



LEGISLATIVE GUIDE TO ELECTION LAWS **2011**



Summary of Election Related Legislation Laws

Los Angeles County
REGISTRAR-RECORDER/COUNTY CLERK
12400 Imperial Highway, Norwalk, California 90650



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This Legislative Guide to Election Laws has been prepared to provide you with a summary of election related legislation laws chaptered in 2011. A copy of each bill listed in its full text can be obtained from the Legislative Counsel of California at www.leginfo.ca.gov.

It is not the intent of the authors of this publication to provide any legal analysis or opinion relating to the bills listed herein. Please note that anyone using this Legislative Guide to Election Laws handbook must bear full responsibility to make their own determinations as to all legal standards, duties and factual material contained therein.

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	190	503
	191	1343
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	260	547
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	453	732
	543	309
	614	684
SENATE		
	22	66
	248	327
	252	801
	383	337
	558	202
	561	397
	563	441
	739	183
Count:	30	

PRESIDENTIAL PRIMARY: ELECTION DATE

Assembly Bill 80 Chapter 138

CURRENT PROVISIONS:

Provides that the presidential primary election is to be held on the first Tuesday in February of those years in which a national presidential election is to be held.

NEW PROVISIONS:

Requires the date of the presidential primary election be changed to the first Tuesday after the first Monday in June of presidential election years, and consolidates the presidential primary election with the statewide direct primary election.

SECTIONS AFFECTED:

Amends Elections Code 340

"Presidential primary" is the primary election that is held on the first Tuesday in ~~February~~ after the first Monday in June in any year ~~which~~ that is evenly divisible by the number four, and at which delegations to national party conventions are to be chosen.

Amends Elections Code 1000

The established election dates in each year are as follows:

- (a) The second Tuesday of April in each even-numbered year.
- (b) The first Tuesday after the first Monday in March of each odd-numbered year.
- (c) The first Tuesday after the first Monday in June in each year.
- (d) The first Tuesday after the first Monday in November of each year.
- ~~(e) The first Tuesday in February of each year evenly divisible by the number four.~~

Amends Elections Code 1001

Elections held in June and November of each even-numbered year ~~and held the first Tuesday in February of each year evenly divisible by the number four~~ are statewide elections and ~~these dates~~ the dates of those elections are statewide election dates.

Amends Elections Code 1202

The presidential primary shall be held on the first Tuesday ~~in February~~ *after the first Monday in June* in any year *that is* evenly divisible by the number four, and shall ~~not~~ be consolidated with the statewide direct primary held in that year.

ELECTIONS: NEW CITIZENS

Assembly Bill 84 Chapter 186

CURRENT PROVISIONS:

Authorizes a new citizen, as defined, to register and vote at the office of the county elections official at any time beginning on the 14th day before an election and ending on the 7th day prior to election day.

Defines a new citizen as any person who meets all the requirements of an elector of, and has established residency in, this state, except that he or she will become a United States citizen after the 15th day prior to an election, but on or before the 7th day prior to that election.

NEW PROVISIONS:

Authorizes a new citizen to register and vote at the office of, or at another location designated by, the county elections official at any time beginning on the 14th day before an election and ending at the close of polls on the election day following the date on which that person became a citizen.

Revises the definition of a new citizen to mean any person who meets all the requirements of an elector of, and who has established residency in this state, except that he or she will become a U.S. citizen after the 15th day prior to an election.

SECTIONS AFFECTED:

Amends Elections Code 331

“New citizen” means any person who meets all requirements of an elector of, and has established residency in, the ~~State of California~~ *state*, except that he or she will become a United States citizen after the 15th day prior to an ~~election but on or before the seventh day prior to that election.~~

Amends Elections Code 3500

~~Any A~~ new citizen is eligible to register and vote at the office of, *or at another location designated by*, the county elections official at any time beginning on the 14th day before an election and ending *at the close of polls* on the ~~seventh day prior to election day~~ *election day following the date on which that person became a citizen.*

COMMENTS:

Imposes a state mandated program. If it is determined that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs.

ELECTIONS: CITY OF BELL

**Assembly Bill 93
Chapter 1**

URGENCY STATUTE:

Necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure the certification, declaration of results, and installation of officers following the March 8, 2011, City of Bell General Municipal Election, Special Recall Election, and Special Election to Fill a Vacancy, it is necessary that this act take effect immediately.

CURRENT PROVISIONS:

The California Constitution and statute authorize the recall of local officers. Existing law provides that the results of a recall election be declared in substantially the manner provided by law for a regular election for the office.

Requires the local elections official to conduct a canvass of the vote after an election and, upon completion of the canvass, to certify the results to the local governing body. Upon the completion of the canvass and before installing the new officers, the governing body is required to adopt a resolution reciting the fact of the election and other information, as specified, and to declare the results and install the newly elected officers.

Prescribes different timelines for when the governing body is required to meet to make the above declaration and install the newly elected officers, depending upon whether the city election is consolidated.

NEW PROVISIONS:

In lieu of any inconsistent existing provisions, with respect to the March 8, 2011, City of Bell General Municipal Election, Special Recall Election, and Special Election to Fill a Vacancy, the City of Bell is authorized to comply, subject to approval by the Los Angeles County Board of Supervisors, with an alternative procedure for certification, declaration of election results, and installation of newly elected officers.

Under this alternative procedure, upon completion of the canvass of the votes by the Los Angeles County Registrar-Recorder/County Clerk, the City of Bell City

Clerk would be required to certify the election results to the Los Angeles County Board of Supervisors.

Under the alternate procedure, the Los Angeles County Board of Supervisors would, within 7 days of receiving the certification, adopt the above-described resolution and declare the results of the elections.

Within 48 hours of the above-described resolution being adopted and the declaration being made, under the alternate procedure, the City of Bell City Clerk would install the newly elected officers at the Bell Council Chambers of the Bell City Hall.

POLLING PLACE DESIGNATION

Assembly Bill 193 Chapter 137

SECTIONS AFFECTED:

Add Section 12287.5 to the Elections Code.

CURRENT PROVISIONS:

Provides requirements for local elections officials to designate public and private properties and facilities for use as polling places.

NEW PROVISIONS:

Prohibits a polling place from being designated at a single family residence where a registered sex offender resides.

Requires elections officials to consult the Megan's Law sex offenders' database maintained by the Department of Justice not more than 60 days prior to designating a single-family residence as a polling place.

COMMENTS:

Imposes a state mandated program. If it is determined that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs.

ELECTIONS: SPECIFIED LOCAL OFFICES: WRITE-IN CANDIDATE

Assembly Bill 362 Chapter 214

CURRENT PROVISIONS:

Prohibits an elections official, in any county in which only the incumbent has filed nomination papers for the office of superior court judge, to place the incumbent's name on the ballot unless, within 10 days after the final date for filing nomination papers for the office, a petition indicating that a write-in campaign will be

conducted for the office and signed by 100 registered voters qualified to vote with respect to the office is filed with the elections official.

Requires every person who desires to be a write-in candidate and have his or her name as written on the ballot of an election counted for a particular office to file a statement of write-in candidacy that contains specified information.

NEW PROVISIONS:

Revises the number of voter signatures required on a write-in petition for the office of superior court judge, to at least 0.1 percent of the registered voters qualified to vote with respect to the office, provided that the petition contains at least 100 signatures but need not contain more than 600 signatures.

Requires a statement of the write-in candidate meets the statutory and constitutional requirements for that office, as specified.

SECTIONS AFFECTED:

Amends Elections Code 8203

(a) In any county in which only the incumbent has filed nomination papers for the office of superior court judge, his or her name shall not appear on the ballot unless there is filed with the elections official, within 10 days after the final date for filing nomination papers for the office, a petition indicating that a write-in campaign will be conducted for the office and signed by ~~400~~ at least 0.1 percent of the registered voters qualified to vote with respect to the office, provided that the petition shall contain at least 100 signatures but need not contain more than 600 signatures.

(b) If a petition indicating that a write-in campaign will be conducted for the office at the general election, signed by ~~400~~ the number of registered voters qualified to vote with respect to the office specified in subdivision (a), is filed with the elections official not less than 83 days before the general election, the name of the incumbent shall be placed on the general election ballot if it has not appeared on the direct primary election ballot.

(c) *If*, in conformity with this section, the name of the incumbent does not appear either on the primary ballot or general election ballot, the elections official, on the day of the general election, shall declare the incumbent reelected. Certificates of election specified in Section 15401 or 15504 shall not be issued to a person reelected pursuant to this section before the day of the general election.

Amends Elections Code 8600

Every person who desires to be a write-in candidate and have his or her name as written on the ballot of an election counted for a particular office shall file:

(a) A statement of write-in candidacy that contains the following information:

Changes indicated by underlined *italics*; deletions by ~~strikeout~~; applies to amended Elections Codes only

- (1) Candidate's name.
- (2) Residence address.
- (3) A declaration stating that he or she is a write-in candidate.
- (4) The title of the office for which he or she is running.
- (5) The party nomination which he or she seeks, if running in a partisan primary election.
- (6) The date of the election.

(7) For any of the offices described in Section 13.5, a statement that the candidate meets the statutory and constitutional requirements for that office as described in that section.

(b) The requisite number of signatures on the nomination papers, if any, required pursuant to Sections 8062, 10220, ~~40540~~ and 10510, or, in the case of a special district not subject to the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10), the number of signatures required by the principal act of the district.

ELECTIONS: ALL-MAILED BALLOT ELECTIONS

Assembly Bill 413 Chapter 187

SECTIONS AFFECTED:

Add to, and Repeal Elections Code 4001.

CURRENT PROVISIONS:

Authorizes a local, special, or consolidated election to be conducted wholly by mail if specified conditions are satisfied.

NEW PROVISIONS:

Authorizes, as a pilot program, until December 31, 2017, elections in Yolo County, other than statewide primary or general elections or special elections to fill a vacancy in a state office, the Legislature, or Congress, to be conducted wholly by mail, if specified conditions are satisfied.

Requires ballot dropoff locations provided consist of a locked ballot box located in a secure public building that meets the accessibility requirements for a polling place.

Requires, if the county conducts an all-mailed ballot election, to report as specified to the Legislature and to the Secretary of State.

Remains effective until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

ELECTORAL COLLEGE: INTERSTATE COMPACT

Assembly Bill 459 Chapter 188

SECTIONS AFFECTED:

Add Chapter 1.5 (commencing with section 6920) to Part 2 of Division 6 of the Elections Code

CURRENT PROVISIONS:

Provides for statewide election of a slate of electors to vote in the electoral college for President and Vice President of the United States. Each political party selects its slate of presidential electors in accordance with statutory procedures that differ by party.

NEW PROVISIONS:

Ratifies a specified interstate compact that requires the chief election official of each signatory state to appoint the slate of presidential electors that was nominated in association with the presidential ticket that received the largest national popular vote total.

COMMENTS:

This compact would only become effective if states cumulatively possessing a majority of the total electoral votes have ratified the compact.

WRITE-IN CANDIDATES

Assembly Bill 461 Chapter 189

SECTIONS AFFECTED:

Add Section 15342.5 to the Elections Code.

CURRENT PROVISIONS:

Regulates the processing of write-in votes, including requiring that a ballot for a qualified write-in candidate be counted if, on specified voting systems, the candidate's name is written on the ballot in the blank space provided and the voting space next to the write-in space, if provided, is marked according to voting instructions.

Requires for other voting systems, a ballot for a write-in candidate, if otherwise qualified, be counted if the name is written in the manner described in the voting instructions.

NEW PROVISIONS:

Requires a liberal construction of these write-in vote processing provisions in the event of a manual recount conducted under specified circumstances to ensure that a ballot is counted if the voter's intent can be determined, regardless of whether the voter has complied with the voting instructions.

PROCESSING WRITE-IN VOTES

**Assembly Bill 503
Chapter 190**

CURRENT PROVISIONS:

Prescribes the procedure for conducting an official canvass of election results, including the manner in which a name written upon a ballot for a qualified write-in candidate is to be counted for the office.

