

2011

Assembly Committee on Elections and Redistricting Summary of Legislation 2011

Assembly Committee on Elections and Redistricting

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Assembly Committee on Elections and Redistricting

SUMMARY OF LEGISLATION 2011

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November 2011

Dear Interested Parties:

This booklet summarizes selected legislation approved by the Assembly Committee on Elections and Redistricting during the 2011 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 increase California's clout in Presidential elections, speed up the development of a system to allow Californians to register to vote online, provide voters with greater information about the impacts of proposed ballot measures, strengthen the ethics rules at the state's public pension systems, promote greater transparency at state and local government agencies, and save the state \$100 million by combining California's standalone presidential primary election with the primary election for other offices. These are just some of the important reforms approved by the Legislature this session. This booklet has a complete listing of these and other measures.

Most of the bills signed into law will take effect on January 1, 2012. Those bills noted as urgency measures took effect on the day they were signed by the Governor. The full text of legislation summarized in this pamphlet, as well as the committee analysis of those measures, may be viewed on the Internet via the Legislative Counsel's web site (<http://www.leginfo.ca.gov/>).

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

Sincerely,

Paul Fong

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KEY TO ABBREVIATIONS USED

N/R: Vote Not Relevant

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

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

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

ASSEMBLY COMMITTEE ON ELECTIONS & REDISTRICTING 2011 LEGISLATIVE HIGHLIGHTS

STREAMLINING ELECTIONS AND COST SAVINGS:

Mindful of the state's ongoing budget deficit, the committee approved a number of bills aimed at saving money by streamlining the state's election laws and procedures. A bill to consolidate California's presidential primary election with the statewide primary election held in June is expected to save the state \$100 million in avoided elections costs in 2012. Other bills signed into law allow elections officials to conduct post-election audits in a more efficient manner and provide community college districts with a faster and simpler method of changing elections methods when they are required to do so under the state's voting rights laws.

IMPROVING GOVERNMENT TRANSPARENCY AND ACCOUNTABILITY:

The committee took important steps to improve transparency and accountability at public pension systems by approving bills to limit gifts that pension system officials can receive from entities that are contracting with those systems, and to strengthen the "revolving door" laws that apply to former system officials. Additionally, the Legislature approved measures to strengthen ethics laws that apply to the High-Speed Rail Authority, the California Public Utilities Commission, and the Tahoe Regional Planning Agency, and to have the Fair Political Practices Commission serve as a clearinghouse for the financial disclosure documents of appointees to state boards and commissions.

VOTER ACCESS:

To improve access to the state's electoral process, the Legislature approved and the Governor signed bills to speed up the development of a system to allow California voters to register to vote online and to allow individuals who become citizens shortly before election day to participate in the state's elections.

INITIATIVE REFORM:

The Legislature approved a number of measures aimed at improving the state's initiative, referendum, and recall process. Among the measures approved by the committee were a bill to prohibit state initiative and referendum measures from appearing on the ballot at primary elections and several bills to provide voters with greater information about the financial backers and the fiscal impacts of proposed ballot measures.

PRESIDENTIAL ELECTIONS:

In an effort to increase the state's role in Presidential elections, California became the ninth state in the nation to enact a bill to create an interstate compact that would result in the President being elected by a national popular vote.

ASSEMBLY COMMITTEE ON ELECTIONS & REDISTRICTING
2011 LEGISLATIVE SUMMARY

AB 65 (GATTO)
VETOED

ELECTIONS: STATEWIDE BALLOT PAMPHLET.

*[Amends Section 9085 of the Elections Code, and
amends Section 88002.5 of the Government Code]*

Existing law requires the state ballot pamphlet to contain a section that provides a concise summary of the general meaning and effect of each state measure. These summary statements are prepared by the Legislative Analyst (Analyst).

This bill would have required the Analyst, if he or she determined that a state initiative measure would provide new revenues for new or existing programs, to include a disclaimer in the summary statement for that measure stating that the money generated by the initiative would be dedicated to the purposes listed in the initiative, and could not be spent for other purposes. The disclaimer would not have been required for any measure that allowed the Legislature to reallocate revenues or that provided for the revenues to be deposited without restriction into the General Fund at a future date.

On October 7, 2011, this bill was vetoed by Governor Brown. In his veto message, the Governor indicated that he was "sympathetic to the author's concerns that voters should understand more clearly the consequences of initiatives that dedicate revenue to a specific purpose," but expressed his belief that "the rote disclaimer mandated by this bill won't provide voters greater clarity."

Legislative History

Assembly Elections	N/R
Assembly Appropriations	N/R
Assembly Floor	N/R
Assembly Elections (77.2)	7-0
Assembly Concurrence.....	62-14
Senate Elections.....	4-1
Senate Appropriations	(28.8)
Senate Floor	32-5

AB 80 (FONG)
 CHAPTER 138, STATUTES OF 2011
 PRESIDENTIAL PRIMARY: ELECTION DATE.

[Amends Sections 340, 1000, 1001, and 1202 of the Elections Code]

In 2007, the Legislature passed and the Governor signed SB 113 (Calderon), Chapter 2, Statutes of 2007, which moved the state's presidential primary election to February. SB 113 retained the requirement that a statewide direct primary election be held in June for all other offices. As a result, the state held three separate statewide elections in 2008—a presidential primary election in February, a statewide direct primary election in June, and a statewide general election in November.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Floor	75-0
Senate Elections	5-0
Senate Floor	34-3

The presidential primary election was moved to February in part to increase California's role in the selection of the political parties' nominees for President. However, by the time California voters went to the polls in 2008, 33 other states had also moved up their presidential primaries and 15 states held their primary on the same day as California. As a result, the state's influence in the presidential primary process was limited. Furthermore, holding an additional statewide election in 2008 cost the state and local governments close to \$100 million dollars.

Absent further legislation, the state would have been required to hold three statewide elections in 2012. Additionally, the presidential primary would have been held in February, which is outside the window during which the national political parties permit the state to hold its presidential primary in 2012.

This bill moves the presidential primary election from February to June in presidential election years and consolidates it with the statewide direct primary election. By eliminating the state's standalone presidential primary election, this bill will save the state nearly \$100 million dollars every four years while ensuring that the state's presidential primary election is held on a date that is in compliance with the rules of the national political parties.

AB 84 (FONG)
 CHAPTER 186, STATUTES OF 2011
 ELECTIONS: NEW CITIZENS.

[Amends Sections 331 and 3500 of the Elections Code]

The California Constitution provides that "[a] United States citizen 18 years of age and a resident in this State may vote." Under existing law, a resident of California who is at least 18 years of age and who becomes a citizen in the last seven days before an election would not be permitted to vote, even though that person meets all the criteria in the state Constitution to vote. The reason that such an individual would be unable to vote is that state law does not permit an individual to register to vote until he or she is a citizen of the United States, and the typical deadline to register to vote is 15 days before an election. Existing law provides for a limited exception to that voter registration deadline, allowing new citizens to register and vote at the office of the county elections official up to seven days before an election. A person who becomes a citizen in the last seven days before an election is denied the ability to register to vote, and is therefore unable to vote at that election.

