

# 2018 CITY CLERK NEW LAW PRESENTATION



League of California Cities  
City Clerks' New Law and  
Elections Seminar  
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Neal Kelley  
Registrar of Voters



ORANGE COUNTY  
REGISTRAR OF VOTERS

**Chaptered, Vetoed & Dead**  
**2017-2018 Legislative Session**  
**Updated 11/25/2018**

**Chaptered Bills**



**1. AB 216, Gonzalez Fletcher. Vote by mail ballots: identification envelopes: prepaid postage. (CHAPTER 120)**

*[An act to amend Section 3010 of the Elections Code, relating to elections. Signed by Governor and chaptered on July 18, 2018.]*

Existing law provides for the procedures by which a voter may apply for and receive a vote by mail ballot. Existing law requires the elections official to deliver to each qualified applicant the ballot for the precinct in which the applicant resides and all supplies necessary for the use and return of the ballot. Existing law prescribes the contents of an identification envelope and requires a voter to return his or her vote by mail ballot in the identification envelope, as specified.

This bill would clarify that the elections official is required to deliver to each qualified applicant an identification envelope for the return of the vote by mail ballot and would require the identification envelope to have prepaid postage.

By imposing additional duties on local elections officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.



**2. AB 306, Gonzalez Fletcher. Vote by mail ballots. (CHAPTER 203)**

*[An act to amend Sections 3011 and 3017 of the Elections Code, relating to elections. Signed by Governor and chaptered on August 27, 2018.]*

Existing law requires a vote by mail voter to return his or her voted vote by mail ballot (1) by mail or in person to the elections official, (2) in person to a member of a precinct board at a polling place or vote center, or (3) to a vote by mail ballot dropoff location, as specified. Existing law permits a vote by mail voter who is unable to return his or her ballot to designate another person to return the ballot. Existing law requires that the identification envelope of a vote by mail ballot contain, among other things, the name of the person authorized to return it, the relationship of that person to the voter, and that person's signature. Existing law requires that all vote by mail ballots be received before the close of the polls on election day and prohibits a ballot from being counted if not received before that time.

This bill would require a person designated to return a voter's vote by mail ballot to

return the ballot or put it in the mail no later than three days after receiving it from the voter or before the close of the polls on election day, whichever time period is shorter. However, the bill would prohibit disqualifying a ballot from being counted solely because it was returned or mailed more than three days after the designated person received it from the voter, provided that the ballot is returned by the designated person before the close of polls on election day. The bill would also prohibit disqualifying a ballot solely because the person returning it did not provide on the identification envelope his or her name, relationship to the voter, or signature.



### **3. AB 666, Aguiar-Curry. Elections: voter information guides: candidate statements. (CHAPTER 160)**

*[An act to add Section 13307.7 to the Elections Code, relating to elections. Signed by Governor and chaptered August 20, 2018.]*

Under existing law, a candidate for State Senate or Assembly who accepts specified voluntary expenditure limits may purchase the space to place a statement in the voter information portion of the county voter information guide that does not exceed 250 words. Existing law requires that statement to be submitted in accordance with certain timeframes and procedures for the preparation of the voter information portion of the county voter information guide.

This bill would require an elections official who posts a form on his or her Internet Web site for a candidate for State Senate or Assembly to use to submit his or her statement, as described above, to accept that form by electronic submission if it is submitted in accordance with certain timeframes and procedures for the preparation of the voter information portion of the county voter information guide. The bill would also require the elections official of each county to accept the form from a candidate's county of residence if the candidate is running in a multicounty district, and it would also prohibit an elections official from requiring a candidate to submit any additional forms as a means of correcting Internet Web site posting errors made by the elections official, except as provided.



### **4. AB 1013, Low. Remote accessible vote by mail system. (CHAPTER 906)**

*[An act to add Sections 3016.5 and 3116.5 to the Elections Code, relating to elections. Signed by Governor and chaptered September 29, 2018.]*

Existing law permits a person, corporation, or public agency to apply to the Secretary of State for certification or conditional approval of a remote accessible vote by mail system. Existing law requires the Secretary of State to examine and certify remote accessible vote by mail systems, as specified.

Existing law permits a voter, including a voter with a disability or a military or overseas voter, to apply for and receive a vote by mail ballot from his or her county elections official. Existing law also authorizes specified counties to conduct an election as an all-mailed ballot election if specified requirements are satisfied, including requirements relating to accessibility by voters with disabilities.

This bill would require a county elections official to permit a voter with a disability, or a military or overseas voter, to cast his or her ballot using a certified remote accessible vote by mail system. This requirement would not apply to a county when

conducting an all-mailed ballot election, as specified. These provisions would become operative on January 1, 2020, or one year after the date on which the Secretary of State certifies a remote accessible vote by mail system pursuant to existing provisions of law, whichever is later.

**5. AB 1041, Levine. Bay Area Toll Authority and oversight committee: conflict of interest. (CHAPTER 16)**

*[An act to amend Section 30923 of the Streets and Highways Code, relating to transportation. Signed by Governor and chaptered June 01, 2018.]*

Existing law creates the Metropolitan Transportation Commission (MTC) as a regional agency in the 9-county San Francisco Bay area with comprehensive regional transportation planning and other related responsibilities. Existing law creates the Bay Area Toll Authority (BATA) as a separate entity governed by the same governing board as the MTC and makes the BATA responsible for the programming, administration, and allocation of toll revenues from the state-owned toll bridges in the San Francisco Bay area.

Existing law provides for a proposed toll increase on the state-owned toll bridges to be submitted to voters of the 9 bay area counties, to be known as Regional Measure 3. Existing law requires the BATA to, among other things, establish an independent oversight committee within 6 months of the effective date of the Regional Measure 3 toll increase with a specified membership, to ensure the toll revenues generated by the toll increase are expended consistent with a specified expenditure plan and requires the BATA to submit an annual report to the Legislature on the status of the projects and programs funded by the toll increase.

This bill would prohibit a representative appointed to the oversight committee from being a member, former member, staff, or former staff of the commission or the authority, a current employee of any organization or person that has received or is receiving funding from the commission or the authority, or a former employee or person who has contracted with any organization or person that has received or is receiving funding from the commission or the authority within one year of having worked for or contracted with that organization or person.

 **6. AB 1407, McCarty. California New Motor Voter Program: voter registration. (CHAPTER 4)**

*[An act to amend Sections 2262, 2263, 2265, 2266, 2267, 2268, 2269, and 2270 of the Elections Code, relating to voter registration. Signed by Governor and chaptered on February 26, 2018.]*

Under existing law, a person may not be registered to vote except by affidavit of registration. Existing law authorizes a person who is at least 16 years of age and otherwise meets all eligibility requirements to vote to submit his or her affidavit of registration, which, if properly executed, will be deemed effective as of the date the affiant will be 18 years of age.

Existing law requires the Secretary of State and the Department of Motor Vehicles to establish the California New Motor Voter Program. Under the program, the Department of Motor Vehicles is required to provide to the Secretary of State specified information associated with each person who submits an application for a driver's license or identification card. The person's motor vehicle records then

constitute a completed affidavit of registration and the person is registered to vote, unless the person affirmatively declines to register to vote during a transaction with the department, the department does not represent to the Secretary of State that the person attested that he or she meets all voter eligibility requirements, or the Secretary of State determines that the person is ineligible to vote.

This bill would require the Department of Motor Vehicles to additionally report to the Secretary of State that an applicant has attested that he or she meets the voter preregistration requirements for a person who is at least 16 years of age and otherwise meets all voter eligibility requirements. The bill would provide that the prescribed information submitted by the department to the Secretary of State constitutes a completed or submitted affidavit of registration and the Secretary would be required to register or preregister the person to vote, except as specified. The bill would also make conforming changes.



**7. AB 1678, Berman. Elections: voter registration information: security: campaign literature and communications. (CHAPTER 96)**

*[An act to amend Section 18302 of, and to add Sections 2188.2 and 2188.3 to, the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately. Signed by Governor and chaptered July 16, 2018.]*

Existing law makes an affidavit of voter registration confidential, and prohibits the use of an affidavit for a personal, private, or commercial purpose, except as specified. Existing law requires that an affidavit of voter registration with respect to a voter be provided to a candidate for federal, state, or local office, to a committee for or against an initiative or referendum measure for which publication is made, and to a person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State. Existing law requires the release of the home address or signature of a voter whenever the person's vote is challenged, as specified.

This bill would require the Secretary of State to adopt regulations describing best practices for storage and security of voter registration information received by an applicant. The bill would require a person or entity who has received voter registration information pursuant to an application to disclose a breach in the security of the storage of the information to the Secretary of State, as specified.

Existing law makes it a misdemeanor for a person to knowingly cause to be mailed or distributed, or knowingly mail or distribute, literature to a voter that includes a designation of the voter's precinct polling place other than the precinct polling place listed for that voter in an official precinct polling list.

This bill would make it a misdemeanor for a person, with actual knowledge and intent to deceive, to cause to be distributed or to distribute literature or any other form of communication to a voter that the person knows to include voting information that is incorrect, false, or misleading, as specified. This bill would specify that distribution for this purposes includes distribution by mail, radio or television broadcast, telephone call, text message, email, or any other electronic means, including over the Internet.

By creating a new crime, this bill would create a state-mandated local program.



## **8. AB 1824, Committee on Budget. State government. (CHAPTER 38)**

*[An act to add Chapter 5 (commencing with Section 19400) to Division 19 of the Elections Code, to amend Section 13953 of the Government Code, to add Section 1052 to the Military and Veterans Code, and to amend Section 40610 of the Vehicle Code, relating to state government, and making an appropriation therefor, to take effect immediately, bill related to the budget. Signed by Governor and chaptered June 27, 2018.]*

(1) The Voting Modernization Bond Act of 2002 authorizes a county to apply to the Voting Modernization Board for money from the proceeds of the sale of bonds (1) to pay for or purchase new voting systems that are certified or conditionally approved by the Secretary of State, (2) to research and develop new voting systems, or (3) to manufacture the minimum number of voting system units reasonably necessary to test and seek certification or conditional approval of the voting system, or test and demonstrate the capabilities of a voting system in a pilot program.

This bill would require the Secretary of State to use funds appropriated to him or her in the Budget Act of 2018 for voting system replacement to award contracts to counties that would reimburse the counties for funds spent by the counties on activities similar to those described above, as specified. The bill would require the Secretary of State to allocate funds for those contracts based on specified criteria, and would require that the reimbursement match funds spent by a county on a dollar-for-dollar basis, up to the allocated amount.

## **9. AB 1827, Committee on Budget. No Place Like Home Act of 2018. (CHAPTER 41)**

*[An act to amend Sections 5849.35, 5849.4, and 5890 of, and to add Section 5849.15 to, the Welfare and Institutions Code, relating to housing, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately. Signed by Governor and chaptered June 27, 2018.]*

(1) The Mental Health Services Act (MHSA), an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, imposes a 1% tax on that portion of a taxpayer's taxable income that exceeds \$1,000,000 and requires that the revenue from that tax be deposited in the Mental Health Services Fund to fund various county mental health programs.