Prohibits an elections official from counting a write-in vote unless the voting space next to the write-in space is marked or slotted as directed in the voting instructions, with regard to voting systems in which write-in spaces appear directly below the list of candidates for that office and provide a voting space.

NEW PROVISIONS:

Authorizes an elections official, in an election that uses a voting system which write-in spaces appear directly below the list of candidates for that office and provide a voting space, after tallying all eligible votes but prior to completion of an official canvass and the issuance of the certified statement of the results, and upon the request of a qualified write-in candidate, including a write-in candidate for an office for which a voter may vote for multiple candidates, to hand tally the votes for a write-in candidate if the elections official makes a specified determination.

Requires an elections official who conducts a hand tally, as specified, to include the results of the hand tally in the official canvass of the election.

SECTION AFFECTED:

Amends Elections Code 15342

Any name written upon a ballot for a qualified write-in candidate, including a reasonable facsimile of the spelling of a name, shall be counted for the office, if it is written in the blank space provided and voted as specified below:

(a) For voting systems in which write-in spaces appear directly below the list of candidates for that office and provide a voting space, no write-in vote shall be counted unless the voting space next to the write-in space is marked or slotted as directed in the voting instructions, except as provided in subdivision (f).

(b) For voting systems in which write-in spaces appear separately from the list of candidates for that office and do not provide a voting space, the name of the write-in candidate, if otherwise qualified, shall be counted if it is written in the manner described in the voting instructions.

(c) The use of pressure-sensitive stickers, glued stamps, or any other device not provided for in the voting procedures for the voting systems approved by the Secretary of State to indicate the name of the write-in candidate are not valid, and a name indicated by these methods shall not be counted.

(d) Neither a vote cast for a candidate whose name appears on the ballot nor a vote cast for a write-in candidate shall be counted if the voter has indicated, by a combination of marking and writing, a choice of more names than there are candidates to be nominated or elected to the office.

(e) All valid write-in votes shall be tabulated and certified to the elections official on forms provided for this purpose, and the write-in votes shall be added to the results of the count of the ballots at the counting place and be included in the official returns for the precinct.

(f) (1) In an election that uses a voting system described in subdivision (a), after tallying all eligible votes but prior to completion of the official canvass and the issuance of the certified statement of the results pursuant to this chapter, the elections official, upon the request of a qualified write-in candidate for an office being voted on in that election for an examination of undervotes that is received within five days of completion of the semiofficial canvass, may hand tally the remaining undervotes if any of the following is applicable:

(A) In the case of a primary election or a special election, the sum of the total number of votes cast for the write-in candidate and the total number of undervotes cast for the office but not examined pursuant to a hand tally is equal to or greater than the total number of votes cast for the candidate receiving the second highest number of votes for that office.

(B) In the case of a general election or a special runoff election, the sum of the total number of votes cast for the write-in candidate and the total number of undervotes cast for the office but not examined pursuant to a hand tally is equal to or greater than the total number of votes cast for the candidate receiving the highest number of votes for that office.

(C) In the case of an office for which a voter may vote for more than one candidate, the sum of the total number of votes cast for the write-in candidate and the total number of undervotes cast for the office but not examined pursuant to a hand tally is equal to or greater than the total number of votes cast for the candidate receiving the least number of votes that would be sufficient in order to be elected.

(2) The elections official may stop a hand tally conducted pursuant to this subdivision when the official determines that the applicable condition in any of subparagraphs (A) to (C), inclusive, of paragraph (1) is no longer applicable, or when all of the undervotes for the office have been examined.

(3) In conducting a hand tally pursuant to this subdivision, the elections official shall count a vote for the office if the intent of the voter can be determined, regardless of whether the voter has complied with the voting instructions. The elections official shall include the results of a hand tally conducted pursuant to this subdivision in the official canvass of the election.

(4) For purposes of this subdivision, "undervote" means a ballot on which a voter failed to cast any vote for a specific office or failed to cast the maximum number of votes permitted, as detected by an electronic, mechanical, or other vote-tabulating device.

(5) Notwithstanding Section 15624, a qualified write-in candidate is not responsible for the costs of a hand tally requested pursuant to this subdivision.

(g) This section does not prohibit a request for a recount.

VOTING

Assembly Bill 547 Chapter 260

SECTIONS AFFECTED:

Add Section 18573.5 to the Elections Code.

CURRENT PROVISIONS:

Permits a voter who is unable to mark a ballot to receive the assistance of not more than 2 persons, selected by the voter, at a polling place.

Imposes criminal penalties on specified activities that interfere with another person's right to vote, including defrauding a voter who cannot read the ballot by deceiving and causing him or her to vote for a candidate that he or she did not intend to vote for.

NEW PROVISIONS:

Provides that a person is guilty of a misdemeanor if he or she, while providing care or direct supervision to an elder, as defined, in a state-licensed or state-subsidized facility or program, coerces or deceives 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.

COMMUNITY COLLEGE DISTRICTS: TRUSTEE ELECTIONS

**Assembly Bill 684
Chapter 614**

SECTIONS AFFECTED:

Add Sections 72036 and 72036.5 to the Education Code

CURRENT PROVISIONS:

Establishes the California Community Colleges which are administered by the Board of Governors of the California Community Colleges. The board of governors provides general supervision over each community college district and performs specified functions. Each community college district is under the control of a board of trustees.

Provides various procedures for the nomination and election of the governing boards of community college districts. Existing law specifies the number of members on the board, residency requirements, length of terms, and the drawing of trustee boundaries.

NEW PROVISIONS:

Authorizes the governing board of a community college district to change election systems, as specified, in accordance with the provisions of this bill and the California Voting Rights Act of 2001, subject to approval by the Board of Governors of the California Community Colleges.

Authorizes the governing board of a community college district to establish elections by trustee areas. Authorizes the governing board to determine the number of trustees, and requires the governing board to be composed of 5 to 9 members.

Authorizes the governing board to establish, abolish, or adjust trustee areas and terms of office, as specified.

Provides for the establishment of a procedure for the number of members, the election of members, and the reapportionment of trustee areas of the Grossmont-Cuyamaca Community College District in accordance with these provisions and the California Voting Rights Act of 2011

COMMENTS:

Takes effect immediately.

BOND MEASURES: BALLOT PAMPHLET: LEGISLATIVE ANALYST: TABLE

**Assembly Bill 732
Chapter 453**

CURRENT PROVISIONS:

Regulates the form and content of the ballot pamphlet submitted to voters prior to each statewide election, and requires the Legislative Analyst to prepare for the ballot pamphlet an analysis of each statewide measure, including a fiscal analysis of each measure showing the amount of any increase or decrease in revenue or cost to state or local government.

Requires the title and summary of a measure that appears on the ballot to be amended to contain a summary of the Legislative Analyst's estimate of the net state and local government fiscal impact.

NEW PROVISIONS:

Requires state bond measures that are submitted to the voters for their approval or rejection, require the summary of the Legislative Analyst's estimate of the net state and local government fiscal impact to include an explanatory table of the information in the summary.

Incorporates additional changes to Section 9086 of the Elections Code and Section 88002 of the Government Code, proposed by SB 334, to be operative only if SB 334 and this bill are both enacted, both bills become effective on or before January 1, 2012, and this bill is enacted last.

Incorporates additional changes to Section 9087 of the Elections Code and Section 88003 of the Government Code, proposed by AB 1021, to be operative only if AB 1021 and this bill are both enacted, both bills become effective on or before January 1, 2012, and this bill is enacted last.

SECTIONS AFFECTED:

Amends Elections Code 9086

The ballot pamphlet shall contain as to each state measure to be voted upon, the following, in the order set forth in this section:

(a) (1) Upon the top portion of the first page, and not exceeding one-third of the page, shall appear:

(A) Identification of the measure by number and title.

(B) The official summary prepared by the Attorney General.

(C) The total number of votes cast for and against the measure in both the State Senate and Assembly, if the measure was passed by the Legislature.

(2) The space in the title and summary that is used for an explanatory table prepared pursuant to paragraph (2) of subdivision (e) of Section 9087 and Section 88003 of the Government Code shall not be included when measuring the amount of space the information described in paragraph (1) has taken for purposes of determining compliance with the restriction prohibiting the information described in paragraph (1) from exceeding one-third of the page.

(b) Beginning at the top of the right page shall appear the analysis prepared by the Legislative Analyst, provided that the analysis fits on a single page. If it does not fit on a single page, the analysis shall begin on the lower portion of the first left page and shall continue on subsequent pages until it is completed.

(c) Arguments for and against the measure shall be placed on the next left and right pages, respectively, following the final page of the analysis of the Legislative Analyst. The rebuttals shall be placed immediately below the arguments.

(d) If no argument against the measure has been submitted, the argument for the measure shall appear on the right page facing the analysis.

(e) The complete text of each measure shall appear at the back of the pamphlet. The text of the measure shall contain the provisions of the proposed measure and the existing provisions of law repealed or revised by the measure. The provisions of the proposed measure differing from the existing provisions of law affected shall be distinguished in print, so as to facilitate comparison.

(f) The following statement shall be printed at the bottom of each page where arguments appear: "Arguments printed on this page are the opinions of the authors, and have not been checked for accuracy by any official agency."

SEC. 1.5. Section 9086 of the Elections Code is amended to read: 9086. The ballot pamphlet shall contain as to each state measure to be voted upon, the following, in the order set forth in this section:

(a) (1) Upon the top portion of the first page, and not exceeding one-third of the page, shall appear:

(A) Identification of the measure by number and title.

(B) The official summary prepared by the Attorney General.

(C) The total number of votes cast for and against the measure in both the State Senate and Assembly, if the measure was passed by the Legislature.

(2) The space in the title and summary that is used for an explanatory table prepared pursuant to paragraph (2) of subdivision (e) of Section 9087 and Section 88003 of the Government Code shall not be included when measuring the amount of space the information described in paragraph (1) has taken for purposes of determining compliance with the restriction prohibiting the information described in paragraph (1) from exceeding one-third of the page.

(b) Beginning at the top of the right page shall appear the analysis prepared by the Legislative Analyst, provided that the analysis fits on a single page. If it does not fit on a single page, the analysis shall begin on the lower portion of the first left page and shall continue on subsequent pages until it is completed.

(c) Immediately below the analysis by the Legislative Analyst shall appear the list of the five highest contributors of fifty thousand dollars (\$50,000) or more to each primarily formed committee supporting each state measure and a list of the five highest contributors of fifty thousand dollars (\$50,000) or more to each primarily formed committee opposing each state measure, as required by paragraph (9) of subdivision (a) of Section 9084.

(d) Arguments for and against the measure shall be placed on the next left and right pages, respectively, following the final page of the analysis of the Legislative Analyst. The rebuttals shall be placed immediately below the arguments.

(e) If no argument against the measure has been submitted, the argument for the measure shall appear on the right page facing the analysis.

(f) The complete text of each measure shall appear at the back of the pamphlet. The text of the measure shall contain the provisions of the proposed measure and the existing provisions of law repealed or revised by the measure. The provisions of the proposed measure differing from the existing provisions of law affected shall be distinguished in print, so as to facilitate comparison.

(g) The following statement shall be printed at the bottom of each page where arguments appear: "Arguments printed on this page are the opinions of the authors, and have not been checked for accuracy by any official agency."

Amends Elections Code 9087

(a) The Legislative Analyst shall prepare an impartial analysis of the measure describing the measure and including a fiscal analysis of the measure showing the amount of any increase or decrease in revenue or cost to state or local government. If it is estimated that a measure would result in increased cost to the state, an analysis of the measure's estimated impact on the state shall be provided, including an estimate of the percentage of the General Fund that would

be expended due to the measure, using visual aids when appropriate. An estimate of increased cost to the state or local governments shall be set out in boldface print in the ballot pamphlet.