<u>Legislative History</u>	
Assembly Elections	5-2
Assembly Appropriations	11-5
Assembly Floor	52-25
Senate Elections.....	3-2
Senate Appropriations	(28.8)
Senate Floor	22-14

This bill allows individuals who became citizens after the voter registration deadline to register and vote at a location designated by the elections official until the close of polls on election day.

AB 93 (LARA)
 CHAPTER 1, STATUTES OF 2011
 ELECTIONS: CITY OF BELL. URGENCY.

[Special Statute]

In September 2010, eight current and former Bell city officials were arrested, including four of the five sitting city council members at the time. At the time of the arrests, a recall effort was underway against those four council members. The recall against all four council members qualified for the ballot, and the recall election was scheduled for March 8, 2011, to coincide with the city's general municipal election. Although one of the council members who was the subject of the recall subsequently resigned, the recall election nonetheless proceeded against that official

<u>Legislative History</u>	
Assembly Floor	N/R
Assembly Elections (77.2)	7-0
Assembly Concurrence.....	71-0
Senate Elections.....	5-0
Senate Floor	36-0

because he resigned after recall petitions had been submitted for signature verification.

As part of the criminal case against the city council members, a Los Angeles Superior Court judge prohibited those council members from engaging in any city business. As a result, the City of Bell did not have a functioning city council while the recall election proceeded. However, certain provisions of existing state law and of the Bell City Charter require the city council to adopt a resolution reciting the fact of any city election, to declare elected the persons for whom the highest number of votes was cast for each office, and to install the newly elected officers. In light of the court order prohibiting council members from engaging in city business, it was not possible for the Bell City Council to take these actions.

As a result, this bill established an alternate procedure for the declaration of election results for, and the installation of officers elected at, the March 8, 2011, municipal election in the City of Bell. Under the provisions of this bill, the Los Angeles County Board of Supervisors adopted a resolution reciting the fact of the election and declaring the results of the election, and the Bell City Clerk installed the newly elected officers.

AB 182 (DAVIS)
CHAPTER 96, STATUTES OF 2011
POLITICAL REFORM ACT OF 1974: STATEMENTS OF ECONOMIC INTERESTS.

[Amends and repeals Section 87500.1 of the Government Code]

AB 2607 (Davis), Chapter 498, Statutes of 2008, established a pilot project permitting Los Angeles, Merced, Orange, and Stanislaus Counties to permit the electronic filing of a Statement of Economic Interests (SEI) in accordance with regulations adopted by the Fair Political Practices Commission (FPPC). AB 1149 (Davis), Chapter 139, Statutes of 2009, made two minor changes to that pilot project, and AB 1921 (Davis), Chapter 58, Statutes of 2010, allowed Santa Clara and Ventura Counties and the City of Long Beach to participate in the pilot project. The pilot project began in 2009 for SEIs filed for the 2008 calendar year, and was scheduled to conclude with SEIs filed for the 2010 calendar year. Participants in the pilot project were required to submit a report to the FPPC no later than July 1, 2011, which in turn was required to forward the reports to the Legislative Analyst's Office (LAO) along with any comments that the FPPC had on those reports or the pilot project. Based on that information, the LAO is required to provide a report to the Legislature evaluating the pilot project not later than February 1, 2012.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Floor	74-0
Senate Elections.....	5-0
Senate Floor	33-0

This bill allows jurisdictions that were participating in the pilot project to continue to accept electronically filed SEIs for the 2012 calendar year while the Legislature reviews the LAO's report. If the Legislature, upon reviewing that report, subsequently decides to

enact further legislation to permanently allow SEIs to be filed electronically, this policy change will allow the participants in the pilot project to continue accepting SEIs electronically without interruption.

**AB 193 (KNIGHT)
CHAPTER 137, STATUTES OF 2011
POLLING PLACE DESIGNATION.**

[Adds Section 12287.5 to the Elections Code]

News outlets reported during the 2010 statewide general election that a small number of polling places were located at the residences of registered sex offenders.

This bill prohibits a single family home from being designated as a polling place if it is the residence of a person who is required to register pursuant to the Sex Offender Registration Act. Elections officials are required, at a minimum, to consult the Megan's Law Web site that is maintained by the Department of Justice prior to designating a location as a polling place.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	15-0
Assembly Floor	73-1
Senate Elections	5-0
Senate Appropriations	(28.8)
Senate Floor	37-0

**AB 293 (HILL)
VETOED
VOTE BY MAIL BALLOTS.**

[Amends Section 3019 of the Elections Code]

Existing law requires elections officials to establish procedures to allow voters to track and confirm the receipt of their vote by mail (VBM) ballots by means of online access using the county's elections division Internet web site. If the county does not have an elections division Internet web site, the elections official is required to establish a toll-free telephone number that may be used to confirm the date a VBM ballot was received.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	15-1
Assembly Floor	75-0
Senate Elections	4-0
Senate Appropriations	6-3
Senate Floor	35-3

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

This bill was vetoed by Governor Brown on September 6, 2011. In his veto message, the Governor noted that local governments have the ability under existing law to provide information to VBM voters about whether their ballots were counted, and stated that "in view of California's severe fiscal challenges . . . restraint must be exercised with regard to any new state mandates."

AB 362 (BONNIE LOWENTHAL)
CHAPTER 214, STATUTES OF 2011
ELECTIONS: SPECIFIED LOCAL OFFICES: WRITE-IN CANDIDATE.

[Amends Sections 8203 and 8600 of the Elections Code]

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

<u>Legislative History</u>	
Assembly Elections	5-1
Assembly Floor	53-21
Assembly Concurrence.....	50-26
Senate Elections.....	5-0
Senate Floor	29-8

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

This bill changes the number of signatures needed on a petition indicating that a write-in campaign will be conducted for the office of superior court judge from 100 signatures to a number of signatures equal to one-tenth of one percent of the registered voters qualified to vote with respect to the office, except that the petition requires at least 100 signatures and does not need more than 600 signatures. Additionally, this bill requires a write-in candidate for any office for which specific eligibility requirements apply to include a statement on his or her declaration of write-in candidacy indicating that he or she satisfies the eligibility requirements for that office.

AB 413 (YAMADA)
 CHAPTER 187, STATUTES OF 2011
 ELECTIONS: ALL-MAILED BALLOT ELECTIONS.

[Adds and repeals Section 4001 of the Elections Code]

Existing law allows elections to be conducted entirely by mailed ballot in certain circumstances, including an election in which no more than 1,000 registered voters are eligible to participate, an election on the issuance of a general obligation water bond, or a special election to fill a vacancy in a school district or city with a population of 100,000 or less.

<u>Legislative History</u>	
Assembly Elections.....	5-2
Assembly Floor.....	50-22
Assembly Concurrence.....	52-23
Senate Elections.....	5-0
Senate Floor.....	25-10

This bill creates a pilot program allowing Yolo County to conduct not more than three local elections as all-mailed ballot elections, subject to certain conditions. Yolo County is required to report to the Legislature and to the Secretary of State within six months of any all-mailed ballot election regarding the success of that election. The pilot project will conclude not later than January 1, 2018.

AB 420 (DAVIS)
 CHAPTER 548, STATUTES OF 2011
 REDISTRICTING.

