus on individuals to register themselves to vote (North Dakota, which is the only state without voter registration, is the exception). The idea of making the government responsible for proactively registering voters when the government has information to verify individuals' eligibility to vote – sometimes referred to as "automatic voter registration" – received renewed attention earlier this year when the Oregon Legislature passed and the Governor signed House Bill 2177, which will require Oregon elections officials to automatically register people to vote if the state Department of Transportation has information indicating that those people are eligible to register to vote.

This bill provides for every person who applies for and receives a driver's license or state identification card and is eligible to register to vote to be registered, unless that person opts out, as specified. When an individual applies for a driver's license or identification card at the Department of Motor Vehicles (DMV), or updates his or her address with the DMV, that person will be required to attest whether he or she meets the eligibility requirements to register to vote. For those who attest that they meet those requirements, additional voting-related information will be collected from those individuals at the DMV, and they will be registered to vote unless they opt-out.

The voter registration process in this bill is required to begin within one year after the Secretary of State certifies that the state has a statewide voter registration database that complies with federal law, funds have been appropriated to implement the bill, and regulations required by the bill have been adopted.

AB 1504 (ALEJO)
CHAPTER 730, STATUTES OF 2015
ELECTIONS: ALL-MAILED BALLOT ELECTIONS: PILOT PROJECT.

[Amends Section 4001 of the Elections Code]

Legislative History
Assembly Elections.....4-3
Assembly Floor.....53-27
Assembly Concurrence.....52-24
Senate Elections.....4-0
Senate Floor.....32-6

In 2011, the Legislature approved and the Governor signed AB 413 (Yamada), Chapter 187, Statutes of 2011, which created a pilot program allowing Yolo County to conduct local elections on not more than three dates as all-mailed ballot elections. AB 413 was intended to serve as a pilot project to evaluate the desirability of further expanding the circumstances under which elections are permitted to be conducted as all-mailed ballot elections. In 2014, the Legislature approved and the Governor signed AB 2028 (Mullin), Chapter 209, Statutes of 2014, which allowed San Mateo County to join Yolo County in participating in the ongoing pilot project. Part of the author's rationale for introducing AB 2028 was to expand the pilot program to gather more data, and to get information from an urban county "to contrast the rural county [Yolo] that is already part of the program."

This bill authorizes Monterey and Sacramento Counties to participate in the ongoing mailed ballot pilot project being conducted in San Mateo and Yolo Counties. Elections conducted under the pilot project in Monterey and Sacramento Counties will be subject to slightly more stringent requirements regarding the number of polling places that must be established on election day.

AB 1535 (COMMITTEE ON ELECTIONS AND REDISTRICTING)
CHAPTER 731, STATUTES OF 2015
ELECTIONS.

[Amends Sections 103, 3106, 4108, 9602, 10404, 10505, and 11303 of the Elections Code]

Legislative History
Assembly Elections.....7-0
Assembly Floor.....74-0
Assembly Concurrence.....80-0
Senate Elections.....4-0
Senate Floor.....40-0

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

Current law authorizes a voter who has signed an initiative, referendum, or recall petition to remove his or her name from the petition by filing a written request with the appropriate county elections official prior to the day the petition is filed. However, current law does not specify what information should be included on the written withdrawal request filed

with the county elections official. Consequently, it is difficult and time consuming for county elections officials to confirm the correct voter who filed the withdrawal request. In an effort to help resolve this issue, this bill requires the written request to remove a voter's name from a petition to include the voter's name, residence address, and signature.

Current law allows a military or overseas voter to return his or her ballot by facsimile transmission if the ballot is accompanied by an oath of voter declaration. According to county elections officials, however, there is confusion about which address must be provided on the oath of voter declaration. This bill clarifies that the residence address required on the oath of voter is the last United States residence for voting qualification purposes.

Existing law authorizes a special district, by resolution of its governing board, to conduct any election as an all-mailed ballot election, as specified. Another provision of law provides that whenever two or more elections are called to be held on the same day, in the same territory, or in territory that is in part the same, those elections may be consolidated upon the order of the governing body or bodies calling the elections.