Existing law, known as the No Place Like Home Program, requires the Department of Housing and Community Development to award \$2,000,000,000 among counties to finance capital costs, including, but not limited to, acquisition, design, construction, rehabilitation, or preservation, and to capitalize operating reserves, of permanent supportive housing for the target population, as specified. Existing law establishes the No Place Like Home Fund, requires specified moneys to be deposited in the fund, and continuously appropriates moneys in the fund for these purposes. Existing law authorizes the California Health Facilities Financing Authority and the department to enter into service contracts pursuant to the program related to permanent supportive housing, and further authorizes the authority to issue taxable or tax-exempt revenue bonds in an amount not to exceed \$2,000,000,000 and to make secured or unsecured loans to the department in connection with financing permanent supportive housing pursuant to the department. Existing law establishes and continuously appropriates the Supportive Housing Program Subaccount in the Mental Health Services Fund and requires the

Controller to transfer from that fund to the subaccount an amount necessary to cover the costs the authority is required to pay to the department pursuant to a service contract with the department, as provided.

This bill would enact the No Place Like Home Act of 2018 and provide for submission of that act to the voters at the November 6, 2018, statewide general election. The bill would specify that the service contracts between the authority and the department may be single-year or multiyear contracts and provide for payments to the department from amounts on deposit in the Supportive Housing Program Subaccount. The bill would include any appropriation or transfer to the No Place Like Home Fund from the General Fund or other funds as moneys required to be paid into the No Place Like Home Fund. The bill would declare that the voters ratify as being consistent with and in furtherance of the MHSA, and approve for purposes of specified provisions of the California Constitution relating to debt, specified statutes related to the No Place Like Home Program and related financial provisions. The bill would also authorize the Legislature to appropriate for transfer moneys in the Mental Health Services Fund to the Supportive Housing Program Subaccount, subject to specified conditions, and continuously appropriate those moneys for further transfer to the No Place Like Home Fund to be used for purposes of the No Place Like Home Program. The bill would provide that any amount appropriated and deposited in the No Place Like Home Fund pursuant to these provisions would reduce the amount of authorized but unissued bonds that the California Health Facilities Financing Authority may issue, as described above, by a corresponding amount. The bill would authorize the Legislature to amend the No Place Like Home Act of 2018 by a 2/3 vote, so long as the amendment is consistent with and furthers the intent of the act.

(2) Existing law contains provisions related to elections and voting, including a requirement that a measure submitted to the people by the Legislature appear on the ballot of the first statewide election occurring at least 131 days after the adoption of the proposal by the Legislature and that the Secretary of State mail state voter information guides to voters.

This bill would require the Secretary of State, notwithstanding specified provisions of existing law relating to elections and voting, to submit the No Place Like Home Act of 2018 to the voters for their approval at the November 6, 2018, statewide general election.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

**10. AB 2055, Levine. Legislative ethics: harassment: education: lobbying.  
(CHAPTER 964)**

*[An act to amend Section 8956 of the Government Code, relating to legislative ethics. Signed by Governor and chaptered on September 30, 2018.]*

Existing law requires the legislative ethics committees of each house of the Legislature to conduct at least semiannually an orientation course on the relevant ethical issues and law related to lobbying.

This bill would require that orientation course to include information on each house of the Legislature's policies against harassment, including sexual harassment, in connection with lobbying activities.



## **11. AB 2095, Quirk-Silva. Congressional and legislative vacancies. (CHAPTER 210)**

*[An act to amend Section 10703 of the Elections Code, relating to elections. Signed by Governor and chaptered on August 27, 2018.]*

Under existing law, when a vacancy occurs in the office of Representative to Congress, or in either house of the Legislature, the Governor is required, within 14 days, to issue a proclamation calling a special election to fill the vacancy, as specified. Existing law requires that such an election be conducted on a Tuesday at least 126 days, but not more than 140 days, following the issuance of the proclamation. However, existing law also provides that the special election may be consolidated with the next regularly scheduled election, if it is within 180 days of the issuance of the proclamation.

This bill would instead provide that a special election to fill a vacancy in the above-listed offices may be consolidated with any regularly scheduled election that is within 180 days of the issuance of the proclamation. The bill would make other technical changes.



## **12. AB 2123, Cervantes. District-based elections. (CHAPTER 277)**

*[An act to amend Section 10010 of the Elections Code, relating to elections. Signed by Governor and chaptered on September 06, 2018.]*

The California Voting Rights Act of 2001 (CVRA) prohibits the use of an at-large election in a political subdivision if it would impair the ability of a protected class, as defined, to elect candidates of its choice or otherwise influence the outcome of an election. The CVRA permits a voter who is a member of a protected class to bring an action in superior court to enforce the provisions of the CVRA. Before commencing an action, existing law requires a prospective plaintiff to send a written notice to the political subdivision asserting that the political subdivision's method of conducting elections may violate the CVRA. If the political subdivision passes a resolution outlining its intention to transition to district-based elections within a specified time, existing law prohibits the prospective plaintiff from commencing an action within 90 days of the resolution's passage.

This bill would permit a political subdivision and a prospective plaintiff to enter into a written agreement to extend the time period during which a prospective plaintiff is prohibited from commencing an action for up to an additional 90 days in order to provide additional time to conduct public outreach, encourage public participation, and receive public input. The bill would require the written agreement to include a requirement that the district boundaries be established no later than 6 months before the political subdivision's next regular election to select governing board members, except as specified. The bill would also require a political subdivision that enters into a written agreement, no later than 10 days after entering into the agreement, to prepare and make available on its Internet Web site a tentative schedule of the public outreach events and the public hearings to be held.





### **13. AB 2125, Quirk. Election results: risk-limiting audits. (CHAPTER 913)**

*[An act to add Article 5.5 (commencing with Section 15365) to Chapter 4 of Division 15 of, and to repeal Section 15560 of, the Elections Code, relating to elections. Signed by Governor and chaptered on September 29, 2018.]*

Existing law requires an elections official, during the official canvass of an election in which a voting system is used, to conduct a public manual tally of the ballots cast in 1% of the precincts chosen at random by the elections official, as specified. Existing law also authorizes the Secretary of State to establish a postcanvass risk-limiting audit pilot program.

This bill would authorize the use of risk-limiting audits in lieu of the 1% manual tally beginning with the March 3, 2020, statewide primary election. The bill would require the Secretary of State to adopt regulations to implement and administer risk-limiting audits. The bill would repeal these provisions on January 1, 2021. The bill would also repeal the existing postcanvass risk-limiting audit pilot program.

### **14. AB 2155, Mullin. Political Reform Act of 1974: campaign disclosures. (CHAPTER 777)**

*[An act to amend Sections 84501, 84502, 84504.1, 84504.2, 84504.5, and 84504.3 of, and to add Section 84501.1 to, the Government Code, relating to the Political Reform Act of 1974. Signed by Governor and chaptered on September 26, 2018.]*

(1) Existing law, the Political Reform Act of 1974, provides for the comprehensive regulation of campaign financing and activities. Existing law under the act requires advertisements to include prescribed disclosure statements, and defines an advertisement for these purposes. Existing law excludes a number of communications from the definition of advertisement, including electronic media communications for which the inclusion of specified disclosures regarding the funding of the communication is impractical or incompatible with the technology used. Existing law also defines "top contributors" for these purposes to mean the persons from whom a committee paying for an advertisement has received its three highest cumulative contributions of \$50,000 or more, and provides that if two or more contributors of identical amounts qualify as top contributors, the most recent contributor shall be listed in disclosures of top contributors for advertisements paid for by committees. Existing law specifies the formatting of disclosures for advertisements that are disseminated as a video, print advertisements, and electronic media advertisements.

This bill would exclude additional types of communications from the definition of advertisement, including certain electronic media communications requested by the recipient, communications solicited by the recipient, or communications for which inclusion of disclosures would be impracticable or severely interfere with the committee's ability to convey the intended message, as determined by regulations of the Fair Political Practices Commission. The bill would delete the exemption from the definition of advertisement for electronic media communications for which the inclusion of disclosures would be impractical or incompatible with the technology used. The bill would require that a tie in the determination of top contributors be resolved by determining the contributor who made the most recent contribution. For committee advertisements that support or oppose a candidate, the bill would exclude certain nonprofit entities and persons who have prohibited the use of their contributions to support or oppose candidates from the determination of top

contributors. The bill would make specified changes to the formatting requirements for disclosures included in advertisements that are disseminated as a video, print advertisements, and electronic media advertisements. The bill would exclude email messages from the disclosure and disclosure formatting requirements applicable to electronic media, except for requirements relating to the size, placement, and color of specified disclosures.

(2) Existing law defines an “expenditure” for purposes of the act to include any monetary or non-monetary payment made by specified persons that is used for communications that expressly advocate the nomination, election, or defeat of a candidate or candidates, or the qualification, passage, or defeat of a clearly identified ballot measure. Existing law prohibits a candidate, candidate controlled committee, established for an elective office for the controlling candidate, or political party committee from sending a mass mailing or a mass electronic mailing unless it discloses specified information, and defines “mass electronic mailing” to mean sending more than 200 substantially similar pieces of electronic mail within a calendar month. Existing law prohibits a candidate, candidate controlled committee, or slate mailer organization from expending campaign funds to pay for certain telephone calls that are similar in nature and aggregate 500 or more in number unless specified disclosures are made to the recipient of the call. Existing law prohibits a person from making a contribution to a committee or candidate that is earmarked for a contribution to any other particular committee, ballot measure, or candidate unless the contribution is fully disclosed, as specified.

This bill would prohibit the Commission from interpreting or construing these provisions, and the provisions described above relating to advertisement disclosures, as allowing the Commission to establish any threshold in quantity or amount that are not specified in those provisions.

(3) Existing law under the act requires certain advertisements paid for by committees to disclose that it is paid for by the committee, by including in the advertisement the words “Paid for by,” followed by the name of the committee, as specified.

This bill would require those advertisements to instead use the words “Ad paid for by,” but would continue to allow an advertisement that is a printed letter, Internet Web site, or email message to use the words “Paid for by.”

Because a violation of the act is punishable as a misdemeanor, this bill would impose a state-mandated local program.

This bill would incorporate additional changes to Section 84504.2 of the Government Code proposed by SB 1239 to be operative only if this bill and SB 1239 are enacted and this bill is enacted last.

This bill would incorporate additional changes to Section 84504.3 of the Government Code proposed by AB 2188 to be operative only if this bill and AB 2188 are enacted and this bill is enacted last.



## **15. AB 2172, Weber. Redistricting: inmates. (CHAPTER 232)**

*[An act to amend Section 21003 of the Elections Code, relating to elections. Signed by Governor and chaptered on August 28, 2018.]*

(1) The California Constitution establishes the Citizens Redistricting Commission and charges it with various responsibilities in connection with redistricting

Assembly, Senate, State Board of Equalization, and congressional districts. Existing law requires the Department of Corrections and Rehabilitation to furnish to the Citizens Redistricting Commission specified information regarding the last known place of residence of each inmate incarcerated in a state adult correctional facility on April 1, 2020, and on each decennial Census Day thereafter, except an inmate in federal custody or whose last known place of residence is outside of California or unknown. Existing law requires the information furnished by the Department of Corrections and Rehabilitation to be sufficiently specific, or as specific as feasible, depending on whether the department's Statewide Offender Management System is fully operational on or before April 1, 2020.

