

2013

2013 Legislative Summary

Assembly Committee on Elections and Redistricting

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December 2013

Dear Interested Parties:

This booklet summarizes selected legislation approved by the Assembly Committee on Elections and Redistricting during the 2013 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 streamline and strengthen enforcement of the state's campaign finance and ethics laws, protect the voting rights of Californians in the wake of a natural disaster, crack down on abuses of the initiative process, and ensure that voters with limited English proficiency have access to the electoral process. 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, 2014. 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://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,

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 LEGISLATIVE HIGHLIGHTS

STREAMLINING AND STRENGTHENING ETHICS LAWS:

To further strengthen the state's comprehensive public ethics laws, the Legislature approved and the Governor signed bills to improve enforcement of the state's laws governing conflicts of interests, to allow the Fair Political Practices Commission to develop an online system for filing and displaying financial disclosure documents that are required to be filed by public officials, and to ensure that public funds are not used for campaign purposes. Another new law will streamline the process for the Fair Political Practices Commission to collect unpaid fines and penalties so that it can redirect resources toward more thorough enforcement of the Political Reform Act. The committee also approved legislation that sought to significantly increase the penalties for violations of the Political Reform Act.

IMPROVING CAMPAIGN DISCLOSURE:

In response to increased campaign activity by nonprofit organizations, the committee approved bills intended to ensure that multipurpose organizations that make campaign contributions and expenditures are required to disclose the major donors to those efforts. The Legislature also approved a bill to formally begin the development of a new campaign disclosure system and to provide additional funding for that system.

REFORMING THE INITIATIVE PROCESS:

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 bills to require that grassroots signature gatherers be involved in qualifying state initiatives for the ballot, to allow for the disqualification of signatures that are gathered using fraud or deceit, and to provide potential petition signers with more information about the financial backers of proposed initiative measures.

ENSURING ACCESS TO THE ELECTORAL PROCESS:

In the wake of Hurricane Sandy, and its impact on the 2012 Presidential election, the Legislature and the Governor took steps to minimize disruptions to the state's elections in the wake of a natural disaster. New laws will require the Secretary of State to develop procedures and guidelines for voting in the event of a natural disaster or state of emergency, and will protect the voting rights of California emergency workers who are assisting in relief efforts in other states. The Legislature also took steps to ensure that voters with limited English proficiency are able to fully participate in California's electoral process by ensuring that there is an adequate supply of bilingual poll workers. Another bill approved by the Legislature sought to make federal language accessibility laws applicable to the state's initiative process.

ASSEMBLY COMMITTEE ON ELECTIONS & REDISTRICTING
LEGISLATIVE SUMMARY

AB 131 (WILLIAMS)
CHAPTER 93, STATUTES OF 2013
VOTER REGISTRATION: AFFIDAVITS: REBUTTABLE PRESUMPTIONS.

[Amends Section 2154 of the Elections Code]

The National Voter Registration Act of 1993, also known as "Motor Voter," requires every state to accept a uniform federal voter registration application by mail, among other provisions. Under Motor Voter, the federal voter registration application may require only such identifying information and other information as is necessary to enable the elections official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process. The federal voter registration application, which is accepted for voter registration in California pursuant to federal law, does not request information about the applicant's place of birth.

<u>Legislative History</u>	
Assembly Elections.....	5-1
Assembly Floor.....	47-23
Senate Elections.....	3-1
Senate Floor.....	26-10

Because the uniform federal voter registration application does not contain a space for the applicant's place of birth, any Californian who registers to vote using that form has his or her registration processed even though he or she has not specified his or her place of birth on the voter registration application. On the other hand, a voter who attempts to register using the state's voter registration affidavit and who leaves the space for "place of birth" blank does not have his or her registration processed unless the county elections official is able to contact that voter and obtain that information from the voter.

This bill specifies that if a registrant fails to identify his or her place of birth, it is presumed that he or she is eligible to register to vote as long as the registrant marked the box stating that he or she is a citizen of the United States and signs the affidavit under penalty of perjury.

AB 149 (WEBER)
 CHAPTER 580, STATUTES OF 2013
 VOTING RIGHTS: COUNTY PROBATION DEPARTMENTS.

[Adds Section 2105.5 to the Elections Code]

Under existing law, in order to be eligible to vote an individual must be a United States citizen, a resident of California, not in prison or on parole for the conviction of a felony, not deemed mentally incompetent, and at least 18 years of age at the time of the next election. Additionally, existing law requires the facility administrator of a local detention facility to develop written policies and procedures whereby the county registrar of voters allows qualified voters to vote in local, state, and federal elections. However, despite these efforts, many otherwise eligible voters mistakenly believe that they are ineligible to vote due to a criminal charge or conviction.

<u>Legislative History</u>	
Assembly Public Safety	5-2
Assembly Elections.....	5-2
Assembly Appropriations	12-5
Assembly Floor	62-13
Senate Elections.....	4-1
Senate Appropriations	4-2
Senate Floor	26-11

This bill requires each county probation department to provide voting rights information to incarcerated persons, as specified, in an effort to minimize the confusion and better inform and educate voters of their eligibility.

AB 214 (SKINNER)
 CHAPTER 498, STATUTES OF 2013
 VOTING: STATE OF EMERGENCY.

[Adds Section 19104 to the Elections Code]

Unpredictable natural disasters can reduce voting accessibility. Hurricane Sandy, which made landfall in the United States eight days before the 2012 presidential general election, displaced tens of thousands of individuals and interfered with the ability of those affected by the storm to vote. Hurricane Sandy prompted many states to consider whether they are prepared for the next emergency.

<u>Legislative History</u>	
Assembly Elections.....	5-0
Assembly Appropriations	12-0
Assembly Floor	65-5
Assembly Concurrence.....	66-9
Senate Elections.....	3-1
Senate Appropriations	7-0
Senate Floor	34-3

This bill requires the Secretary of State (SOS) to develop procedures and publish guidelines for voting in the event of a natural disaster or other state of emergency, in an effort to ensure that Californians' voting rights are not hindered by natural disasters. Specifically, this bill requires the SOS, by December 31, 2014, to establish procedures and guidelines for voting in the event of a natural disaster or other state of emergency, post the guidelines on SOS's Internet web site, and submit a

report to the Legislature on the readiness of the state to hold elections during or following a natural disaster or state emergency.

AB 331 (GARCIA)
 CHAPTER 98, STATUTES OF 2013
 CONSOLIDATION OF ELECTIONS.