[Adds Section 21003 to the Elections Code]

When the United States Census Bureau (Bureau) conducts the decennial census, it is the Bureau's policy that individuals who are incarcerated in correctional facilities on census day are counted at the facility of incarceration. Because the state uses population data from the Bureau for redistricting purposes, individuals who are incarcerated in California traditionally have been counted at the place of incarceration when district lines are drawn for the state Legislature, Congress, and the Board of Equalization (BOE). Because California's legislative districts have such large populations, and because the state correctional facilities are spread throughout the state, the prison population has a smaller impact when drawing legislative districts in California than in other states. Additionally, the prison population has a smaller impact on state redistricting than on local redistricting in California. Nonetheless, 8.6% of the population

<u>Legislative History</u>	
Assembly Elections	5-2
Assembly Appropriations	12-5
Assembly Floor.....	45-32
Assembly Concurrence.....	42-32
Senate Elections.....	3-2
Senate Appropriations	6-3
Senate Floor.....	23-14

in the 30th Assembly District, 5.7% of the population in the 20th Congressional District, and 4.3% of the population in the 16th Senate District are incarcerated in state prisons. All three of these districts include the same seven adult correctional facilities, with a combined population of nearly 37,000 inmates.

Because districts at the local level tend to have much smaller populations than state legislative districts, including prison population totals when drawing district lines could result in districts where all or most of the population of a district are disenfranchised prisoners. In 1991, in response to a question from the County Counsel of Amador County, Attorney General Dan Lungren opined that state prisoners and California Youth Authority wards may be excluded from the total population for the purposes of redrawing county supervisorial districts.

This bill requests the Citizens Redistricting Commission, when adjusting district boundaries for state Legislature, Congress, and the BOE, to deem an incarcerated person as residing at his or her last known residence, rather than the institution of his or her incarceration. This bill will be effective for the redistricting conducted after the 2020 census and for subsequent redistricting processes.

AB 459 (HILL)
CHAPTER 188, STATUTES OF 2011
ELECTORAL COLLEGE: INTERSTATE COMPACT.

[Adds Chapter 1.5 (commencing with Section 6920) to Part 2 of Division 6 of the Elections Code]

Under existing law, the Presidential ticket that receives the greatest number of votes in the state receives all of California's electoral votes.

This bill ratifies an interstate compact whereby California will award its electoral votes to the Presidential ticket that received the most popular votes nationwide, but only if and when the states who are parties to the compact cumulatively possess a majority of the electoral votes.

<u>Legislative History</u>	
Assembly Elections	5-1
Assembly Appropriations	14-2
Assembly Floor	51-21
Assembly Concurrence.....	52-15
Senate Elections.....	3-2
Senate Appropriations	(28.8)
Senate Floor	23-15

**AB 461 (BONILLA)
CHAPTER 189, STATUTES OF 2011
WRITE-IN CANDIDATES.**

[Adds Section 15342.5 to the Elections Code]

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

<u>Legislative History</u>	
Assembly Elections	5-2
Assembly Floor	51-21
Senate Elections	3-2
Senate Floor	24-14

This bill provides that, in the event of a manual recount, provisions of law governing the counting of write-in votes shall be liberally construed to ensure that each ballot is counted if the intent of the voter can be determined, regardless of whether the voter has complied with the voting instructions. In a future case with issues similar to those that arose during Donna Frye's mayoral race, during a recount, votes in which the voter wrote-in the name of a qualified write-in candidate, but did not fill in the oval, would be counted.

**AB 503 (BLOCK)
CHAPTER 190, STATUTES OF 2011
PROCESSING WRITE-IN VOTES.**

[Amends Section 15342 of the Elections Code]

Donna Frye was a qualified write-in candidate for mayor in the city of San Diego at the November 2004 general election. When the official canvass of election results was completed, it showed Frye finishing second to incumbent mayor Dick Murphy by 2,108 votes. A recount, requested by five media organizations and two Frye supporters, uncovered a total of 5,551 ballots in which a voter wrote-in Frye's name on the ballot in the correct location, but did not darken the

<u>Legislative History</u>	
Assembly Elections	5-2
Assembly Appropriations	12-5
Assembly Floor	53-23
Senate Elections	3-2
Senate Floor	23-14

oval next to the write-in space. Had those ballots been counted for Frye, she would have won the election by 3,443 votes. However, the registrar of voters in San Diego County refused to count those votes, citing state law that requires the oval to be darkened in order for a write-in vote to count. The registrar's position was subsequently upheld by the San Diego Superior Court.

This bill permits an elections official, after tallying all eligible votes but prior to completion of the official canvass and the issuance of the certified statement of the results, to hand tally undervotes and to count each vote for an office if the intent of the voter can be determined, regardless of whether the voter has complied with the voting instructions. In a future case with issues similar to those that arose during Donna Frye's mayoral race, a qualified write-in candidate could request a hand-tally, prior to the issuance of the certified statement of the results, and votes in which the voter wrote-in the name of a qualified write-in candidate, but did not fill in the oval, would be counted. To avoid creating a new state mandate, however, this bill provides that it is the elections official's option whether to conduct such a hand-tally.

AB 547 (GATTO)
CHAPTER 260, STATUTES OF 2011
VOTING.

[Adds Section 18573.5 to the Elections Code]

Elders in state-licensed or state-subsidized facilities or programs often have physical or cognitive impairments—conditions that may be the basis of their eligibility for such facilities or programs, but conditions that may, nevertheless, limit their ability to independently cast a vote. As a result, many elders choose to vote via vote by mail (VBM) ballot, as opposed to going to the polls on election day. Given the high use of VBM ballots in this population, questions and concerns have arisen regarding the influence elders are receiving from caregivers in the receipt, completion, and return of their ballots.

<u>Legislative History</u>	
Assembly Elections	6-0
Assembly Appropriations	17-0
Assembly Floor	75-0
Assembly Concurrence.....	71-0
Senate Public Safety	7-0
Senate Appropriations	(28.8)
Senate Floor	38-0

This bill makes it a misdemeanor for a person who is providing care or direct supervision to an elder in a state-licensed or state-subsidized facility or program to coerce or deceive the elder into voting for or against a candidate or measure contrary to the elder's intent or in the absence of any intent of the elder to cast a vote for or against that candidate or measure.

**AB 651 (HUESO)
VETOED
INITIATIVES: PAID CIRCULATORS.**

[Adds Section 9023 to the Elections Code]

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

This bill would have required all professional petition firms, defined as entities that pay individuals to circulate petitions and gather signatures for the purpose of qualifying an initiative on a state or local election ballot, to register with the Secretary of State (SOS) and pay a registration fee established by the SOS. This bill would have required the SOS to use the fees collected to maintain an online directory of such professional petition firms. Finally, this bill would have required a member of a professional petition firm to review the law relating to obtaining petition signatures with each paid petition circulator before a paid petition circulator could obtain any signatures for the firm.

<u>Legislative History</u>	
Assembly Elections	5-2
Assembly Appropriations	12-3
Assembly Floor	50-24
Assembly Concurrence.....	48-27
Senate Elections.....	3-2
Senate Appropriations	(28.8)
Senate Floor	23-16

On October 7, 2011, Governor Brown vetoed this bill, stating that he was "not convinced that these new requirements are needed or would improve the initiative process."