This bill would require the Department of Corrections and Rehabilitation to furnish both the Legislature and the Citizens Redistricting Commission residential address and other information, as specified, for each inmate incarcerated in a facility under the Department's control on the dates specified above, including an inmate whose last place of residence is outside of California or unknown, but excluding an inmate who has been transferred to a facility outside of California. The bill would delete the provision described above that is contingent upon the Statewide Offender Management System being fully operational on or before April 1, 2020. The bill would also direct the Legislature to ensure that the information furnished by the Department of Corrections and Rehabilitation is included in a specified computerized database, but would prohibit publishing information regarding specific inmates.

(2) Existing law requests that the Citizens Redistricting Commission use the information furnished by the Department of Corrections and Rehabilitation in carrying out its redistricting responsibilities, and that the Commission deem each incarcerated person as residing at his or her last known place of residence rather than the institution of his or her incarceration.

This bill would provide that an inmate's "last known place of residence" means the most recent residential address that is sufficiently specific to be assigned a census block or, if the address information is not sufficiently specific, a randomly-determined census block located within the smallest geographical area that can be identified based on the information provided by the Department of Corrections and Rehabilitation.



**16. AB 2188, Mullin. Political Reform Act of 1974: campaign disclosures: advertisements. (CHAPTER 754)**

*[An act to amend Sections 84504.3, 84504.4, and 84510 of, and to add Sections 84503.5 and 84504.6 to, the Government Code, relating to the Political Reform Act of 1974. Signed by Governor and chaptered on September 26, 2018.]*

Existing law, the Political Reform Act of 1974, requires specified disclosures in advertisements regarding the source of the advertisement. The act defines "advertisement" for this purpose as a general or public communication that is authorized and paid for by a committee for the purpose of supporting or opposing a candidate or candidates for elective office or a ballot measure or ballot measures.

Among other things, the act requires an electronic media advertisement, other than an Internet Web site, paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, to include the text "Who funded this ad?," unless including

the text would be impracticable, and a hyperlink to an Internet Web site containing specified disclosures regarding who paid for the advertisement. For an Internet Web site paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, the act requires the Internet Web site to include only specified disclosures regarding who paid for the advertisement, without exception.

This bill would modify the disclosures required for electronic media advertisements. The bill would require an electronic media advertisement that is a graphic, image, animated graphic, or animated image that the online platform, as defined, hosting the advertisement allows to link to an Internet Web site, paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, to meet the “Who funded this ad?” disclosure described above. The bill would modify the “Who funded this ad?” disclosure in various ways, including requiring the disclosure to be made for the duration of the advertisement and allowing the text to be replaced with the phrase “Paid for by” or “Ad Paid for by.” The bill would require for an email message or Internet Web site the disclosures to be made at top or bottom of the email message, or at the top or bottom of every publicly accessible page of the Internet Web site, as applicable. The bill would require an electronic media advertisement that is disseminated as a video to comply with certain disclosure requirements, and if the video is longer than 30 seconds, the disclosures to be made at the beginning of the advertisement.

The act requires that an advertisement made via a form of electronic media that allows users to engage in discourse and post content, or any other type of social media, only include specified disclosures in a contrasting color and in no less than 8 point font on the committee’s profile, landing page, or similar location, and not on each individual post, comment, or other similar communication.

This bill would require the disclosures on the committee’s profile, landing page, or similar location to be on the cover or header photo of the committee’s profile, landing page, or similar location and in no less than 10-point font. The bill would require the disclosures to be fully visible on the cover or header photo when the profile, landing page, or similar location is viewed from any electronic device that is commonly used to view this form of electronic media. If making the disclosures fully visible on a commonly used electronic device would be impracticable, the bill would require the cover or header photo of the profile, landing page, or similar location to include only a hyperlink, icon, button, or tab to an Internet Web site containing the disclosures.

This bill would require a committee that disseminates an online platform disclosed advertisement, as defined, to expressly notify the online platform through which the advertisement would be disseminated that the advertisement is an advertisement under the act and provide the disclosure name, as defined, of the committee. The bill would require an online platform that disseminates a committee’s online platform disclosed advertisement to display adjacent to any text stating that the advertisement is an advertisement or is promoted or sponsored, “Paid for by” or “Ad Paid for by” followed by the disclosure name provided by the committee, with certain exceptions. The bill would require an online platform that disseminates committees’ online platform disclosed advertisements to maintain and make available a record of any advertisement disseminated on the online platform by a committee that purchased \$500 or more in advertisements on the online platform

during the preceding 12 months. The bill would require an online platform to display a prominent button, icon, tab, or hyperlink that links to a page clearly showing the records of the advertisements. The bill would make a person who intentionally violates these provisions for the purpose of avoiding disclosure liable in a civil or administrative action brought by the Fair Political Practices Commission or any person for a fine up to 3 times the cost of the advertisement, including placement costs.

The act requires a radio or television advertisement that is paid for by a political party or a candidate controlled committee established for an elective office of the controlling candidate, and that does not support or oppose a ballot measure and is not paid for by an independent expenditure, to include a specified disclosure regarding who paid for the advertisement.

This bill would require an advertisement that is made via a form of electronic media that allows users to engage in discourse and post content, or any other type of social media, that is paid for by a political party or a candidate controlled committee established for an elective office of the controlling candidate to include specified disclosures regarding who paid for the advertisement.



**17. AB 2218, Berman. Vote by mail ballot tracking. (CHAPTER 432)**

*[An act to add Section 3019.7 to the Elections Code, relating to elections. Signed by Governor and chaptered on September 17, 2018.]*

Existing law requires that the vote by mail ballot be made available to any registered voter. Existing law requires a county elections official to establish a free access system that allows a vote by mail voter to learn if his or her vote by mail ballot was counted and, if not, the reason why the ballot was not counted. Existing federal law, the Help America Vote Act of 2002 (HAVA), provides federal funding for states to carry out specified activities, such as improving voting systems and technology and methods for casting and counting votes.

This bill would require the Secretary of State to establish a system that a county elections official may use to allow a vote by mail voter to track and receive information about his or her vote by mail ballot through the mail system and as the vote by mail ballot is processed by the county elections official. The bill would require the Secretary of State to make the system available for use by each county and would authorize a county to use the system to satisfy the requirement to establish the existing free access system described above. The bill would require the Secretary of State to use federal funds provided to the state pursuant to HAVA to develop the system, and would require the Secretary of State to implement these provisions only to the extent that these funds are available.



**18. AB 2540, Mullin. State facilities and public buildings: vote centers and polling places. (CHAPTER 343)**

*[An act to amend Sections 12283 and 12284 of the Elections Code, relating to elections. Signed by Governor and chaptered on September 11, 2018.]*

Existing law, the California Voter's Choice Act, authorizes certain counties to conduct any election, after a specified date, as an all-mailed ballot election if certain conditions are satisfied, including conditions related to ballot dropoff locations, vote centers, and plans for the administration of all-mailed ballot

elections.

Existing law requires, with certain exceptions, that state-owned buildings, parking lots, and other facilities be made available free of charge for use as polling places.

This bill would extend this requirement to vote centers.

Existing law authorizes the governing body with jurisdiction over school buildings or other public buildings to allow its buildings to be used for polling places on any election day, or to store voting machines and other vote-tabulating devices.

This bill would authorize school buildings or other public buildings to also be used as vote centers beginning up to ten days before the election and continuing through election day. The bill would require an elections official requesting the use of a public building to include a list of the buildings from which the use of a building for polling places or vote centers is needed, and would require that request to be made sufficiently before election day for the governing body to adequately plan for the public building's use as a polling place or vote center. The bill would define "public building" as a building owned or controlled by a city, county, or other local governmental agency.

**19. AB 2592, Berman. Secretary of State: census outreach and education. (CHAPTER 652)**

*[An act to amend Section 10 of, and to add Section 9088.5 to, the Elections Code, and to add Section 12172.6 to the Government Code, relating to the Secretary of State. Signed by Governor and chaptered on September 21, 2018.]*

Existing law provides that the Secretary of State is the chief elections officer of the state, and requires the Secretary of State to make reasonable efforts to promote voter registration to eligible voters. Existing law requires the Secretary of State to prepare the state voter information guide.

This bill would require the Secretary of State, beginning in the year before the federal decennial census and continuing through the completion of enumeration activities for that census, to incorporate messages into public election materials produced by the Secretary of State that promote awareness of, and encourage participation in, the census, as specified. The bill would require the Secretary of State to include this information in the state voter information guide for any statewide election that is held less than one year before the census and on the Secretary of State's Internet Web site.

**20. AB 2665, Salas. Absentee ballots: processing. (CHAPTER 282)**

*[An act to amend Section 15101 of the Elections Code, relating to elections. Signed by Governor and chaptered on September 06, 2018.]*

Existing law authorizes any jurisdiction having the necessary computer capability to start to process vote by mail ballots on the 10th business day before the election. Processing vote by mail ballots includes opening vote by mail ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them.

This bill would specify that machine reading of vote by mail ballots for these purposes includes processing write-in votes so that they can be tallied by the machine.



## **21. AB 2707, Mullin. Voter information Internet Web site. (CHAPTER 920)**

*[An act to add Chapter 11 (commencing with Section 11898) to Part 1 of Division 3 of Title 2 of the Government Code, relating to voters. Signed by Governor and chaptered on September 29, 2018.]*

Existing law requires the Secretary of State to compile, publish, and distribute a roster of the State and local public officials of California, whenever an appropriation is made by the Legislature for that purpose.

This bill would require the Secretary of State to request proposals to establish an Internet Web site that displays the names and contact information, including the office phone number, email address, and office address, of each voter's specified local, state, and federal elected officials, which would be displayed upon a voter submitting his or her address information on the Internet Web site. The bill would specify criteria for the Internet Web site, including limits on the cost to establish and update it. The bill would authorize the Secretary to elect not to establish the Internet Web site if he or she does not receive qualifying proposals that meet those criteria, but would require the Secretary to establish the Internet Web site if he or she determines that the Internet Web site can be established using existing personnel at a lower cost than any qualified proposal.



## **22. AB 2835, Calderon. Elections: ballots. (CHAPTER 57)**

*[An act to amend Sections 301, 305.5, 13107, 13119, 13207, 13208, 13213, and 13241 of the Elections Code, relating to elections. Signed by Governor and chaptered on June 28, 2018.]*

(1) Existing law defines a "ballot" for election law purposes to include an electronic touchscreen upon which appears the names of candidates and ballot titles of measures to be voted on by touching the designated area of the screen for systems that do not contain a paper ballot.

This bill would expand the electronic touchscreen systems that qualify as ballots by eliminating the requirement that the systems not contain paper ballots if the votes are tabulated manually or by optical scanning equipment.

(2) Existing law prohibits a paper cast vote record, as defined, from being considered a ballot.

This bill would allow a paper cast vote record to be considered a ballot, but only if the paper cast vote record is generated on a voting device or machine that complies with ballot layout requirements and is tabulated by a separate device from the device that created the paper cast vote record.

(3) Existing law imposes ballot layout specifications, including specific requirements relating to the size and spacing of text.