It is unclear, however, whether a district conducting an all-mailed ballot election may consolidate its election with another political subdivision that is also conducting its election by mail in the same or part of the same territory. This bill clarifies that a district conducting an all-mailed ballot election may consolidate its election with another election that is: 1) held on the same day; 2) held in the same territory, or in a territory that is in part the same; and 3) conducted wholly by mail. This bill does not, however, expand the circumstances under which elections are allowed to be conducted as all-mailed ballot elections.

Existing law requires general elections held to elect members of the governing board of a special district to be held on the first Tuesday after the first Monday in November of each odd-numbered year, unless the principal act of the district provides for the general district election to be held on a different established election date, or on an established mailed ballot election date, as specified. A special district is allowed to adopt a resolution requiring its general district election to be held on the same day as the statewide general election, upon approval of the county board of supervisors, as specified. While most special districts hold their governing board elections in November, others conduct their elections at other times of the year.

State law, however, only permits a district's general election to be moved to even-numbered years and consolidated with the statewide general election if the election is currently held in November of odd-numbered years. This bill permits any special district general election to be moved to even-numbered years and consolidated with the date of a statewide general election, regardless of when the district's general election is currently held.

AB 1536 (COMMITTEE ON ELECTIONS AND REDISTRICTING)
CHAPTER 732, STATUTES OF 2015
ELECTIONS.

[Amends Sections 17, 2102, 2103, 2107, 2119, 2142, 2155, 2158, 2162, 2194, 2196, 2250, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2408, 3019.5, 3114, 4000.5, 9054, 9094.5, 12309.5, 13107, 14026, 18108, 18108.1, 18108.5, 19240, 19242, 21500, 21550, 21601, 21620, and 22000 of the Elections Code]

Legislative History

Assembly Elections.....7-0
Assembly Floor.....74-0

Senate Elections.....5-0
Senate Floor.....40-0

In the summer of 2014, the federal Office of the Law Revision Counsel announced that various provisions of federal law relating to voting and elections would be transferred from titles 2 and 42 of the United States Code to a new title 52. The Office of Law Revision Counsel, which is responsible for maintaining and publishing the United States Code, reorganized these provisions pursuant to an "editorial reclassification" under which provisions of law are relocated from one place to another in the Code without substantive change. Various provisions of the California Elections Code include cross-references to relevant provisions of federal law related to voting and elections. Due to the editorial reclassification of federal law, those cross-references are out of date.

This bill updates the cross-references to federal law contained in 40 different sections of the California Elections Code in order reflect the federal reorganization of laws related to elections.

AB 1544 (COOLEY AND JONES)
CHAPTER 756, STATUTES OF 2015
POLITICAL REFORM ACT OF 1974: BEHESTED PAYMENTS. URGENCY.

[Amends Section 82015 of the Government Code]

Legislative History

Assembly Elections.....6-0
Assembly Floor.....74-0

Senate Elections.....5-0
Senate Floor.....37-1

In 1996, the Fair Political Practices Commission (FPPC) amended its regulatory definition of the term "contribution" to include any payment made "at the behest" of a candidate, regardless of whether that payment was for a political purpose. As a result, payments made by a third party at the request or direction of an elected officer were required to be reported as campaign contributions, even if those payments were made for governmental or charitable purposes.

The change in regulations by the FPPC, along with a number of advice letters issued by the FPPC interpreting the new definition of "contribution," limited the ability of elected

officers to co-sponsor governmental and charitable events. In one advice letter, the FPPC concluded that a member of the Legislature would be deemed to have accepted a campaign contribution if, at his behest, a third party paid for the airfare and lodging for witnesses to testify at a legislative hearing.

