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**COUNTY OF LOS ANGELES**

**1990**

**NEW  
ELECTION  
LAWS**

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**DEPARTMENT OF REGISTRAR-RECORDER**

5557 FERGUSON DRIVE  
COMMERCE, CA 90022-5192

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SUMMARY OF CHAPTERED LEGISLATION  
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2	SB 1315
27	AB 572
69	AB 2297
70	AB 2358
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358	AB 3377
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581	SB 284
611	AB 3586
626	SB 2795
648	SB 2406
655	SB 2585
852	AB 3378
918	SB 2393
957	AB 1535
968	AB 4111
1016	SB 2782
1026	AB 3148
1075	AB 4143
1121	AB 3795
1152	AB 4118
1161	AB 3543
1314	SB 2729
1427	AB 3154
1430	AB 4109
1470	AB 3517
1477	AB 4126
1558	SB 1821
1575	SB 308
1590	SB 1865
1593	SB 1963
1658	SB 1927

<u>Res. Chapter No.</u>	<u>Bill No.</u>
144	ACR 35

Total Chaptered Bills - 43

ASSEMBLY BILLS CHAPTERED

<u>Bill No.</u>	<u>Chapter No.</u>
AB 211	106
AB 572	27
AB 1535	957
AB 2297	69
AB 2358	70
AB 2777	158
AB 3148	1026
AB 3154	1427
AB 3207	401
AB 3377	358
AB 3378	852
AB 3423	227
AB 3517	1470
AB 3543	1161
AB 3586	611
AB 3795	1121
AB 3839	260
AB 3899	239
AB 4109	1430
AB 4111	968
AB 4118	1152
AB 4121	387
AB 4126	1477
AB 4143	1075
AB 4158	307

<u>Bill No.</u>	<u>Res. Chapter No.</u>
ACR 35	144

Total Assembly Bills Chaptered - 26

SENATE BILLS CHAPTERED

<u>Bill No.</u>	<u>Chapter No.</u>
SB 284	581
SB 308	1575
SB 1315	2
SB 1333	459
SB 1738	84
SB 1821	1558
SB 1865	1590
SB 1927	1658
SB 1963	1593
SB 2174	444
SB 2393	918
SB 2406	648
SB 2447	446
SB 2585	655
SB 2729	1314
SB 2782	1016
SB 2795	626

Total Senate Bills Chaptered - 17

1990 ELECTION RELATED BILLS  
VETOED BY GOVERNOR

<u>Bill No./Author</u>	<u>Subject</u>	<u>Date Vetoed</u>
AB 2019/HARRIS	PUBLIC RECORDS ACT: IMPOSITION OF MONETARY PENALTIES	9/27/90
AB 2074/Moore	School districts: merit system: arguments	9/22/90
AB 2407/Bates	Political Reform Act: local government agencies: nonprofit corporations	9/27/90
AB 2689/O'CONNELL	HIGH SCHOOL COURSE REQUIREMENTS: VOTER REGISTRATION	8/27/90
AB 2770/EPPLE	VOTING: NEW CITIZENS	7/18/90
AB 2968/POLANCO	COMMUNITY COLLEGE DISTRICTS: TRUSTEE AREAS	7/24/90
AB 4113/CHACON	PERMANENT ABSENT VOTERS	9/19/90
SB 26/LOCKYER	CRIMES: ELECTION RELATED; PENALTIES	9/30/90
SB 146/PRESLEY	FORMATION OF COUNTIES	9/22/90
SB 438/Kopp	State Board of Equalization: members: campaign contributions	9/29/90
SB 533/Torres	County police service authorities: transactions and use taxes: voter approval	9/30/90
SB 1495/Kopp	Statewide measures: campaign contribution	4/4/90
SB 2193/HART	PETITIONS: FORM	9/17/90
SB 2283/Davis	Community facilities districts: election (Urgency)	9/30/90
SB 2428/Mello	Community facilities districts: tax levy	9/29/90
SB 2443/Torres	Local government employees: labor disputes	9/25/90
SB 2448/Watson	Graffiti abatement districts	9/28/90
SB 2780/L.Greene	School facility projects: voter approval	9/30/90



TABLE OF SECTIONS  
AFFECTED

TABLE OF SECTIONS AFFECTED  
(BY 1990 CHAPTERED LAWS)

