

CITY CLERKS DEPARTMENT OF THE LEAGUE
CCAC Legislative Director Report
A. Kay Vinson, MMC

June, 2008

LEGISLATION

SB 1124 (Senate Local Government Committee omnibus bill) includes a provision requested by the City Clerks via Natasha Karl, League of California Cities, to delete the requirement that the clerk of the legislative body shall at all times maintain a reasonable supply of copies of the primary and secondary codes incorporated by reference and instead requires only that one copy be maintained. Read second time on 06/23/2008 and re-referred to Committee on Appropriations.

SB 1498 (Committee on Judiciary) Maintenance of the codes. Eliminates reference in G.C. 3502.5 to 3502.6, regarding agency shops, since it does not exist. In addition makes other minor grammatical changes. Natasha Karl, League of California Cities, got this City Clerk requested clean up included in the 443 page bill at Section 82. On 06/23/2008 sent to Senate unfinished business.

AB 984 (Price) Vote by Mail Voter's Ballots: Postage. Requires that the elections official provide a notification to the voter of how many first-class stamps or equivalent postage is required if it is determined that more than one first-class stamp is required to return the vote by mail voter's ballot. The notification shall consist of a notice printed on the identification envelope or an insert included with the ballot. Set for hearing in Senate Appropriations on 06/30/2008.

AB 1819 (Price) Voter Registration: 16 Years of Age. Authorizes a person who is at least 16 years of age and otherwise meets all voter eligibility requirements to submit his or her affidavit of registration. Provides that the affidavit of registration would be deemed effective as soon as the affiant would be 18 years of age at the time of the next election. The county election official shall be notified monthly by the registrar of births and deaths of all deceased persons 16 years of age and over. Operative January 1, 2010. On 5/29/2008 passed the Assembly and sent to Senate. On 06/23/2008 read second time and referred to Senate Appropriations Committee.

AB 1828 (Huff) Jury Service Exemption for Pollworkers. Provides that a person who has served in the state as a precinct officer or precinct board member on a statewide or local election during the previous 12 months shall be excused from jury service upon request. Failed passage.

AB 1914 (Torrico) Initiative, Referendum and Recall Petitions. Provides that if a circulator of an initiative, referendum, or recall petition is found guilty of intentionally misrepresenting or making any false statement concerning the contents or purported effect of the petition, the proponents of the petition which was circulated by that circulator shall notify, by first-class mail or telephone, each person that signed a section of the petition of 1) the circulator's conviction, 2) the reason for the circulators conviction and 3) the ability of the person to withdraw his or her signature from the petition. Set for hearing in Senate Appropriations on 06/30/2008.

AB 1928 (Anderson) Vote by Mail Identification Envelope. Requires that the vote by mail identification envelope includes a warning that informs the voter that the ballot must be actually received by the elections officials before the polls close on Election Day in order for the ballot to

be counted and that an envelope postmarked by the day of the election is not sufficient. Set for hearing in Senate Appropriations on 06/30/2008.

AB 2218 (Gaines) Local Government Assessment and Fee Ballots. Revises provisions relating to security of the ballot process in local government assessment elections. Requires ballot envelopes to contain a preprinted declaration, under penalty of perjury, stating that the person returning the ballot is an owner of the parcel and to include in a conspicuous place and font a warning that the voter must complete and sign the envelope in order for the ballot to be counted. Provides that if an agency chooses to submit an increase in an existing fee or charge for a property related service to the electorate, the election may be held by mailed ballot but shall be conducted by the city clerk or the registrar of voters if the agency is a city or by the registrar of voters in the case of any agency other than a city. Set for hearing in Senate Appropriations on 06/30/2008.

AB 2227 (Furutani) Prohibits Payment for Voting. Prohibits a person, a political party, or a controlled committee, directly or through any other person or controlled committee, from paying, lending, or contributing, or offering or promising to pay, lend, or contribute, any money or other valuable consideration to or for any voter or for any other person to induce or reward the voter for voting at an election. These provisions shall not be construed to prohibit a person from offering or accepting transportation to or from a polling place or other location where a ballot may be cast. On 06/12/2008 Senate Elections, Reapportionment and Constitutional Amendments committee hearing canceled at the author's request.

AB 2371 (Coto) Voter Registration Through DMV and Franchise Tax Board.

Provides that all applicants for a new or renewed driver's license, instruction permit, junior permit, or identification card or who file a Personal Income Tax form with the Franchise Tax Board be registered to vote, unless the person declines to be registered. Requires, among other things, that completed applications that cause a person to become registered to vote be used for verification purposes in the same manner as affidavits of registration, with the exception of political party affiliation. Allows a county elections official to duplicate completed applications of the DMV and Franchise Tax Board that cause a person to become registered to vote and store the information contained in the applications and forms by way of data processing equipment. The DMV shall develop new applications not later than July 1, 2009. 05/22/2008 held in Assembly Committee on Appropriations.

AB 2633 (Torrico) Consolidated Election Precincts. This bill proposes consolidation of six county precincts into one voting precinct. However, it also requires each group not exceed 1000 voters and each group must have its own precinct board, supplies, ballot box and set of returns. Scott Martin has proposed an exemption for local municipal elections that are conducted by the local jurisdiction. Natasha Karl, League staff, indicated they will review the amendments and address any issues that negatively impact local government. Set for hearing in Senate Appropriations on 06/30/2008.

AB 2758 (Krekorian) Voting Systems. Requires that upon approval of a new voting system by the Secretary of State, the vendor of the voting system shall cause an exact copy of the approved source code for each component of the voting system, including complete build and configuration instructions and related documents for compiling the source code into object code, to be directly transferred and deposited into an approved escrow facility. Set for hearing in Senate Appropriations on 06/30/2008.