**AB 684 (BLOCK)
CHAPTER 614, STATUTES OF 2011
COMMUNITY COLLEGE DISTRICTS: TRUSTEE ELECTIONS. URGENCY.**

[Adds Sections 72036 and 72036.5 to the Education Code]

Under existing law, a community college district (CCD) board can be organized so that members are elected at-large or so that members are elected by trustee areas. For districts that wish to move from an at-large method of election to a trustee area method of election, existing law requires the voters of the district to approve the change. If the voters reject the proposed change, the district must continue holding elections using an at-large method of election.

<u>Legislative History</u>	
Assembly Elections	6-0
Assembly Appropriations	15-1
Assembly Floor	72-3
Assembly Concurrence.....	73-4
Senate Education	9-0
Senate Elections.....	4-0
Senate Appropriations	7-1
Senate Floor	34-3

SB 976 (Polanco), Chapter 129, Statutes of 2002, enacted the California Voting Rights Act (CVRA) to address racial block voting in at-large elections for local office in California. In areas where racial block voting occurs, an at-large method of election can dilute the voting rights of minority communities if the majority usually votes for majority candidates rather than for minority candidates. 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.

Since the enactment of the CVRA, a number of local jurisdictions have converted or are in the process of converting from an at-large method of election to district-based elections. While some jurisdictions have done so in response to litigation, other jurisdictions have begun the process of changing election methods because they believe they would be susceptible to a legal challenge under the CVRA, and they wish to avoid the potential expense of litigation.

However, even if a local governmental body attempts to address concerns about an at-large method of election by attempting to move to a district-based method of election, that body could nonetheless face a challenge under the CVRA if the change to a district-based election method requires voter approval (as is the case with CCDs) and the voters reject the proposed change.

This bill establishes a procedure for the governing board of a CCD to change election methods, including moving from at-large elections to elections by trustee area, without voter approval. Under this procedure, the Board of Governors of the California Community Colleges can authorize a CCD to move from at-large elections to elections by trustee area without the need for the approval of the voters of the CCD. Additionally, this bill requires members of the governing board of the Grossmont-Cuyamaca Community College District to be elected by trustee area.

AB 732 (BUCHANAN)
CHAPTER 453, STATUTES OF 2011
BOND MEASURES: BALLOT PAMPHLET: LEGISLATIVE ANALYST: TABLE.

*[Amends Sections 9086 and 9087 of the Elections Code, and
amends Sections 88002 and 88003 of the Government Code]*

In 2009, the Little Hoover Commission (LHC) released a report entitled, "Bond Spending: Expanding and Enhancing Oversight." In the report, the LHC made several recommendations to the Legislature aimed at increasing the oversight and accountability of bond measures that have already passed, as well as increasing the clarity and transparency for bond measures that will be proposed to voters in the future. One of the recommendations included in the report was for the state to include a simple and easy-to-understand report card in the voter guide for all bond measures placed on the ballot.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Appropriations	17-0
Assembly Floor	75-0
Assembly Concurrence.....	79-0
Senate Elections.....	5-0
Senate Appropriations	(28.8)
Senate Floor	39-0

This bill seeks to improve voters' understanding of the impacts of bond measures by requiring the summary prepared by the Attorney General for state bond measures that appears in the state ballot pamphlet to include an explanatory table summarizing the Legislative Analyst's estimate of the net state and local government fiscal impact.

AB 754 (FLETCHER)
CHAPTER 57, STATUTES OF 2011
ELECTIVE OFFICE: MILITARY SERVICE.

[Adds Section 202 to the Elections Code]

Existing law allows a candidate for office to designate another person to receive a declaration of candidacy form from the elections official on behalf of the candidate. Existing law does not, however, explicitly permit a designated representative of a candidate to complete nomination documents on behalf of the candidate.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Floor	74-0
Senate Elections.....	5-0
Senate Floor	36-0

This bill allows a person who is deployed on active military service outside the state to designate another person to file candidacy and nomination documents on the deployed person's behalf. Under the provisions of this bill, a person who is deployed on active

military service outside the state and is unable to appear to file a declaration of candidacy, nomination paper, or any other paper necessary for the deployed person to run for office, could have that declaration or paper completed and filed by an attorney-in-fact, commissioned and empowered in writing for that purpose through a power of attorney.

AB 873 (FURUTANI)
CHAPTER 551, STATUTES OF 2011
POLITICAL REFORM ACT OF 1974:
POSTGOVERNMENT EMPLOYMENT RESTRICTIONS.

[Adds Sections 87408, 87409, and 87410 to the Government Code]

In 2009, a public pension fund scandal involving the trade of campaign contributions for pension fund investments broke in New York State. The individuals at the center of that scandal were investment middlemen, called placement agents, and some of those involved were linked to placement agent firms in California.

In 2010, the California Public Employees' Retirement System (CalPERS) commissioned a study to review their investment decision making and identify ethical vulnerabilities. The findings of that report included a recommendation to limit the “revolving door” of employment between state pension fund investment work and private firms seeking better access to those investments.

This bill extends existing revolving door bans and establishes new revolving door bans on board members and high-ranking employees of CalPERS and the State Teachers' Retirement System.

<u>Legislative History</u>	
Assembly PER&SS	6-0
Assembly Elections	7-0
Assembly Appropriations	16-0
Assembly Floor	78-0
Assembly Concurrence.....	79-0
Senate PE&R	5-0
Senate Appropriations	(28.8)
Senate Floor	39-0

AB 952 (JONES)
 VETOED
 HIGH-SPEED RAIL.

[Amends Section 185034 of, and adds Section 185025 to, the Public Utilities Code]

Existing law generally limits the value of gifts that state and local government officials and employees can receive if those gifts are from certain sources, with limited exceptions. Additionally, existing law restricts the post-governmental activities of specified former public officials, commonly known as a "revolving door ban."

<u>Legislative History</u>	
Assembly Transportation	11-0
Assembly Elections	7-0
Assembly Floor	78-0
Assembly Concurrence.....	79-0
Senate Trans. & Housing.....	6-0
Senate Floor	34-0

This bill would have prohibited members, employees, and consultants of the High-Speed Rail Authority (HSRA) from receiving any gifts, and would have imposed a three-year revolving door ban on members, employees, and consultants of the HSRA. Additionally, this bill would have prohibited the HSRA from receiving gifts or transferring any gifts it receives without the approval of the Department of Finance.

Governor Brown vetoed this bill on October 2, 2011. In his veto message, the Governor noted that the HSRA "is already regulated under the Political Reform Act (PRA) by the Fair Political Practices Commission (FPPC)." The Governor further argued that "[t]he existing gift and revolving door laws work well and apply uniformly to nearly all departments. There is no reason to add complexity to this area of regulation by creating a different set of rules for the [HSRA]."

AB 985 (WILLIAMS)
 CHAPTER 52, STATUTES OF 2011
 ELECTIONS: OFFICIAL CANVASS: MANUAL TALLY.

[Amends Section 15360 of the Elections Code]

To help ensure that ballots are counted accurately, state law requires the elections official who conducts an election where a voting system is used to conduct a public manual tally of ballots cast in one percent of precincts in that election. The results of this manual tally are compared against the tally that was generated by the voting system. Before the election results can be certified, the elections official must reconcile any discrepancies

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Floor	73-0
Senate Elections.....	5-0
Senate Floor	36-0

between the machine count and the manual tally, and must report on how those discrepancies were resolved.