(Am= Amended, Add= Added, R= Repealed, Rn= Renumbered)

<u>Code</u>	<u>Section</u>	<u>Chapter</u>	<u>Effect</u>
CIVIL	3344.5	1590	Add
EDUCATION	5000	1161	Am
	5000.1	1161	Am
	5002	1161	Am
	5003	444	Am
	5003	1161	Am
	5004	1161	Am
	5012.5	1016	Am
	5017	1161	Am
	5018	1161	Am
	5019.5	648	Am
	5019.6	648	R
	5019.7	648	Am
	5091	1427	Am
	5203	1161	Am
	5204	1161	Am
	5229	1161	Am
	5362	1427	Am
	5363	1427	Am
	35710.51	1658	Add
ELECTIONS	41	1161	Am
	41.5	1026	Add
	55	1430	Am
	507.5	968	Add
	703	1314	Am
	707	918	R
	708	918	Am
	1006	1121	Am
	1006.3	1121	Add
	1007	1427	Am
	1108	27	Am
	1108	1314	R
	1109	1314	Am
	1404	611	R & Add
	1638.5	106	Am
	3522	260	Am
	3571	1430	Am
	3701.5	1161	Add
	3702	1161	Am
	3702.1	1161	Add
	3702.5	1161	Am
	4054	1314	Am
	6552	227	Am
	6661	358	Am
	8710	1152	R & Add
	9420	401	R & Add
	10213	2	Am
	10223	27	Am

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(BY 1990 CHAPTERED LAWS)

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<u>Code</u>	<u>Section</u>	<u>Chapter</u>	<u>Effect</u>
ELECTIONS	12528	1470	Am
(Continued)	12530	1470	Add
	14234	106	Am
	14353	852	R
	Hd. Division 10.5 (Comm. w/Sec. 14500)	1314	Add
	Hd. Chapter 1 (Comm. w/Sec. 14500)	1314	Add
	Hd. Chapter 2 (Comm. w/Sec. 14600)	1314	Add
	Hd. Chapter 3 (Comm. w/Sec. 14700)	1314	Add
	Hd. Chapter 4 (Comm. w/Sec. 14800)	1314	Add
	14810	1314	Am
	14811	1314	Am
	14830	1314	Am
	14831	1314	Am
	Hd. Chapter 5 (Comm. w/Sec. 14900)	1314	Add
	Hd. Chapter 6 (Comm w/Sec. 14950)	1314	Add
	14980	1314	Add
	14981	1314	Add
	14990	1314	Add
	17007	27	Am
	17113	1427	Am
	17122	1314	Am
	22840.5	1016	Am
	22843.5	1427	Am
	23506	1161	Am
	23509	1161	Am
	23509.1	1161	Am
	23509.2	1161	Am
	23511	1427	Am
	23520	1161	Am
	23521.5	27	Am
	23521.5	1016	Am
	23530.5	1427	Am
	23548	1314	R
	23554	1161	Am
	23556	1161	Am
	24002	1427	Am
	25301	918	Am

TABLE OF SECTIONS AFFECTED  
(BY 1990 CHAPTERED LAWS)

(Am= Amended, Add= Added, R= Repealed, Rn= Renumbered)

<u>Code</u>	<u>Section</u>	<u>Chapter</u>	<u>Effect</u>	
ELECTIONS (Continued)	25305	918	Am	
	25500	1314	Am	
	Hd. Chapter 4 (Comm. w/Sec. 25500)	1314	Am	
	27031	27	Am	
	27036	1314	Am	
	27211	1314	Am	
	29202	239	Am	
	29206	968	Add	
	29505	1121	Am	
	29720	1026	Am	
	35000	1477	Am	
	35101	1477	Am	
	GOVERNMENT	8956	84	Add
		15626	84	Add
		17581	459	Add
		23702	1161	Am
23703		1161	R	
23704		1161	R	
23705		1161	Am	
23720		1161	Am	
23721		1161	Am	
26802.5		158	Am	
36503		2	Am	
36504.5		2	Add	
Chapter 2.8 (Comm w/Sec. 53395)		1575	Add	
54710.3		446	Add	
54716		446	Am	
54717		446	Am	
56827.5		957	Am	
56833.3		957	Am	
56842.6		957	Am	
71180		1427	Am	
82030.5		1075	Add	
82047.5		626	Am	
84102		581	Am	
84102		655	Am	
84106		655	Am & Rn (84106.5)	
84200		581	Am	
84211		581	Am	
84215		581	Am	
85201		387	Am	
85202		84	R	
Article 4 (Comm w/Sec. 85400)		84	R	