[Amends Sections 10403 and 10418 of the Elections Code]

Existing law gives cities and counties the ability to adopt charters, which give those jurisdictions greater autonomy over local affairs. Charter cities, in particular, have a great deal of autonomy over the rules governing the election of municipal officers. Accordingly, a number of charter cities have adopted election policies and procedures that are not available to general law cities.

<u>Legislative History</u>	
Assembly Elections.....	6-0
Assembly Floor.....	70-0
Senate Elections.....	4-0
Senate Floor.....	33-0

When an election for a charter city is consolidated with an election for other jurisdictions, however, the conduct of that city election can impact the elections for other jurisdictions that are on the same ballot. For instance, a charter city could adopt polling place hours that differ from the hours established under state law, but if an election for such a charter city is consolidated with a statewide election, it would not be feasible to conduct the election in accordance with the polling place hours adopted by the charter city, since that would also impact the other races on the ballot which must be conducted in accordance with state law. In light of this fact, state law imposes limitations on elections when they are consolidated with statewide elections or with certain regularly scheduled local elections. For instance, existing law provides that if an election is consolidated with a statewide or regularly scheduled local election, state laws governing the opening and closing of polls, the counting of ballots, and the canvassing of returns generally apply to all offices and measures appearing on that ballot.

This bill places further restrictions on the conduct of consolidated elections, ensuring that provisions of state law governing the certification of the election, election contests, voter challenges, and recounts apply to all offices and measures that appear on the ballot at a consolidated election. Because these aspects of the election process have the potential to affect all races on the ballot, having those procedures conducted in accordance with state law will ensure that a voter's ballot is treated consistently across all contests that appear on the ballot.

AB 354 (DAHLE)
CHAPTER 265, STATUTES OF 2013
LOCAL BALLOT MEASURES: IMPARTIAL ANALYSIS.

[Amends Sections 9160, 9280, 9313, 9314, and 9500 of the Elections Code]

Existing law provides that a county, city, or district ballot measure may be placed on the ballot at a local election by a petition signed by the requisite number of voters or by the governing body, respectively. Once a local measure qualifies for the ballot, existing law requires the county counsel or city attorney, as specified, to prepare an impartial analysis of the measure to be placed in the ballot pamphlet.

<u>Legislative History</u>	
Assembly Elections	6-0
Assembly Floor	73-0
Assembly Concurrence.....	76-0
Senate Elections.....	5-0
Senate Floor	37-0

This bill increases transparency by requiring the analysis of a local ballot measure that appears in the ballot pamphlet to include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the local governing body.

AB 408 (BONTA)
CHAPTER 108, STATUTES OF 2013
MUNICIPAL UTILITY DISTRICTS: ELECTIONS.

[Adds Section 11852.5 to the Public Utilities Code]

Under existing law, most local governmental entities, including cities and school districts, have the ability to appoint an unopposed candidate to a seat on their governing board, in lieu of conducting an election for that seat. Avoiding the need to conduct an election for a seat where a candidate is unopposed can save local governmental entities a substantial amount of money.

<u>Legislative History</u>	
Assembly Local Government	9-0
Assembly Elections.....	7-0
Assembly Appropriations	17-0
Assembly Floor	70-0
Senate Gov. and Finance	5-0
Senate Appropriations	(28.8)
Senate Floor	33-0

This bill similarly permits municipal utility districts that have a seven-member board of directors to appoint an unopposed candidate to the board in lieu of holding an election for that seat. A candidate who is appointed pursuant to these provisions takes office and serves exactly as if he or she had been elected to the office.

AB 409 (QUIRK-SILVA)
 CHAPTER 643, STATUTES OF 2013
 POLITICAL REFORM ACT OF 1974: STATEMENTS OF ECONOMIC INTERESTS:
 ONLINE FILING. URGENCY.

[Adds Sections 87500.3 and 87500.4 to the Government Code]

As part of the Political Reform Act's comprehensive scheme to prevent conflicts of interest by state and local public officials, existing law requires certain public officials and employees, and candidates for public office, to file a statement of economic interests (SEI) on which the official, employee, or candidate must publicly disclose his or her personal assets and income.

The information that must be disclosed on an SEI, and the location at which an SEI is filed, varies depending on the position held by the individual who is required to file an SEI. Although there are some exceptions, an individual typically files his or her SEI with the agency of which the filer is an elected official or by which the filer is employed. In some cases, original SEIs or copies thereof are filed with the Fair Political Practices Commission (FPPC). While the exact number of people that are required to file SEIs is unknown, the FPPC has estimated that 500,000 SEIs could be filed by officials and employees throughout the state each year. No central repository of SEI filings currently exists.

Although there is no statutory requirement for the FPPC to post SEIs online, in 2010, the FPPC adopted a regulation requiring it to post the SEIs of all elected officers who, in their elected capacities, are required to file their SEIs with the FPPC. As a result, the FPPC now posts SEIs for all constitutional officers, legislators, judges, members of county boards of supervisors, mayors, and city councilmembers. Additionally, the FPPC has chosen to post the SEIs of FPPC Commissioners and legislative candidates. Prior to posting these SEIs on the FPPC website, the forms have to be manually scanned, and certain information (such as addresses and signatures) has to be manually redacted from the forms. According to the FPPC, this is labor intensive and costly.

This bill permits the FPPC to establish an electronic system for filing SEIs, which the FPPC anticipates will provide significant cost savings to the state by eliminating the staff time currently spent processing and filing SEIs, providing public access to paper filings, and manually scanning and redacting information from SEIs that will be posted on the FPPC's Web site. Additionally, the FPPC anticipates that an electronic filing system will significantly reduce inadvertent errors on SEIs, which would reduce the need to send correspondence to attempt to correct those errors.

<u>Legislative History</u>	
Assembly Higher Education.....	N/R
Assembly Veterans Affairs.....	N/R
Assembly Appropriations	N/R
Assembly Floor.....	N/R
Assembly Elections (77.2)	6-0
Assembly Concurrence.....	77-0
Senate Elections.....	5-0
Senate Appropriations	(28.8)
Senate Floor	37-0

AB 530 (QUIRK-SILVA)
CHAPTER 501, STATUTES OF 2013
VOTE BY MAIL BALLOTS: TELEPHONE APPLICATIONS.