Among other provisions, SB 1235 (Bowen), Chapter 893, Statutes of 2006, requires county elections officials to include vote by mail (VBM) ballots in the manual tally of votes cast in one percent of the precincts. Prior to the adoption of SB 1235, some counties did not believe that VBM ballots were required to be included in the required manual tally of ballots cast in one percent of precincts, and so were not including those ballots.

Because VBM ballots typically are returned by mail, the VBM ballots cast from a particular precinct are likely to be spread out among all other VBM ballots, instead of being batched together with the polling place ballots from that precinct. As a result, elections officials must sort the VBM ballots by precinct before they can begin the manual tally of ballots under existing law. This sorting process can take a considerable amount of time, particularly if the elections official does not have equipment that can sort the ballots automatically.

In 2010, the Legislature approved and Governor Schwarzenegger signed AB 46 (Monning), Chapter 28, Statutes of 2010. AB 46 allowed four California counties to conduct separate manual tallies of polling place ballots and VBM ballots for elections held on three specified dates. That bill was enacted to help ease the burden on elections officials in those counties after Governor Schwarzenegger scheduled a special primary election in the 15th Senate District to be held just two weeks after the statewide primary election in June of that year. Those counties that took advantage of the flexibility provided by AB 46 reported that the two-part manual tally significantly reduced the costs and time of conducting the manual tally.

This bill authorizes counties to conduct a separate manual tally of polling place ballots and of VBM ballots for any election, similar to the manual tally procedure that was authorized by AB 46. Under this manual tally procedure, elections officials must conduct a public manual tally of the ballots, not including VBM ballots, cast in one percent of the precincts chosen at random by the elections official, and a public manual tally of not less than one percent of the VBM ballots cast in the election. Alternately, elections officials continue to have the option of conducting a single manual tally of all the ballots (including VBM ballots) cast in one percent of precincts.

**AB 1021 (GORDON)
VETOED
BALLOT MEASURES: FISCAL ANALYSIS.**

*[Amends Sections 9005 and 9087 of the Elections Code,
and amends Section 88003 of the Government Code]*

Since the creation of the initiative process, a number of approved measures have required a certain portion of General Fund (GF) spending to be dedicated to a specified purpose. These measures restrict the Legislature's ability to alter the relative shares of GF spending provided to program areas in any given year. For instance, Proposition 98 of 1988, provided for a minimum level of total spending on education. Similarly, Proposition 49 of 2002, requires that the state spend a certain amount on after-school programs.

<u>Legislative History</u>	
Assembly Elections	5-2
Assembly Appropriations	12-5
Assembly Floor	55-24
Assembly Concurrence.....	55-24
Senate Elections.....	3-2
Senate Appropriations	(28.8)
Senate Floor	24-13

This bill would have required a specified disclaimer to be included in the circulating title and summary and in the summary statement that appears in the state ballot pamphlet for any proposed initiative measure that would create a new program with costs of \$1 million or more and that did not provide new revenues or eliminate existing programs sufficient to fund the new program. That disclaimer would have emphasized that the enactment of the initiative measure could result in the reduction of existing programs or in revenue increases to pay for the costs of the initiative.

Governor Brown vetoed this measure on October 8, 2011. In his veto message, the Governor stated that "[t]he additional disclosure required by this bill will add words, but not greater understanding about the financial impact of a voter initiative."

AB 1055 (HILL)
VETOED
PUBLIC UTILITIES COMMISSION: SOLICITATION OF CONTRIBUTIONS
FROM REGULATED PERSONS OR CORPORATIONS.

[Adds Section 303.5 to the Public Utilities Code]

On September 7, 2010, Articles of Incorporation were filed with the California Secretary of State to establish the California Public Utilities Commission Foundation (Foundation) as a 501(c)(3) non-profit. In early 2011, the San Francisco Chronicle reported that the Foundation was soliciting donations from entities that were regulated by the California Public Utilities Commission (CPUC).

<u>Legislative History</u>	
Assembly Utilities	13-0
Assembly Elections	7-0
Assembly Appropriations	16-0
Assembly Floor	78-0
Senate Energy	10-0
Senate Appropriations	(28.8)
Senate Floor	36-0

This bill would have prohibited commissioners and employees of the CPUC from soliciting donations or contributions from entities regulated by the CPUC. Additionally, this bill would have required the CPUC to provide specified information to the Legislature annually regarding any commissioners or high-level staff members who served as officers or board members of organizations that solicit donations or contributions from entities regulated by the CPUC.

On October 9, 2011, this bill was vetoed by Governor Brown. In his veto message, the Governor argued that existing ethics, conflict of interest, and reporting rules were sufficient to protect against abuses.

AB 1343 (FONG)
CHAPTER 191, STATUTES OF 2011
VOTE BY MAIL: PROCEDURES: PERMANENT VOTE BY MAIL VOTERS:
FAILURE TO RETURN BALLOT.

[Amends Section 3206 of the Elections Code]

Since 2002, California law has allowed any voter to become a permanent vote by mail (PVBM) voter, and to receive a vote by mail (VBM) ballot for every election without applying for a VBM ballot at each election. Since that time, the number of PVBM voters in the state has increased from fewer than 300,000 in 2000, to nearly 6.5 million by the November 2010, general election.

<u>Legislative History</u>	
Assembly Elections	5-2
Assembly Floor	50-26
Senate Elections	3-2
Senate Floor	24-14

Under existing law, a voter's name is removed from the PVBM voter list if he or she fails to return an executed VBM ballot for two consecutive statewide general elections. As the number of occasional voters who have signed up to be PVBM voters has increased, the percentage of VBM ballots mailed to voters that are returned and counted has declined.

This bill allows a voter's name to remain on the PVBM voter list unless he or she fails to return a VBM ballot for four consecutive statewide general elections, instead of two consecutive statewide general elections.

AB 1344 (FEUER & ALEJO)
CHAPTER 692, STATUTES OF 2011
LOCAL GOVERNANCE.

[Amends Sections 9255 and 9260 of the Elections Code, and amends Sections 34457, 34458, 54954.2, and 54956 of, adds Section 34458.5 to, adds Article 2.6 (commencing with Section 53243) to Chapter 2 of Part 1 of Division 2 of Title 5 of, and adds Chapter 10.1 (commencing with Section 3511.1) to Division 4 of Title 1 of, the Government Code]

The California Constitution gives cities the power to become charter cities. The benefit of becoming a charter city is charter cities have supreme authority over “municipal affairs.”

In September 2010, eight current and former Bell City officials, including four of the five sitting city council members at the time, were arrested and charged with multiple counts of misappropriating public funds and defrauding taxpayers of roughly \$5.5 million. Several news reports that came out during that time exposed conduct by the city council that, though sometimes in compliance with state law, inappropriately compensated councilmembers and city officials. Bell City Council members were able to enact at least some of those policies because of the city charter.

<u>Legislative History</u>	
Assembly Local Gov.	7-2
Assembly Elections	6-0
Assembly Appropriations	17-0
Assembly Floor	78-0
Assembly Concurrence.....	78-1
Senate Governance & Finance.	9-0
Senate Appropriations	9-0
Senate Floor	21-14

For a city to become to a charter city, the voters in the city must approve a city charter. According to media reports, the City of Bell seemingly intentionally scheduled the election for its charter proposal on a date not likely to garner much participation from voters. The special municipal election called for the purposes of voting on the charter happened on November 29, 2005 – just 5 days after Thanksgiving. Fewer than 400 voters turned out in the city of over 36,000 residents.