TABLE OF SECTIONS AFFECTED  
(BY 1990 CHAPTERED LAWS)

(Am= Amended, Add= Added, R= Repealed, Rn= Renumbered)

<u>Code</u>	<u>Section</u>	<u>Chapter</u>	<u>Effect</u>
GOVERNMENT (Continued)	Article 8 (Comm w/Sec. 85800)	84	R
	86103	84	Am
	87102	84	Am
	87102.5	84	Add
	87102.5	1075	Am
	87102.6	84	Add
	87102.8	1075	Add
	87207	1075	Am
	87304	84	Am
	87306	84	Am
	87306.5	1075	Add
	Article 3.5 (Comm w. Sec. 87350)	69	Add
	87406	84	Add
	87406	1075	Am
	87407	84	Add
	87500	69	Am
	88002	1430	Am
	Chapter 9.5 (Comm w/Sec 89500)	84	Add
	89511.5	1075	Add
	89513	1075	Am
	91005	84	Am
HEALTH & SAFETY	13823.5	1558	Add
	13841	1558	Am
	13845	1558	Am
PENAL	115.5	1590	Add
PUBLIC RESOURCES	5784.39	307	Add
STREETS & HIGHWAYS	1162.5	70	Add
	1166	70	Am
WATER	21101	1161	Am
	39050	1593	Am
	39925	1593	Am
	40306	1593	Am
	40307	1593	Add
	41013	1593	Am
	41016	1593	Am
	Chapter 1.5 (Comm w/Sec. 41025)	1593	Add

SPECIAL INTEREST  
BILLS

BALLOTS; GENERAL MUNICIPAL ELECTIONS

CH. 2 SB 1315	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
Urgency Effective 2/6/90			
ELECTIONS CODE			
Amends Section 10213	Prescribes the order in which offices and measures shall appear on the ballot. Provides that above the proper office title, a general classification title shall be printed.	Includes the office of Insurance Commissioner in the order of precedence of offices on the ballot.	Complies with Proposition 103 passed by the voters at the 1988 General Election requiring that the office of Insurance Commissioner be an elected position.  Imposes state mandated program, thereby providing reimbursement to counties for processing nomination documents for ballot preparation.

CH. 2 SB 1315	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
GOVERNMENT CODE			
Amends Section 36503	Provides that a general municipal election shall be held on the second Tuesday in April in each even-numbered year, unless otherwise provided.  Also prescribes the terms of office for elective city officers.	Makes technical amendment by adding reference to Section 36504.5.	Coincides with Section 36504.5 as added.  This reference will be obsolete after January 1, 1991, as Section 36504.5 will be repealed as of that date.
Adds Section 36504.5	New Section.	Authorizes a city with a population of 50,000 or less situated in a county of the first class, to hold its general municipal election on the first or third Tuesday in April of 1990.  Provides that these provisions shall be in effect until January 1, 1991 and as of that date are repealed.	Applicable only to Los Angeles County. (Beverly Hills City opted to change its election date to April 3, 1990.)  A portion of this bill was supported by the Secretary of State and County Clerks' Association.



ELECTIONS: MISCELLANEOUS PROVISIONS

CH. 27 AB 572	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
ELECTIONS CODE			
Amends Section 1108	Requires the county elections official to preserve the canceled affidavits of registration as required in Section 710.	Changes reference from Section 710 to Section 14500.	Clarifies existing law by correcting reference to obsolete section repealed by Ch. 1039, (SB 1196) 1987 Statutes.  Superseded by Chapter 1314, 1990 Statutes (SB 2729) which repealed Section 1108.
Amends Section 10223	Provides that each group of candidates on the ballot shall be headed by the caption "President of the United States," "President and Vice President," "State," "United States Senator," "United States Representative," "State Senator," "Member of the Assembly," "County," or "Municipal" or other proper general classification. Specifies print type and size.	Changes reference from "Municipal" to "City".	Information only.
Amends Section 17007	Requires that the count of voted paper ballots be conducted by at least four members of the precinct board and shall be unfolded and examined for irregularities. Also prescribes the procedures in rendering a ballot invalid.	Makes technical non-substantive amendments.	Clarifies existing law by correcting and adding paragraph designations.