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

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

<u>Legislative History</u>	
Assembly Elections.....	5-1
Assembly Floor.....	51-26
Senate Elections.....	4-1
Senate Floor.....	27-12

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

AB 552 (FONG)
CHAPTER 645, STATUTES OF 2013
POLITICAL REFORM ACT OF 1974: COLLECTION OF FINES.

[Adds Section 91013.7 to the Government Code]

In 1974, California voters passed Proposition 9, the Political Reform Act (PRA), which created the Fair Political Practices Commission (FPPC) and codified significant restrictions and prohibitions on candidates, officeholders, and lobbyists. The FPPC is responsible for enforcing state laws governing political campaigns, fundraising, lobbying, and conflicts of interest for elected officials. Under existing law, when the FPPC determines that there is probable cause to believe that the PRA has been violated, it may hold a hearing to determine whether a violation has occurred. If the FPPC determines that a violation has occurred, it may issue an order requiring the violator to cease and desist violation of the PRA, to file any statements, reports, or other documents or information required by the PRA, or to pay a monetary penalty of up to \$5,000 per violation of the PRA. Any such order by the FPPC is subject to judicial review.

<u>Legislative History</u>	
Assembly Elections.....	5-2
Assembly Appropriations	12-5
Assembly Floor.....	55-19
Senate Elections.....	4-1
Senate Appropriations	(28.8)
Senate Floor.....	28-10

In order to collect any unpaid monetary penalties that the FPPC has imposed, it must file a civil action in the superior court to obtain the necessary judgment. The FPPC must do so even if the party against whom the penalty was levied chose not to seek judicial review

of the FPPC's decision, or even where all means of judicial review have been exhausted.

This bill streamlines and updates the FPPC's unpaid collection procedures by allowing the FPPC, after all means for judicial review have been exhausted, to apply to the clerk of the court to convert a final decision into a judgment to collect penalties.

AB 813 (MELENDEZ)
CHAPTER 112, STATUTES OF 2013
ELECTION RESULTS.

[Amends Section 15372 and 15501 of the Elections Code]

Existing law requires elections officials to provide results in an electronic format for certain elections. Specifically, county elections officials are required to provide the Secretary of State (SOS) with results in an electronic format for elections for state and federal office, and for statewide ballot measures. State law provides for these results to be transmitted electronically to the SOS in the manner requested by the SOS, but does not explicitly state a specific format in which those results must appear.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Appropriations	17-0
Assembly Floor	75-0
Senate Elections.....	4-0
Senate Appropriations	(28.8)
Senate Floor	33-0

Most county elections officials already make election results available on their Internet Web sites—57 of 58 county elections officials have results posted on the Internet for the most recent election held in the county, and 52 of 58 county elections officials have results for at least some elections prior to the most recent election. In most cases, however, elections results are available in HTML or PDF format, and not in a format that can easily be imported into a spreadsheet application.

To improve access to election results, this bill requires elections officials to post election results on the Internet in a format that is compatible with widely used spreadsheet software applications, as specified. This requirement applies only to those counties with a computer system capable of compliance without undergoing any modification.

AB 817 (BONTA)
 CHAPTER 162, STATUTES OF 2013
 ELECTIONS OFFICIALS.

[Amends Sections 12300 and 12302 of the Elections Code]

The federal Voting Rights Act and related state laws require certain jurisdictions with significant populations of voting age citizens who belong to a language minority community to provide voting materials in languages other than English. Additionally, existing law requires an elections official to make reasonable efforts to recruit elections officers who are fluent in a language if three percent or more of the voting age residents in the precinct are fluent in that language and lack sufficient skill in English to vote without assistance.

<u>Legislative History</u>	
Assembly Elections.....	5-2
Assembly Floor.....	49-23
Assembly Concurrence.....	49-25
Senate Elections.....	4-0
Senate Floor.....	22-10

Based on the 2010 United States Census, it was determined that the state is required to provide language assistance in nine languages other than English (Spanish, Chinese, Hindi, Japanese, Khmer, Korean, Tagalog, Thai, and Vietnamese). As a result, the Secretary of State (SOS) is required to translate all statewide election materials into the nine covered languages in accordance with federal law.

In addition, a memo released by the SOS in January 2013 stated that, based on a preliminary analysis of county language requirements for the June 2014 gubernatorial primary election, most counties show an increase in the number of precincts with individuals who are fluent in a language other than English and lack sufficient skill in English to vote without assistance. As a result, county elections officials may be required to provide language assistance in a larger number of precincts than in the past.

For large counties or counties with new language obligations, the task of recruiting bilingual poll workers can be daunting. This bill expands the pool of available bilingual speakers to serve as poll workers by authorizing county elections officials to appoint a person who is lawfully admitted for permanent residence in the United States, as specified, and who is otherwise eligible to register to vote except for his or her lack of United States citizenship, to serve as a precinct board member.

AB 822 (HALL)
VETOED
LOCAL GOVERNMENT RETIREMENT PLANS.

[Adds Section 9611 to the Elections Code]

SB 1123 (Wiggins), Chapter 371, Statutes of 2008, requires local agencies to secure an actuary to provide an actuarial impact statement of future annual costs before authorizing changes in public retirement plan benefits or other post-employment benefits, among other provisions.

This bill would have extended this requirement to local ballot measures that propose changes to local agency employee retirement benefits, and would have required the statement or a summary of the statement to be printed in the voter information portion of the sample ballot preceding arguments for and against such measures, if any.

This bill was vetoed by Governor Brown on October 12, 2013. In his veto message, the Governor argued that the bill was unnecessary, because local governments already have the ability to provide a fiscal analysis of proposed ballot measures without a mandate from the state.

<u>Legislative History</u>	
Assembly Local Government	7-1
Assembly Elections.....	5-2
Assembly Appropriations	12-5
Assembly Floor	52-19
Assembly Concurrence.....	57-19
Senate Elections.....	4-0
Senate Gov. and Finance	5-2
Senate Appropriations	5-2
Senate Floor	27-11

AB 829 (FONG)
CHAPTER 268, STATUTES OF 2013
ELECTION MANAGEMENT SYSTEMS.

[Adds Chapter 7 (commencing with Section 2500) to Division 2 of the Elections Code]

Each county elections office uses an election management system to perform critical functions during the conduct of an election. For instance, election management systems are used to track voter registration and voter preferences, such as a voter's vote by mail status. Consequently, election management systems, like voting systems, play a critical role in the conduct of an election.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Appropriations	17-0
Assembly Floor	76-0
Senate Elections.....	4-0
Senate Appropriations	(28.8)
Senate Floor	37-0

Existing law requires voting system and ballot marking system vendors to place the source code for their systems in an escrow facility. This requirement ensures the security of the system and protects it from unauthorized tampering. Moreover, this requirement

ensures that state and local jurisdictions have access to voting system materials if the vendor goes out of business.