(b) The analysis shall be written in clear and concise terms, so as to be easily understood by the average voter, and shall avoid the use of technical terms wherever possible. The analysis may contain background information, including the effect of the measure on existing law and the effect of enacted legislation which will become effective if the measure is adopted, and shall generally set forth in an impartial manner the information the average voter needs to adequately understand the measure. To the extent practicable, the Legislative Analyst shall utilize a uniform method in each analysis to describe the estimated increase or decrease in revenue or cost of a measure, so that the average voter may draw comparisons among the fiscal impacts of measures. The condensed statement of the fiscal impact summary for the measure prepared by the Attorney General to appear on the ballot shall contain the uniform estimate of increase or decrease in revenue or cost of the measure prepared pursuant to this subdivision.

(c) The Legislative Analyst may contract with a professional writer, educational specialist, or another person for assistance in writing an analysis that fulfills the requirements of this section, including the requirement that the analysis be written so that it will be easily understood by the average voter. The Legislative Analyst may also request the assistance of a state department, agency, or official in preparing his or her analysis.

(d) Prior to submitting the analysis to the Secretary of State, the Legislative Analyst shall submit the analysis to a committee of five persons, appointed by the Legislative Analyst, for the purpose of reviewing the analysis to confirm its clarity and easy comprehension to the average voter. The committee shall be drawn from the public at large, and one member shall be a specialist in education, one member shall be bilingual, and one member shall be a professional writer. Members of the committee shall be reimbursed for reasonable and necessary expenses incurred in performing their duties. Within five days of the submission of the analysis to the committee, the committee shall make recommendations to the Legislative Analyst as it deems appropriate to guarantee that the analysis can be easily understood by the average voter. The Legislative Analyst shall consider the committee's recommendations, and he or she shall incorporate in the analysis those changes recommended by the committee that he or she deems to be appropriate. The Legislative Analyst is solely responsible for determining the content of the analysis required by this section.

(e) (1) The title and summary of ~~the any~~ measure that appears on the ballot shall be amended to contain a summary of the Legislative Analyst's estimate of the net state and local government fiscal impact.

(2) For state bond measures that are submitted to the voters for their approval or rejection, the summary of the Legislative Analyst's estimate described in paragraph (1) shall include an explanatory table of the information in the summary.

SEC. 2.5 Section 9087 of the Elections Code is amended to read:

9087. (a) The Legislative Analyst shall prepare an impartial analysis of the measure describing the measure and including a fiscal analysis of the measure showing the amount of any increase or decrease in revenue or cost to state or local government. If it is estimated that a measure would result in increased cost to the state, an analysis of the measure's estimated impact on the state shall be provided, including an estimate of the percentage of the General Fund that would be expended due to the measure, using visual aids when appropriate. An estimate of increased cost to the state or local governments shall be set out in boldface print in the ballot pamphlet.

(b) The analysis shall be written in clear and concise terms, so as to be easily understood by the average voter, and shall avoid the use of technical terms wherever possible. The analysis may contain background information, including the effect of the measure on existing law and the effect of enacted legislation which will become effective if the measure is adopted, and shall generally set forth in an impartial manner the information the average voter needs to adequately understand the measure. To the extent practicable, the Legislative Analyst shall utilize a uniform method in each analysis to describe the estimated increase or decrease in revenue or cost of a measure, so that the average voter may draw comparisons among the fiscal impacts of measures. The condensed statement of the fiscal impact summary for the measure prepared by the Attorney General to appear on the ballot shall contain the uniform estimate of increase or decrease in revenue or cost of the measure prepared pursuant to this subdivision.

(c) The Legislative Analyst may contract with a professional writer, educational specialist, or another person for assistance in writing an analysis that fulfills the requirements of this section, including the requirement that the analysis be written so that it will be easily understood by the average voter. The Legislative Analyst may also request the assistance of a state department, agency, or official in preparing his or her analysis.

(d) Prior to submitting the analysis to the Secretary of State, the Legislative Analyst shall submit the analysis to a committee of five persons, appointed by the Legislative Analyst, for the purpose of reviewing the analysis to confirm its clarity and easy comprehension to the average voter. The committee shall be drawn from the public at large, and one member shall be a specialist in education, one member shall be bilingual, and one member shall be a professional writer. Members of the committee shall be reimbursed for reasonable and necessary expenses incurred in performing their duties. Within five days of the submission

of the analysis to the committee, the committee shall make recommendations to the Legislative Analyst as it deems appropriate to guarantee that the analysis can be easily understood by the average voter. The Legislative Analyst shall consider the committee's recommendations, and he or she shall incorporate in the analysis those changes recommended by the committee that he or she deems to be appropriate. The Legislative Analyst is solely responsible for determining the content of the analysis required by this section.

(e) (1) The title and summary of ~~the~~ any measure that appears on the ballot shall be amended to contain a summary of the Legislative Analyst's estimate of the net state and local government fiscal impact.

(2) For state bond measures that are submitted to the voters for their approval or rejection, the summary of the Legislative Analyst's estimate described in paragraph (1) shall include an explanatory table of the information in the summary.

(f) If a measure qualifies for the ballot and the Legislative Analyst's analysis pursuant to this section determines that the measure would (1) establish a new or expanded program, (2) cost more than one million dollars (\$1,000,000) in any year, excluding costs attributable to the issuance, sale, or repayment of general obligation bonds, if implemented, and (3) does not either provide new revenues or eliminate all or part of existing programs sufficient to pay the cost of the new or expanded program or service, a paragraph shall be added to the summary statement established pursuant to Section 9085 of the ballot pamphlet prepared pursuant to Section 9081, stating as follows:

"This measure does not include sufficient funds to pay the cost of the new or expanded program or service provided therein. Therefore, should the measure pass, its costs would have to be paid from one or more of the following:

(1) Reductions to existing state programs.

(2) Revenue increases.

(3) State reserves, if available."

88002. The ballot pamphlet shall contain as to each state measure to be voted upon, the following in the order set forth in this section:

(a) (1) Upon the top portion of the first page and not exceeding one-third of the page shall appear:

- (A) The identification of the measure by number and title.
- (B) The official summary prepared by the Attorney General.

(C) The total number of votes cast for and against the measure in both the State Senate and Assembly if the measure was passed by the Legislature.

(2) The space in the title and summary that is used for an explanatory table prepared pursuant to paragraph (2) of subdivision (e) of Section 9087 of the Elections Code and Section 88003 shall not be included when measuring the amount of space the information described in paragraph (1) has taken for purposes of determining compliance with the restriction prohibiting the information described in paragraph (1) from exceeding one-third of the page.

(b) Beginning at the top of the right page shall appear the analysis prepared by the Legislative Analyst, provided that the analysis fits on a single page. If it does not fit on a single page, then the analysis shall begin on the lower portion of the first left page and shall continue on subsequent pages until it is completed.

(c) Arguments for and against the measure shall be placed on the next left and right pages, respectively, following the page on which the analysis of the Legislative Analyst ends. The rebuttals shall be placed immediately below the arguments.

(d) If no argument against the measure has been submitted, the argument for the measure shall appear on the right page facing the analysis.

(e) The complete text of each measure shall appear at the back of the pamphlet. The text of the measure shall contain the provisions of the proposed measure and the existing provisions of law repealed or revised by the measure. The provisions of the proposed measure differing from the existing provisions of law affected shall be distinguished in print, so as to facilitate comparison.

(f) The following statement shall be printed at the bottom of each page where arguments appear: "Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency."

SEC. 3.5. Section 88002 of the Government Code is amended to read:

88002. The ballot pamphlet shall contain as to each state measure to be voted upon, the following in the order set forth in this section:

(a) (1) Upon the top portion of the first page and not exceeding one-third of the page shall appear:

(A) The identification of the measure by number and title.

(B) The official summary prepared by the Attorney General.

(C) The total number of votes cast for and against the measure in both the State Senate and Assembly if the measure was passed by the Legislature.

(2) The space in the title and summary that is used for an explanatory table prepared pursuant to paragraph (2) of subdivision (e) of Section 9087 of the Elections Code and Section 88003 shall not be included when measuring the amount of space the information described in paragraph (1) has taken for purposes of determining compliance with the restriction prohibiting the information described in paragraph (1) from exceeding one-third of the page.

(b) Beginning at the top of the right page shall appear the analysis prepared by the Legislative Analyst, provided that the analysis fits on a single page. If it does not fit on a single page, then the analysis shall begin on the lower portion of the first left page and shall continue on subsequent pages until it is completed.

(c) Immediately below the analysis by the Legislative Analyst shall appear the list of the five highest contributors of fifty thousand dollars (\$50,000) or more to each primarily formed committee supporting each state measure and a list of the five highest contributors of fifty thousand dollars (\$50,000) or more to each primarily formed committee opposing each state measure, as required by paragraph (9) of subdivision (a) of Section 88001.

(d) Arguments for and against the measure shall be placed on the next left and right pages, respectively, following the page on which the analysis of the Legislative Analyst ends. The rebuttals shall be placed immediately below the arguments.

(e) If no argument against the measure has been submitted, the argument for the measure shall appear on the right page facing the analysis.

(f) The complete text of each measure shall appear at the back of the pamphlet. The text of the measure shall contain the provisions of the proposed measure and the existing provisions of law repealed or revised by the measure. The provisions of the proposed measure differing from the existing provisions of law affected shall be distinguished in print, so as to facilitate comparison.

(g) The following statement shall be printed at the bottom of each page where arguments appear: "Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency."

SEC. 4. Section 88003 of the Government Code is amended to read:
88003. The Legislative Analyst shall prepare an impartial analysis of the measure describing the measure and including a fiscal analysis of the measure showing the amount of any increase or decrease in revenue or cost to state or local government. Any estimate of increased cost to local governments shall be

set out in boldface print in the ballot pamphlet. The analysis shall be written in clear and concise terms which will easily be understood by the average voter, and shall avoid the use of technical terms wherever possible. The analysis may contain background information, including the effect of the measure on existing law and the effect of enacted legislation which will become effective if the measure is adopted, and shall generally set forth in an impartial manner the information which the average voter needs to understand the measure adequately. The Legislative Analyst may contract with professional writers, educational specialists, or other persons for assistance in writing an analysis that fulfills the requirements of this section, including the requirement that the analysis be written so that it will be easily understood by the average voter. The Legislative Analyst may also request the assistance of any state department, agency, or official in preparing his or her analysis. Prior to submission of the analysis to the Secretary of State, the Legislative Analyst shall submit the analysis to a committee of five persons appointed by the Legislative Analyst for the purpose of reviewing the analysis to confirm its clarity and easy comprehension to the average voter. The committee shall be drawn from the public at large, and one member shall be a specialist in education, one shall be bilingual, and one shall be a professional writer. Members of the committee shall be reimbursed for reasonable and necessary expenses incurred in performing their duties. Within five days of the submission of the analysis to the committee, the committee shall make such recommendations to the Legislative Analyst as it deems appropriate to guarantee that the analysis can be easily understood by the average voter. The Legislative Analyst shall consider the committee's recommendations, and he or she shall incorporate in the analysis those changes recommended by the committee that he or she deems to be appropriate. The Legislative Analyst is solely responsible for determining the content of the analysis required by this section. The title and summary of any measure which appears on the ballot shall be amended to contain a summary of the Legislative Analyst's estimate of the net state and local government financial impact. For state bond measures that are submitted to the voters for their approval or rejection, the summary of the Legislative Analyst's estimate of the net state and local government fiscal impact shall include an explanatory table of the information in the summary.

SEC. 4.5. Section 88003 of the Government Code is amended to read:

88003. (a) The Legislative Analyst shall prepare an impartial analysis of the measure describing the measure and including a fiscal analysis of the measure showing the amount of any increase or decrease in revenue or cost to state or local government. If it is estimated that a measure would result in increased cost to the state, an analysis of the measure's estimated impact on the state shall be provided, including an estimate of the percentage of the General Fund that would be expended due to the measure, using visual aids when appropriate. An estimate of increased cost to the state or local governments shall be set out in boldface print in the ballot pamphlet.