CH. 27 AB 572	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
Amends Section 23521.5	Provides that in elections conducted pursuant to UDEL provisions, if an incumbent for a district office fails to file a declaration of candidacy by 5 p.m. on E-88, any person other than the incumbent shall have until 5 p.m. on E-83 to file a declaration of candidacy for the office.	Makes a technical non-substantive amendment.	Clarifies existing law by correcting a grammatical error.  Superseded by Ch. 1016, 1990 Statutes (SB 2782) which also amended Section 23521.5.
Amends Section 27031	<p data-bbox="262 508 426 532"><u>Background</u></p> <p data-bbox="262 573 953 760">The law requires that the notice of intention to recall must contain, among other things, the provisions of Elections Code Section 27023 which allows the officer sought to be recalled to submit an answer to the grounds for recall.</p> <p data-bbox="262 800 953 1105">Prescribes the content of a recall petition including a) A request that an election be called, as specified b) A copy of the notice of intention, including the statement of grounds for recall and c) The answer of the officer sought to be recalled. If no answer is filed, the petition shall so state. Requires that all petition sections be printed in uniform size and darkness with uniform space.</p>	Provides that the provisions of Elections Code Section 27023 need not be included on the petition format as part of the language of the notice of intention.	Clarifies existing law by excluding language which is required on the notice of intention but unnecessary on the petition format.

POLLING PLACE ACCESSIBILITY TO PHYSICALLY HANDICAPPED VOTERS

CH. 106 AB 211	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
ELECTIONS CODE			
Amends Section 1638.5	Authorizes the clerk to undertake necessary measures to ensure that polling places meet the requirements specified by the State Architect for accessibility by the physically handicapped.	Requires, instead, that the clerk take necessary measures to ensure that the polling places meet the guidelines promulgated by the Secretary of State for accessibility by the physically handicapped.	Favorable impact. The Secretary of State's guidelines are geared specifically to polling places.
Amends Section 14234	Provides that in polling places which do not meet the requirements specified by the State Architect for accessibility by the physically handicapped, a physically handicapped person may appear outside the polling place and vote a regular ballot, as specified.	Provides, instead, that a physically handicapped voter may appear outside the polling place and vote a regular ballot in those polling places which are inaccessible under the guidelines promulgated by the Secretary of State for accessibility by the physically handicapped.  Also makes technical non-substantive amendments.	This bill was supported by the County Clerks' Association.

CANDIDATES: FILING FEES

CH. 227 AB 3423	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
ELECTIONS CODE			
Amends Section 6552	Provides that candidates must pay a fee for filing declarations of candidacy to the Secretary of State based on a percentage of the first year salary for each office as prescribed.	Defines salary to mean the annual salary for the office as of the first day on which a candidate may circulate petitions in lieu of filing fees.	Favorable impact. Eliminates conflict in the computation of filing fees when proposed salary changes are not established by the time candidates may begin to circulate signature in-lieu petitions and filing fee information is prepared for printing and distribution.
			This bill was sponsored by the Secretary of State and supported by the County Clerks' Association.
1990			CH. 227

VOTER REGISTRATION

CH. 239 AB 3899	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
ELECTIONS CODE			
Amends Section 29202	Provides that any person who knowingly and negligently (a) interferes with the prompt transfer of a completed affidavit of registration to the county clerk, (b) retains a voter's completed registration card without the voter's authorization for more than three days, excluding Saturdays, Sundays and state holidays, or after the close of registration, or (c) denies a voter the right to return to the county clerk the voter's own completed registration card is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000).	Changes reference from "county clerk" to "county elections official."  Also makes technical amendment.	Clarifies existing law by specifying that each subsection is an independent offense.

This bill was sponsored by the Secretary of State and supported by the County Clerks' Association.

STATEWIDE INITIATIVE PETITIONS: FILING

CH. 260 AB 3839	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
ELECTIONS CODE			
Amends Section 3522	Provides that the right to file a state-wide initiative petition is reserved to the proponents and requires the county clerk/registrar of voters to disregard any petition presented by persons other than the proponents or persons authorized in writing by the proponents.	Makes technical amendment by specifying that one or more of the proponents may authorize in writing other persons to file an initiative petition.	Clarifies existing law.  This bill was sponsored by the Secretary of State.