This bill protects the security and integrity of elections by requiring the source code for election management systems to be placed into escrow, mirroring the requirements that are already in place for voting systems and ballot marking systems. In addition, this bill ensures that state and local jurisdictions have reasonable access to source code material placed in escrow in order to investigate potential election law violations.

AB 857 (FONG)

VETOED

INITIATIVES: PETITION CIRCULATORS.

[Amends Sections 101, 9008, 9030, and 9031 of, and adds Sections 9009.5, 9009.6, 9022.5, 9036, and 9037 to, the Elections Code]

In 1911, as part of the Progressive movement, California voters amended the state Constitution to reserve for themselves the power of the initiative due to concerns that special interests exercised a corrupting influence over state politics. The initiative power allows electors to propose statutes and amendments to the Constitution and to adopt or reject them.

<u>Legislative History</u>	
Assembly Elections.....	5-2
Assembly Appropriations	12-5
Assembly Floor.....	53-24
Assembly Concurrence.....	51-25
Senate Elections.....	4-1
Senate Appropriations	5-2
Senate Floor.....	23-11

This bill would have required at least 10 percent of the signatures collected to qualify a state initiative for the ballot to be collected by individuals who did not receive money or valuable consideration exclusively or primarily for the specific purpose of soliciting signatures of electors on the petition, and would have made various corresponding changes. Additionally, this bill would have provided that the signatures on a state initiative petition section were invalid if they were solicited and submitted by a person who engages in intentional fraud, misrepresentation, or other illegal conduct concerning the circulation of the petition.

On October 12, 2013, this bill was vetoed by Governor Brown. In his veto message, the Governor maintained that "[r]equiring a specific threshold of signatures to be gathered by volunteers will not stop abuses by narrow special interests - particularly if 'volunteer' is defined with the broad exemptions as in this bill."

AB 1090 (FONG)
 CHAPTER 650, STATUTES OF 2013
 PUBLIC OFFICERS: CONFLICTS OF INTEREST: CONTRACTS.

[Amends Section 1091.5 of, and adds Sections 1097.1, 1097.2, 1097.3, 1097.4, and 1097.5 to, the Government Code]

In 1974, California voters passed Proposition 9, a measure that enacted comprehensive conflict of interest laws designed to ensure that public officials would perform their duties in an impartial manner, among other provisions. That measure, commonly known as the Political Reform Act (PRA), also created the Fair Political Practices Commission (FPPC), and made it primarily responsible for enforcing those conflict of interest laws. Under the PRA, a public official generally is prohibited from making or participating in the making of any governmental decision in which the official knows or has reason to know that he or she has a financial interest.

<u>Legislative History</u>	
Assembly Elections.....	4-2
Assembly Appropriations	12-5
Assembly Floor	58-13
Assembly Concurrence.....	71-4
Senate Elections.....	4-1
Senate Appropriations	(28.8)
Senate Floor	39-0

The conflict of interest laws in the PRA apply to all types of governmental decisions. There is a separate conflict of interest law, however, that applies only to contracting decisions. 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. Unlike the conflict of interest rules contained in the PRA, the FPPC does not enforce Section 1090. Furthermore, unlike the PRA, which can be enforced through criminal, civil, or administrative actions, Section 1090 can be enforced only through criminal prosecutions.

The existence of multiple conflict of interest laws that are enforced by multiple entities create unnecessary confusion for public officials and hamper efforts to effectively enforce the state's strict conflict of interest rules.

This bill seeks to improve enforcement of the state's conflict of interest laws by allowing the FPPC to bring civil or administrative enforcement actions in response to violations of the Section 1090 contracting laws, and by giving public officials an additional tool to avoid conflicts of interest by allowing the FPPC to issue advice regarding a public official's obligations under Section 1090. Additionally, this bill specifies that certain contracts entered into by landowner voter districts with board members of those districts do not create a conflict for the purposes of Section 1090 if the contract is on the same terms and conditions as if the person contracting with the board was not a member of the board.

AB 1135 (MULLIN)
CHAPTER 271, STATUTES OF 2013
VOTE-BY-MAIL BALLOTS: SIGNATURE VERIFICATION.

[Amends Section 3106 of, and repeals and adds Section 3019 of, the Elections Code]

Under existing law, upon the receipt of a vote by mail (VBM) ballot, the elections official is required to compare the signature on the VBM ballot identification envelope to the signature on the voter's original affidavit of registration. A strict reading of existing law allows only the signature on a voter's most recent affidavit of registration to be used when comparing signatures on a VBM ballot or a military or overseas ballot returned by facsimile transmission.

<u>Legislative History</u>	
Assembly Elections.....	5-2
Assembly Floor.....	52-25
Assembly Concurrence.....	52-26
Senate Elections.....	4-1
Senate Floor.....	24-11

Historically, one of the main reasons why VBM ballots are rejected for a signature mismatch is because signatures are unreadable, missing, or have changed and are out of date. Recent studies have shown that a significant number of VBM ballots are being rejected due to the signatures not matching, especially for young voters. As a result, valid ballots are being rejected despite access to more recent signatures in voters' registration records.

In an effort to ensure voters are not inadvertently disenfranchised, this bill expands the list of documents a county elections official may use to compare to the signature on a VBM ballot identification envelope.

AB 1316 (HARKEY)
CHAPTER 106, STATUTES OF 2013
ELECTION BALLOTS: IDENTICAL CANDIDATE NAMES.

[Amends Section 13118 of the Elections Code]

Under existing law, a candidate for public office has the option of designating a number that will appear next to his or her name on the ballot if there is another candidate with the same or a similar name on the ballot for the same office. In a recent election for local office where two candidates had similar names, there was uncertainty whether existing law allowed candidates to use the number "0," or to use a negative number to distinguish between candidates.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Appropriations	17-0
Assembly Floor.....	75-0
Senate Elections.....	4-0
Senate Appropriations	(28.8)
Senate Floor.....	33-0

To resolve this ambiguity in law, and in an attempt to prevent gamesmanship by candidates, this bill eliminates the practice of allowing candidates to select a number to be printed alongside their name on ballot materials if a candidate with a similar name files for the same office. Instead, this bill requires the elections official in such a circumstance to assign a number to candidates based on the order in which the candidates filed nomination documents to run for office. The ballot order of the candidates will be chosen at random. Additionally, this bill makes minor changes in the format of these distinguishing numbers when they appear on the ballot.