This bill would make various changes to these specifications, which would allow more flexibility in ballot layout. The changes would include allowing the use of objects other than squares for voters to make selections.

**23. AB 2880, Harper. Political Reform Act of 1974: local enforcement. (CHAPTER 394)**

*[An act to repeal Section 83123.7 of, and to repeal and add Section 83123.6 of, the Government Code, relating to the Political Reform Act of 1974. Signed by Governor and chaptered on September 14, 2018.]*

Existing law authorizes the Fair Political Practices Commission, upon mutual agreement between the Commission and the Board of Supervisors of the County of San Bernardino, to have primary responsibility for the impartial, effective administration, implementation, and enforcement of a local campaign finance reform ordinance of the County of San Bernardino, as specified. Existing law also authorizes the Fair Political Practices Commission to enter into such agreements with the City Council of the City of Stockton and the City Council of the City of Sacramento, respectively.

This bill would repeal the provisions governing agreements with the Cities of Stockton and Sacramento and would generally authorize the governing body of a local government agency to contract with the Commission for the administration, implementation, and enforcement of a local campaign finance or government ethics law. This bill would also clarify that any agreement with the City of Stockton or the City of Sacramento that was in effect on December 31, 2018, is deemed to comply with this provision, and that this bill does not apply to the County of San Bernardino.



**24. AB 3075, Berman. Office of Elections Cybersecurity. (CHAPTER 241)**

*[An act to add Section 10.5 to the Elections Code, relating to elections. Signed by Governor and chaptered on August 28, 2018.]*

Existing law establishes the Secretary of State as the chief elections officer of the state.

This bill would create within the Secretary of State the Office of Elections Cybersecurity to coordinate efforts between the Secretary of State and local elections officials to reduce the likelihood and severity of cyber incidents that could interfere with the security or integrity of elections in the state, and to monitor and counteract false or misleading information regarding the electoral process that is published online or on other platforms and that may suppress voter participation or cause confusion and disruption of the orderly and secure administration of elections.



**25. AB 3258, Committee on Elections and Redistricting. Elections. (CHAPTER 269)**

*[An act to amend Sections 2187, 8106.5, 9094, 11325, and 13305 of the Elections Code, relating to elections. Signed by Governor and chaptered on September 05, 2018.]*

(1) Existing law requires a county elections official to prepare specified information regarding registered voters in the county, including the total number of voters and the number of voters registered as preferring each qualified political party. Existing law requires a county elections official, on specified days before an election, to prepare this information and to notify the Secretary of State that the information is available with respect to voters registered on certain dates before the election, including not less than 102 days before each presidential general election with



respect to voters registered before the 123rd day before the presidential general election.

This bill would clarify that on each of the specified days before an election for which a county elections official must prepare information and give notice to the Secretary of State that the notice applies with respect to all voters who are registered voters on the applicable day before the election.

(2) Existing law authorizes a candidate seeking elective office to submit a petition containing signatures of registered voters in lieu of a filing fee, as specified. Existing law requires those in-lieu-filing-fee petitions to be filed at least 30 days before the close of the nomination period, and requires the candidate to pay a pro rata portion of the filing fee to cover any deficiency in the number of signatures required for the in-lieu-filing fee petition for the office.

This bill would establish different deadlines for filing in-lieu-filing-fee petitions if the last day to file in-lieu-filing fee petitions pursuant to that deadline for a special election to fill a vacancy occurs before the vacancy begins, or before the Governor issues a proclamation calling the special election. Under these circumstances, if the nomination period is 12 days or more, the bill would require in-lieu-filing fee petitions to be filed at least 9 days before the close of the nomination period, with the deficiency calculated by the elections official within 3 days after receipt of a petition. If the nomination period is 11 days or less, the bill would require the Secretary of State to set the deadline for filing in-lieu-filing fee petitions and the time by which the elections official shall notify the candidate of a deficiency. The bill would also delete an obsolete provision.

(3) Existing law requires the Secretary of State, in those instances in which the county elections official uses data processing equipment to store voter registration information, to mail state voter information guides to voters who have registered on or before the 60th day before the election at which measures contained in the state voter information guide are to be voted on, unless a voter has registered fewer than 29 days before the election. For voters who registered after the 60th day before the election, existing law requires the Secretary of State to provide for the mailing of state voter information guides by either mailing the guide to those voters or requiring the county elections official to mail the guide. In those instances in which the county elections official does not use data processing equipment to store voter registration information, existing law requires the Secretary of State to furnish state voter information guides to the county elections official for mailing to voters.

This bill would instead require the Secretary of State to mail state voter information guides in all cases to voters who have registered before the 28th day before the election.

(4) Existing law requires the Secretary of State to prepare and mail to voters the state voter information guide, as specified. Existing law requires each appropriate elections official to prepare and mail to voters the county voter information guide, as specified. However, existing law authorizes a county elections official to elect not to mail a county voter information guide to a permanent vote by mail voter or a voter in a specified mail ballot election if, among other things, the county elections official prepares and mails to the voter a state voter information guide that includes all of the information required to be included in the county voter information guide.

This bill instead would authorize the county elections official to elect not to mail the county voter information guide if he or she prepares and mails to the voter a

document that includes all of the information required to be included in the county voter information guide. The bill would also make other clarifying and conforming changes regarding voter information guides.

This bill would incorporate additional changes to Section 2187 of the Elections Code proposed by AB 2245 to be operative only if this bill and AB 2245 are enacted and this bill is enacted last.

**26. AB 3259, Committee on Elections and Redistricting. Elections. (CHAPTER 58)**

*[An act to amend Sections 1500, 2155, 6321, 6405, 6541, 6567, 6598, 6768, 8083, 9210, 10602, 11222, 12102, and 12104 of the Elections Code, relating to elections. Signed by Governor and chaptered on June 28, 2018.]*

(1) Existing law contains various election-related forms, some of which contain obsolete date blocks that begin with “19\_\_”.

This bill would update the date block of these forms to “20\_\_”.

(2) Existing law requires a county elections official, upon receipt of a properly executed affidavit of registration or address correction notice or letter for a voter, to send the voter a voter notification, address correction requested. Existing law specifies a form of voter notification that county elections officials are required to use that includes a voter signature line.

This bill would remove the voter signature line from the voter notification.

(3) Existing law specifies procedures for collecting signatures on a petition for an initiative, referendum, or recall, and for filing the petition and signatures with elections officials.

Existing law requires elections officials for local recall and municipal initiative measure petitions to determine, prima facie, the total number of signatures affixed to the petition to determine whether or not the petition is accepted for filing. Existing law requires that recall and municipal initiative measure petitions not accepted for filing be returned to the proponents.

This bill would repeal this requirement to return the petitions to the proponents and instead require that further action not be taken.

(4) Existing law authorizes a local, special, or consolidated election to be conducted wholly by mail if specified conditions are satisfied. Existing law establishes specified dates in March, May, and August for conducting an all-mailed ballot election.

This bill would delete the date in March from the established dates for conducting an all-mailed ballot election.

**27. SB 25, Portantino. Elections: alternate ballot order: Los Angeles County pilot program. (CHAPTER 927)**

*[An act to add Sections 13109.7, 13109.8, and 13109.9 to the Elections Code, relating to elections. Signed by Governor and chaptered on September 29, 2018.]*

Existing law specifies the order of precedence of offices on the ballot, beginning with nominees for President and Vice President to be listed under the heading, PRESIDENT AND VICE PRESIDENT, and ending with directors or trustees for

each district to be listed under the heading, DISTRICT. Measures submitted to the voters appear after district directors or trustees. Existing law authorizes a county elections official to vary the order for certain offices and measures submitted to the voters, in order to allow for the most efficient use of space on the ballot in counties that use a voting system, as defined. Existing law requires that the office of Superintendent of Public Instruction precede any school, county, or city office and that state measures precede local measures.

This bill would require the county elections official for the County of Los Angeles to conduct elections using a specified alternate ballot order for elections conducted for three years after the date the county elections official declares that the Los Angeles County voting system modernization project underway in 2018 is complete and ready for operation. The bill would require the county elections official to prepare a report regarding the effect of using the alternate ballot order, as specified. The bill would require the county elections official, after the three-year period described above, to post the report on the Internet Web site of the county elections official and to submit the report to the Secretary of State and the Legislature. The bill would authorize the county elections official to continue to use the alternate ballot order for elections conducted on or after the three-year period described above. Due to the additional reporting requirements imposed on the County of Los Angeles, the bill would impose a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Los Angeles.

**28. SB 558, Glazer. Property taxation: new construction exclusion: rain water capture system. (CHAPTER 1)**

*[An act to add and repeal Section 74.8 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy. Signed by Governor and chaptered January 31, 2018.]*

Existing law contains provisions related to elections and voting, including a requirement that a constitutional amendment submitted to the people by the Legislature shall appear on the ballot of the first statewide election occurring at least 131 days after the adoption of the proposal by the Legislature and that the Secretary of State mail state voter information guides to voters.

This bill would require the Secretary of State, notwithstanding specified provisions of existing law relating to elections and voting, to submit Senate Constitutional Amendment 9 of the 2017–18 Regular Session to the voters for their approval at the June 5, 2018, statewide primary election.



**29. SB 759, McGuire. Elections: vote by mail ballots. (CHAPTER 446)**

*[An act to amend Section 3019 of the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately. Signed by Governor and chaptered on September 17, 2018.]*

Existing law requires an elections official, upon receipt of a vote by mail ballot, to compare the signature on the identification envelope with either the signature appearing on the voter's affidavit of registration, or the signature appearing on a form issued by an elections official that contains the voter's signature and that is part of the voter's registration record. Existing law prohibits, if the elections official determines that the signatures do not compare, the elections official from opening

the identification envelope and counting the ballot.

This bill would eliminate the prohibition on counting the ballot and would instead require the elections official to follow specified procedures to notify the voter and allow the voter an opportunity to verify his or her signature before certification of the election. The bill would also make technical, nonsubstantive changes to these provisions. By increasing the duties of local election officials, the bill would impose a state-mandated local program.



**30. SB 1018, Allen. Elections: state and local reapportionment. (CHAPTER 462)**

*[An act to amend Sections 23000, 23001, 23002, and 23003 of, and to add Section 23004 to, the Elections Code, relating to elections. Signed by Governor and chaptered on September 17, 2018.]*

Existing law authorizes a local jurisdiction, defined as a county or general law city, to establish by resolution or ordinance a commission composed of residents of the local jurisdiction to either change the boundaries of the districts of the local jurisdiction's legislative body or recommend to the governing body changes to the boundaries of the districts. Existing law defines a "legislative body" for these purposes to mean either a city council of a general law city or a county board of supervisors.

For a commission that recommends changes to district boundaries, defined as an advisory redistricting commission, existing law prohibits a person who is an elected official of the local jurisdiction or a family member, staff member, or paid campaign staff of an elected official of the local jurisdiction from being appointed to serve on the commission, and requires the commission to submit a report to the legislative body of its findings on the need for changes to the boundaries and its recommended changes, within a specified time after the federal decennial census, as specified.