This bill makes a number of changes to existing law in response to some of the abuses that occurred in the City of Bell. Among other changes, this bill requires a city charter proposal or amendments to a city charter to be submitted to the voters for approval or

rejection at an established statewide general, statewide primary, or regularly scheduled municipal election date.

AB 1357 (SWANSON)
 CHAPTER 192, STATUTES OF 2011
 VOTER REGISTRATION.

[Amends Sections 2103, 2157, and 2158 of the Elections Code]

While the Secretary of State (SOS) currently provides voter registration forms on her Internet web site, that form is a federal voter registration form, which does not contain all of the information contained on the state voter registration form. Although California voters are permitted to register to vote using the federal form, county elections officials prefer that voters register using the state voter registration form, because the additional information contained on the state form can be helpful for the elections officials when conducting elections.

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Floor	70-0
Assembly Concurrence.....	75-1
Senate Elections.....	5-0
Senate Floor	37-0

Some counties provide state voter registration forms online; however, because current law does not explicitly authorize the use of online forms, many counties have been hesitant to provide this means of voter registration.

This bill permits county elections officials to provide voter registration forms online and requires the SOS to make a state version of the voter registration form available on his or her Internet Web site.

AB 1412 (ELECTIONS & REDISTRICTING COMMITTEE)
 CHAPTER 118, STATUTES OF 2011
 VOTE BY MAIL.

[Amends Sections 302 and 10405.7 of the Elections Code, amends Section 12172.5 of the Government Code, and amends Sections 11507 and 24507 of the Public Utilities Code]

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

<u>Legislative History</u>	
Assembly Elections	7-0
Assembly Floor	70-0
Senate Elections.....	5-0
Senate Floor	33-0

In 2007, the Legislature approved and the Governor signed AB 1243 (Karnette), a bill to change the terminology used to refer to those voters who choose to vote by mail from "absentee voters" to "vote by mail voters," to reflect that voters need not be absent from their precinct on election day in order to choose to vote by mail. While AB 1243 and subsequent legislation made most of the relevant changes to state law, Elections and Redistricting Committee staff recently discovered three instances in which state law still uses the obsolete term "absent voter." This lack of consistency in terminology has caused confusion about the appropriate application of the law, in part because existing state law establishes a special category of voter that is known as a "special absentee voter."

This bill changes those three uses of the term "absent voter" to "vote by mail voter" to conform to the Legislature's and Governor's actions on AB 1243. Additionally, this bill corrects multiple obsolete and erroneous cross-references.

SB 88 (YEE)
VETOED
ELECTIONS: NAMES OF CANDIDATES.

[Adds Section 13211.7 to the Elections Code]

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

<u>Legislative History</u>	
Senate Elections.....	5-0
Senate Appropriations	(28.8)
Senate Floor	39-0
Senate Concurrence.....	38-0
Assembly Elections	7-0
Assembly Appropriations	16-0
Assembly Floor.....	77-0

On September 6, 2011, Governor Brown vetoed this bill arguing that a change in state policy is unnecessary, and that local jurisdictions can adopt a policy regarding the translations of candidates' names if necessary.

SB 168 (CORBETT)
VETOED
PETITIONS: COMPENSATION FOR SIGNATURES.

[Adds Section 102.5 to the Elections Code]

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

This bill would have prohibited a person from paying or receiving money or any other thing of value based on the number of signatures obtained on a state or local initiative, referendum, or recall petition.

<u>Legislative History</u>	
Senate Elections.....	3-2
Senate Public Safety	5-2
Senate Appropriations	(28.8)
Senate Floor	23-15
Assembly Elections	5-2
Assembly Appropriations	10-5
Assembly Floor.....	48-28

On August 1, 2011, Governor Brown vetoed this bill arguing that it could "prohibit organizations from even setting targets or quotas for those they hire to gather signatures," and that eliminating the option of per-signature payment would "drive up the cost of circulating ballot measures, thereby further favoring the wealthiest interests."

SB 183 (CORREA)
CHAPTER 739, STATUTES OF 2011
BALLOTS: IDENTIFYING INFORMATION.

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

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

<u>Legislative History</u>	
Senate Elections.....	3-2
Senate Appropriations	(28.8)
Senate Floor	25-14
Assembly Elections	5-2
Assembly Appropriations	12-5
Assembly Floor	53-25

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

SB 199 (CORREA)
VETOED
ELECTIONS: VOTE BY MAIL BALLOTS.

[Amends Sections 3017 and 15320 of the Elections Code]

Existing law allows a voter to return his or her vote by mail (VBM) ballot on election day to any polling place within the jurisdiction of the elections official who issued the ballot (for statewide elections, ballots are issued by the counties, so VBM voters may return their VBM ballots to any polling place within the county).

<u>Legislative History</u>	
Senate Elections.....	3-2
Senate Appropriations	(28.8)
Senate Floor	26-14
Senate Concurrence.....	27-11
Assembly Elections.....	5-2
Assembly Appropriations	12-5
Assembly Floor	54-24

This bill would have allowed a voter to return his or her VBM ballot on election day to any polling place in the state. Elections officials would be required to forward VBM ballots received at the polling place to the elections official who issued the ballot.

On October 7, 2011, Governor Brown vetoed this bill, contending that "[a]llowing voters to return their vote-by-mail ballot at any polling location in the state will add complexity to the voting and election process without commensurate benefit."

**SB 202 (HANCOCK)
CHAPTER 558, STATUTES OF 2011
ELECTIONS: BALLOT MEASURES.**

*[Amends Section 9016 of the Elections Code, and repeals
Section 1 of Chapter 732 of the Statutes of 2010]*

Since the initiative and referendum processes were created in 1911, the state Constitution has always provided that qualified measures will appear on the ballot at the next general election held after a specified time period, or at any special election called by the Governor held prior to that general election. In fact, for the first 60 years that the initiative and referendum processes were in effect in California, initiative and referendum measures did not appear on the ballot at primary elections except when a special election was consolidated with a primary election.

<u>Legislative History</u>	
Senate Elections.....	N/R
Senate Appropriations	N/R
Senate Floor	N/R
Senate Appropriations (29.10) ..	6-3
Senate Concurrence.....	23-15
Assembly Elections	N/R
Assembly Appropriations	N/R
Assembly Elections (77.2)	5-2
Assembly Floor.....	45-30

However, in 1972, the Secretary of State (SOS) placed an initiative on the ballot at a primary election that was not consolidated with a statewide special election for the first time. The reason for the change in policy is unclear – although a bill enacted by the Legislature in 1971 allowed measures submitted to the voters by the Legislature to appear on primary election ballots (AB 1429 (Waxman), Chapter 1775, Statutes of 1971), there was no similar change made to provisions of state law governing the initiative or referendum process. Since placing an initiative on the primary election ballot in 1972, the office of the SOS has continued the practice of including initiatives on the ballot at primary elections.