**AB 1417 (ELECTIONS & REDISTRICTING COMMITTEE)
CHAPTER 560, STATUTES OF 2013
ELECTIONS.**

[Amends Sections 303.3, 3004, 3114, 3122, 3201, 3203, 10735, 13306, 13309, and 19206 of, adds Section 8147.5 to, and repeals Section 13301 of, the Elections Code]

Existing law provides that a military or overseas voter's failure to comply with size and weight requirements for ballots and ballot envelopes shall not invalidate the ballot and that notarization is not required for overseas and military ballots. These provisions were added to state law by AB 1805 (Huffman), Chapter 744, Statutes of 2012, which was a model law that was written in a way that it could be applicable in other states that have these requirements. Unlike certain other states, however, California law does not require a military or overseas ballot to comply with size and weight requirements or be notarized. In order to eliminate confusion, this bill repeals those provisions.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Appropriations	17-0
Assembly Floor	75-0
Assembly Concurrence.....	78-0
Senate Elections.....	4-0
Senate Appropriations	(28.8)
Senate Floor	39-0

Existing law requires the Secretary of State (SOS) to notify each candidate for partisan and voter-nominated office of the other persons who have filed for the same office prior to the primary election. However, while existing law allows a candidate to change his or her ballot designation between the primary and the general election, nothing in state law requires the SOS to notify candidates if another candidate for the same office changes his or her ballot designation between the primary and general election. This bill requires the SOS to provide such a notification.

In addition, this bill makes other technical and conforming changes, and deletes obsolete provisions of the Elections Code.

AB 1418 (ELECTIONS & REDISTRICTING COMMITTEE)
 CHAPTER 654, STATUTES OF 2013
 THE POLITICAL REFORM ACT OF 1974: OMNIBUS BILL.

[Amends Sections 81008, 83109, and 84102 of the Government Code]

When it was first enacted, the Political Reform Act (PRA) required statewide office holders, candidates for statewide office, and certain other statewide campaign committees to file a copy of all campaign reports with the Registrars of Voters in Los Angeles and San Francisco counties. To ensure that voters had access to these campaign reports immediately before an election, the PRA subsequently was amended to require the offices of the Secretary of State (SOS) and of the Registrars of Voters in Los Angeles, San Diego, and San Francisco counties to be open for public inspection of campaign statements from 9:00 a.m. to 5:00 p.m. on the Saturday preceding a statewide primary or general election.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Appropriations	17-0
Assembly Floor.....	75-0
Senate Elections.....	4-0
Senate Appropriations	(28.8)
Senate Floor.....	39-0

Since that time, the Legislature has taken a number of steps to make campaign reports more publicly accessible, including setting up an online campaign disclosure database, requiring most candidates and committees active in campaigns for state office to file campaign disclosure reports electronically, and requiring the SOS to make other specified reports available online even when those reports are not filed electronically.

Given the increased availability of campaign reports online, the SOS and counties have reported that it is uncommon for the public to come to their offices on the Saturday before a statewide election to view or obtain copies of campaign statements. In fact, the SOS indicates that no member of the public has visited that office during these hours for the last several election cycles.

In light of the increased availability of campaign reports online, this bill repeals the requirement for the offices of the SOS and of the Registrars of Voters in Los Angeles, San Diego, and San Francisco counties to be open for public inspection and reproduction of campaign statements on the Saturday preceding a statewide primary or general election.

Additionally, this bill makes various minor and technical changes to the PRA to conform to previously enacted legislation.

AB 1419 (ELECTIONS & REDISTRICTING COMMITTEE)
 CHAPTER 511, STATUTES OF 2013

PRESIDENTIAL GENERAL ELECTIONS: PARTY QUALIFICATIONS.

[Amends Sections 338, 2187, 5001, 5002, 5004, 5005, 5200, and 8001 of, and adds Chapter 2.5 (commencing with Section 5150) to Division 5 of, the Elections Code, and amends Section 85205 of the Government Code]

Existing law requires a political body to qualify as a political party 135 days before the *primary* election if it wishes to place candidates on the ballot, even if the party only wants to participate in the *presidential general* election. Because California currently holds its primary elections in June, this policy effectively requires a political body to meet the qualification threshold to become a recognized political party by January in order for that party to have its Presidential candidate appear on the general election ballot.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Appropriations	17-0
Assembly Floor.....	70-0
Assembly Concurrence.....	78-0
Senate Elections.....	4-0
Senate Appropriations	(28.8)
Senate Floor.....	39-0

In 2012, two political bodies that were attempting to qualify as political parties filed a lawsuit against the Secretary of State (SOS) challenging this deadline for qualifying to place their candidates on the presidential general election ballot. In the lawsuit (*California Justice Committee v. Bowen*), the political bodies alleged that the early deadline violated their First and Fourteenth Amendment rights. The United States District Court agreed, and enjoined the SOS from enforcing the requirement that a political party had to qualify by 135 days before the *primary* election in order to qualify to appear on the November *presidential general* election. At the same time, the Court refused to impose an alternative deadline.

This bill establishes a new deadline for political bodies that are seeking to become qualified political parties for the purposes of having a candidate appear on the presidential general election ballot. Under the provisions of this bill, the deadline for a political party to qualify to have its candidate appear on the presidential general election ballot is 102 days before the general election if the party is qualifying based on the number of voters who registered with that political party, or 135 days before the presidential general election if the party is qualifying based on signatures contained on a petition. These deadlines were established because they fall sufficiently in advance of deadlines for printing the voter information guide and ballots to allow elections officials to prepare those materials accordingly.

AJR 15 (ALEJO)
 RESOLUTION CHAPTER 60, STATUTES OF 2013
 VOTING RIGHTS ACT OF 1965.

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

<u>Legislative History</u>	
Assembly Elections.....	5-1
Assembly Floor	53-16
Senate Floor	28-8

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 practices that were struck down in court. As a result, Congress passed and President Johnson signed the federal 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."

Section 5 of the VRA requires certain covered jurisdictions to receive approval for any changes to law and practices affecting voting from the United States Department of Justice or the United States District Court for the District of Columbia to ensure that the changes do not have the purpose or effect of "denying or abridging the right to vote on account of race or color." The requirement to obtain approval under Section 5 is commonly referred to as a "preclearance" requirement. The determination of the jurisdictions that are subject to the preclearance requirements of Section 5 was made in accordance with formulas contained elsewhere in the VRA.