For a commission empowered to change district boundaries, defined as an independent redistricting commission, existing law authorizes the local jurisdiction to prescribe the manner in which members are appointed to the commission, provided that the jurisdiction uses an application process open to all eligible residents. Existing law disqualifies a person or a family member of a person from being appointed to the commission if he or she has engaged in specified activities during the 8 years preceding his or her appointment. Existing law also prohibits a commission member from engaging in specified activities, such as accepting an appointment to an office of the local jurisdiction for 4 years after the date of his or her appointment, or from being a candidate for elective office of the local jurisdiction for 10 years after the date of his or her appointment. Existing law authorizes an independent redistricting commission to impose additional qualifications or restrictions on members of the commission in excess of these provisions. Existing law requires a commission to adopt new boundaries within a specified period of time after the federal decennial census. Existing law prohibits a commission from drawing districts for the purpose of favoring or discriminating against an incumbent or political candidate.

This bill would authorize a local jurisdiction to establish a commission by charter amendment. The bill would authorize a local jurisdiction to establish a hybrid redistricting commission, as defined. The bill would, for an advisory redistricting

commission, authorize a local jurisdiction to impose additional qualifications and restrictions on the commission, members of the commission, or applicants to the commission in excess of those described above. The bill would eliminate the requirement that an advisory redistricting commission submit a report on its findings and recommended changes within a specified time after the federal decennial census.

This bill would, for an independent redistricting commission or a hybrid redistricting commission, prohibit the direct appointment of members of the commission by the legislative body or an elected official of the local jurisdiction. The bill would clarify that a person is disqualified from being appointed to the commission if that person or a family member of that person engages in specified activities preceding the date of that person's appointment. The bill would reduce to 4 years the time period for certain activities of a family member of a person, other than his or her spouse or registered domestic partner, that would disqualify that person from appointment to the commission. The bill would instead prohibit a commission member from accepting an appointment to an office of the local jurisdiction for 2 years, commencing with the date of his or her appointment. The bill would instead prohibit a member from being a candidate for elective office of the local jurisdiction if less than 5 years have elapsed since the date of his or her appointment or if the commission on which the member served adopted or recommended the district boundaries to be used for the election, as specified. The bill would eliminate the requirement that the commission adopt new boundaries within a specified period after the federal decennial census and instead subject the commission to the same redistricting deadlines, requirements, and restrictions that would otherwise apply to a legislative body. The bill would prohibit a legislative body from altering district boundaries that it or a hybrid or independent redistricting commission has adopted until after the next federal decennial census following the adoption of the boundaries, except as specified. The bill would additionally prohibit a commission from drawing districts for the purpose of favoring or discriminating against a political party. The bill would authorize a commission to impose additional requirements and restrictions on a commission or applicants to a commission in excess of these provisions. The bill would authorize a local jurisdiction, except a county, to contract with a county in which the local jurisdiction is located that has established a commission empowered to change district boundaries to have that commission adopt the local jurisdiction's election district boundaries, as specified. The bill would apply the provisions applicable to an independent redistricting commission to a hybrid redistricting commission, as defined. The bill would define "redistricting," for the purposes of these provisions and those described above, to mean either districting or redistricting. The bill would expand the definition of "legislative body" to include a governing board of a school district, a governing board of a community college district, or an elected governing board of a special district. The bill would expand the definition of a "local jurisdiction" to include a school district, community college district, or special district.



### **31. SB 1153, Stern. Local initiatives: review. (CHAPTER 155)**

*[An act to add Sections 9118.5, 9215.5, and 9311 to the Elections Code, relating to initiatives. Signed by Governor and chaptered on July 20, 2018.]*

(1) Existing law authorizes a proposed ordinance to be submitted to a county board of supervisors, a legislative body of a city, or the governing board of a district by

filing an initiative petition with the appropriate elections official, signed by not less than a specified number of voters. Existing law requires the election for the initiative, if it qualifies, to be held at the next election occurring not less than 88 days after the date of the order of election.

This bill would authorize the proponent of a county, municipal, or district initiative to withdraw the initiative at any time before the 88th day before the election, whether or not the petition has already been found sufficient by the elections official. Because the exercise of this authority would impose associated duties on local elections officials, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

### **32. SB 1171, Stern. Electors: conditional voter registration. (CHAPTER 113)**

*[An act to amend Sections 321 and 2162 of, and to add Section 2160 to, the Elections Code, relating to elections. Signed by Governor and chaptered July 16, 2018.]*

(1) Existing law authorizes an elector who complies with specified provisions governing the registration of electors to vote at an election held within the territory within which he or she resides and the election is held. Existing law defines “elector” to mean a person who is a United States citizen 18 years of age or older and, except as specified, is a resident of an election precinct at least 15 days before an election.

Existing law prohibits an elector from being registered as a voter except by affidavit of registration received by the county elections official on or before the 15th day before an election. However, existing law authorizes a person who is otherwise qualified to register to vote to complete a conditional voter registration and cast a provisional ballot during the 14 days immediately preceding an election or on election day.

This bill would revise the definition of “elector” by deleting the 15-day requirement, thereby including a person who is eligible to complete a conditional voter registration within the definition of “elector.”

(2) Existing law establishes the procedures for determining whether a conditional voter registration is deemed effective. Existing law requires that a voted provisional ballot be sealed in a provisional ballot envelope, which is substantially similar to, and completed in the same manner as, an envelope used for a vote by mail ballot.

This bill would authorize a county elections official to use a provisional ballot envelope as an affidavit of registration, as specified.

### **33. SB 1239, Hertzberg. Political Reform Act of 1974: campaign disclosures. (CHAPTER 662)**

*[An act to amend Sections 81004, 81007, 81007.5, 81008, 81009, 81010, 82006, 84101, 84101.5, 84102, 84103, 84108, 84200.8, 84203, 84204, 84204.5, 84211, 84213, 84215, 84219, 84223, 84504.2, 84602, 84605, 84606, 84612, 84615, 85200, 86100, 86103, 86104, 86105, 86107, 86108, 86109.5, 86114, 86116, and 86118 of, and to repeal Sections 84217 and 86109 of, the Government Code, relating to the Political Reform Act of 1974. Signed by Governor and chaptered September 21, 2018.]*

The Political Reform Act of 1974 generally requires elected officials, candidates for elective office, and committees formed primarily to support or oppose a candidate for public office or a ballot measure, along with other entities, to file periodic campaign statements and certain reports concerning campaign finances and related matters. The act generally provides for the filing of campaign statements and reports by various means, including personal delivery, guaranteed overnight delivery, facsimile transmission, and online transmission. The act requires the Secretary of State, in consultation with the Fair Political Practices Commission, to develop online and electronic filing processes for persons and entities that are required to file statements and reports with the Secretary of State's office. The act requires certain persons and entities to file online or electronically with the Secretary of State if their political contributions, expenditures, or loans reach specified monetary thresholds.

This bill would generally recast certain provisions governing the processing of campaign reports and statements to provide for the filing, verification, delivery, amendment, retention, and inspection of those documents online or electronically, as prescribed. The bill would repeal the above-mentioned monetary thresholds, thereby making the online and electronic filing requirements applicable to all specified filers. The bill would also repeal various obsolete or extraneous provisions of the act, and would make conforming and other technical, nonsubstantive changes.

The act requires each committee that is required to file a statement of organization to pay the Secretary of State a fee of \$50 by January 15 of each year until the committee is terminated. The act subjects a committee that fails to pay the fee on time to a penalty equal to three times the amount of the fee. This bill would change the deadline for payment of the annual fee to April 30 of each year. The bill would delete obsolete provisions and would make other technical, nonsubstantive changes.

Existing law requires print advertisements paid for by certain committees to disclose, among other things, the top contributors to the committee and a statement that funding details for the advertisement are published on the Internet Web site of the Fair Political Practices Commission. This bill would instead require the funding details statement to direct a reader to the lists of top contributors published on the Internet Web site of the Secretary of State.

A violation of the act is punishable as a misdemeanor, and reports and statements filed under the act are required to be signed under the penalty of perjury. By expanding the scope of existing crimes, this bill would impose a state-mandated local program. This bill would incorporate additional changes to Section 84504.2 of

the Government Code proposed by Assembly Bill 2155 to be operative only if this bill and Assembly Bill 2155 are enacted and this bill is enacted last.



**34. SB 1250, Bradford. Voting: domicile. (CHAPTER 911)**

*[An act to amend Section 2026 of the Elections Code, relating to elections. Signed by Governor and chaptered on September 29, 2018.]*

Existing law defines “residence” for voting purposes as a person’s domicile. Existing law describes the domicile of a person as that place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. Existing law describes the residence of a person as that place in which the person’s habitation is fixed for some period of time, but wherein he or she does not have the intention of remaining. Existing law provides that a person may have only one domicile at a given time, but may have more than one residence. Existing law also provides that, for purposes of determining the domicile of a Member of the Legislature or a Representative in the Congress of the United States, the residence address indicated on that person’s currently filed affidavit of voter registration is conclusively presumed to be that person’s domicile.

This bill would provide that this presumption applies as long as the address listed is one of the member or representative’s residences, notwithstanding that the member or representative may have another residence at which any of certain conditions apply.



## Vetoed Bills

### **AB 664, Steinorth. Political Reform Act of 1974: campaign fund expenditures.**

*[An act to amend Section 84307.5 of the Government Code, relating to the Political Reform Act of 1974. Vetoed by Governor on August 27, 2018]*

The Political Reform Act of 1974 prohibits a spouse or domestic partner of an elected officer or a candidate for elective office from receiving, in exchange for services rendered, compensation from campaign funds held by a controlled committee of the officer or candidate.

This bill would additionally prohibit a parent, grandparent, sibling, child, or grandchild of an elected officer or a candidate for elective office from receiving, in exchange for furnished or promised goods, services, facilities, or anything of value, compensation from campaign funds held by a controlled committee of that officer or candidate which exceeds the fair market value of that item. The bill would also prohibit the payment of financial or material compensation beyond fair market value from campaign funds held by a controlled committee of an elected officer or candidate for elective office, in exchange for services rendered, to a vendor if a parent, grandparent, sibling, child, or grandchild of that officer or candidate has an interest in, or is employed by, the vendor.

A violation of the act may be punished as a misdemeanor. By creating a new crime, this bill would impose a state-mandated local program.



### **AB 1947, Low. Petitions: compensation for signatures.**

*[An act to add Section 102.5 to the Elections Code, relating to elections. Vetoed by Governor on September 18, 2018.]*

Under existing law, a person who is 18 years of age or older may circulate an initiative, referendum, or recall petition.

This bill would provide that a person or organization who pays a person money or any other thing of value based on the number of signatures obtained on a state or local initiative, referendum, or recall petition is guilty of a misdemeanor punishable by a specified fine, imprisonment, or both that fine and imprisonment. By creating a new crime, the bill would impose a state-mandated local program.



### **AB 2245, Berman. Voter registration.**

*[An act to amend Sections 2187 and 2194 of the Elections Code, and to amend Section 6254.4 of the Government Code, relating to elections. Vetoed by Governor on September 18, 2018.]*

Under existing law, a person may not be registered to vote except by affidavit of registration. Existing law authorizes a person who is at least 16 years of age and otherwise meets all voter eligibility requirements to preregister to vote by submitting his or her affidavit of registration, which, if properly executed, will be deemed effective as of the date the affiant will be 18 years of age.