Changes indicated by underlined *italics*; deletions by ~~strikeout~~; applies to amended Elections Codes only

(b) The analysis shall be written in clear and concise terms so as to be easily understood by the average voter, and shall avoid the use of technical terms wherever possible. The analysis may contain background information, including the effect of the measure on existing law and the effect of enacted legislation which will become effective if the measure is adopted, and shall generally set forth in an impartial manner the information the average voter needs to adequately understand the measure. To the extent practicable, the Legislative Analyst shall utilize a uniform method in each analysis to describe the estimated increase or decrease in revenue or cost of a measure, so that the average voter may draw comparisons among the fiscal impacts of measures. The condensed statement of the fiscal impact summary for the measure prepared by the Attorney General to appear on the ballot shall be followed immediately by the uniform estimate of increase or decrease in revenue or cost of the measure prepared pursuant to this subdivision.

(c) The Legislative Analyst may contract with professional writers, educational specialists, or other persons for assistance in writing an analysis that fulfills the requirements of this section, including the requirement that the analysis be written so that it will be easily understood by the average voter. The Legislative Analyst may also request the assistance of a state department, agency, or official in preparing his or her analysis.

(d) Prior to submitting the analysis to the Secretary of State, the Legislative Analyst shall submit the analysis to a committee of five persons appointed by the Legislative Analyst for the purpose of reviewing the analysis to confirm its clarity and easy comprehension to the average voter. The committee shall be drawn from the public at large, and one member shall be a specialist in education, one member shall be bilingual, and one member shall be a professional writer. Members of the committee shall be reimbursed for reasonable and necessary expenses incurred in performing their duties. Within five days of the submission of the analysis to the committee, the committee shall make recommendations to the Legislative Analyst as it deems appropriate to guarantee that the analysis can be easily understood by the average voter. The Legislative Analyst shall consider the committee's recommendations, and he or she shall incorporate in the analysis those changes recommended by the committee that he or she deems to be appropriate. The Legislative Analyst is solely responsible for determining the content of the analysis required by this section.

(e) The title and summary of any measure that appears on the ballot shall be amended to contain a summary of the Legislative Analyst's estimate of the net state and local government fiscal impact. For state bond measures that are submitted to the voters for their approval or rejection, the summary of the Legislative Analyst's estimate of the net state and local government fiscal impact shall include an explanatory table of the information in the summary.

(f) If a measure qualifies for the ballot and the Legislative Analyst's analysis pursuant to this section determines that the measure would (1) establish a new

or expanded program, (2) cost more than one million dollars (\$1,000,000) in any year, excluding costs attributable to the issuance, sale, or repayment of general obligation bonds, if implemented, and (3) does not either provide new revenues or eliminate all or part of existing programs sufficient to pay the cost of the new or expanded program or service, a paragraph shall be added to the summary statement established pursuant to Section 88002.5 of the ballot pamphlet prepared pursuant to Section 88000, stating as follows:

"This measure does not include sufficient funds to pay the cost of the new or expanded program or service provided therein. Therefore, should the measure pass, its costs would have to be paid from one or more of the following:

(1) Reductions to existing state programs.

(2) Revenue increases.

(3) State reserves, if available."

SEC. 5. (a) Section 1.5 of this bill incorporates amendments to Section 9086 of the Elections Code proposed by both this bill and Senate Bill 334. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2012, (2) each bill amends Section 9086 of the Elections Code, and (3) this bill is enacted after Senate Bill 334, in which case Section 1 of this bill shall not become operative.

(b) Section 2.5 of this bill incorporates amendments to Section 9087 of the Elections Code proposed by both this bill and Assembly Bill 1021. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2012, (2) each bill amends Section 9087 of the Elections Code, and (3) this bill is enacted after Assembly Bill 1021, in which case Section 2 of this bill shall not become operative.

(c) Section 3.5 of this bill incorporates amendments to Section 88002 of the Government Code proposed by both this bill and Senate Bill 334. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2012, (2) each bill amends Section 88002 of the Government Code, and (3) this bill is enacted after Senate Bill 334, in which case Section 3 of this bill shall not become operative.

(d) Section 4.5 of this bill incorporates amendments to Section 88003 of the Government Code proposed by both this bill and Assembly Bill 1021. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2012, (2) each bill amends Section 88003 of the Government Code, and (3) this bill is enacted after Assembly Bill 1021, in which case Section 4 of this bill shall not become operative.

SEC. 6. The Legislature finds and declares that this act permits or requires the inclusion of additional information on the ballot pamphlet in accordance with Section 88007 of the Government Code.

ELECTIVE OFFICE: MILITARY SERVICE

Assembly Bill 754 Chapter 57

SECTIONS AFFECTED:

Add Section 202 to the Elections Code.

CURRENT PROVISIONS:

Prescribes the manner in which a person may be nominated to run for office, including the form and filing of a declaration of candidacy and nomination paper.

NEW PROVISIONS:

Permits a person who is deployed on active military service outside of the state to have a declaration of candidacy, nomination paper, or any other paper necessary to run for office filed by an attorney-in-fact who is commissioned and empowered in writing for that purpose through a power of attorney, as specified.

ELECTIONS: OFFICIAL CANVASS: MANUAL TALLY

Assembly Bill 985 Chapter 52

CURRENT PROVISIONS:

Requires, during the official canvass of an election in which a voting system is used, the elections official conducting the election to conduct a public manual tally of the ballots tabulated by those devices, including vote by mail voters' ballots, cast in 1% of the precincts chosen at random by the elections official.

NEW PROVISIONS:

Authorizes the local elections official, during the official canvass of an election in which a voting system is used, to conduct a manual tally of the ballots cast in 1 percent of the precincts chosen at random by the elections official and a separate manual tally of not less than 1 percent of the vote by mail ballots cast in the election.

SECTIONS AFFECTED:

Amends Elections Code 15360

(a) During the official canvass of every election in which a voting system is used, the official conducting the election shall conduct a public manual tally of the

ballots tabulated by those devices, including vote by mail ~~voters' ballots, cast~~
using either of the following methods:

(1) (A) A public manual tally of the ballots, including vote by mail ballots, cast in 1 percent of the precincts chosen at random by the elections official. If 1 percent of the precincts is less than one whole precinct, the tally shall be conducted in one precinct chosen at random by the elections official.

(B) (i) In addition to the 1 percent manual tally, the elections official shall, for each race not included in the initial group of precincts, count one additional precinct. The manual tally shall apply only to the race not previously counted.

(ii) Additional precincts for the manual tally may be selected at the discretion of the elections official.

(2) A two-part public manual tally, which includes both of the following:

(A) A public manual tally of the ballots, not including vote by mail ballots, cast in 1 percent of the precincts chosen at random by the elections official and conducted pursuant to paragraph (1).

(B) (i) A public manual tally of not less than 1 percent of the vote by mail ballots cast in the election. Batches of vote by mail ballots shall be chosen at random by the elections official.

(ii) For the purposes of this section, a "batch" means a set of ballots tabulated by the voting system devices, for which the voting system can produce a report of the votes cast.

(iii) (I) In addition to the 1 percent manual tally of the vote by mail ballots, the elections official shall, for each race not included in the initial 1 percent manual tally of vote by mail ballots, count one additional batch of vote by mail ballots. The manual tally shall apply only to the race not previously counted.

(II) Additional batches for the manual tally may be selected at the discretion of the elections official.

(b) If vote by mail ballots are cast on a direct recording electronic voting system at the office of an elections official or at a satellite location of the office of an elections official pursuant to Section 3018, the official conducting the election shall either include those ballots in the manual tally conducted pursuant to paragraph (1) or (2) of subdivision (a) or conduct a public manual tally of those ballots cast on no fewer than 1 percent of all the direct recording electronic voting machines used in that election chosen at random by the elections official.

(c) The elections official shall use either a random number generator or other method specified in regulations that shall be adopted by the Secretary of State to

randomly choose the initial precincts, batches of vote by mail ballots, or direct recording electronic voting machines subject to the public manual tally.

(d) The manual tally shall be a public process, with the official conducting the election providing at least a five-day public notice of the time and place of the manual tally and of the time and place of the selection of the precincts ~~to be tallied~~, batches, or direct recording electronic voting machines subject to the public manual tally prior to conducting the selection and tally ~~and selection~~.

(e) The official conducting the election shall include a report on the results of the 1 percent manual tally in the certification of the official canvass of the vote. This report shall identify any discrepancies between the machine count and the manual tally and a description of how each of these discrepancies was resolved. In resolving any discrepancy involving a vote recorded by means of a punchcard voting system or by electronic or electromechanical vote tabulating devices, the voter verified paper audit trail shall govern if there is a discrepancy between it and the electronic record.

**VOTE BY MAIL: PROCEDURES: PERMANENT VOTE BY MAIL VOTERS:
FAILURE TO RETURN BALLOT**

**Assembly Bill 1343
Chapter 191**

CURRENT PROVISIONS:

Provides that a voter can become qualified as a permanent vote by mail voter. A permanent vote by mail voter will be deleted from the list of qualified permanent vote by mail voters if the voter fails to return an executed vote by mail ballot in 2 consecutive statewide general elections.

NEW PROVISIONS:

Requires a permanent vote by mail voter be removed from the list of qualified permanent vote by mail voters, if the voter fails to return an executed vote by mail ballot in 4 consecutive statewide general elections.

SECTIONS AFFECTED:

Amends Elections Code 3206

A voter whose name appears on the permanent vote by mail voter list shall remain on the list and shall be mailed a vote by mail ballot for each election conducted within his or her precinct in which he or she is eligible to vote. If the voter fails to return an executed vote by mail ballot in ~~two~~ four consecutive statewide general elections in accordance with Section 3017 the voter's name shall be deleted from the list.

LOCAL GOVERNANCE

Assembly Bill 1344 Chapter 692

CURRENT PROVISIONS:

Requires a charter commission to submit, among other things, a city charter to the voters of a city at either a special election called for that purpose, at any established municipal election date, or at any established election date, provided that there are at least 88 days before the election.

Authorizes the governing body of any city or city and county to, among other things, propose a charter and submit the proposal for the adoption to the voters at either a special election called for that purpose or at any established municipal election date or at any established election date, provided there are at least 88 days before the election.

NEW PROVISIONS:

Requires a city charter or charter amendment, whether submitted to the voters by a charter commission or the governing body of the city or city and county, to be submitted at the next established statewide general, statewide primary, or regularly scheduled municipal election date, provided there are at least 95 days before the election.

Requires a proposal to adopt a charter, whether submitted to the voters by a charter commission or the legislative body of a city or city and county to include in the ballot description an enumeration of new city powers as a result of the adoption of the charter, including, but not limited to, whether the city council will, pursuant to an adopted charter, have the power to raise its own compensation and the compensation of other city officials without voter approval.

SECTIONS AFFECTED:

Amends Government Code Sections 34457, 34458, 54954.2, and 54956 of, add Section 34458.5 to, add Article 2.6 (commencing with Section 53243) to Chapter 2 of Part 1 of Division 2 of Title 5 of, and add Chapter 10.1 (commencing with Section 3511.1) to Division 4 of Title 1. (Not listed)

Amends Elections Code 9255

(a) A charter or charter amendment proposed by a charter commission, whether elected or appointed by a governing body, for a city or city and county shall be submitted to the voters at an established statewide general, statewide primary, or regularly scheduled municipal election date pursuant to Section 1200, 1201, or 1301, provided that there are at least 95 days before the election. A charter commission may also submit a charter pursuant to Section 34455 of the Government Code.