In response to the FPPC's modified definition of "contribution," the Legislature enacted SB 124 (Karnette), Chapter 450, Statutes of 1997, which provided that a payment made at the behest of a candidate for purposes unrelated to the candidate's candidacy for elective office is not a contribution. SB 124 specifically provided that a payment made at the behest of a candidate principally for a legislative, governmental, or charitable purpose is not considered a contribution or a gift. However, SB 124 also required that such payments made at the behest of a candidate who is also an elected officer, when aggregating $5,000 or more in a calendar year from a single source, be reported to the elected officer's agency. The elected officer must report such a payment within 30 days.

Earlier this year, in response to a request for advice from the Executive Officer of the California State Coastal Conservancy (SCC) (*Schuchat* Advice Letter, No. A-15-070), the FPPC concluded that "[a]n elected official has a 'behested payment' reporting obligation when he or she provides a letter to the [SCC] expressing support for a grant of funds to be made by the Conservancy to a nonprofit 501(c)(3) organization to carry out a specific project." The FPPC letter indicated that "a key component of the SCC's work is to grant funds to public entities and…501(c)(3) nonprofit organizations to aid the grant recipients in carrying out projects that further the SCC goals," and acknowledged that the SCC "typically asks grant applicants to contact their local and state elected representatives to seek letters of support for their projects." Nonetheless, the FPPC concluded that grants made by the SCC to private nonprofit entities would "not be used in the regular course of official agency business of the elected officer" and therefore were subject to behested payment reporting.

This bill specifies that payments made by state, local, and federal governmental agencies that are made principally for legislative or governmental purposes are not subject to the behested payment reporting requirements, regardless of whether the beneficiary of the payments is another governmental agency or a private entity. In effect, this bill overturns the *Schuchat* Advice Letter, and future payments made by governmental agencies that are made principally for legislative or governmental purposes are not subject to behested payment reporting requirements.

This bill contains an urgency clause, and became operative on October 10, 2015.

AJR 13 (RIDLEY-THOMAS)
RESOLUTION CHAPTER 193, STATUTES OF 2015
THE VOTING RIGHTS ACT OF 1965.

Legislative History

Assembly Elections.....6-0
Assembly Floor.....78-0

Senate Floor.....40-0

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

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

This resolution recognizes August 6, 2015, as the 50th anniversary of the signing of the federal VRA and urges the Congress and President of the U.S. to continue to secure citizens' rights to vote and remedy any racial discrimination in voting.

SENATE BILLS AND RESOLUTIONS

SB 21 (HILL)
CHAPTER 757, STATUTES OF 2015
POLITICAL REFORM ACT OF 1974: GIFTS OF TRAVEL.

[Amends Sections 87207 and 89506 of the Government Code]

Legislative History

Senate Elections.....3-1
Senate Appropriations 7-0
Senate Floor.....36-1
Senate Concurrence.....37-1

Assembly Elections.....6-0
Assembly Appropriations 17-0
Assembly Floor.....78-0

The Political Reform Act (PRA) generally prohibits elected state and local officers, among others, from accepting gifts from a single source in a calendar year with a total value of more than $460. This gift limit is adjusted every two years to reflect changes in inflation. Additionally, elected state officers, among others, may not accept gifts aggregating more than $10 in a calendar month from or arranged by registered state lobbyists or lobbying firms. Travel payments received by public officials generally are considered to be reportable gifts or income under the PRA, with certain exceptions. If a travel payment is a gift, it is also normally subject to the $460 gift limit and $10 lobbyist gift limit, though certain exceptions apply.

Payments for travel (including lodging and subsistence) that are related to a legislative or governmental purpose, or to an issue of state, national, or international public policy, are considered gifts but are not subject to the $460 gift limit if the travel is: (1) in connection with a speech given by the official and any lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States, or (2) provided by a government agency or authority, a bona fide public or private educational institution, as specified, or a nonprofit organization pursuant to Section 501(c)(3) of the Internal Revenue Code or a similar foreign organization. Although these payments are not subject to the $460 gift limit, they must be reported on an official's Statement of Economic Interests (SEI), and the travel payments can create a conflict of interest for the official.