WRITE-IN CANDIDATES: NEWLY CREATED OFFICE

CH. 358 AB 3377	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
<p>Urgency Effective 7/16/90</p> <p>ELECTIONS CODE</p>	<p>Requires that a primary election write-in candidate receive at least 1 percent of all votes cast for the office at the last preceding general election to have his or her name placed on the ballot at the ensuing general election.</p>	<p>Provides that in the case of a newly created office which has never appeared on the ballot, the requisite number of votes shall equal 1 percent of all votes cast for the office which had the least number of votes in the most recent general election in the jurisdiction in which the write-in candidate is seeking office.</p>	<p>Clarifies existing law. Section should also be renumbered from 6661, Article 8 (Withdrawal of Candidates) to 6621, Article 7, (Nominated Candidates) and reaffirm that write-in candidates at primary elections must also receive plurality of votes for that party's nomination.</p> <p>This bill was sponsored by the Secretary of State as a result of the Insurance Commissioner becoming an elective office.</p>

ABSENT VOTER BALLOTS: CANVASS

CH. 611 AB 3586	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
ELECTIONS CODE			
Repeals and Adds Section 1404	Requires that the count of absent voter ballots be open to the public.	<p>Repeals this provision.</p> <p>Provides, instead, that the opening, processing, and counting of absent voter ballots be open to the public both prior to and after the election.</p> <p>Allows any member of the county grand jury, at least one member each of the Republican and Democratic county central committee, any other party with a candidate on the ballot and any other interested organization to observe and challenge the manner in which the absent voter ballots are processed, from the opening through the counting and disposition of the ballots.</p> <p>Requires the county clerk to notify absentee voter observers and the public at least 48 hours in advance of the dates, times and places where absentee ballots will be opened, processed and counted.</p>	<p>Intended to provide uniformity for counties in establishing absent ballot canvass observer procedures.</p> <p>Counties should implement procedure to ensure compliance with new provisions.</p> <p>Should section be amended to clarify how potential observers and the public should be notified?</p> <p>Imposes a state mandated program, thereby providing reimbursement to counties for costs incurred implementing absent</p>



CH. 611      PRESENT  
AB 3586      PROVISIONS

NEW  
PROVISIONS

COMMENTS

Allows absentee voter observers close enough access to enable them to observe and challenge whether those individuals handling absentee ballots are following established procedures, including:

voter observer  
procedures.

- (1) Verifying signatures and addresses by comparing them to voter registration information.
- (2) Duplicating accurately any damaged or defective ballots.
- (3) Securing absentee ballots to prevent any tampering with them before they are counted on election day.

Prohibits an absentee voter observer from interfering with the orderly processing and counting of absentee ballots, including touching or handling of the ballots.

VOTERS: PRIVILEGE FROM ARREST

CH. 852 AB 3378	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
ELECTIONS CODE			
Repeals Section 14353	Provides the voter (with the exception of a felony) with the privilege from arrest while at or while going to and returning from his/her polling place on election day.	Repeals this provision.	Information only.

MISCELLANEOUS PROVISIONS

CH. 918 SB 2393	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
ELECTIONS CODE			
Repeals Section 707	Requires the county clerk, during the first week of September in each year, to examine the records of the courts having jurisdiction over felony convictions and cancel the affidavits of registration of all voters who are currently imprisoned or on parole for the conviction of a felony.  Specifies that "county clerk" does not include "registrar of voters."	Repeals this provision.	County clerks do not maintain records for persons on parole. Clarifies the law by deleting obsolete provision which county clerks cannot comply with.
Amends Section 708	Requires the county clerk, on the basis of court records, as specified, to furnish the chief county elections official before the first day of September of each year with a certified statement showing the names of all persons convicted of a felony and whose convictions have become final.  Specifies that "county clerk" does not include "registrar of voters."	Requires instead that the county clerk provide the chief elections official, not less frequently than the 1st day of April and September of each year, with the names, addresses and birthdate of persons convicted of a felony and who are currently imprisoned. The elections official shall during the first week of April and September of each year cancel the affidavits of registration of those persons who are imprisoned.  Also makes a technical non-substantive amendment.	Favorable impact by providing elections officials with a more efficient method of identifying and removing felons from the voter list.  Should section be amended to allow county elections official to cancel registrations after receipt of statement from county clerk instead of requirement that

CH. 918 PRESENT  
SB 2393 PROVISIONS

NEW  
PROVISIONS

COMMENTS

Amends  
Section  
25301

Requires every candidate for a judicial office, as specified, to file a declaration of intention in the office of the county elections official not more than 14 nor less than 5 days prior to the first day of the nomination period. A copy of each declaration of intention filed except those for municipal and justice court offices shall be immediately forwarded by the county elections official to the Secretary of State.