(b) The following city or city and county charter proposals shall be submitted to the voters at either a special election called for that purpose, at any established municipal election date, or at any *an* established *statewide general, statewide primary, or regularly scheduled municipal* election date pursuant to Section 4000 1200, 1201, or 1301, provided that there are at least 88 days before the election:

~~(1) A charter proposed by a charter commission, whether elected or appointed by a governing body. A charter commission may also submit a charter pursuant to Section 34455 of the Government Code.~~

~~(2)~~

(1) An amendment or repeal of a charter proposed by the governing body of a city or a city and county on its own motion.

(3)

(2) An amendment or repeal of a city charter proposed by a petition signed by 15 percent of the registered voters of the city.

(4)

(3) An amendment or repeal of a city and county charter proposed by a petition signed by 10 percent of the registered voters of the city and county.

(5)

(4) A recodification of the charter proposed by the governing body on its own motion, provided that the recodification does not, in any manner, substantially change the provisions of the charter.

(b)

(c) Charter proposals by the governing body and charter proposals by petition of the voters may be submitted at the same election.

(e)

(d) The total number of registered voters of the city or city and county shall be determined according to the county elections official's last official report of registration to the Secretary of State that was effective at the time the notice required pursuant to Section 9256 was given.

Amends Elections Code 9260

The petition shall be in substantially the following form:

Petition for Submission to Voters of Proposed Amendment to the Charter
of the City (or City and County) of _____

To the city council (or other legislative body) of the City (or
City and County) of _____:

We, the undersigned, registered and qualified voters of the State of California, residents of the City (or City and County) of _____, pursuant to Section 3 of Article XI of the California Constitution and Chapter 2 (commencing with Section 34450) of Part 1 of Division 2 of Title 4 of the Government Code, present to the city council (or other legislative body) of the city (or city and county) this petition and request that the following proposed amendment to the charter of the city (or city and county) be submitted to the registered and qualified voters of the city (or city and county) for their adoption or rejection at ~~an election on a date to be determined by the city council (or other legislative body) the next statewide~~ general, statewide primary, or regularly scheduled municipal election date pursuant to Section 1200, 1201, or 1301.

VOTER REGISTRATION

Assembly Bill 1357 Chapter 192

CURRENT PROVISIONS:

Provides that a person may not be registered to vote except by affidavit of registration. Requires an affidavit of registration to be included on a multipart card, to be known as a voter registration card. Expresses the Legislature's intent to promote and encourage voter registration.

NEW PROVISIONS:

States the intent of Legislature that county elections officials shall be permitted to provide affidavit of registration forms and voter registration cards online, as specified, provided the form is posted online on or before January 1, 2012, and that the affidavit meets specified requirements.

Requires the Secretary of State, in consultation with county elections officials, to make available online an affidavit of registration, as specified.

SECTIONS AFFECTED:

Amends Elections Code 2103

(a) It is the intent of the Legislature that the election board of each county, in order to promote and encourage voter registrations, shall establish a sufficient number of registration places throughout the county, and outside the county courthouse, for the convenience of persons desiring to register, to the end that registration may be maintained at a high level.

(b) It is also the intent of the Legislature that county elections officials, in order to promote and encourage voter registrations, shall enlist the support and cooperation of interested citizens and organizations, and shall deputize as registrars qualified citizens in such a way as to reach most effectively every resident of the county. The persons so deputized shall be permitted to register

voters anywhere within the county, including at the places of residence of the persons to be registered, and the county elections official shall not deny deputy registrars the right to register voters anywhere in the county.

(c) It is also the intent of the Legislature that non-English-speaking citizens, like all other citizens, should be encouraged to vote. Therefore, appropriate efforts should be made to minimize obstacles to registration by citizens who lack sufficient skill in English to register without assistance.

(d) Where the county elections official finds that citizens described in subdivision (c) approximate 3 percent or more of the voting age residents of a precinct, or in the event that interested citizens or organizations provide information which the county elections official believes indicates a need for registration assistance for qualified citizens described in subdivision (c), the county elections official shall make reasonable efforts to recruit deputy registrars who are fluent in a language used by citizens described in subdivision (c) and in English. That recruitment shall be conducted through the cooperation of interested citizens and organizations and through voluntarily donated public service notices in the media, including newspapers, radio, and television, particularly those media that serve the non-English-speaking citizens described in subdivision (c). Deputy registrars so appointed shall facilitate registration in the particular precincts concerned and shall have the right to register voters anywhere in the county.

(e) In furtherance of the purposes of this section, the governing board of any county, city, city and county, district, or other public agency may authorize and assign any of its officers or employees to become deputy registrars of voters and to register qualified citizens on any premises and facilities owned or controlled by those public agencies during the regular working hours of the officers or employees. With the exception of ~~firemen~~ firefighters, any compensation to which the officer or employee may be entitled in payment for the services of the officer or employee as a deputy registrar may be paid by the authority that appointed the officer or employee as a deputy registrar to the public agency that regularly employs the officer or employee.

(f) It is the intent of the Legislature that no limitation be imposed on the number of persons appointed to act as deputy registrars of voters.

(g) It is the intent of the Legislature that county elections officials be permitted to distribute affidavits of registration and voter registration cards, in all languages required by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965, by using the county's Internet Web site.

Amends Election Code 2157

(a) Subject to this chapter, the paper affidavit of registration shall be in a form prescribed by regulations adopted by the Secretary of State. The affidavit shall:

Changes indicated by underlined italics; deletions by ~~strikeout~~; applies to amended Elections Codes only

- (1) Contain the information prescribed in Section 2150.
- (2) Be sufficiently uniform among the separate counties to allow for the processing and use by one county of an affidavit completed in another county.
- (3) Allow for the inclusion of informational language to meet the specific needs of that county, including, but not limited to, the return address of the elections official in that county, and a telephone number at which a voter can obtain elections information in that county.
- (4) Be included on one portion of a multipart card, to be known as a voter registration card, the other portions of which shall include information sufficient to facilitate completion and mailing of the affidavit. The affidavit portion of the multipart card shall be numbered according to regulations adopted by the Secretary of State. For purposes of facilitating the distribution of voter registration cards as provided in Section 2158, there shall be attached to the affidavit portion a receipt. The receipt shall be separated from the body of the affidavit by a perforated line.
- (5) Contain, in a type size and color of ink that is clearly distinguishable from surrounding text, a statement identical or substantially similar to the following:
“Certain voters facing life-threatening situations may qualify for confidential voter status. For more information, please contact the Secretary of State’s Safe At Home program or visit the Secretary of State’s Web site.”
- (6) Contain, in a type size and color of ink that is clearly distinguishable from surrounding text, a statement that the use of voter registration information for commercial purposes is a misdemeanor pursuant to subdivision (a) of Section 2194, and any suspected misuse shall be reported to the Secretary of State.
- (7) Contain a toll-free fraud hotline telephone number maintained by the Secretary of State that the public may use to report suspected fraudulent activity concerning misuse of voter registration information.
- (8) Be returnable to the county elections official as a self-enclosed mailer with postage prepaid by the Secretary of State.
 - (b) Nothing contained in this division shall prevent the use of voter registration cards and affidavits of registration in existence on the effective date of this section and produced pursuant to regulations of the Secretary of State, and all references to voter registration cards and affidavits in this division shall be applied to the existing voter registration cards and affidavits of registration.
 - (c) The Secretary of State may continue to supply existing affidavits of registration prior to printing new or revised forms that reflect the changes required pursuant to this section, Section 2150, or Section 2160.

(d) Nothing in this division shall prevent the lawful use of an affidavit of registration form provided on a county's Internet Web site, provided that the county offered the form on the county's Internet Web site on or before January 1, 2012, and the affidavit meets the requirements of paragraphs (1), (3), and paragraphs (5) to (7), inclusive, of subdivision (a). This subdivision shall be in effect until the Secretary of State makes affidavits of registration available pursuant to subdivision (e).

(e) The Secretary of State shall, in consultation with county elections officials, design and make available on his or her Internet Web site an affidavit of registration. The affidavit shall:

(1) Contain the information prescribed in Section 2150.

(2) Be numbered according to regulations adopted by the Secretary of State.

(3) Contain, in a type size that is clearly distinguishable from surrounding text, a statement identical or substantially similar to the following: "Certain voters facing life-threatening situations may qualify for confidential voter status. For more information, please contact the Secretary of State's Safe At Home program or visit the Secretary of State's Web site."

(4) Contain, in a type size that is clearly distinguishable from surrounding text, a statement that the use of voter registration information for commercial purposes is a misdemeanor pursuant to subdivision (a) of Section 2194, and any suspected misuse shall be reported to the Secretary of State.

(5) Contain a toll-free fraud hotline telephone number maintained by the Secretary of State that the public may use to report suspected fraudulent activity concerning misuse of voter registration information.

(6) Be returnable to the county elections official.

(f) Affidavits of registration provided on the Internet Web site of a county or of the Secretary of State shall be for individual use only and not for use by organizations seeking to register people to vote pursuant to Section 2158.

Amends Election Code 2158

In addition to registration conducted by deputy registrars of voters, the county elections official shall do all of the following:

(a) Provide voter registration cards *designed pursuant to subdivision (a) of Section 2157* for the registration of voters at his or her office and in a sufficient number of locations throughout the county for the convenience of persons desiring to register, to the end that registration may be maintained at a high level. *The cards shall be available in all languages required by Section 203 (42 U.S.C.*

Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965.

(b) Provide voter registration cards designed pursuant to subdivision (a) of Section 2157 in sufficient quantities to any citizens or organizations who wish to distribute the cards other than to persons who have been convicted of violating this section within the last five years. Citizens and organizations shall be permitted to distribute voter registration cards anywhere within the county.

(1) If, after completing his or her voter registration affidavit, an elector entrusts it to another person, the latter shall sign and date the attached, numbered receipt indicating his or her address and telephone number, if any, and give the receipt to the elector. Failure to comply with this paragraph shall not cause the invalidation of the registration of a voter.

(2) Any citizen or organization that distributes voter registration cards designed pursuant to subdivision (a) of Section 2157 shall give a voter registration card to any elector requesting it, provided that the citizen or organization has a sufficient number of cards.

(3) If distribution of voter registration cards pursuant to this subdivision is undertaken by mailing cards to persons who have not requested the cards, the person mailing the cards shall enclose a cover letter or other notice with each card instructing the recipients to disregard the cards if they are currently registered voters.

(c) Mail a voter registration card immediately to any person who wishes to register to vote and requests a voter registration card.

(d) In addition to providing voter registration cards in his or her office, the county elections official may provide cards on the county's Internet Web site for voters to print, complete, sign, and return to the county elections office. Cards provided online shall be available in all languages required by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965.

VOTE BY MAIL

Assembly Bill 1412 Chapter 118

CURRENT PROVISIONS:

Defines the term "ballot card" as meaning a card or a number of cards upon which are printed, or identified by reference to the ballot, the names of candidates for nomination or election to one or more offices or the ballot titles of one or more measures.

Changes indicated by underlined *italics*; deletions by ~~strikeout~~; applies to amended Elections Codes only

Requires the governing board of a community college district submit to the board of supervisors a resolution calling for an election prior to the date of the scheduled election for the governing board members of the community college district.

Authorizes voters to vote by mail if certain conditions are have been met by application to the elections official having jurisdiction over the election, and specifies procedures for vote by mail voting.

NEW PROVISIONS:

Makes nonsubstantive changes to existing law that governing elections defines the term ballot card as meaning a card or a number of cards upon which are printed, or identified by reference to the ballot, the names of candidates for nomination or election to one or more offices or the ballot titles of one or more measures and authorizes voters to vote by mail if certain conditions are shown to be met.