Existing law requires a county elections official to prepare specified information on registered voters in the county, including the total number of voters and the number

of voters registered as preferring each qualified political party, and to provide notice to the Secretary of State that the information is available.

This bill would require a county elections official to also include specified information on persons who have preregistered to vote. By imposing additional duties on county elections officials, the bill would impose a state-mandated local program.

Existing law provides that certain information on a voter's affidavit of registration, including the voter's home address and signature, is confidential and prohibits disclosure of the information except in specified circumstances.

This bill would additionally provide that the affidavit of registration of a preregistered person who is not yet a registered voter is confidential, and would prohibit its disclosure to any person without exception.

This bill would incorporate additional changes to Section 2187 of the Elections Code proposed by AB 3258 to be operative only if this bill and AB 3258 are enacted and this bill is enacted last.

### **AB 2352, Low. Elections: reportable events.**

*[An act to amend Section 10002 of, and to add Sections 15506 and 17507 to, the Elections Code, relating to elections. Vetoed by Governor on September 29, 2018]*

Existing law permits the governing body of any city or district to request that the county render specified services to the city or district regarding the conduct of an election.

If a jurisdiction requests that the county conduct an election on its behalf pursuant to this provision, this bill would require the jurisdiction at the time that it makes that request to provide the county elections official with the boundaries of the jurisdiction and any districts within the jurisdiction.

Existing law imposes various obligations on the Secretary of State with respect to the results of an election. Existing law also imposes various requirements on county elections officials with respect to the retention and preservation of election records.

This bill would require the Secretary of State to promulgate regulations by January 1, 2020, establishing which events in election administration constitute "reportable events" and would require county elections officials to document reportable events and to submit information about these events to the Secretary of State for review and guidance, if necessary. By requiring new duties of local government officials, this bill would impose a state-mandated local program.



### **AB 2552, Berman. Elections: ballot contents.**

*[An act to amend Section 13210 of, and to add Section 13218 to, the Elections Code, relating to elections. Vetoed by Governor on September 07, 2018.]*

Existing law sets forth various ballot printing specifications, including a requirement that each group of candidates to be voted on be preceded on the ballot by the designation of the office for which they are running, and the words "vote for one" or "vote for no more than two," or more, according to the number to be nominated or elected.

This bill would require that the number of candidates to be nominated or elected be printed in boldface type or in a contrasting color that is not black or gray.

By requiring local elections officials to revise the content of ballots, this bill would create a state-mandated local program.

The bill would require the Secretary of State to establish a ballot design advisory committee to make recommendations for improving ballot design and the readability of ballot instructions. The bill would require the committee to make its recommendations by January 1, 2020.

**AB 2689, Gray. Contribution and gift ban: Senate or Assembly confirmation.**

*[An act to add Section 85705 to the Government Code, relating to the Political Reform Act of 1974. Vetoed by Governor on September 30, 2018.]*

(1) The Political Reform Act of 1974 establishes certain limits on the amount of contributions that a person or group can make to a candidate for elective state office or to a committee.

This bill would prohibit a person appointed by the Governor to an office subject to Senate or Assembly confirmation from making to a Senator or Assembly Member or a controlled committee of the Senator or Assembly Member a gift or contribution during the period between the appointment by the Governor and confirmation by that house. The bill would also apply this prohibition to certain candidates for the Senate or Assembly, as specified.

(2) Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) 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 of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

## Dead Bills

### **AB 6, as amended, Obernolte. Local ballot measures: statement of the measure.**

*[An act to amend Section 3010 of the Elections Code, relating to elections.]*

Existing law requires a local government body, when submitting for voter approval a bond measure the security for which constitutes a lien on the property for ad valorem taxes, to provide the voters a statement that includes estimates of tax rates and debt service in connection with the measure. This statement is required to be included in any voter information guide for the bond measure, as specified.

Existing law requires that the ballots used when voting on a measure proposed by a local governing body or submitted to the voters as an initiative or referendum measure have printed on them specified information, including a statement describing the measure. If the proposed measure imposes a tax or raises the rate of a tax, existing law requires that the statement of the measure include the amount of money to be raised annually and the rate and duration of the tax to be levied.

This bill would instead require that the statement for a bond measure include the best estimate from official sources of the average annual tax rate that would be required to be levied to fund the bond issue over the entire duration of the bond debt service, as specified. By imposing new duties on local elections officials, the bill would create a state-mandated local program.

### **AB 84, as amended, Mullin. Political Reform Act of 1974: political party committee disclosures.**

*[An act to amend Sections 84200.6, 85205, and 85702 of, and to add Section 84200.10 to, the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.]*

(1) The Political Reform Act of 1974 provides for the comprehensive regulation of campaign financing. The act requires elected officers, candidates, and committees, including political party committees, to file various reports at specified periods, including semiannual reports, preelection statements, and supplemental preelection statements. The act defines a “political party committee” as the state central committee or county central committee of an organization that meets the requirements for recognition as a political party under law.

This bill would additionally require political party committees that received or contributed \$50,000 or more in the current or previous two-year election cycle to file monthly reports, as specified.

(2) The act generally limits contributions made or received by elected officers, candidates, and committees. The act does not limit the contributions of a political party committee to a candidate for elective state office. The act also authorizes a political party committee to receive higher levels of contributions than other committees. In addition, political party committees are not controlled committees for purposes of the act.

This bill would expand the definition of “political party committee” to include a legislative caucus committee. The bill would authorize the caucus of each political

party of each house of the Legislature to create a legislative caucus committee directed by the caucus leader, as specified. The bill would provide that funds received by a legislative caucus committee shall be held in trust to advance the interests of the caucus and may be used to make expenditures associated with the election of members to the Legislature and for caucus expenses. The bill would also provide that a legislative caucus committee is not a controlled committee and that a bank account established for a legislative caucus committee is not a campaign contribution account of any candidate.

(3) The act prohibits a lobbyist from making a contribution to an elected state officer or candidate for elected state office if the lobbyist is registered to lobby the governmental agency of the officer or for which the candidate is seeking election.

This bill would similarly prohibit a lobbyist from making a contribution to a legislative caucus committee if the lobbyist is registered to lobby the Legislature.

(4) Because a violation of the act is punishable as a misdemeanor, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(5) 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 of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

(6) This bill would declare that it is to take effect immediately as an urgency statute, but would become operative 14 days after its effective date.

**AB 894, Frazier. Candidates' statements: false statements.**

*[An act to amend Section 18351 of the Elections Code, relating to elections.]*

Existing law permits a candidate for nonpartisan elective office, and an officer whose recall is being sought, to file with the elections official a candidate's statement that includes a brief description of the candidate's education and qualifications. Existing law requires an elections official to include in the county voter information guide a candidate's statement from a candidate for nonpartisan elective office and from an officer whose recall is being sought. Existing law prohibits a candidate for nonpartisan elective office, or an incumbent in a recall election, to knowingly make a false statement of material fact in the candidate's statement with the intent to mislead the voters in connection with his or her campaign for nomination or election to an office. Violation of this prohibition is punishable by a fine not to exceed \$1,000.

This bill would increase the maximum fine amount to \$5,000.



## **AB 2051, as amended, Choi. Candidate's statement.**

*[An act to amend Section 13307 of the Elections Code, and to amend Section 85601 of the Government Code, relating to elections.]*

Existing law authorizes each candidate for nonpartisan elective office in any local agency, including any city, county, city and county, or district, to prepare a candidate's statement on an appropriate form provided by the elections official. Existing law permits the statement to be withdrawn, but prohibits the statement from being changed, during the period for filing nomination papers and until 5 p.m. of the next working day after the close of the nomination period. Existing law requires the elections official to send to each voter a county voter information guide that contains the written statements of each candidate.

The Political Reform Act of 1974 provides for the comprehensive regulation of campaign financing and related matters, including voluntary expenditure ceilings for candidates for statewide elective office and for state Senate and Assembly. A candidate for statewide elective office who accepts the voluntary expenditure limits may purchase the space to place a statement in a state voter information guide and may submit the statement in accordance with the timeframes and procedures set forth by the Secretary of State. Under existing law, a candidate for state Senate or Assembly who accepts the voluntary expenditure limits may purchase the space to place a statement in the voter information portion of the county voter information guide and may submit the statement according to the timeframes and procedures in the Elections Code.

This bill would instead permit the statement for each candidate for nonpartisan elective office in a local agency, and the statement for each candidate for statewide elective office or for state Senate and Assembly who accepts the voluntary expenditure limits, to be withdrawn or revised during the period for filing nomination papers. The bill would also make technical, nonsubstantive changes.

## **AB 2231, as amended, Brough. California Voting Rights Act of 2001.**

*[An act to amend Sections 14028, 14029, and 14030 of the Elections Code, relating to elections.]*

(1) The California Voting Rights Act of 2001 (CVRA) prohibits the use of an at-large election in a political subdivision if it would impair the ability of a protected class, as defined, to elect candidates of its choice or otherwise influence the outcome of an election. The CVRA provides that a violation of the act is established upon a showing of racially polarized voting, as defined.

This bill would provide that a violation of the CVRA is established if the totality of the circumstances show that members of a protected class are not equally able to reasonably participate in the local political processes of the political subdivision because racially polarized voting occurs, as specified. The bill would require the party asserting the violation to demonstrate that three prescribed factors are met.

(2) The CVRA requires a court that finds a violation of the CVRA to implement appropriate remedies, including the imposition of district-based elections, that are tailored to remedy the violation.

This bill would provide that the political subdivision in which the violation occurs may also implement appropriate remedies, as specified.

(3) The CVRA provides that a prevailing plaintiff party, other than the state or a political subdivision thereof, in a CVRA lawsuit may recover reasonable attorney's fees and litigation expenses, as specified. The CVRA prohibits prevailing defendant parties from recovering costs, unless the court finds the action to be frivolous, unreasonable, or without foundation.

This bill would instead allow any prevailing party, other than the state, to recover a reasonable attorney's fee and costs in a CVRA action.

**AB 2512, as introduced, Kiley. United States Senate vacancy.**

*[An act to amend Sections 10700, 10702 and 10703 of, and to amend and renumber the heading of Chapter 3 (commencing with Section 10730) of Part 6 of Division 10 of, and to repeal Chapter 2 (commencing with Section 10720) of Part 6 of Division 10 of, the Elections Code, and to amend Section 1773 of the Government Code, relating to elections.]*

Under existing law, when a vacancy occurs in the office of Representative to Congress, or in either house of the Legislature, the Governor is required, within 14 calendar days after the occurrence of the vacancy, to call an election to fill the vacancy, as specified. With regard to a vacancy in the office of the United States Senate, however, existing law authorizes the Governor to appoint a person to fill the vacancy, as specified.

This bill would instead require that a vacancy in the United States Senate be filled in the same manner as a vacancy in a congressional representative or state legislative office. The bill would make conforming and technical changes.

**AB 2559, as amended, Ting. Elections: Democratic Party county central committee.**

*[An act to amend Section 7216 of the Elections Code, relating to elections.]*

Existing law provides for the election of members of county central committees. Under existing law, whenever a person is appointed to fill a vacancy on a committee, the chairperson of the committee is required to file notices of the appointment, as specified. Existing law requires the notices to contain specified information, including, among others, the name and address of the person appointed.