Also provides for an extension of the declaration of intention period if the incumbent of a judicial office fails to file a declaration by the deadline. Any person other than the incumbent may file a declaration no later than the first day for filing nomination papers.

Specifies that a person may not be a candidate nor have his/her name printed on the ballot as a candidate for a judicial office unless he/she has filed a declaration of intention.

the process take place "during" the first week of April and September? Perhaps text should be revised to specify that cancellation process shall take place "no later" than the last week of April and September.

Consistent with the provisions of Section 25500 governing the extension of the declaration of intention and nomination period for legislative and state constitutional offices.

Coincides with previous amendments made to this section and Section 25305 by Ch. 238, 1989 Statutes (AB 1415).

CH. 918 SB 2393	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
Amends Section 25305	<p>Provides for a five-day extension of the nomination period if an incumbent of a judicial office dies on or before the last day to file nomination papers or fails to file his/her nomination papers by the deadline.</p> <p>Provides that any person other than the incumbent, if otherwise qualified, may file during the extended period in spite of the fact that he/she has not filed a declaration of intention.</p>	<p>Clarifies that the nomination period for a judicial office shall only be extended if the incumbent filed a declaration of intention and subsequently fails to file nomination documents.</p>	<p>See comment for Section 25301.</p> <p>This bill was sponsored by the County Clerks' Association.</p>

VOTER REGISTRATION CARDS: DISTRIBUTION

CH. 968 AB 4111	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
ELECTIONS CODE			
Adds Section 507.5	New Section.	<p>Provides that any person who, in exchange for money or other valuable consideration, assists another to register to vote by receiving the completed affidavit of registration from the elector shall personally sign and affix directly on the affidavit of registration the telephone number of the person, company, or organization who agrees to pay money or other valuable consideration for the completed affidavit of registration.</p> <p>Requires that any person, company or other organization who agrees to pay money or other valuable consideration to maintain a list of the names, addresses and telephone numbers of all individuals that they have agreed to compensate for assisting others to register to vote.</p>	<p>Favorable impact. Strengthens existing laws and safeguards against fraudulent voter registration by providing an audit trail.</p> <p>Elections officials should revise instructions (written and verbal) provided to groups and organizations which distribute voter registration cards to inform them of new requirement.</p>

CH. 968      PRESENT  
AB 4111      PROVISIONS

NEW  
PROVISIONS

COMMENTS

Provides that failure to comply with above provisions shall not invalidate a voter registration.

Also prohibits any person, company or other organization from rendering the payment or promised consideration unless the information specified has been affixed personally on the affidavit by the person with whom the agreement for payment was made.

Adds            New Section.  
Section  
29206

Imposes misdemeanor penalties on any person who, in exchange for money or other valuable consideration, assists another to register to vote by receiving the completed affidavit of registration from the elector and fails to provide the information required by Section 507.5.

See comment for  
Section 507.5.

The County Clerks'  
Association sup-  
ported this bill.

CANDIDATE WITHDRAWAL

CH. 1016 SB 2782	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
EDUCATION CODE			
Amends Section 5012.5	Provides that if an incumbent member of a school district or community college district governing board or a county board of education fails to file a declaration of candidacy by 5 p.m. on E-88, any person other than the incumbent shall have until 5 p.m. on E-83 to file a declaration of candidacy for the office.	Provides that when an incumbent fails to file a declaration of candidacy, a candidate whose declaration has been filed may withdraw no later than 5 p.m. on E-83.	Existing law allows a candidate to withdraw no later than the last day to file nomination documents.  This bill clarifies the law by extending the candidate withdrawal deadline when the nomination period is extended because the incumbent fails to file.
ELECTIONS CODE			
Amends Sections 22840.5 and 23521.5	Provides that if an incumbent for a municipal/district office fails to file a declaration of candidacy by 5 p.m. on E-68 and E-88, respectively, any person other than the incumbent shall have until 5 p.m. on E-63 (municipal) and E-83 (district) to file a declaration of candidacy for the office.	Provides that when an incumbent fails to file a declaration of candidacy, a candidate whose declaration has been filed may withdraw no later than 5 p.m. on E-63 (municipal) and E-83 (district).	Supersedes Section 23521.5 as amended by Chapter 27, 1990 Statutes (AB 572).  This bill was sponsored by the Secretary of State.