SECTIONS AFFECTED:

Amends Elections Code 302

“Ballot card” means a card or a number of cards upon which are printed, or identified by reference to the ballot, the names of candidates for nomination or election to one or more offices or the ballot titles of one or more measures. The ballot card shall also contain proper blank spaces to allow the voter to write in names not printed on the ballot unless a separate write-in ballot is used. The separate write-in ballot may be a paper ballot, a card, or the envelope used to enclose a ballot card. Determination of the format of a separate write-in ballot shall be within the discretion of the elections board. The separate write-in ballot shall provide a blank space followed by the word “office” and a second blank space followed by the word “name” for purposes of facilitating write-in votes for offices for which write-in votes may be cast, or may provide a space for writing in the name followed by a space for punching or slotting in order that the vote may be tabulated. All separate write-in ballots may, in the discretion of the elections board, have attached thereto two stubs that comply with Section 13261 regarding the stubs attached to a ballot card, except that the information required under ~~subdivisions (e) to (g)~~ subparagraphs (C) to (G), inclusive, of paragraph (2) of subdivision (b) of Section 13261 and instructions to voters on how to vote for persons whose names do not appear on the ballot may be printed on the write-in ballot and not upon a stub. Any serial numbers appearing on the write-in ballot stubs need not be identical to the serial numbers appearing on the stubs attached to the ballot card or cards handed to the voter. Sections 13002 to ~~13007~~ 13006, inclusive, shall not apply to the preparation and composition of separate write-in ballots authorized by this section. Sections 14403 and 14404 shall not apply to separate write-in ballots used in an election in which a punchcard voting system is used.

Amends Elections Code 10405.7

(a) The resolution of the community college district governing board to establish an election day pursuant to subdivision (b) of Section 1302 shall be adopted and submitted to the board of supervisors not later than 240 days prior to the date of the currently scheduled election for the governing board members of the community college district.

(b) The final date for the submission of the resolution by the community college district governing board to the board of supervisors is not subject to waiver.

(c) The board of supervisors shall notify all community college districts located in the county of the ~~receipts~~ receipt of the resolution to consolidate and shall request input from each district on the effect of consolidation.

(d) (1) The board of supervisors, within 60 days from the date of submission, shall approve the resolution unless it finds that the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled. Prior to the adoption of a resolution to either approve or deny a consolidation request, the board or boards of supervisors may each obtain from the elections official a report on the cost-effectiveness of the proposed action.

(2) Public notices of the proceedings in which the resolution is to be considered for adoption shall be made pursuant to Section 25151 of the Government Code.

(e) Within 30 days after the approval of the resolution by the board of supervisors, the elections official shall notify all registered voters of the districts affected by the consolidation of the approval of the resolution by the board of supervisors. The notice shall be delivered by mail and at the expense of the community college district.

(f) An election day established pursuant to subdivision (b) of Section 1302 shall be prescribed to occur not less than one month, nor more than 12 months, subsequent to the election day prescribed in Section 5000 of the Education Code. As used in this subdivision, "12 months" means the period from the election day prescribed in Section 5000 of the Education Code to the first Tuesday after the first Monday in the 12th month subsequent to that day, inclusive.

(g) If, pursuant to subdivision (b) of Section 1302, a district governing board member election is held on the same day as a statewide general election, those district governing board members whose four-year terms of office would have, prior to the adoption of the resolution, expired prior to that election shall, instead, continue in their offices until successors are elected and qualified.

Amends Governments Code 12172.5

The Secretary of State is the chief elections officer of the state, and shall administer the provisions of the Elections Code. The Secretary of State shall see that elections are efficiently conducted and that state election laws are enforced. The Secretary of State may require elections officers to make reports concerning elections in their jurisdictions.

If, at any time, the Secretary of State concludes that state election laws are not being enforced, the Secretary of State shall call the violation to the attention of the district attorney of the county or to the Attorney General. In these instances, the Secretary of State may assist the county elections officer in discharging his or her duties.

In order to determine whether an elections law violation has occurred the Secretary of State may examine voted, unvoted, spoiled and canceled ballots, vote-counting computer programs, ~~absent voter~~ vote by mail ballot envelopes and applications, and supplies referred to in Section 14432 of the Elections Code. The Secretary of State may also examine any other records of elections officials as he or she finds necessary in making his or her determination, subject to the restrictions set forth in Section 6253.5.

The Secretary of State may adopt regulations to assure the uniform application and administration of state election laws.

Amends Public Utilities Code 11507

"Percent of the total vote cast," when used with reference to the requirements of any petition or nomination paper, means percent of the total vote cast, exclusive of ~~absent voter~~ vote by mail ballots, within the proposed district, district, proposed special district, special district, or territory proposed to be annexed to a district, as the case may be at the last statewide general ~~state~~ election.

Amends Public Utilities Code 24507

"Percent of the total vote cast," when used with reference to the requirements of any petition or nomination paper, means percent of the total vote cast, exclusive of ~~absent voter~~ vote by mail ballots, within the proposed district, district, city or territory, as the case may be at the last statewide general ~~state~~ election.

IMPERIAL COUNTY: REGISTRAR OF VOTERS

Senate Bill 66 Chapter 22

CURRENT PROVISIONS:

Specifies the duties county elections officials are to perform pertaining to elections. In specified counties, the board of supervisors is authorized to appoint

a registrar of voters to discharge all duties vested by law in the county elections official which relate to, and are part of, the election procedure.

NEW PROVISIONS:

Extends to Imperial County existing provisions that authorizes a board of supervisors to appoint a registrar of voters, to discharge all duties vested by law in the county elections official which relate, to and are a part of the election procedure.

COMMENTS:

Takes effect immediately.

SECTIONS AFFECTED:

Amends Government Code 26802.5

In the Counties of El Dorado, *Imperial*, Kings, Lake, Marin, Merced, Monterey, Napa, Riverside, San Joaquin, Solano, and Tulare, a registrar of voters may be appointed by the board of supervisors in the same manner as other county officers are appointed. In those counties, the county clerk is not ex officio registrar of voters, and the registrar of voters shall discharge all duties vested by law in the county elections official that relate to and are a part of the election procedure.

The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances of Imperial County. The facts constituting the special circumstances include the need to reorganize the structure and duties of county officers to reduce costs and increase productivity within the county government.

BALLETS: IDENTIFYING INFORMATION

**Senate Bill 183
Chapter 739**

CURRENT PROVISIONS:

Prohibits a voter from placing any mark upon a ballot that will make the ballot identifiable. A ballot that is not marked as provided by law or that is marked or signed by the voter so that the ballot can be identified by others is required to be rejected. If a ballot is marked in a manner so as to identify the voter, the ballot is required to be marked "Void" and placed in a container for void ballots.

NEW PROVISIONS:

Prohibits a voter from placing personal information upon a ballot that identifies the voter. Provides that a ballot that contains personal information is not invalid.

Deletes the requirement that a ballot marked in a manner so as to identify the voter is void. Requires a ballot that contains personal information to be segregated in a specified manner, also requires that a duplicate be prepared.

COMMENTS:

If the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement to for those costs shall be made to local agencies and school districts.

SECTIONS AFFECTED:

Amends Elections Code 13204

(a) The instructions to voters shall be printed at least three-eighths of an inch below the district designation. The instructions shall begin with the words "INSTRUCTIONS TO VOTERS:" in no smaller than 16-point gothic condensed capital type. Thereafter, there shall be printed in 10-point gothic condensed capital type all of the following directions that are applicable to the ballot:

"To vote for a candidate for Chief Justice of California; Associate Justice of the Supreme Court; Presiding Justice, Court of Appeal; or Associate Justice, Court of Appeal, stamp a cross (+) in the voting square after the word "Yes," to the right of the name of the candidate. To vote against that candidate, stamp a cross (+) in the voting square after the word "No," to the right of the name of that candidate."

"To vote for any other candidate of your selection, stamp a cross (+) in the voting square to the right of the candidate's name. [When justices of the Supreme Court or Court of Appeal do not appear on the ballot, the instructions referring to voting after the word "Yes" or the word "No" will be deleted and the above sentence shall read:

"To vote for a candidate whose name appears on the ballot, stamp a cross (+) in the voting square to the right of the candidate's name.]" Where two or more candidates for the same office are to be elected, stamp a cross (+) after the names of all candidates for the office for whom you desire to vote, not to exceed, however, the number of candidates to be elected."

"To vote for a qualified write-in candidate, write the person's name in the blank space provided for that purpose after the names of the other candidates for the same office."

"To vote on any measure, stamp a cross (+) in the voting square after the word "Yes" or after the word "No."

~~"All distinguishing marks or erasures are forbidden and make the ballot void."~~
"Marking the ballot outside of the designated space to vote for a candidate or measure may compromise the secrecy of the ballot."

“If you wrongly stamp, tear, or deface this ballot, return it to the precinct board member and obtain another.” “On vote by mail ballots mark a cross (+) with pen or pencil.”

(b) The instructions to voters shall be separated by no smaller than a 2-point rule from the portion of the ballot which contains the various offices and measures to be voted on.

Amends Elections Code 14287

No voter shall place ~~any mark~~ personal information upon a ballot that ~~will make that ballot identifiable.~~ identifies the voter. “Personal information” includes all of the following:

(a) The signature of the voter.

(b) The initials, name, or address of the voter.

(c) A voter identification number.

(d) A social security number.

(e) A driver’s license number.

Amends Election Code 15154

(a) Any ballot that is not marked as provided by law ~~or that is marked or signed by the voter so that it can be identified by others~~ shall be rejected. The rejected ballots shall be placed in the package marked for voted ballots or in a separate container as directed by the elections official. All rejected ballots shall have ~~written thereon~~ on the ballot the cause for rejection and be signed by a majority of processing board members who are assigned by the elections official to process ballots.

(b) The following ballot conditions shall not render a ballot invalid:

(1) Soiled or defaced.

(2) Two or more impressions of the voting stamp or mark in one voting square.

(3) Contains personal information, as defined in Section 14287.

(c) If a voter indicates, either by a combination of both marking and writing in, a choice of more names than there are candidates to be elected or nominated for any office, or if for any reason the choice of the voter is impossible to determine, the vote for that office shall not be counted, but the remainder of the ballot, if properly marked, shall be counted.

(d) This section applies to all ballots counted pursuant to this chapter and Chapter 4 (commencing with Section 15300).

Amends Election Code 15208

(a) Each container of ballots shall be opened and its contents removed. The ballots shall be checked to ascertain if the ballots are properly grouped and shall be arranged, if necessary, so that all similar ballots from the precinct are together.

(b) Any ballot that contains personal information, as defined in Section 14287, ~~or~~ is torn, bent, or mutilated shall be segregated in the manner directed by the elections official and a duplicate shall be prepared as provided in Section 15210. ~~Any ballot that is marked in a manner so as to identify the voter shall be marked "Void" and shall be placed in the container for void ballots.~~

COMMENTS:

Imposes a state mandated program. If it is determined that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs.

ELECTIONS: BALLOT MEASURES

**Senate Bill 202
Chapter 558**

CURRENT PROVISIONS:

Permits the voters to propose and adopt a statute or constitutional amendment through the power of the initiative, and to approve or reject a statute or a part of a statute through the power of the referendum, by presenting to the Secretary of State a petition that sets forth the text of the proposed measure and is certified to have been signed by a specified number of electors.

Requires the Secretary of State to submit a certified initiative measure at the next general election held at least 131 days after the measure qualifies for the ballot or at any statewide special election that is held prior to that general election and is held at least 131 days after the measure qualifies for the ballot, and further requires the Secretary of State to submit a certified referendum measure at the next general election held at least 31 days after the measure qualifies for the ballot or at any statewide special election that is held prior to that general election. The term "general election" is defined to mean either the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year or any statewide election held on a regular election date, as specified.

Requires the Secretary of State to submit ACA 4 of the 2009–10 Regular Session, a proposed legislative constitutional amendment relating to state

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finance, to the voters at the 2012 statewide presidential primary election, as specified.

NEW PROVISIONS:

Provides that the term “general election”, means only the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for purposes of submitting to the voters an initiative or referendum measure that is certified for the ballot on or after July 1, 2011.

Repeals existing provisions that require the Secretary of State to submit ACA 4 to the voters at the 2012, statewide presidential primary election and instead requires ACA 4 to be submitted to the voters at the November 4, 2014, statewide general election.