While nonprofit organizations must submit some financial information to the United States Internal Revenue Service and make it publicly available, they are not generally required to publicly disclose the identity of their donors. As a result, nonprofit organizations that provide payments for foreign and domestic travel for California public officials are not required to publicly disclose this information, even when donations are solicited for those purposes, as long as the payments are not solicited for a specific recipient of the travel payment.

This bill requires specified nonprofit organizations that spend one-third of their budget or more on payments related to elected officials' travel, study tours, or conferences, conventions, or meetings, to disclose the names of certain donors responsible for funding

the travel of those officials. This bill additionally requires a public official who receives a reportable gift of travel to disclose the destination of the travel on his or her SEI.

SB 365 (PAVLEY)
CHAPTER 733, STATUTES OF 2015
VOTE BY MAIL BALLOT DROP-OFF LOCATIONS.

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

Legislative History

Senate Elections.....3-1
Senate Appropriations 5-2
Senate Floor.....26-12

Assembly Elections.....5-1
Assembly Appropriations 10-4
Assembly Floor.....56-23

Statistics show that voters are choosing to cast vote by mail (VBM) ballots more and more each election. For instance, in the November 2004 general election, approximately 32% of voters cast a VBM ballot. In the November 2014 general election, over 60% of voters cast VBM ballots. However, studies have shown that not all VBM ballots are being returned via the mail – many voters are instead choosing to drop off their VBM ballots at drop boxes on or close to election day. For example, one study found that in the November 2014 general election, over 26% of those that voted using a VBM ballot returned their ballot at a polling place instead of mailing or dropping it off at the counter in an elections official's office.

Because many VBM voters are choosing to drop off their ballot instead of mailing it, an unknown number of counties have established VBM ballot drop-off sites. This practice, however, is not specifically addressed under existing law.

This bill authorizes county elections officials to establish VBM ballot drop-off locations, as specified, and requires the Secretary of State to develop best practices for security measures and procedures for ballot drop-off sites. This will help ensure there are more secure and convenient locations in which voters may drop off their voted VBM ballots.

SB 366 (NGUYEN)
CHAPTER 144, STATUTES OF 2015
BALLOT MATERIALS: TRANSLATIONS.

[Amends Sections 13307 and 14111 of the Elections Code]

Legislative History

Senate Elections.....4-0
Senate Floor.....37-0

Assembly Elections.....6-0
Assembly Floor.....79-0

Current law requires an elections official, when translating candidate statements, ballot measures, and ballot instructions, to use a translator or interpreter from one of the following resources: 1) a list of approved translators and interpreters of the superior court of the county in which they serve, or 2) approved translators or interpreters from an institution accredited by the Western Association of Schools and Colleges. The limited translator and interpreter options available make it challenging for county elections officials to comply with state and federal laws regarding language accessibility of election materials. In many instances, multiple county elections officials are contracting with the same vendor which can result in unnecessary costs and time delays.

This bill expands the list of qualified and certified translators to translate candidate statements and other voting materials by allowing an elections official to select a translator from any of the following resources: 1) a certified and registered interpreter on the Judicial Council Master List; 2) an interpreter categorized as "certified" or "professionally qualified" by the Administrative Office of the United States Courts; 3) from an institution accredited by a regional or national accrediting agency recognized by the United States Secretary of Education; 4) a current voting member in good standing of the American Translators Association, or 5) a current member in good standing of the American Association of Language Specialists.

SB 415 (HUESO)
CHAPTER 235, STATUTES OF 2015
VOTER PARTICIPATION.

[Adds Chapter 1.7 (commencing with Section 14050) to Division 14 of the Elections Code]

Legislative History

Senate Elections.....4-1
Senate Floor.....24-13
Senate Concurrence.....26-12

Assembly Elections.....4-1
Assembly Floor.....45-30

Existing law generally requires that regularly scheduled county elections be held at the same time as statewide elections, but other local jurisdictions (including cities, school districts, and special districts) have greater flexibility when deciding when to hold regularly scheduled elections that are held to elect governing board members. Elections that are held at the same time as statewide elections are

commonly referred to as "on-cycle" elections, while elections held at other times are frequently referred to as "off-cycle" elections. In most instances, voter participation in statewide elections is considerably higher than in off-cycle elections.