AB 2786 (Salas) Return of Special Absentee Ballots. Extends the provision allowing a special absentee voter to return their ballot by facsimile transmission to January 1, 2011. Also amends related provisions to reflect extension. Set for hearing in Senate Appropriations on 06/30/2008.

AB 2958 (Karnette) Permanent Vote by Mail Voters; Notice of Polling Place. Requires elections official to send notice of the polling place to a permanent vote by mail voter that includes additional information regarding vote by mail requirements. Set for hearing in Senate Appropriations on 06/30/2008.

AB 2959 (Brownley) Itemized Cost of Recount. Requires the elections official to provide an itemized account of costs to a voter requesting a recount not later than one day prior to the commencement of the recount and at the beginning of each day following its commencement. Specifies that the sum deposited by the voter seeking the recount shall not exceed the amount reflected in the most current itemized account of costs for the recount. Set for hearing in Senate Appropriations on 06/30/2008.

AB 2964 (Levine) Vote by Mail Ballots. Requires the elections official to establish a free access system that allows a vote by mail voter to find out whether his or her ballot was counted. Set for hearing in Senate Appropriations on 06/30/2008.

AB 3014 (Mullin) Voting Booth Time Limit. Deletes provisions that limit a voter to either 5 or 10 minutes in the booth, as specified and the provision that allows a voter to stay longer if no other voter is inconvenienced. Third reading in Senate and filed 06/25/2008.

AB 3026 (Saldana) Voting Systems. Specifies that no voting system or part of a voting system shall: 1) be connected to the Internet at any time, 2) electronically receive or transmit election data through an exterior communications network, including the public telephone system when the communication originates from or terminates at a polling place, satellite location or counting center and 3) receive or transmit wireless communications or wireless data transfers. Deletes these restrictions from provision relating to a direct recording electronic voting system. Set for hearing in Senate Appropriations on 06/30/2008.

AB 3068 (Committee on Elections and Redistricting) Voting System; Parallel Monitoring; Vote by Mail Reference. Provides that the Secretary of State conduct the required parallel monitoring only in precincts that have more than one unit from a direct recording electronic voting system. Changes statutory references from "absentee ballots" to "vote by mail ballots". Set for hearing in Senate Appropriations on 06/30/2008.

AB 3069 (Committee on Elections and Redistricting) Election process. 1) Clarifies that the county elections official shall cancel the voter registration of any person that the clerk of the superior court's statement includes those convicted felons who have been sentenced to prison; 2) Nonsubstantive changes to requirement that a ballot designation worksheet be submitted with a candidate's declaration of candidacy; 3) Shifts the responsibility for refunding or billing for under or overpayment of a candidate's statement to the agency providing the estimate. 05/28/2008 read third time, amended, returned to third reading and re-referred to Committee on Elections & Redistricting (E & R).

SB 1235 (Oropeza). Notice of Polling Place Change. Provides that when the location of a polling place is changed, notices shall be placed at the former polling place location informing voters of the new location even when there is time to mail out a notice of the change of location.

On 06/24/2008 referred to Committee on Appropriations with recommendation to consent calendar.

SB 1686 (Denham) Improper Signature Gathering Tactics. Imposes felony penalties on a person, company, organization, company official, or other organizational officer in charge of a person who circulates a local initiative, referendum, or recall petition who knowingly directs or permits the person to make a false affidavit concerning any such petition or the signatures appended thereto. On 06/24/2008 to Committee on Appropriations with recommendation to consent calendar.

SB 1694 (Florez, Perata & Ridley Thomas) Primary Election Voting; Nonpartisan Voters. Enacts the Elections Reform Act of 2008 which would: 1) require an election official to provide a sufficient number of ballots of each qualified political party in each precinct to reasonably meet the needs of the voters not registered as intending to affiliate with one of the parties, 2). require the precinct board to provide a notice to those voters at a primary election that identifies those ballots the voter is eligible to cast at that election and 3). Require the board to enclose and seal specified information regarding the ballots those voters received. On 06/24/2008 to Committee on Appropriations.

SB 1696 (Yee) California Public Records Act: disclosure. It prohibits making an agreement, i.e. regarding personnel matters, confidential by the other party agreeing to that. To enrollment in Senate on 06/23/2008.

SB 1749 (Oropeza) Precinct Board: Recruitment/Training. Authorizes the Secretary of State to adopt uniform standards for the recruitment and online training of precinct board members. To Assembly Elections and Redistricting Committee for action on 06/24/2008.

CACEO (California Association of Clerks & Elections Officials)

The CACEO Annual conference will be celebrating 100 years of CACEO in Long Beach July 7-11, 2008. Registration forms can be found at caceo58.org under the "Forms" tab or through the CACEO calendar under the "Community" tab. In addition the regular meeting will be held in conjunction with the annual conference on July 8 from 1:00 p.m. – 2:45 p.m. at the Hilton Hotel. Eleanor Manzano, Redondo Beach, will be attending on behalf of CCAC.

SECRETARY OF STATE

Secretary Bowen has been invited to address us at our New Law and Election Law Seminar in Anaheim, so keep your fingers crossed.

LEAGUE OF CALIFORNIA CITIES

The next League Board meeting will be July 25-26 in Santa Cruz, beginning with a meeting of the Nominating Committee for recommendation of five at-large directors and 2nd Vice President. President Jim Madaffer appoints the Nominating Committee, and I am honored to have the opportunity to serve on this Committee.

LEGISLATIVE PROPOSALS

If you come across statutes that need clarified or changed; and want to propose some needed legislation, please complete the form and forward to any member of the legislative committee. The form and committee members are available on this website.