SECTIONS AFFECTED:

Amends Elections Code 9016

(a) Notwithstanding ~~any~~ Section 324, for purposes of subdivision (c) of Section 8 of, and subdivision (c) of Section 9 of, Article II of the California Constitution, “general election” means only the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year with respect to an initiative or referendum measure that is certified for the ballot on or after July 1, 2011.

(b) Notwithstanding any other provision of law, ~~no~~ an initiative measure shall not be placed on-submitted to the voters at a statewide special election ballot that qualifies held less than 131 days before the date of the election after the date the measure is certified for the ballot.

Section 1 of Chapter 732 of the Statutes of 2010 is repealed.

Notwithstanding Section 9040 of the Elections Code or any other provision of law, the Secretary of State shall submit Assembly Constitutional Amendment 4 of the 2009–10 Regular Session to the voters at the November 4, 2014, statewide general election.

ELECTIONS: PROCEDURE

**Senate Bill 327
Chapter 248**

CURRENT PROVISIONS:

Requires a notice of intention and the title and summary of a local ordinance proposed, to be submitted to the voters of an incorporated city be published or posted, as specified.

Requires a candidate for an elective office of a city may be nominated by the voters by the filing of nomination papers, as specified. In regard to a municipal office, these forms are required to be furnished by the city elections official. Requires the form for the nomination paper includes a verified statement of the candidate with specified content.

Specifies that the nomination documents for candidates in elections consolidated with regularly scheduled elections shall be filed not later than 5 p.m. on the 88th day prior to the regularly scheduled election, unless an incumbent has not filed nomination papers by that day and time, in which case a person other than an incumbent shall have until 5 p.m. on the 83rd day before the election to file nomination papers.

NEW PROVISIONS:

Requires, a verified statement of the candidate submitted with nomination papers to include a statement indicating his or her residence address.

Specifies that the deadline is the close of business on either the 88th or 83rd day before the election, whichever applies.

COMMENTS:

Imposes a state mandated program. If it is determined that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs.

SECTIONS AFFECTED:

Amends Elections Code 9205

This section does not require the publication or posting of the text of the proposed measure.

Amends Elections Code 10226

Requires a verified statement of the candidate indicating his or her residence:

AFFIDAVIT OF THE NOMINEE

State of California
County of _____ } ss.

_____ being duly sworn, says that he or she is the above-named nominee for the office of _____, that he or she will accept the office in the event of his or her election, that he or she desires his or her name to appear on the ballot as follows:

(Print name above),

and that he or she desires the following designation to appear on the ballot under his or her name:

Changes indicated by underlined *italics*; deletions by ~~strikeout~~; applies to amended Elections Codes only

(Print desired designation above),
and that his or her residence address is _____.
(Print residence address as provided by affiant)

I certify (or declare) under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Executed by me at _____, on _____, 2____."

Add to, and Repeal Elections Code 10226.1.

(a) Elections officials may use nomination paper and affidavit forms that are in print on January 1, 2012, and that comply with Section 10226 as it read prior to amendment by the act that added this section, until those forms are exhausted prior to providing forms that conform to Section 10226 as amended by the act that added this section.

(b) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

Amends Elections Code 10407

(a) Notwithstanding any other provision of law, whenever other elections are consolidated with a regularly scheduled election, the period for the filing of nomination documents by candidates in elections consolidated with the regularly scheduled election shall commence on the 113th day prior to the election. The nomination documents shall be filed not later than ~~5 p.m.~~ the close of business on the 88th day prior to the regularly scheduled election in the office of the appropriate officer, during regular office hours.

(b) Notwithstanding subdivision (a), if nomination documents for an incumbent officer of a political subdivision are not filed by ~~5 p.m.~~ the close of business on the 88th day before the election, any person other than the person who was the incumbent on the 88th day shall have until ~~5 p.m.~~ the close of business on the 83rd day before the election to file nomination documents for the elective office. This section is not applicable where there is no incumbent eligible to be elected.

COMMENTS:

Imposes a state mandated program. If it is determined that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs.

ONLINE VOTER REGISTRATION

**Senate Bill 397
Chapter 561**

CURRENT PROVISION:

Prohibits any person from being registered as a voter except by affidavit of registration and requires that the affidavit be mailed or delivered to the county elections official. The Secretary of State has certain administrative duties under existing law in providing voter registration materials. The federal National Voter Registration Act of 1993 provides for state departments of motor vehicles to make voter registration information and materials available to an applicant for a driver's license and other vehicular documents.

State law requires licensed persons to provide to the Department of Motor Vehicles a signature and the Department of Motor Vehicles is required to digitize that signature and forward the digitized signature to the Secretary of State if a person wishes to register to vote.

When the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002, a person who is qualified to register to vote and who has a valid California driver's license or state identification card is authorized to submit an affidavit of voter registration electronically on the Internet Web site of the Secretary of State.

Under the above-described online voter registration provisions, the Secretary of State, for each electronic affiant, is required to obtain an electronic copy of the applicant's signature from his or her driver's license or state identification card directly from the Department of Motor Vehicles.

NEW PROVISIONS:

Requires the Department of Motor Vehicles and the Secretary of State to develop a process and the infrastructure to allow electronic copies of the applicants' signatures and other information, as specified, that is in the possession of the department to be transferred to the Secretary of State and to the county election management systems to allow a person who is qualified to register to vote in California to register to vote under, specified conditions.

Provides that if an applicant cannot electronically submit the information required as specified, he or she can complete the affidavit of voter registration electronically on the Secretary of State's Internet Web, print a hard copy of the completed affidavit, and mail or deliver it to the Secretary of State or the appropriate county elections official.

SECTIONS AFFECTED:

Legislative Findings

(a) The Legislature hereby finds the following:

(1) California should make every effort to maintain the integrity of our democracy by ensuring that every eligible citizen has access to a convenient and secure means of registering to vote.

(2) California should be at the forefront of technological innovations that make registering to vote easy, accessible, and secure.

(3) In the November 2010 statewide general election, an estimated 23,551,699 eligible citizens resided in California yet only 17,285,883, 73% of those eligible, were registered to vote. That is lower than the national average.

(4) Online and electronic voter registration has increased voter registration rates in states utilizing those technologies, including Washington, Kansas, Rhode Island, South Dakota, Delaware, Florida, Michigan, North Carolina, Oregon, Pennsylvania, and Arizona.

(5) In those states, online voter registration has increased the accuracy of voter registration processes while decreasing processing times and has significantly decreased the costs associated with voter registration.

(b) The Legislature, therefore, hereby declares that California should implement a user-friendly, secure, and accessible online voter registration system in time for the November 2012 statewide general election.

Amends Elections Code 2196

(a) (1) Notwithstanding any other provision of law, 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 Internet Website of the Secretary of State. ~~This chapter shall become operative when the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301et seq.).~~

(2) An affidavit submitted pursuant to this section is effective upon receipt of the affidavit by the Secretary of State if the affidavit is received on or before the 15th day prior to last day to register for an election to be held in the precinct of the person submitting the affidavit.

(3) The affiant shall affirmatively attest to the truth of the information provided in the affidavit.

(4) For voter registration purposes, the applicant shall affirmatively assent to the use of his or her signature from his or her driver's license or state identification card.

(5) For each electronic affidavit, the Secretary of State shall obtain an electronic copy of the applicant's signature from his or her driver's license or state identification card directly from the Department of Motor Vehicles.

(6) The Secretary of State shall require a person who submits an affidavit pursuant to this section to submit all of the following:

(A) The number from his or her California driver's license or state identification card.

(B) His or her date of birth.

(C) The last four digits of his or her social security number.

(D) Any other information the Secretary of State deems necessary to establish the identity of the affiant.

(7) Upon submission of an affidavit pursuant to this section, the electronic voter registration system shall provide for immediate verification of both of the following:

(A) That the applicant has a California driver's license or state identification card and that the number for that driver's license or identification card provided by the applicant matches the number for that person's driver's license or identification card that is on file with the Department of Motor Vehicles.

(B) That the date of birth provided by the applicant matches the date of birth for that person that is on file with the Department of Motor Vehicles.

(8) The Secretary of State shall employ security measures to ensure the accuracy and integrity of voter registration affidavits submitted electronically pursuant to this section.

(b) The Department of Motor Vehicles shall utilize the electronic voter registration system required by this section to comply with its duties and responsibilities as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).

(c) The Department of Motor Vehicles and the Secretary of State shall develop a process and the infrastructure to allow the electronic copy of the applicant's signature and other information required under this section that is in the possession of the department to be transferred to the Secretary of State and to the county election management systems to allow a person who is qualified to register to vote in California to register to vote under this section.

(d) If an applicant cannot electronically submit the information required pursuant to paragraph (6) of subdivision (a), he or she shall nevertheless be able to complete the affidavit of voter registration electronically on the Secretary of State's Internet Website, print a hard copy of the completed affidavit, and mail or deliver the hard copy of the completed affidavit to the Secretary of State or the appropriate county elections official.

(e) This chapter shall become operative upon the date that either of the following occurs:

(1) The Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.).

(2) The Secretary of State executes a declaration stating that all of the following conditions have occurred:

(A) The United States Election Assistance Commission has approved the use of the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301) funding to provide online voter registration in advance of the deployment of the statewide voter registration database or other federal funding is available and approved for the same purpose.

(B) The Department of Motor Vehicles and the Secretary of State have developed a process and the infrastructure necessary to implement paragraph (5) of subdivision (a).

(C) All county election management systems have been modified to receive and store electronic voter registration information received from the Secretary of State in order to allow a person who is qualified to register to vote in California to register to vote under this section.

(f) For purposes of implementing this chapter as expeditiously as possible, if it becomes operative pursuant to paragraph (2) of subdivision (d), the Secretary of State's office shall be exempt from information technology requirements included in Sections 11545, 11546, and 11547 of the Government Code and Section 12100 of the Public Contract Code, and from information technology project and funding approvals included in any other provision of law.

ELECTIONS: CONTRIBUTIONS

Senate Bill 441 Chapter 563

SECTIONS AFFECTED:

Repeal Section 13305 of the Elections Code

Changes indicated by underlined *italics*; deletions by ~~strikeout~~; applies to amended Elections Codes only

CURRENT PROVISIONS:

Permits the county central committee of each qualified political party to supply county elections officials with party contribution envelopes or letters, as specified, to be included with the mailing of the sample ballot to each of the registered voters who disclosed preference for that same political party on the voter's affidavit of registration.

NEW PROVISIONS:

Repeal existing provisions.

**LOCAL AGENCY MEETINGS: SIMULTANEOUS MEETINGS:
COMPENSATION DISCLOSURE**

**Assembly Bill 23
Chapter 91**

SECTIONS AFFECTED:

Add Section 54952.3 to the Government Code.

CURRENT PROVISIONS:

The Ralph M. Brown Act, requires each legislative body of a local agency to provide the time and place for holding regular meetings and requires that all meetings of a legislative body be open and public and all persons be permitted to attend unless a closed session is authorized.

NEW PROVISIONS:

Authorizes a convened legislative body whose membership constitutes a quorum of any other legislative body to convene a meeting of the subsequent legislative body, simultaneously or in serial order, only if a clerk or member of the convened legislative body verbally announces the amount of compensation or stipend, if any, that each member will be entitled to receive as a result of convening the simultaneous or serial meeting of the subsequent legislative body, and that the compensation or stipend shall be provided as a result of convening a meeting for which each member is entitled to collect compensation or a stipend, as specified.

POLITICAL REFORM ACT OF 1974: INTERESTS

**Assembly Bill 182
Chapter 96**

SECTIONS AFFECTED:

Amend and add Section 87500.1 of the Government Code.

CURRENT PROVISIONS:

The Political Reform Act of 1974 regulates conflicts of interests of public officials and requires that public officials file, with specified filing officers, periodic statements of economic interests disclosing certain information regarding income, investments, and other financial data. Under the act, specified local government agencies are permitted to participate in a pilot program whereby certain officials of those agencies may file their statements of economic interests electronically.