STATE AND LOCAL INITIATIVES: CIRCULATORS

CH. 1026 AB 3148	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
ELECTIONS CODE			
Adds Section 41.5	New Section.	Provides that each state and local initiative petition format contain in 12-point type prior to the portion for voters' signatures, printed names and residence addresses the following notice:  NOTICE TO THE PUBLIC  THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.	Intended to provide additional information to potential petition signers and safeguard integrity of initiative process.
Amends Section 29720	Imposes misdemeanor penalties on any person who: (a) Circulates, as principal or agent, or has charge or control of the circulation of, or obtains signatures to, any state or local initiative, referendum or recall petition, intentionally misrepresents or intentionally makes any false statement concerning the contents, purport or effect the petition to any person who signs, or who desires to sign, or who is requested to sign, or who makes inquiries with reference to it, or to whom it is presented for his signature. (b) Willfully and knowingly circulates, publishes, or exhibits any	Also imposes misdemeanor penalties on any person who, while circulating, as principal or agent, or having charge or control of the circulation of, or obtains signatures to, any state or local initiative, intentionally makes any false statement in response to any inquiry by any voter as to whether he or she is a paid signature gatherer or a volunteer.  Also makes a technical non-substantive amendment.	Amended to coincide with Section 41.5 as added.

CH. 1026  
AB 3148

PRESENT  
PROVISIONS

NEW  
PROVISIONS

COMMENTS

false statement or misrepresentation concerning the contents, purport or effect any state or local initiative, referendum, or recall petition for the purpose of obtaining any signature to, or persuading or influencing any person to sign that petition.

ABSENT VOTER APPLICATIONS

CH. 1121 AB 3795	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
Urgency Effective 9/20/90			
ELECTIONS CODE			
Amends Section 1006	<p>Prescribes the content of a printed application for an absent voter ballot. The application shall include:</p> <ul style="list-style-type: none"> <li>a) The printed name and residence address of the voter as it appears on the affidavit of registration;</li> <li>b) The address to which the application is to be mailed;</li> <li>c) The voter's signature;</li> <li>d) The name and date of the election for which the request is to be made; and</li> <li>e) The date the application must be received by the clerk.</li> </ul> <p>In addition, printed applications must provide voters with information concerning the procedure for establishing permanent absent voter status.</p>	<p>Provides that the applicant's printed name, residence address, the name and date of the election and the date the application must be received by the elections official may be preprinted on the application. The applicant's signature and the address to which the ballot is to be mailed must, however, be personally affixed by the voter.</p> <p>Provides that the address to which the ballot is to be mailed may not be that of any political party, a political campaign headquarters or a candidate's residence unless the candidate, a member of his/her immediate family or a voter who shares the same residence is the applicant.</p> <p>Requires that any application with preprinted information contain a statement informing the voter that he/she has the legal right to mail or deliver the application directly to their local elections official.</p>	<p>Enacted to provide uniformity and safeguard the integrity of absent voting by clarifying and making the absent ballot application process easier and more efficient.</p> <p>Provides parties conducting absent voter drives with established procedures and policy.</p> <p>The provisions of this bill will be in effect for the 1990 November General Election.</p>

CH. 1121 PRESENT  
AB 3795 PROVISIONS

NEW  
PROVISIONS

COMMENTS

Adds  
Section  
1006.3  
New Section.

Also provides that the application shall be attested to by the voter as to the truth and correctness of its content and signed under penalty of perjury.

Requires any organization or group that distributes and receives applications to return the completed applications to the appropriate elections official within 36 hours of receiving the completed form. Also requires that the name of the organization or group be included on the application.

See comments for Section 1006.

Should Election Code Section 29656 which prescribes misdemeanor charge for retaining an absent voter application for more than 3 days be amended to coincide with 36 hour time frame?