The degree to which local governments hold their elections on-cycle or off-cycle varies significantly throughout the state. Roughly 30 percent of the counties in California do not have regularly-scheduled off-cycle elections, because all the local jurisdictions in those counties hold their governing board elections at the same time as statewide elections. In other counties, large numbers of cities, school districts, and special districts hold their governing board elections off-cycle in November of odd-numbered years. A smaller number of local jurisdictions hold their regularly scheduled governing board elections on other permitted off-cycle dates.

This bill prohibits a local government, beginning January 1, 2018, from holding its regularly scheduled elections on any date other than a statewide election date if doing so in the past has resulted in turnout that is at least 25% below the average turnout in that jurisdiction in the last four statewide general elections. A local government could continue to hold its elections on dates other than statewide election dates after January 1, 2018 if the local government adopts a plan not later than January 1, 2018 to consolidate future elections with the statewide election not later than the November 8, 2022 statewide election.

Although this bill establishes a legal process for voters in a jurisdiction to challenge the timing of that jurisdiction's regularly scheduled elections if there is a "significant decrease in turnout" relative to turnout in statewide elections in that same jurisdiction, in practice, this bill may force almost all local jurisdictions to hold their regularly scheduled elections at the same time as statewide elections. Although the exact number of local governmental entities that would be affected by this bill is unknown, a review of recent election results suggests that most local jurisdictions that hold regularly scheduled elections at a time other than at the same time as statewide elections would be forced to change the dates of their elections under this bill. Of more than five dozen cities whose election results were examined as part of this review, just two cities had turnout in their most recent regularly scheduled municipal election that was less than 25 percent lower than the average turnout in the city from the prior four statewide general elections. It is likely that turnout at off-cycle school district and special district elections also regularly falls below the threshold set by this bill under which local jurisdictions could be forced to move to conducting elections at the same time as statewide elections.

SB 439 (ALLEN)
CHAPTER 734, STATUTES OF 2015
ELECTION PROCEDURES.

[Amends Sections 2170 and 13004 of, and adds Sections 303.4, 2550, and 13004.5 to, the Elections Code]

Legislative History

Senate Elections.....4-1
Senate Appropriations 5-2
Senate Floor.....23-12
Senate Concurrence.....26-13

Assembly Elections.....5-2
Assembly Appropriations 12-4
Assembly Floor.....54-23

In 2012, the Legislature approved and the Governor signed AB 1436 (Feuer), Chapter 497, Statutes of 2012, which established conditional voter registration, also known as "same-day" registration, in California. Specifically, AB 1436 authorizes a person who is otherwise qualified to register to vote to complete a conditional voter registration and cast a provisional ballot at the elections official's permanent office during the 14 days immediately preceding an election or on election day. In addition, AB 1436 permits conditional voter registration to occur at a satellite office of the elections official's office on election day only. AB 1436 will become effective on January 1 of the year following the year in which the Secretary of State (SOS) certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002. That certification is expected to occur in 2016, which would make AB 1436 operative on January 1, 2017. This bill authorizes a county elections official to offer conditional voter registration and provisional voting at satellite offices during the 14 days immediately preceding election day, in addition to offering conditional voter registration at those offices on election day.

A ballot on demand system is a device that can print ballots on demand for use in elections. In practice, ballot on demand systems are used in elections officials' offices and other locations in order to provide any voter with his or her proper ballot regardless of the precinct to which the voter is assigned. Current law requires a ballot on demand system to be approved using the same approval process that is in place for commercial ballot printing operations. Consequently, a ballot on demand system's approval process must be conducted on a county by county (and location by location) basis. For instance, if a single county wants to use a ballot on demand system, that county would have to seek separate approval for each location where they anticipate usage. This bill creates a new system-based certification and approval process for ballot on demand systems.