This bill would additionally require the notices to include the phone number of the person appointed.

**AB 2742, as introduced, Travis Allen. Elections: voter identification.**

*[An act to add Section 14216.3 to the Elections Code, relating to elections.]*

Existing law requires polling places to be open from 7 a.m. to 8 p.m. on election day and requires that voting commence as soon as polls are opened. Existing law requires a person desiring to vote to audibly announce his or her name and address, and requires a precinct board member to audibly repeat the voter's name and address after finding the voters name in the index of voter registration. Existing law then requires the voter to write his or her name and residence address on a roster of voters, except as specified.



This bill would also require a voter to provide photographic identification at the polling place before receiving a ballot. The bill would specify the forms of photographic identification that are acceptable and would authorize the use of a photographic identification that has been expired for less than one year. The bill would require a precinct board to provide a voter who is unable to provide an acceptable form of photographic identification, and would require a voter who is provided a provisional ballot for this reason to present photographic identification to the elections official in order to have his or her provisional ballot counted. The bill would require that a voter be provided a free registered voter identification card that contains a photograph of the voter if the voter does not have an acceptable form of photographic identification. By expanding the duties of precinct board members and local elections officials, the bill would impose a state-mandated local program.

**AB 2748, as amended, Chau. Election infrastructure: independent security assessments.**

*[An act to add and repeal Section 11549.45 of the Government Code, relating to election infrastructure.]*

Existing federal law charges various federal agencies with responsibilities related to the security of critical infrastructure, including election infrastructure. By Executive Order, the Governor directed the Office of Emergency Services to establish and lead the California Cybersecurity Integration Center, with its primary mission to reduce the likelihood and severity of cyber incidents that could damage California's economy, its critical infrastructure, or public and private sector computer networks in the state. Existing state law authorizes the Chief of the Office of Information Security in the Department of Technology to conduct, or require to be conducted, an independent security assessment of every state agency, department, or office, as specified. Existing state law also requires the Secretary of State and county elections official to perform specified tasks related to the security of voting systems, ballots, and other election materials.

This bill would require the Office of Information Security in the Department of Technology, the Office of Emergency Services, and the California Military Department to establish a pilot program to conduct, or require to be conducted, an independent security assessment of election infrastructure that is accessible through an Internet connection in up to 5 counties that voluntarily choose to participate in the pilot program, as specified. The bill would require the Office of Information Security in the Department of Technology, the Office of Emergency Services, and the California Military Department to transmit the complete results of each independent security assessment and recommendations for mitigating system vulnerabilities, if any, to the elections official of the county in which the assessment was conducted and the Secretary of State. The bill would require these agencies to also prepare and submit a joint report to the Legislature regarding any assessments conducted.

The bill would repeal these provisions on January 1, 2023.



**AB 2848, as amended, Obernolte. Local ballot measures: statement of the measure.**

*[An act to amend Section 13119 of the Elections Code, relating to elections.]*

Existing law requires a local government body, when submitting for voter approval a bond measure the security for which constitutes a lien on the property for ad valorem taxes, to provide the voters a statement that includes estimates of tax rates and debt service in connection with the measure. This statement is required to be included in any voter information guide for the bond measure, as specified.

Existing law requires that the ballots used when voting on a measure proposed by a local governing body or submitted to the voters as an initiative or referendum measure have printed on them specified information, including a statement describing the measure. If the proposed measure imposes a tax or raises the rate of a tax, existing law requires that the statement of the measure include the amount of money to be raised annually and the rate and duration of the tax to be levied.

This bill would instead require that the statement for a bond measure include the total amount of bonds to be issued, the duration of the bond debt service, and the best estimate from official sources of the average annual tax rate that would be required to be levied on property for ad valorem taxes to fund the bond issue. By imposing new duties on local elections officials, the bill would create a state-mandated local program.

**AB 2881, as introduced, Harper. Recall elections.**

*[An act to amend Sections 11104, 11106, 11108, and 11324 of, and to add Section 11105 to, the Elections Code, relating to elections.]*

The California Constitution enables electors to initiate a recall of state officers by gathering sufficient signatures within a 160-day period. Existing law requires the Secretary of State to notify a county elections official that a petition received a sufficient number of signatures to initiate a recall election. After this notice has been provided, existing law provides for a period of 30 business days in which voters who signed the petition may withdraw their signatures. Existing law requires local elections officials to submit signatures gathered by proponents of a recall to the Secretary of State at least every 30 days, and it also requires the examination and verification of each signature filed.

Under existing law, if a sufficient number of signatures are submitted to initiate a recall election, the Department of Finance, in consultation with the affected election officials and the Secretary of State, is required to estimate the costs of the recall election, as specified. Existing law also requires the Joint Legislative Budget Committee to review and comment on the estimate.

This bill would remove the provisions requiring the examination and verification of each signature filed and would instead provide for signatures to be verified according to specified procedures, including the use of a random sampling technique. The bill would also remove the obligations on the Department of Finance and the Joint Legislative Budget Committee with respect to estimating the costs of the recall election.

**AB 2883, as introduced, Harper. Vote by mail ballots.**

*[An act to amend Section 3017 of the Elections Code, relating to elections.]*

Existing law requires a vote by mail voter to return his or her voted vote by mail ballot (1) by mail or in person to the elections official, (2) in person to a member of a precinct board at a polling place or vote center, or (3) to a vote by mail ballot dropoff location, as specified. Existing law permits a vote by mail voter who is unable to return his or her ballot to designate another person to return the ballot.

This bill would require the designated person to offer to give a receipt to the voter when the designated person receives the ballot, and to provide a receipt to the voter upon request. The bill would require the Secretary of State to prescribe a form for that receipt, and would specify the information to be included on the receipt.

**AB 3054, as introduced, Harper. Mail ballot elections: vacancies: congressional or legislative offices.**

*[An act to amend Section 4001.5 of the Elections Code, relating to elections.]*

Existing law, until January 1, 2021, authorizes a county, as a pilot program, to conduct an all-mailed ballot special election or special consolidated election to fill a vacancy in a congressional or legislative office. If a county conducts an all-mailed ballot election pursuant to this pilot program, existing law requires the county to report to the Legislature and the Secretary of State regarding the success of the election, and requires the report to be posted on the Internet Web site of the county elections official. This bill would require the report to also be posted on the Internet Web site of the Secretary of State.

**AB 3094, as introduced, Patterson. Agricultural labor relations: labor representative elections: misconduct.**

*[An act to amend Section 1156.3 of the Labor Code, relating to employment.]*

Existing law requires the Agricultural Labor Relations Board to certify the results of an election conducted by secret ballot of employees in a collective bargaining unit to designate a collective bargaining representative, unless the board determines there are sufficient grounds to refuse to do so. Existing law further provides that if the board refuses to certify an election because of employer misconduct that would render slight the chances of a new election reflecting the free and fair choice of employees, that the labor organization shall be certified as the bargaining representative for the bargaining unit.

This bill would instead provide that, if the board finds that misconduct by board personnel, the employer, or the labor organization affected the result of the election, the board shall refuse to certify the election and order a new election to be conducted, unless the board finds that misconduct by the employer or labor organization is so egregious that conducting a new election would not likely reflect the free and fair choice of the employees, in which case the board would be required to certify the election against the party that engaged in the misconduct, subject to review by the appropriate appellate court.

**SB 163, as amended, Bradford. Elections: residence: domicile.**

*[An act to amend Sections 87206 and 87207 of the Government Code, relating to the Political Reform Act of 1974.]*

Existing law defines “residence” for voting purposes as a person’s domicile. Existing law describes the domicile of a person as that place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. Existing law describes the residence of a person as that place in which the person’s habitation is fixed for some period of time, but wherein he or she does not have the intention of remaining. Existing law provides that a person may have only one domicile at a given time, but may have more than one residence. Existing law also provides that, for purposes of determining the domicile of a Member of the Legislature or a Representative in the Congress of the United States, the residence address indicated on that person’s currently filed affidavit of voter registration is conclusively presumed to be that person’s domicile.

This bill would clarify that the domicile of a Member of the Legislature or a Representative in Congress is to be determined solely by the operation of this conclusive presumption and not by the above-described factual criteria otherwise used to determine a person’s domicile.

**SB 348, as amended, Leyva. County voter information guide: taxpayer notice.**

*[An act to add Section 13307.6 to the Elections Code, relating to elections.]*

Existing law requires an elections official to send to each voter a county voter information guide that contains written statements of each candidate for nonpartisan elective office in any local agency and may include the name, age, and occupation of the candidate and a brief description of the candidate’s education and qualifications expressed by the candidate himself or herself.

Except as specified, existing law authorizes the legislative body of any city, county, or district to propose by ordinance or resolution the adoption of a special tax. Existing law requires that the special tax proposition be submitted to the voters of the city, county, or district, and upon approval of two-thirds of the votes cast by voters voting upon the proposition, the city, county, or district may levy the tax. If the ordinance or resolution is adopted and approved by the voters, a validation action challenging the levy of the special tax may be commenced within 60 days of the effective date of the tax increase.

This bill would require, if a local special tax measure is presented to the voters for approval, an elections official to include in the county voter information guide for that election a notice regarding the process for initiating a validation action challenging the levy of a special tax. The notice would be required to conform with certain formatting, print, and type requirements and would include language notifying taxpayers of the 60-day filing requirement for challenging the imposition of a special tax. By imposing new duties on local elections officials, the bill would create a state-mandated local program.

**SB 561, as amended, Gaines. Fallen Leaf Lake Community Services District: State audit.**

*[An act relating to community services districts.]*

Existing law requires the California State Auditor to conduct financial and performance audits as directed by statute, and to conduct audits of a state or local governmental agencies or other publicly created entities as requested by the Joint Legislative Audit Committee. Existing law requires the county auditor to either perform an audit, or contract with a certified public accountant or public accountant to perform an audit, of the accounts and records of every special district within the county, as specified. Existing law authorizes a special district, by unanimous request of its governing board and unanimous approval by the board of supervisors, to replace the annual audit with an audit over a longer period of time or with a financial review, as specified.

This bill would require, by August 1, 2019, the California State Auditor to complete an audit of the Fallen Leaf Lake Community Services District that includes, among other things, an analysis of the district's financial condition and ongoing financial viability.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Fallen Leaf Lake Community Services District.

**SB 679, as amended, Morrell. Political Reform Act of 1974: postgovernment employment.**

*[An act to amend Section 87406 of the Government Code, relating to the Legislature.]*

The Milton Marks Postgovernment Employment Restrictions Act of 1990 prohibits a Member of the Legislature, for a period of one year after leaving office, from acting as a compensated agent or attorney for, or otherwise representing, any other person by making appearances before or communications with the Legislature or its committees, present Members, or officers or employees, if the appearance or communication is made for the purpose of influencing legislative action.

This bill would extend the time period of these prohibitions to 2 years if a Member of the Legislature resigns from office, commencing with the effective date of the resignation. This bill would make other technical, nonsubstantive changes.

Because a violation of the act is punishable as a misdemeanor, this bill would impose a state-mandated local program.