In April 2010, Shelby County in Alabama filed suit in the United States District Court for the District of Columbia challenging the constitutionality of Section 5 of the VRA, and of the formulas determining which jurisdictions were required to comply with Section 5. The United States Supreme Court heard oral argument in that case, *Shelby County v. Holder*, in February 2013.

This resolution urged the United States Supreme Court to affirm the constitutionality of Section 5 of the VRA.

**SB 3 (YEE & LIEU)
VETOED
POLITICAL REFORM ACT OF 1974.**

[Amends Sections 84100, 84101, 84200.6, 84203, 84203.3, 84204, 84220, 84300, 84602, 84605, and 91013 of, amends and renumbers Sections 82036 and 82036.5 of, and adds Section 84620 to, the Government Code]

Existing law requires every campaign committee to have a treasurer, and prohibits an expenditure from being made by or on behalf of a committee without the authorization of the treasurer or that of his or her designated agents.

This bill would have required a person who served as a treasurer for one or more committees to complete an online training course designed and administered by the Fair Political Practices Commission (FPPC) every two years.

<u>Legislative History</u>	
Senate Elections.....	4-1
Senate Appropriations	4-1
Senate Floor	30-6
Senate Concurrence.....	28-10
Assembly Elections.....	5-0
Assembly Appropriations	12-0
Assembly Floor.....	55-19

Existing law requires the Secretary of State (SOS), in consultation with the FPPC, to provide an online and electronic filing system for use by specified state candidates, committees, lobbyists, lobbying firms, and lobbyist employers. This online reporting and disclosure system is commonly referred to as the Cal-Access system. In November 2011, the Cal-Access system went down, and the system was unavailable for most of the month of December. According to information from the SOS, the age and outdated components of the Cal-Access system present a number of challenges to maintaining the existing disclosure system and to replacing that system with a new (and more robust) campaign and lobbying disclosure database.

This bill would have required the SOS to develop a feasibility study report not later than December 31, 2014, that outlines the technology requirements and the costs of replacing the Cal-Access system with a new statewide electronic filing system. Additionally, to help generate funds for replacing the Cal-Access system, this bill would have increased the penalties imposed when a report required by the Political Reform Act (PRA) is filed after the deadline. This bill also would have made technical changes to the PRA.

On October 8, 2013, this bill was vetoed by Governor Brown, who argued that the requirement for campaign treasurers to undergo training was "a costly and unnecessary addition to the extensive training and outreach that the [FPPC] already provides."

SB 44 (YEE)
CHAPTER 277, STATUTES OF 2013
STATE INTERNET WEB SITES: ONLINE VOTER REGISTRATION.

[Adds Section 2198 to the Elections Code]

Existing law provides that a person who is qualified to register to vote and who has a valid California driver's license or state identification card may submit an affidavit of voter registration electronically on the Secretary of State's Internet Web site.

This bill requires each Internet Web site maintained by the state to include a hyperlink on the site's homepage to that online voter registration page.

<u>Legislative History</u>	
Senate Elections.....	3-1
Senate Gov. Organization.....	9-2
Senate Appropriations	(28.8)
Senate Floor	25-8
Assembly Elections.....	5-1
Assembly Appropriations	12-5
Assembly Floor	56-22

SB 111 (BEALL)
CHAPTER 151, STATUTES OF 2013
ELECTIONS: VOTER SIGNATURE.

[Amends Section 354.5 of the Elections Code]

Existing law allows a person who is unable to provide a handwritten signature due to a disability to use a signature stamp when applying for a driver's license or a California identification card. After the Department of Motor Vehicles (DMV) confirms the applicant's identity, the DMV stores an electronic copy of the signature stamp just as it stores traditional signatures.

<u>Legislative History</u>	
Senate Elections.....	4-1
Senate Appropriations	(28.8)
Senate Floor	36-0
Assembly Elections.....	6-0
Assembly Appropriations	17-0
Assembly Floor	77-0

AB 18 (Blakeslee), Chapter 485, Statutes of 2007, expanded the use of the signature stamp and allowed a person to use a signature stamp to sign in situations where the Elections Code requires a signature. For example, a signature stamp can be used to sign a vote by mail ballot identification envelope or an initiative petition.

However, existing law only permits a person to use a signature stamp for elections purposes after that person submits an affidavit of registration in the presence of a county elections official, using the signature stamp to sign the affidavit. As a result, an individual would be unable to use the signature stamp to register to vote online without first using the signature stamp in the presence of their county elections official.

This bill expands online voter registration and allows an authorized person, as specified under existing law, who has a signature stamp approved for use by and on file with the DMV, to use that stamp to submit a voter registration application online without first having to use the signature stamp in the presence of their county elections official.

SB 112 (MONNING)
CHAPTER 118, STATUTES OF 2013
VOTER INFORMATION: PUBLIC EXAMINATION.

[Amends Section 2194 of, and adds Section 2194.1 to, the Elections Code]

Existing law provides that voter registration information, including the home address, telephone number, e-mail address, precinct number, and prior registration information for registered voters, is confidential, and may be disclosed only in specified circumstances.

In order to make voter registration information available for the purpose of historical and genealogical research while protecting the privacy of voters during their lifetimes, this bill requires any voter registration card information in existence 100 years after the creation of the record to be made available to the public.

<u>Legislative History</u>	
Senate Elections.....	5-0
Senate Floor.....	34-0
Senate Concurrence.....	29-0
Assembly Elections.....	5-1
Assembly Floor.....	72-1

SB 213 (GALGIANI)
CHAPTER 278, STATUTES OF 2013
ELECTION PETITIONS: CIRCULATORS.

[Amends Sections 102, 104, 6106, 6108, 6363, 6365, 6584, 6586, 6587, 6784, 6786, 6787, 8041, 8066, 8106, 8409, 8451, 9021, 9022, 9209, 9237, 9238, 9305, 9307, 10220, 10226, 11045 and 11046 of the Elections Code]

In 2008, the United States Court of Appeals for the Ninth Circuit ruled in *Nader v. Brewer* (2008), 531 F.3d 1028, that it was unconstitutional for states to prevent non-residents from circulating petitions. In 2009, the United States Supreme Court declined to hear the case on appeal, so the Ninth Circuit opinion stands.