An electronic poll book is an electronic version of the traditional paper poll book which contains a list of the registered voters in each precinct or district. An electronic poll book typically looks like a tablet or laptop computer and can be a quicker and more accurate tool for checking-in voters at precincts or other voting sites. Many electronic poll books have a variety of other functionalities. For example, electronic poll books may have the capability to allow a poll worker to look up voters from the entire county or state, connect

to a county or state voter registration database, notify a poll worker if a voter has already voted, allow a voter to sign in electronically, produce turnout numbers and lists of those who have voted, and receive immediate updates on who has voted in other voting jurisdictions. In California, however, electronic poll books are in their infancy and simply serve as an electronic list of registered voters in the precinct or district. This bill sets up processes and procedures for the review and approval of electronic poll books by the SOS for use in California elections, and provides explicit statutory authorization for the use of electronic poll books that have been approved by the SOS.

SB 493 (CANNELLA)
CHAPTER 735, STATUTES OF 2015
ELECTIONS IN CITIES: BY OR FROM DISTRICTS.

[Adds Section 34886 to the Government Code]

Legislative History

Senate Gov. & Finance.....7-0
Senate Floor.....29-3
Senate Concurrence.....35-4

Assembly Elections.....5-0
Assembly Local Government....8-0
Assembly Floor.....62-14

SB 976 (Polanco), Chapter 129, Statutes of 2002, enacted the California Voting Rights Act of 2001 (CVRA) to address racial block voting in at-large elections for local office in California. In areas where racial block voting occurs, an at-large method of election can dilute the voting rights of minority communities if the majority typically votes to support candidates that differ from the candidates who are preferred by minority communities. In such situations, breaking a jurisdiction up into districts can result in districts in which a minority community can elect the candidate of its choice or otherwise have the ability to influence the outcome of an election. Accordingly, the CVRA prohibits an at-large method of election from being imposed or applied in a political subdivision in a manner that impairs the ability of a protected class of voters to elect the candidate of its choice or to influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters who are members of the protected class.

Generally, local government bodies must receive voter approval to move from an at-large method of election to a district-based method of election for selecting governing board members. This voter approval requirement can make it difficult for jurisdictions to proactively transition to district-based elections in order to address potential liability under the CVRA. If a jurisdiction attempts to transition from at-large to district-based elections to address CVRA concerns, but the voters reject the proposal, the jurisdiction nonetheless remains subject to a lawsuit under the CVRA. Furthermore, to the extent that there is racially polarized voting on the question of whether to transition from at-large to district-based elections, the results of the vote on that question could provide further evidence for a lawsuit under the CVRA. As a result, many jurisdictions have sought ways to transition from at-large to district-based elections without having to receive voter approval for such a change.

Most notably, many school districts have transitioned from at-large to district-based elections without receiving voter approval in an effort to avoid potential liability under the CVRA. Even though state law generally requires such a transition to be approved by the voters in a school district, existing law also permits the State Board of Education (SBE) to waive all or part of any section of the Education Code, with certain identified exceptions, upon request by the governing board of a school district or county board of education. The SBE generally is required to approve any and all requests for waivers unless it makes a finding that one of seven enumerated conditions exists. Since 2009, the SBE has approved more than 110 waivers to permit school districts to change from at-large to district elections without receiving voter approval.

Furthermore, in response to concerns that community college districts were subject to liability under the CVRA but were unable to change from at-large to district-based elections without voter approval, AB 684 (Block), Chapter 614, Statutes of 2011, established a process under which a community college district could transition from at-large to district-based elections without receiving voter approval if such a transition was approved by the Board of Governors (BOG) of the California Community Colleges, among other provisions. Since the enactment of AB 684, the BOG has approved requests from approximately 20 community college districts to change from at-large to district elections.

Unlike school districts and community college districts, however, no formal process exists for cities to transition from at-large to district-based elections without receiving voter approval. (A few cities have transitioned from at-large to district-based elections without receiving voter approval as a part of settlement agreements to lawsuits brought under the CVRA.) This bill allows cities with a population of fewer than 100,000 people to transition to district-based elections without receiving voter approval, which could allow cities that potentially face liability under the CVRA to proactively change the method of electing city council members. An ordinance adopted pursuant to this bill is required to include a declaration that the change in the method of electing members of the legislative body is being made in furtherance of the purposes of the CVRA.