This bill defines the term "general election," for the purposes of the provisions of the California Constitution that govern when state initiatives and referenda appear on the ballot, to mean only the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year. As a result, initiative and referendum measures no longer will appear on the ballot at statewide primary elections unless a statewide special election is called for the same day as, and is consolidated with, the statewide primary election. This bill does not affect initiative or referendum measures that had qualified for the ballot prior to July 1, 2011.

ACA 4 (Gatto and Niello), Res. Chapter 174, Statutes of 2010, proposes various changes to the state budget process and to the state's Budget Stabilization Fund. As with all constitutional amendments, ACA 4 requires the approval of the voters to take effect.

Among other provisions, AB 1619 (Budget Committee), Chapter 732, Statutes of 2010, required ACA 4 to be submitted to the voters at the 2012 statewide presidential primary

election. This bill repeals the provisions of AB 1619, and instead provides for ACA 4 to be submitted to the voters at the November 4, 2014, statewide general election.

In addition to specifying the election at which ACA 4 would appear on the ballot, AB 1619 also specified the text to be used as the ballot label and as the ballot title and summary for ACA 4 when it appears on the ballot. Subsequent to the Legislature's actions on AB 1619, the Court of Appeal of the State of California for the Third Appellate District ruled in *Howard Jarvis Taxpayers Association v. Bowen* (2011) 192 Cal. App. 4th 110, that the Political Reform Act (PRA) requires the Attorney General (AG) to prepare the ballot label and ballot title summary for state ballot measures, and that an attempt by the Legislature to override that requirement for any particular measure was not a valid amendment of the PRA that the Legislature had the authority to enact without the approval of voters. In light of this decision, the ballot label and ballot title and summary prepared by the Legislature for ACA 4 appear to be invalid.

This bill repeals the provisions of AB 1619 that specify the language to be used for the ballot label and ballot title and summary for ACA 4. As a result, the ballot label and ballot title and summary for ACA 4 will be prepared by the AG pursuant to provisions of existing law that govern the preparation of ballot labels and ballot titles and summaries for state measures generally.

**SB 205 (CORREA)
VETOED**

VOTER REGISTRATION: PAID REGISTRATION ACTIVITIES.

[Amends Sections 2159.5 and 18108.5 of, and adds Section 18109.5 to, the Elections Code]

While some voter registration drives pay employees on an hourly or salaried basis, other voter registration drives pay workers a specified amount of money for each completed voter registration card. In some cases, voter registration drives that pay workers on a per-registration basis only pay workers for voters who register with a specific political party, or pay the workers a larger amount of money for voters who register with a specific political party. While these per-registration payments may create incentives to register voters with a particular political party, they also may create financial incentives for the individuals who are registering voters to commit fraud.

<u>Legislative History</u>	
Senate Elections.....	3-2
Senate Appropriations	(28.8)
Senate Floor.....	24-15
Assembly Elections	5-2
Assembly Appropriations	12-5
Assembly Floor.....	49-27

In each of the last three election cycles, complaints have been filed by voters who said they were misled into changing their party affiliations. According to media reports of these complaints, the voter registration workers who were accused of misleading these

voters were paid as much as \$15 for each new voter that the worker registered with a particular political party.

This bill would have made it a misdemeanor to pay another person to register voters, or to receive payment for registering voters, if that payment was on a per-affidavit basis.

On October 7, 2011, Governor Brown vetoed this bill. In his veto message, the Governor expressed his belief that this bill would not help stop fraudulent voter registrations.

**SB 327 (ELECTIONS & CONSTITUTIONAL AMENDMENTS COMMITTEE)
CHAPTER 248, STATUTES OF 2011
ELECTIONS: PROCEDURE.**

*[Amends Sections 9205, 10226, and 10407 of, and adds
and repeals Section 10226.1 to, the Elections Code]*

This omnibus bill by the Senate Elections & Constitutional Amendments Committee makes various minor and technical changes to provisions of state law governing municipal elections.

Existing law requires the proponents of a municipal initiative measure to post or publish a notice of intention (NOI) to circulate an initiative petition prior to collecting signatures on that petition. The NOI is required to be accompanied by the title and summary of the proposed measure. State law was unclear, however, as to whether the NOI was required to be accompanied by the full text of the measure. This bill clarifies that the text of a proposed municipal initiative measure is not required to be published or posted when the proponents of the measure post or publish the NOI.

Additionally, this bill requires the nomination paper for a candidate for municipal office to include the candidate's residence address in order to assist city elections officials in certifying the eligibility of candidates. Finally, this bill changes the deadline for nomination papers to be filed by candidates for municipal office from 5:00 p.m. on the day of the deadline to the "close of business" on the day of the deadline, in order to ensure that city elections officials do not need to adjust normal business hours on days that are the deadline to file nomination papers for a municipal office.

<u>Legislative History</u>	
Senate Elections.....	4-0
Senate Appropriations	(28.8)
Senate Floor	40-0
Senate Concurrence.....	37-0
Assembly Elections	7-0
Assembly Appropriations	16-0
Assembly Floor	76-0

SB 334 (DESAULNIER)

VETOED

ELECTIONS: STATEWIDE BALLOT PAMPHLET.

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

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

<u>Legislative History</u>	
Senate Elections.....	3-2
Senate Appropriations	6-3
Senate Floor	23-14
Senate Concurrence.....	24-14
Assembly Elections	5-2
Assembly Appropriations	12-5
Assembly Floor.....	52-27

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

This bill was vetoed by Governor Brown on October 7, 2011. In his veto message, the Governor expressed concern that the cutoff date for including contributors in the ballot pamphlet in order to comply with printing deadlines could "mislead voters about the true supporters and opponents of a ballot measure."

SB 397 (YEE)

CHAPTER 561, STATUTES OF 2011

ONLINE VOTER REGISTRATION.

[Amends Section 2196 of the Elections Code]

SB 381 (Calderon), Chapter 613, Statutes of 2008, will allow a person to register to vote on the Secretary of State's (SOS) Internet web site if he or she has a valid California driver's license or state identification card. The online voter registration system authorized by SB 381 will not become operative until VoteCal, the state's new voter registration database, has been deployed. At the time the Legislature was considering SB 381, the VoteCal system was expected to be deployed by 2010. However,

<u>Legislative History</u>	
Senate Elections.....	3-2
Senate Appropriations	6-2
Senate Floor	25-14
Senate Concurrence.....	23-13
Assembly Elections	5-2
Assembly Appropriations	12-5
Assembly Floor.....	50-27

since that time, delays in the procurement process pushed back the estimated completion date for the VoteCal system, and the system is not expected to be fully operational until 2015.

This bill allows online voter registration to proceed outside of the development of the VoteCal system, provided that the Department of Motor Vehicles (DMV), the SOS, and county elections officials make the necessary adjustments to existing systems to allow the SOS to obtain an electronic copy of the signature from the DMV of each person attempting to register to vote online, and to transmit that signature to the appropriate county elections official.

**SB 398 (HERNANDEZ)
CHAPTER 704, STATUTES OF 2011
RETIREMENT: PLACEMENT AGENTS. URGENCY.**

[Amends Sections 7513.8, 7513.87, 82025.3, and 82047.3 of the Government Code]

Following allegations and investigations nationwide regarding placement agents that may have improperly attempted to sway the investment decisions of public retirement systems, the Legislature passed, and the Governor signed, AB 1743 (Hernandez), Chapter 668, Statutes of 2010, which requires placement agents that do business with the Public Employees' Retirement System or the State Teachers' Retirement System to be subject to the same reporting and ethics rules that govern lobbyists under the Political Reform Act (PRA).