In 2010, the Libertarian Party of Los Angeles filed a lawsuit against the Secretary of State (SOS) in federal court challenging provisions of the Elections Code that require people who circulate nomination papers on behalf of a candidate to be voters in the district or political subdivision in which the candidate is to be voted on. In the latter half of 2012, a number of California counties

<u>Legislative History</u>	
Senate Elections.....	4-0
Senate Judiciary.....	7-0
Senate Appropriations.....	7-0
Senate Floor.....	38-0
Assembly Elections.....	5-1
Assembly Floor.....	51-23

were sued in federal court because their county clerks were allegedly enforcing state laws that prevent non-Californians from circulating initiatives and nomination papers. Proceedings in that case were stayed pending the decision in the Libertarian Party case.

In light of the court's ruling in *Nader*, this bill repeals residency requirements for individuals who circulate initiative, referendum, or recall petitions, in-lieu-filing-fee petitions, and nomination papers.

SB 311 (PADILLA)
CHAPTER 184, STATUTES OF 2013
LOCAL ELECTIONS: CHARTERS AND CHARTER PROPOSALS.

[Amends Sections 1415, 9255, and 9260 of the Elections Code, and amends Sections 34457 and 34458 of the Government Code]

Existing law generally requires a ballot measure that would adopt, amend, or repeal a city charter to be submitted to the voters at an established statewide general, statewide primary, or regularly scheduled municipal election.

In order to ensure maximum public participation in city charter measures that propose to alter procedural or substantive protections, rights, benefits, or employment statuses of local government employees or retirees, this bill generally requires such measures to be submitted to the voters only at a statewide general election, unless the proposal is necessary to comply with a court injunction or consent decree or with federal or state voting rights laws.

<u>Legislative History</u>	
Senate Gov. and Finance	5-1
Senate Floor	25-9
Senate Concurrence	26-11
Assembly Local Government	6-2
Assembly Elections	5-2
Assembly Floor	45-27

SB 360 (PADILLA)
CHAPTER 602, STATUTES OF 2013
CERTIFICATION OF VOTING SYSTEMS.

[Amends Section 19100 of, amends the heading of Article 1 (commencing with Section 19200) of Chapter 3 of Division 19 of, amends the headings of Chapter 3 (commencing with Section 19200) and Chapter 3.5 (commencing with Section 19260) of Division 19 of, amends the heading of Division 19 (commencing with Section 19001) of, amends and renumbers Sections 19103, 19200.5, 19202, 19203, 19204, 19207, 19209, 19210, 19211, 19212, 19212.5, 19213, 19214, 19214.5, 19215, 19216, 19217, 19220, 19221, 19222, 19223, 19225, 19226, 19227, 19227.5, 19228, 19229, 19229.5, 19230, 19231, 19232, 19233, 19234, 19234.5, 19235, 19236, 19237, 19238, 19239, 19240, 19241, 19242, 19243, 19244, 19245, 19250, 19251, 19252, 19253, 19254, 19255, 19260, 19261, 19262, 19263, 19264, 19267, 19269, 19270, 19271, 19272, 19273, 19274, and 19275 of, amends and renumbers the headings of Article 2 (commencing with Section 19220), Article 2.5 (commencing with Section 19225), Article 3 (commencing with Section 19230), and Article 4 (commencing with Section 19250) of Chapter 3 of Division 19 of, amends, renumbers, and adds Sections 19101, 19102, and 19201 of, adds Sections 19006, 19282, 19283, and 19286 to, adds Article 2 (commencing with Section 19220) to Chapter 3 of Division 19 of, repeals Sections 19205, 19208, 19265, 19266, and 19268 of, and repeals and adds Section 19206 of, the Elections Code]

Existing law establishes various procedures and criteria for the approval of voting systems by the Secretary of State (SOS). A voting system and any modification to a voting system must be approved by the SOS before it can be used in any election. Electronic voting systems must be certified at the federal level by the United States Elections Assistance Commission before they can be submitted to the SOS's office for review.

<u>Legislative History</u>	
Senate Elections.....	4-1
Senate Appropriations	5-0
Senate Floor	27-9
Senate Concurrence.....	27-9
Assembly Elections.....	5-1
Assembly Appropriations	12-5
Assembly Floor.....	53-23

This bill makes significant changes to procedures and criteria for the certification and approval of a voting system. Most notably, this bill deletes provisions of law that prohibit an electronic voting system from being used in California unless it has received federal qualification, and instead requires a voting system to be certified or conditionally approved by the SOS, except as specified, in order for a jurisdiction to purchase or contract for the system. This bill also authorizes counties to use specified voting modernization bond funds to purchase a conditionally approved voting system, for research and development of a nonproprietary voting system that uses disclosed source code, to manufacture a limited number of voting system units for use in a pilot program, or for submitting a voting system to the SOS for certification. In addition, this bill requires the SOS to adopt and publish voting system standards and regulations and to study the performance of the voting systems in use in the state.

According to information provided by the author's office, the intent of this bill is to create a process whereby the development of a voting system is open, transparent, and allows the public to develop a voting system that meets the needs of their jurisdiction.

SB 362 (PADILLA)
 CHAPTER 566, STATUTES OF 2013
 VOTING PROCEDURES: NATURAL DISASTERS.

[Adds Sections 336.7 and 3021.5 to the Elections Code]

Existing law allows emergency personnel who are officially engaged in responding to a state of emergency after a disaster, such as a fire or an earthquake, to vote in an election by casting a provisional ballot within any county in California, and requires the county elections official to forward that ballot to the county where the voter resides. In addition, under current law the Governor has the ability to declare a state of emergency and authorize certain voting benefits to emergency workers assisting within California. Existing law, however, does not have a process for providing voting accommodations to California emergency workers who are assisting with disaster recovery outside the state.

<u>Legislative History</u>	
Senate Elections.....	4-1
Senate Appropriations	5-0
Senate Floor	30-7
Senate Concurrence.....	31-7
Assembly Elections.....	5-2
Assembly Appropriations	13-4
Assembly Floor.....	57-19

California residents often volunteer to assist in the recovery of natural disasters that occur outside of the state. Sometimes these efforts take place close to an election, and affect the ability of Californians who are assisting in recovery efforts to vote in the election. Such a situation occurred in the aftermath of Hurricane Sandy last November when many volunteers left California right before the election. Many of these individuals were unable to vote because the deadline to register as a vote by mail voter had already passed and neither the Governor, the Secretary of State, nor county elections officials had the authority to allow the disaster relief volunteers to vote under special circumstances. Consequently, hundreds of California disaster relief volunteers were unable to vote.