SB 505 (MENDOZA)
CHAPTER 236, STATUTES OF 2015
VOTER BILL OF RIGHTS.

[Amends Section 2300 of the Elections Code]

Existing law requires a Voter Bill of Rights (VBOR) to be made available in the statewide voter pamphlet to all voters, and requires printed copies of the VBOR to be supplied by the Secretary of State (SOS) for conspicuous posting both inside and outside of every polling place. The VBOR is required to be worded as specified in statute.

Legislative History

Senate Elections.....4-1
Senate Appropriations .....(28.8)
Senate Floor.....26-11

Assembly Elections.....5-1
Assembly Appropriations 10-4
Assembly Floor.....52-25

This bill authorizes the SOS to revise the wording of the VBOR as necessary to ensure that the language used is clear and concise and free from technical terms.

SB 589 (BLOCK)
CHAPTER 736, STATUTES OF 2015
VOTING: VOTER REGISTRATION: INDIVIDUALS WITH DISABILITIES AND CONSERVATEES.

[Amends Sections 2102, 2150, 2208, and 2209 of the Elections Code, and amends Sections 1823, 1826, 1828, 1851, and 1910 of the Probate Code]

In California, if an adult is unable to manage his or her medical and personal decisions, a conservator of the person may be appointed. While a conservator of the person has charge of the care, custody, and control of the conservatee, that power is not absolute. After appointment of a conservator, the conservatee keeps specified rights including the right to vote unless the court has limited or taken that right away.

Legislative History

Senate Elections.....4-1
Senate Judiciary.....5-1
Senate Appropriations .....(28.8)
Senate Floor.....27-10
Senate Concurrence.....27-11

Assembly Elections.....6-0
Assembly Judiciary.....8-1
Assembly Appropriations 11-4
Assembly Floor.....62-11

Last year the Legislature passed and the Governor signed AB 1311 (Bradford), Chapter 591, Statutes of 2014, which clarified the voting protections for conservatees. Specifically, AB 1311 prohibited a person, including a conservatee, from being disqualified from voting on the basis that he or she signs the affidavit of voter registration with a mark or a cross, signs the affidavit of voter registration with a signature stamp, or completes the affidavit of registration with the assistance of another person. AB 1311

ensured federal and state laws related to voter registration assistance are applied equally to any individual who seeks to register to vote.

While AB 1311 was helpful in clarifying state law to explicitly permit certain accommodations in completing the voter registration affidavit, it did not, however, modify the standard for determining when a disabled, conserved individual is not competent to participate in the voting process. This bill builds upon AB 1311 by further clarifying conservatee voting rights and modifying the standard for determining when a disabled, conserved individual is not competent to participate in the voting process. Specifically, this bill prohibits a conservatee from being disqualified from voting because he or she completes an affidavit of voter registration with reasonable accommodations. In addition, this bill provides that a person is presumed competent to vote regardless of his or her conservatorship status and clarifies the judicial procedures through which an individual with a disability or under a conservatorship would lose his or her ability to vote. Finally, this bill requires a court, in order to deem a person mentally incompetent and disqualified from voting, to make a finding of clear and convincing evidence that the person cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process.

SB 704 (TED GAINES)
CHAPTER 495, STATUTES OF 2015
PUBLIC OFFICERS AND EMPLOYEES: CONFLICT OF INTEREST: CONTRACTS.