Provides that the pilot program shall be completed by January 1, 2012, and the provisions of law authorizing the electronic filing of statements of economic interests will be repealed on March 1, 2012.

NEW PROVISIONS:

Permits the pilot program to continue until December 31, 2012, and would make technical changes to incorporate references to participation in the program by the City of Long Beach.

COMMENTS:

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a 2/3 vote of each house and compliance with specified procedural requirements. This bill would declare that it furthers the purposes of the act.

PUBLIC OFFICERS: REMOVAL FROM OFFICE

**Assembly Bill 309
Chapter 543**

SECTIONS AFFECTED:

Amend Sections 1770 and 1771, of the Government Code.

CURRENT PROVISIONS:

Provide that an office becomes vacant on the occurrence of certain events. Specifies that when a public officer is removed, declared insane, or convicted of a felony or offense involving a violation of his or her official duty, or when his or her election or appointment is declared void, the body or person before whom the proceedings are had is required to give notice thereof to the officer empowered to fill the vacancy.

NEW PROVISIONS:

Provides that an appointed or ex officio office becomes vacant where the appointed or ex officio individual has been debarred, suspended, disqualified, or otherwise excluded from participating in federal "covered transactions," as prescribed under federal law.

LOCAL GOVERNMENT: ORGANIZATION

**Assembly Bill 912
Chapter 109**

SECTIONS AFFECTED:

Amend Section 57077 of the Government Code.

CURRENT PROVISIONS:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires a local agency formation commission, where the commission is considering a change of organization that consists of a dissolution, disincorporation, incorporation, establishment of a subsidiary district, consolidation, or merger, to either order a change of organization subject to

confirmation of the voters, as specified, or order the change of organization without an election if the change of organization meets certain requirements.

NEW PROVISIONS:

Authorizes the commission, where the commission is considering a change of organization that consists of the dissolution of a district that is consistent with a prior action of the commission, to immediately order the dissolution if the dissolution was initiated by the district board, or if the dissolution was initiated by an affected local agency, by the commission, or by petition, hold at least one noticed public hearing on the proposal, and order the dissolution without an election, unless a majority protest exists, as specified.

LOCAL GOVERNMENT REORGANIZATION ACT

**Assembly Bill 1430
Chapter 300**

SECTIONS AFFECTED:

Amend Sections 56011, 56012, 56013, 56014, 56015, 56017, 56020, 56020.5, 56020.7, 56021, 56023, 56024, 56029, 56031, 56033, 56034, 56035, 56036, 56038, 56039, 56040, 56041, 56043, 56044, 56046, 56047, 56047.5, 56048, 56049, 56051, 56052, 56053, 56055, 56056, 56057, 56062, 56065, 56066, 56069, 56070, 56073, 56074, 56075, 56078, 56100, 56117, 56127, 56128, 56375, 56383, 56428, 56757, 56824.14, 56864, 56866, 56895, 57001, 57002, 57078, 57090, 57104, 57105, 57114, 57150, 57525, and 57534, amend and renumber Sections 56376 and 56376.5 of, add Sections 56017.1, 56017.2, 56020.6, 56032.5, 56036.5, 56036.6, 56050.5, 56069.5, and 56073.1 to, and repeal Sections 56018, 56037, 56042, 56058, 56063, 56068, and 56079 of, the Government Code, and amend Section 101370 of the Public Utilities Code.

CURRENT PROVISIONS:

Defines various terms for purposes of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. Authorizes a district of limited powers, as defined, to be merged with, or established as, a subsidiary district of a city in accordance with procedures established by the act.

NEW PROVISIONS:

Revises various definitions within that act, and would make other conforming and technical changes.

Authorizes a district, as defined, to be merged with, or established as, a subsidiary district of a city in accordance with procedures established by the act.

Delete all references to a district of limited powers.

TENANCY: POLITICAL SIGNS

Senate Bill 337 Chapter 383

SECTIONS AFFECTED:

Add Section 1940.4 to the Civil Code.

CURRENT PROVISIONS:

Regulates the terms and conditions of residential tenancies, and prohibits a landlord from interfering with a tenant's quiet enjoyment of the premises.

Prohibits the governing documents of a common interest development from prohibiting the posting or displaying of noncommercial signs, posters, flags, or banners on or in an owner's separate interest, except as specified.

NEW PROVISIONS:

Prohibits a landlord from prohibiting a tenant from posting or displaying political signs relating to an election or legislative vote, the initiative, referendum, or recall process, or issues before a public body for a vote, except under certain circumstances.

Requires a tenant to comply with the time period established by the local ordinance for the posting and removal of political signs or, in the absence of those provisions, by reasonable time limits, as specified, established by the landlord.

POLITICAL REFORM ACT OF 1974: STATEMENT OF ECONOMIC INTEREST

Senate Bill 801 Chapter 252

SECTIONS AFFECTED:

Amend Section 87500 of the Government Code.

CURRENT PROVISIONS:

The Political Reform Act of 1974 require specified candidates for elective office, elected and appointed state officers, and public officers and employees to file statements of economic interests with specified entities according to the employing agency or office of the officer, employee, or candidate.

Requires, with respect to statewide elected officers, candidates for statewide elective office, Members of the Legislature, the State Board of Equalization, and candidates for the Legislature or the State Board of Equalization, copies of the statements of economic interests be sent, among other places, to the Secretary of State and certain local elections officials, as specified.

NEW PROVISIONS:

Directs persons appointed to a state board, commission, or similar multimember body of the state, other than those specified in the existing provisions described above, to file their statements of economic interests with the respective board, commission, or body.

Requires the original statements of economic interests to be handled as set forth in the Conflict of Interest Code of the respective board, commission, or body and, if the board, commission, or body is not required to send the original to the Fair Political Practices Commission pursuant to its Conflict of Interest Code, the bill would require the board, commission, or body to forward a copy to the Fair Political Practices Commission.

Eliminates the requirement that copies of the above-described statements of economic interests be sent to the Secretary of State and the specified local elections officials.

**2011 Election Related Bills
Vetoed by Governor**

<u>BILL NO</u>	<u>AUTHOR</u>	<u>SUBJECT</u>	<u>DATE</u>
AB 65	Gatto	Elections: Statewide Ballot Pamphlet	10/7/2011
AB 293	Hill	Vote By Mail Ballots	9/6/2011
AB 651	Hueso	Initiatives: Paid Circulators	10/7/2011
SB 88	Yee	Elections: Names of Candidates	9/6/2011
SB 168	Corbett	Petitions: Compensation for Signatures	8/1/2011
SB 199	Correa	Elections: Vote By Mail Ballots	10/7/2011
SB 205	Correa	Voter Registration: Paid Registration Activities	10/7/2011
SB 334	DeSaulnier	Elections: Statewide Ballot Pamphlet	10/7/2011
SB 448	DeSaulnier	Elections	9/6/2011

Count: 9

BILL NUMBER: AB 65
VETOED DATE: 10/07/2011

To the Members of the California State Assembly:

I am sympathetic to the author's concerns that voters should understand more clearly the consequences of initiatives that dedicate revenue to a specific purpose.

But the rote disclaimer mandated by this bill won't provide voters greater clarity. I am returning Assembly Bill 65 without my signature.

Sincerely,

Edmund G. Brown Jr.

BILL NUMBER: AB 293
VETOED DATE: 09/06/2011

To the Members of the California State Assembly:

I am returning Assembly Bill 293 without my signature.

This bill requires county elections officials to establish a free access system where vote-by-mail voters can find out whether their ballot was counted, and if it was not counted, the reason why.

I support the author's goal of informing vote-by-mail voters of the status of their ballot, but, in view of California's severe fiscal challenges, I believe restraint must be exercised with regard to any new state mandates. Under existing law, local governments can implement this type of database on their own. In fact, many counties have done so.

Sincerely,

Edmund G. Brown Jr.

BILL NUMBER: AB 651
VETOED DATE: 10/07/2011

To the Members of the California State Assembly:

I am returning Assembly Bill 651 without my signature.

This bill would put a raft of new regulations, fees and potential fines on entities that pay people to gather signatures for a ballot measure petition, including annual registration, reporting and training requirements.

Initiatives are an important part of California's democracy. I am not convinced that these new requirements are needed or would improve the initiative process.

Sincerely,

Edmund G. Brown Jr.

BILL NUMBER: SB 88
VETOED DATE: 09/07/2011

To the Members of the California State Senate:

I am returning Senate Bill 88 without my signature.

This bill mandates that a phonetic transliteration of a candidate's alphabet-based name be provided whenever a translation of the candidate's name into a character-based language is provided on ballot materials.

Existing law, allows local elections officials to establish appropriate policies, including providing transliterations and processing or approving candidate-provided transliterations. Several counties have adopted policies to address the concern raised by this bill, i.e. that candidates are providing names that do not represent their actual name and history in the particular community.

With California's severe fiscal challenges, restraint must be exercised with regard to any new state mandates. I believe this discretion should remain at the local level where a decision can be made based on local needs.

Sincerely,

Edmund G. Brown Jr.

BILL NUMBER: SB 168
VETOED DATE: 08/01/2011

To the Members of the California State Senate:

I am returning Senate Bill 168 without my signature.

This bill makes it a crime for a person to pay or receive money (or any other thing of value) based-directly or indirectly--on the number of signatures obtained on a state or local initiative, referendum, or recall petition.

While I understand the potential abuses of the current per-signature payment system, I believe this bill is flawed for two reasons.

First, this bill would effectively prohibit organizations from even setting targets or quotas for those they hire to gather signatures. It doesn't seem very practical to me to create a system that makes productivity goals a crime.

Second, per-signature payment is often the most cost-effective method for collecting the hundreds of thousands of signatures needed to qualify a ballot measure. Eliminating this option will drive up the cost of circulating ballot measures, thereby further favoring the wealthiest interests.

This is a dramatic change to a long established democratic process in California. After reviewing the materials submitted in support of this bill, I am not persuaded that the unintended consequences won't be worse than the abuses the bill aims to prevent.

Sincerely,

Edmund G. Brown Jr.

BILL NUMBER: SB 199
VETOED DATE: 10/07/2011

To the Members of the California State Senate:

I am returning Senate Bill 199 without my signature.

Allowing 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.

California has liberal registration and vote-by-mail laws that are sufficient to allow the timely return of a vote-by-mail ballot.

Sincerely,

Edmund G. Brown Jr.

BILL NUMBER: SB 205
VETOED DATE: 10/07/2011

To the Members of the California State Senate:

I am returning Senate Bill 205 without my signature.

I understand the author's desire to stop fraudulent voter registration. But I don't believe this bill ? which makes it a crime to pay people for registering voters based on the number of registrations they secure ? will help.

Voting is at the heart of our democracy. Efforts to register voters should be encouraged, not criminalized.

Sincerely,

Edmund G. Brown Jr.

BILL NUMBER: SB 334
VETOED DATE: 10/07/2011

To the Members of the California State Senate:

I am returning Senate Bill 334 without my signature.

This bill would require that the voter pamphlet list the top five contributors for and against a ballot measure. Printing of the voter pamphlet starts months before an election, so the required contributor list would only include contributions received more than 15 weeks before an election. I am concerned that this outdated information could mislead voters about the true supporters and opponents of a ballot measure.

The Secretary of State's website already provides up-to-date and accurate information on all campaign contributions. It is a helpful resource for concerned voters.

Sincerely,

Edmund G. Brown Jr.

BILL NUMBER: SB 448
VETOED DATE: 09/07/2011

To the Members of the California State Senate:

I am returning Senate Bill 448 without my signature.

I find this bill provocative, but ultimately unpersuasive.

If it is acceptable to force paid signature gatherers to place identifying badges on their chests, will similar requirements soon be placed on paid campaign workers?

I choose not to go down this slippery slope where the state decides what citizens must wear when petitioning their government.

Sincerely,

Edmund G. Brown Jr.

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