This bill ensures disaster relief volunteers are not disenfranchised in future elections and authorizes an emergency worker, as defined, to cast a ballot outside his or her precinct upon the declaration of an out-of-state emergency by the Governor and the issuance of an executive order, as specified.

SB 589 (HILL)
CHAPTER 280, STATUTES OF 2013
VOTE BY MAIL BALLOTS: SAMPLE BALLOTS.

[Adds Sections 3019.5 and 13305 to the Elections Code]

Existing law requires county elections officials to establish procedures to allow voters to track and confirm the receipt of their vote by mail (VBM) ballots through 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>	
Senate Elections.....	4-1
Senate Appropriations	5-2
Senate Floor	25-10
Senate Concurrence	36-0
Assembly Elections.....	6-0
Assembly Appropriations	17-0
Assembly Floor	76-0

This bill expands current law by requiring elections officials to allow a voter to find out whether his or her VBM ballot was counted, and, if not, to identify the reason it was not counted. In addition, this measure makes changes to sample ballot mailing procedures to offset the costs associated with this new requirement.

SB 594 (HILL)
CHAPTER 773, STATUTES OF 2013
USE OF PUBLIC RESOURCES.

[Adds Sections 54964.5 and 54964.6 to the Government Code]

Existing law makes it unlawful for an elected state or local officer, appointee, employee, or consultant to use, or permit others to use, public resources for a campaign activity.

<u>Legislative History</u>	
Senate Gov. and Finance	N/R
Senate Education	N/R
Senate Appropriations	N/R
Senate Floor	N/R
Senate Elections (29.10).....	5-0
Senate Concurrence	35-0
Assembly Elections.....	5-0
Assembly Judiciary	9-0
Assembly Appropriations	12-1
Assembly Floor	72-3

In response to concerns that revenues from public conduit bond financiers were being used for campaign purposes, this bill prohibits nonprofit organizations and their employees from using funds received from local agencies in connection with conduit bond financing for campaign purposes. Additionally, this bill requires a nonprofit organization that receives significant amounts of money from local agencies in connection with conduit bond financing to maintain a separate bank account for campaign activities and to disclose the sources of the funds it receives for campaign activities, as specified.

SB 654 (LENO & PADILLA)

VETOED

BALLOT MEASURE PETITIONS: RECALL PETITIONS: TRANSLATIONS.

[Amends Sections 336, 9002, and 9004 of, and adds Sections 9023 and 11042.5 to, the Elections Code]

Existing law requires the proponents of a state initiative measure to submit a draft of the measure to the Attorney General (AG) so that the AG may prepare a title and summary of the chief purposes and points of the measure to be included on the initiative petition. In addition, existing law requires the proponents of a recall of a state officer to submit a draft of the recall petition to the Secretary of State (SOS) for approval of the petition for circulation.

<u>Legislative History</u>	
Senate Elections.....	4-1
Senate Appropriations	5-2
Senate Floor	28-9
Senate Concurrence.....	24-12
Assembly Elections.....	5-2
Assembly Appropriations	12-5
Assembly Floor.....	52-25

Once a proposed state initiative qualifies for the ballot, the federal Voting Rights Act and other state laws require certain jurisdictions with significant populations of voting age citizens who belong to a language minority community to provide voting materials in languages other than English. Consequently, the SOS translates the titles and summaries of all qualified state measures for the state voter pamphlet. However, initiative materials are not translated prior to the time that an initiative qualifies for the ballot.

This bill would have required the AG, if proponents intend to circulate a proposed state measure initiative, to translate the title and summary of the proposed initiative into each language in which the state or a county is required to provide voting materials. Additionally, this bill would have required the SOS, if proponents intend to circulate a proposed recall petition, to translate the recall petition into each language in which voting materials are required to be provided in the district of the officer sought to be recalled.

On October 11, 2013, Governor Brown vetoed this measure, contending that "imposing translation obligations at the circulating stage would add substantial burdens to the initiative process."

SJR 6 (YEE)
RESOLUTION CHAPTER 94, STATUTES OF 2013
THE LINES INTERFERE WITH NATIONAL ELECTIONS ACT OF 2013.

At the 2012 presidential general election, voters in a number of states were forced to wait in line for hours in order to cast a ballot. In Florida, media reports indicated that some voters had to wait in line as long as seven hours to vote.

<u>Legislative History</u>	
Senate Floor.....	24-11
Assembly Elections.....	5-1
Assembly Floor.....	53-25

In response to that situation, on January 22, 2013, Senator Barbara Boxer introduced S. 58, the LINE Act of 2013. Under the provisions of the LINE Act, the United States Attorney General would be required to issue standards regarding the minimum number of voting systems, poll workers, and other election resources with the goal of ensuring an equal waiting time for all voters in each state and to prevent a waiting time of over one hour at any polling place.

This resolution proclaims the Legislature's support for the LINE Act of 2013.

SJR 14 (YEE & WRIGHT)
RESOLUTION CHAPTER 133, STATUTES OF 2013
VOTING RIGHTS ACT OF 1965.

Section 5 of the federal Voting Rights Act (VRA) requires certain jurisdictions to receive approval for any changes to laws and practices affecting voting from the United States Department of Justice or the United States District Court for the District of Columbia to ensure that the changes do not have the purpose or effect of "denying or abridging the right to vote on account of race or color." The requirement to obtain approval under Section 5 is commonly referred to as a "preclearance" requirement. The determination of the jurisdictions that are subject to the preclearance requirements of Section 5 was made in accordance with formulas contained in Section 4 of the VRA.

<u>Legislative History</u>	
Senate Elections.....	4-1
Senate Floor.....	27-10
Assembly Elections.....	5-1
Assembly Floor.....	59-2

In April 2010, Shelby County in Alabama filed suit in the United States District Court for the District of Columbia challenging the constitutionality of Section 5 of the VRA, and of the formulas determining which jurisdictions were required to comply with Section 5. On June 25, 2013, the United States Supreme Court held in that case (*Shelby County v. Holder*) that the coverage formula in Section 4 of the VRA is unconstitutional and can no longer be used as a basis for subjecting jurisdictions to preclearance under Section 5 of the VRA.

This resolution urges Congress and the President of the United States to enact amendments to the VRA that would restore Section 4 of the VRA with a new coverage formula and update the entire VRA in order to address ongoing violations of voting rights in the states.

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