<u>Legislative History</u>	
Senate PE&R	5-0
Senate Elections.....	5-0
Senate Appropriations	(28.8)
Senate Floor.....	39-0
Assembly PER&SS.....	6-0
Assembly Elections	7-0
Assembly Appropriations	17-0
Assembly Floor.....	78-0

According to information provided by the author's office, the intent of AB 1743 was to identify and regulate the activities of individuals soliciting investments for external managers. However, as implemented, there is concern that this new law could regulate the routine trading and sales of securities by a brokerage firm. This bill revises several definitions in current law and in the PRA to clarify that the requirements put into statute by AB 1743 only apply to placement agents who solicit investments for external managers.

SB 439 (NEGRETE MCLEOD)
VETOED
POLITICAL REFORM ACT OF 1974: PERS: STRS: GIFT LIMITS.

[Adds Section 22365 to the Education Code, and amends Section 89503 of, and adds Section 20154 to, the Government Code]

Existing law prohibits a member of a state board or commission, or a designated employee of a state or local government agency, from accepting gifts from any single source in a calendar year with a total value of more than \$420 if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. The Fair Political Practices Commission is required to adjust this gift limit on January 1 of each odd-numbered year to reflect changes in the Consumer Price Index, rounded to the nearest \$10.

<u>Legislative History</u>	
Senate PE&R	5-0
Senate Elections.....	5-0
Senate Appropriations	(28.8)
Senate Floor	39-0
Senate Concurrence.....	40-0
Assembly PER&SS	6-0
Assembly Elections	7-0
Assembly Appropriations	17-0
Assembly Floor	78-0

This bill would have prohibited board members and high-ranking employees of California Public Employees' Retirement System (CalPERS) and California State Teachers' Retirement System (CalSTRS) from accepting gifts totaling more than \$50 in a calendar year from a person who has secured a contract with or submitted a contract proposal to the applicable retirement system within the previous five years. Additionally, this bill would have prohibited contractors that make gifts in violation of this limit on two separate occasions in a five-year period from bidding on contracts with the retirement system for two years.

Governor Brown vetoed this measure on October 7, 2011. In his veto message the Governor argued that "creat[ing] a special set of rules that will apply exclusively to CalPERS and CalSTRS would add more complexity without sufficiently advancing the goals of the Political Reform Act."

**SB 441 (VARGAS)
CHAPTER 563, STATUTES OF 2011
ELECTIONS: CONTRIBUTIONS.**

[Repeals Section 13305 of the Elections Code]

Existing state law permits the county central committee of each qualified political party, at a direct primary election, to have a party contributor envelope or a one-page letter included in the mailing of the sample ballot to each registered voter in the county who disclosed a preference for that political party on his or her affidavit of registration. County central committees are required to cover any costs of including letters or envelopes in the sample ballot.

<u>Legislative History</u>	
Senate Elections.....	4-0
Senate Floor.....	30-7
Senate Concurrence.....	32-1
Assembly Elections	5-2
Assembly Floor.....	56-21

At the June 2010 primary election, the San Diego County elections official included a one-page letter provided by a political party in the sample ballot booklets mailed to that party's registered voters. In addition to soliciting funds for the party, the letter also contained endorsements for several state and local candidates, which gave it the appearance of a slate mailer. The letter was challenged in court on the grounds that the original intent of the law that authorized the insertion of the letter was to only allow for a party to solicit campaign contributions. The Superior Court in the case ultimately allowed the insert to be included, with some modifications. However, San Diego County incurred over \$25,000 in legal fees in the case.

This bill repeals the provision of law that authorized the county central committee of each qualified political party to have a party contribution envelope or one-page letter included in the mailing of the sample ballot at a direct primary election.

**SB 448 (DESAULNIER & HANCOCK)
VETOED
ELECTIONS.**

[Adds Section 101.5 to the Elections Code]

Existing law requires every state or local initiative petition to contain a statement notifying voters of their right to inquire whether the petition is being circulated by a paid signature gatherer or a volunteer.

This bill would have required an individual who receives compensation to circulate an initiative, referendum, or recall petition to identify himself or herself as a paid signature gatherer by wearing a badge stating "PAID SIGNATURE GATHERER" in no smaller than 30-point type.

This bill was vetoed by Governor Brown on September 6, 2011. In his veto message, the Governor argued that it was inappropriate for the state to "decide[] what citizens must wear when petitioning their government."

<u>Legislative History</u>	
Senate Elections.....	3-2
Senate Floor.....	25-15
Senate Concurrence.....	24-15
Assembly Elections	5-2
Assembly Floor.....	50-27

**SB 593 (GAINES)
CHAPTER 152, STATUTES OF 2011
POLITICAL REFORM ACT OF 1974: TAHOE REGIONAL PLANNING AGENCY:
MEMBERS: STATEMENT OF ECONOMIC INTERESTS.**

[Adds Section 67051 to the Government Code]

The Tahoe Regional Planning Agency (TRPA) was established in 1969 when Congress ratified the Tahoe Regional Planning Compact between California and Nevada. The TRPA was created as a regional agency because the Lake Tahoe watershed crosses a number of state and local political boundaries. The TRPA has a 15-member governing board—seven members from California, seven members from Nevada, and a non-voting member appointed by the President. The board's mandate is to set policy and approve amendments to the Lake Tahoe Regional Plan. According to the TRPA, it is the responsibility of the board to use data along with public input to make decisions and create regulations that protect the health and quality of Lake Tahoe.

<u>Legislative History</u>	
Senate Elections.....	5-0
Senate Appropriations	(28.8)
Senate Floor.....	39-0
Assembly Elections	7-0
Assembly Appropriations	16-0
Assembly Floor.....	76-0

This bill requires each California member of the TRPA to comply with the Political Reform Act and to file a statement of economic interests.

SB 801 (KEHOE)
CHAPTER 252, STATUTES OF 2011
POLITICAL REFORM ACT OF 1974: STATEMENT OF ECONOMIC INTERESTS.

[Amends Section 87500 of the Government Code]

Existing law generally requires specified elected state, county, and city officers, as well as members of certain state licensing or regulatory boards, bureaus, or commissions, to file their Statements of Economic Interests (SEIs) with their respective agencies or their county/city clerks, which are required to make and retain a copy and forward the original to the Fair Political Practices Commission (FPPC), which acts as the filing officer. Most other individuals who are required to file SEIs must file the original SEIs with their agencies or with the agencies' code reviewing bodies as provided by the agencies' conflict of interest codes.

<u>Legislative History</u>	
Senate Elections.....	4-0
Senate Appropriations	(28.8)
Senate Floor	37-0
Senate Concurrence.....	34-0
Assembly Elections	7-0
Assembly Appropriations	16-0
Assembly Floor.....	76-0

This bill requires the original or a copy of any SEI filed by a public officer who is appointed to a position on a state board, commission or similar multimember body to be sent to the FPPC. This will allow the FPPC to serve as a clearinghouse of information about the economic interests of all appointees to state boards, commissions, and similar bodies.

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