[Amends Section 1091 of the Government Code]

Legislative History	
Senate Gov. & Finance	6-0
Senate Appropriations	(28.8)
Senate Floor	38-0
Senate Concurrence	40-0
Assembly Elections	7-0
Assembly Appropriations	17-0
Assembly Floor	78-0

Government Code Section 1090 (Section 1090) generally prohibits a public official or employee from making a contract in his or her official capacity in which he or she has a financial interest. In addition, a public body or board is prohibited from making a contract in which any member of the body or board has a financial interest, even if that member does not participate in the making of the contract. Violation of this provision is punishable by a fine of up to $1,000 or imprisonment in the state prison, and any violator is forever disqualified from holding any office in the state. Additionally, contracts that are made in violation of Section 1090 can be voided by any party to the contract except the officer interested in the contract, as specified. The prohibitions against public officers being financially interested in contracts that are contained in Section 1090 date back to the second session of the California Legislature (Chapter 136, Statutes of 1851). A public official can be subject to felony penalties for a violation of Section 1090 even if the official did not intend to secure any personal benefit, did not intend to violate Section 1090, and did not know that his or her conduct was unlawful.

Unlike conflicts of interest under the Political Reform Act, it is generally not sufficient for a public official who has a financial interest in a contracting decision under Section 1090 to recuse himself or herself from participating in that decision in order to avoid the conflict. Instead, under Section 1090, the board or body of which the official is a member continues to be prohibited from making a contract in which one of its members is financially interested *even if* that member recuses himself or herself from participating in the decision. This policy reflects a concern that remaining board members' knowledge of their fellow member's interest could lead the board to favor an award which would benefit the recused member.

State law recognizes two categories of exceptions to Section 1090: "remote interests" and "non-interests." Where a government official has a "remote interest," he or she must take three steps before the body on which he or she sits may vote on that contract. First, the official must disclose the interest to the government body. Second, the interest must be noted in the government body's official records. Finally, the official with the "remote interest" must abstain from participating in making the contract. While the willful failure of an officer to disclose a remote interest in a contract would subject that officer to penalties, the contract itself is not subject to cancelation due to the violation unless the contracting party had knowledge of the fact of the remote interest of the officer at the time the contract was executed.

One existing "remote interest" under Section 1090 is that of an engineer, geologist, or architect employed by a consulting engineering or architectural firm, provided that the employee of the consulting firm does not serve in a primary management capacity, and is not an officer or director of the firm. This bill expands that remote interest such that it also applies to planners and to those employed by consulting planning firms.

Additionally, this bill creates a new "remote interest" under Section 1090, providing that the interest of an owner or partner of a firm serving as an appointed member of an unelected board or commission of the contracting agency is a remote interest if the owner or partner recuses himself or herself from providing any advice to the contracting agency regarding the contract between the firm and the contracting agency and from all participation in reviewing a project that results from that contract.

SJR 13 (DE LEÓN)
RESOLUTION CHAPTER 160, STATUTES OF 2015
VOTING: APPORTIONMENT.

Legislative History	
Senate Judiciary	7-0
Senate Floor	36-0
Assembly Elections	5-1
Assembly Floor	57-11

In April 2014, two individuals in Texas filed a lawsuit in the United States (U.S.) District Court for the Western District of Texas challenging the state's senatorial districts that were adopted by the Legislature and the Governor. In that case, *Evenwel v. Perry* (2014), case number A-14-CA-335-LY-CH-MHS, the plaintiffs alleged that the state's senatorial districts violated the "one person, one vote" principal of the Equal Protection Clause. Although the plaintiffs acknowledged that the Senate districts were designed to have relatively equal populations, they argued that the failure to establish districts that equalized both total population *and* voter population was impermissible under the one person, one vote principle.

In November 2014, the District Court dismissed the case, finding that the plaintiffs "failed to plead facts that state an Equal Protection Clause violation under the recognized means for showing unconstitutionality under that clause" and that the "Plaintiffs' proposed theory for providing an Equal Protection Clause violation... has never gained acceptance in the law." In May 2015, the U.S. Supreme Court agreed to hear the appeal in *Evenwel*. (The case is now titled *Evenwel v. Abbott*, to reflect the fact that Greg Abbott became the Governor of Texas after the District Court issued its decision.) The U.S. Supreme Court will hear oral arguments in the case in December 2015.

This resolution urges the U.S. Supreme Court to uphold the U.S. Constitution's principle of "one person, one vote" in the case of *Evenwel v. Abbott*.

CHAPTERED BILLS

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