**SB 682, as amended, Nielsen. Online voter registration.**

*[An act to amend Section 2196 of the Elections Code, relating to voting.]*

Existing law requires the Department of Motor Vehicles to issue an original driver's license to a person who is unable to submit satisfactory proof that his or her presence in the United States is authorized under federal law, if he or she meets all other qualifications for licensure and provides satisfactory proof of his or her identity and California residency.

Existing law authorizes a person who is qualified to register to vote and who has a valid California driver's license or state identification card to submit an affidavit of



voter registration electronically on the Secretary of State's Internet Web site. Existing law provides for a process and infrastructure that allows the Department of Motor Vehicles to transfer the electronic information of a voter registration applicant to the Secretary of State.

This bill would prohibit the Department of Motor Vehicles from transferring the electronic information of voter registration applicants who obtained an original driver's license without submitting satisfactory proof of their presence in the United States under federal law.

**SB 858, as amended, Committee on Budget and Fiscal Review. State government.**

*[An act to add Chapter 5 (commencing with Section 19400) to Division 19 of the Elections Code, to amend Section 13953 of the Government Code, to add Section 1052 to the Military and Veterans Code, and to amend Section 40610 of the Vehicle Code, relating to state government, and making an appropriation therefor, to take effect immediately, bill related to the budget.]*

(1) The Voting Modernization Bond Act of 2002 authorizes a county to apply to the Voting Modernization Board for money from the proceeds of the sale of bonds (1) to pay for or purchase new voting systems that are certified or conditionally approved by the Secretary of State, (2) to research and develop new voting systems, or (3) to manufacture the minimum number of voting system units reasonably necessary to test and seek certification or conditional approval of the voting system, or test and demonstrate the capabilities of a voting system in a pilot program.

This bill would require the Secretary of State to use funds appropriated to him or her in the Budget Act of 2018 for voting system replacement to award contracts to counties that would reimburse the counties for funds spent by the counties on activities similar to those described above, as specified. The bill would require the Secretary of State to allocate funds for those contracts based on specified criteria, and would require that the reimbursement match funds spent by a county on a dollar-for-dollar basis, up to the allocated amount.

**SB 863, as amended, Committee on Budget and Fiscal Review. Elections.**

*[An act to amend Section 13119 of the Elections Code, relating to elections, and making an appropriation therefor, to take effect immediately, bill related to the budget.]*

Existing law requires a local government body, when submitting for voter approval a bond measure, the security for which constitutes a lien on the property for ad valorem taxes, to provide the voters a statement that includes estimates of tax rates and debt service in connection with the measure. This statement is required to be included in any voter information guide for the bond measure, as specified.

Existing law requires that the ballots used when voting on a measure proposed by a local governing body, or submitted to the voters as an initiative or referendum measure, have printed on them specified information, including a statement describing the measure. If the proposed measure imposes a tax or raises the rate of a tax, existing law requires that the statement of the measure include the amount of money to be raised annually and the rate and duration of the tax to be levied.

This bill would exempt until July 1, 2020, a measure authorizing the issuance of bonds from the above provision requiring the statement of the measure to include the amount of money to be raised annually and the rate and duration of the tax to be levied.

This bill would appropriate \$5,000 from the General Fund to the Secretary of State for the purpose of preparing an action plan for the 2018–19 fiscal year for the Secretary of State’s cybersecurity office.

This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

**SB 935, as amended, Allen. Elections: candidate statements.**

*[An act to add Section 21 to the Elections Code, relating to elections.]*

Existing law permits a candidate for United States Representative to purchase space to place a candidate statement in the state voter information guide, as specified. Existing law also permits a candidate for State Senate or Assembly who accepts the voluntary expenditure limits to purchase space to place a candidate statement in the voter information portion of the sample ballot.

This bill would require the Secretary of State to prescribe a maximum amount that a candidate for any of these offices may be charged to purchase space for a candidate statement.

**SB 1081, as introduced, Mendoza. Mail ballot elections.**

*[An act to amend Section 4000 of the Elections Code, relating to elections.]*

Existing law permits certain types of local, special, or consolidated elections to be conducted wholly by mail.

This bill would make a technical, nonsubstantive change to this provision.

**SB 1394, as amended, Newman. Petitions: compensation for signatures.**

*[An act to amend Section 4000 of the Elections Code, relating to elections.]*

Under existing law, a person who is 18 years of age or older may circulate an initiative, referendum, or recall petition. Existing law requires an initiative petition to contain specified language advising the public of its right to ask whether the person circulating the petition is a paid signature gatherer or a volunteer.

This bill would provide that it is a misdemeanor for a person to pay money or any other thing of value based on the number of signatures obtained on a state or local initiative, referendum, or recall petition, and it would prescribe civil and criminal penalties for this crime. By creating a new crime, the bill would impose a state-mandated local program.

Existing law, The False Claims Act, provides that a person who commits any one of several enumerated acts relating to the submission to the state or a political subdivision of the state a false claim for money, property, or services, as specified, shall be liable to the state or political subdivision for certain damages and for a civil penalty, as specified. Existing law authorizes the Attorney General to bring a civil

action for damages resulting from fraudulent claims against the state or a political subdivision, and it also authorizes an individual person to bring this type of claim and to share in the recovery.

This bill would create a similar scheme to permit both the Attorney General and a person to bring a civil claim under this section, and for the person bringing the action to share in the recovery.

**SB 1400, as amended, Stern. Voter registration.**

*[An act to amend Sections 2000, 2101, 2102, 2106, and 2150 of the Elections Code, relating to elections.]*

Existing law authorizes a person who is at least 16 years of age and otherwise meets all voter eligibility requirements to preregister to vote by submitting his or her affidavit of registration. The affidavit of registration is deemed effective as of the date the affiant will be 18 years of age.

This bill would lower the minimum age for voter preregistration to 15 years of age. The bill also would make conforming changes to existing law.

By increasing the duties of local elections officials in processing voter registrations and related duties, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

## Federal Bills

### **H.R. 3132, Henry Johnson. Restoring Confidence in America's Elections Act.**

*[To amend the Help America Vote Act of 2002 to promote accuracy, integrity, and security in the administration of elections for Federal office, and for other purposes. Introduced.]*

This bill amends the Help America Vote Act of 2002 to: (1) prohibit the purchase or use in a federal election of an electronic voting system that does not produce a voter-verified paper record; (2) prohibit the imposition of conditions on voting by mail; (3) make mandatory the availability of early voting; and (4) require sufficient polling places, equipment, and resources to facilitate voting.

The National Science Foundation shall make grants to: (1) study, test, and develop accessible ballot voting, verification, and casting mechanisms and devices and best practices to enhance the accessibility of paper ballot voting for individuals with disabilities, for voters whose primary language is not English, and for voters with difficulties in literacy; and (2) research the development of election-dedicated voting system software.

Each state shall, except when the winning candidate had no opponent or received 80% or more of the votes, manually audit federal election results, without advance notice to the precincts selected.

The bill amends the Federal Election Campaign Act of 1971 to make it unlawful for a chief state election administration official, unless such official or an immediate family member is a candidate, to take an active part in political management or in a political campaign for federal office over which such official has supervisory authority.

The Department of Justice must initiate an investigation of an allegation of voter intimidation or suppression within 30 days of receiving such an allegation.

The Election Assistance Commission shall award grants for the development of voting systems that produce a voter-verified paper record of each vote cast, are compatible with commodity accessibility devices, and are fully accessible for the use of individuals with disabilities.

### **H.R. 6093, Earl Blumenauer. Protecting American Votes and Elections Act of 2018.**

*[To amend the Help America Vote Act of 2002 to require paper ballots and risk-limiting audits in all Federal elections, and for other purposes. Introduced.]*

This bill amends the Help America Vote Act of 2002 to require voting systems for federal elections to use durable, paper ballots. Systems must make ballots available for verification by the voter before the vote is cast.

Each ballot shall be suitable for a manual audit and shall be counted by hand in any recount or audit.

The bill sets forth a rule for the treatment of disputes when paper ballots have been compromised.

The bill revises requirements for accessible voting for individuals with disabilities to require paper ballots and accessibility for individuals who are mobility and dexterity impaired.



The National Science Foundation shall make grants to study, test, and develop accessible paper voting mechanisms and devices and best practices to enhance the accessibility of voting and verification mechanisms for individuals with disabilities, for voters whose primary language is not English, and for voters with difficulty in literacy.

Each state and jurisdiction shall audit the results of all federal elections.

#### **H.R. 6188, Mike Quigley. Prevent Election Hacking Act of 2018.**

*[To direct the Secretary of Homeland Security to establish a program to improve election system cybersecurity by facilitating and encouraging assessments by independent technical experts to identify and report election cybersecurity vulnerabilities, and for other purposes. Introduced.]*

This bill directs the Department of Homeland Security to establish the Hack the Election Program to improve the cybersecurity of the systems used to administer federal elections by facilitating and encouraging assessments by independent technical experts, in cooperation with state and local election officials and election service providers, to identify and report election cybersecurity vulnerabilities.

#### **H.R. 6429, Jared Huffman. Protecting Access to Classified Information in Elections Act.**

*[To amend the Intelligence Reform and Terrorism Prevention Act of 2004 to authorize candidates in a presidential election campaign to request a security clearance. Introduced.]*

This bill amends the Intelligence Reform and Terrorism Prevention Act of 2004 to authorize certain candidates for President or Vice President to request a security clearance. Candidates must be the nominees of a major party or on the election ballot in at least 10 states to qualify. The federal government must expeditiously conduct background investigations and eligibility determinations for qualified candidates.



#### **H.R. 6663, Thomas Rooney. Secure Elections Act.**

*[To protect the administration of Federal elections against cybersecurity threats. Introduced.]*

This bill gives the Department of Homeland Security primary responsibility within the federal government for sharing information about election cybersecurity incidents, threats, and vulnerabilities with federal entities and election agencies.

The Election Assistance Commission (EAC) shall establish an advisory panel of independent experts to develop guidelines on election cybersecurity, including standards for procuring, maintaining, testing, auditing, operating, and updating election systems.

The EAC shall award election system cybersecurity and modernization grants to states and election agencies to implement the advisory panel's guidelines. Grants shall be awarded to: (1) remediate vulnerabilities identified by a cybersecurity evaluation, (2) replace electronic voting systems that are not optical scanners that read paper ballots, and (3) reimburse states for statistical audits of ballots in close federal elections.



## **S. 2261, James Lankford. Secure Elections Act.**

*[To protect the administration of Federal elections against cybersecurity threats. Introduced.]*

This bill gives the Department of Homeland Security (DHS) primary responsibility within the federal government for sharing information about election cybersecurity incidents, threats, and vulnerabilities with federal entities and election agencies.

DHS shall establish an advisory panel of independent experts to develop guidelines on election cybersecurity, including standards for procuring, maintaining, testing, auditing, operating, and updating election systems.

DHS shall award election system cybersecurity and modernization grants to states to implement the advisory panel's guidelines. Grants shall be awarded to: (1) remediate vulnerabilities identified by a cybersecurity evaluation, (2) replace electronic voting systems that are not optical scanners that read paper ballots, and (3) reimburse states for the inspection of marked paper ballots.

DHS shall establish a Hack the Election program, including a recurring competition, to facilitate and encourage the identification and reporting of election cybersecurity vulnerabilities by independent technical experts.