Amends  
Section  
29505  
Provides that any individual, group or organization which knowingly distributes any application for an absent voter's ballot which does not conform with the provisions of the law is guilty of an infraction.

Provides that any application sent by a group or organization shall be non-forwardable and prohibits an elections official from forwarding an absent voter ballot returned as undeliverable.

Increases the penalty from an infraction to a misdemeanor.

See comments for Section 1006.

Uncodified  
Section  
New Act.

Provides that provisions of the bill become operative on July 1, 1990.

MISCELLANEOUS PROVISIONS

CH. 1161 AB 3543	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
Urgency Effective 9/20/90			
EDUCATION CODE			
Amends Sections 5000, 5000.1, 5002, 5003, 5004, 5017, 5018, 5203, 5204 and 5229	Prescribes the terms of office for governing board members of school and community college districts and city boards of education.	Revises the expiration date of those terms of office from the last Friday in November to the first Friday in December succeeding the election.	Allows election officials adequate time to canvass the votes and certify the election.
		Further amends Section 5003 to provide that upon adoption of resolution, the governing board of a unified school district formed in an even-numbered year may change the staggering of the terms of board members, as specified.	Health and Safety Code Sections 32100 and 32100.5, Education Code Sections 5022, 19700, 35105, 72028 and 72030 should also be amended to conform with this revision.

CH. 1161 AB 3543	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
ELECTIONS CODE			
Amends Section 41	Requires that each signer at the time of signing an initiative, referendum, recall or nominating petition shall personally affix his/her signature, printed name and place of residence, as specified.	Requires that the each signature space be numbered consecutively commencing with number one and continuing through the number of signature spaces allotted to each petition section.	Favorable impact. Provides the elections official with the ability to expeditiously obtain the number of signatures contained on each petition without manually adding a number to each signature line.
Adds Section 3701.5	New Section.	Provides that any proposal to enact, amend or revise a county charter by petition may be submitted to the board of supervisors and is subject to the provisions relating to county initiatives. Prohibits the of supervisors to enact, amend or revise a county charter without submitting the proposal to the voters.	Adds guidelines to the county charter enactment or revision process to conform with the county initiative process.
Amends Section 3702	Provides that before circulating any county initiative petition, its proponents shall file with the clerk a notice of intention. Prescribes the form of the notice of intention which shall include the names, business or residence addresses of at least one but not more than five of the proponents. The notice shall be accompanied by the written text of the initiative and a printed	Deletes provisions which 1) requires that the notice be accompanied by a printed statement not exceeding 500 words stating the reasons for the proposed petition 2) requires that the notice be published by the proponents, as specified and 3) prescribes format of notice of intention.	Clarifies the county initiative process. Eliminates ambiguity within the provisions regarding the order of events.

CH. 1161 AB 3543	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
	statement, not exceeding 500 words in length, stating the reasons for the proposed petition and a fee not to exceed two hundred dollars (\$200).	Includes provision requiring that the notice of intention also be accompanied by request that a ballot title and summary be prepared.	
	Requires that the notice, title and summary of the proposed measure prepared by the county counsel be published by the proponents at least once in a newspaper of general circulation in the county.		
Adds Section 3702.1	New Section.	Prescribes the form and content of the notice of intention to circulate a county initiative petition.	See comments for Section 3702.
		Provides that the notice shall contain the printed name, signature and business or residence address of at least one but not more than five proponents and may include an optional statement not exceeding 500 words stating the reasons for the proposed petition.	
Amends Section 3702.5	Requires the proponent to file a copy of the proposed county initiative with the county clerk accompanied by a request that a ballot title and summary of 500 words or less be prepared. The request shall include the address of the proponent. The county clerk shall transmit a copy of the proposed measure to the county counsel, who within 15 days after the proposed measure is filed, shall submit the ballot title and summary to the county clerk.	Deletes provision requiring that a copy of the proposed measure be filed with the county clerk with a request that a ballot title and summary be prepared.	See comments for Section 3702.
		Requires the proponents to publish the notice of intention, ballot title and summary in a newspaper of general circulation and file proof of publication with the clerk.	

CH. 1161  
AB 3543

PRESENT  
PROVISIONS

The county clerk shall furnish a copy of the ballot title to the proponent.

Prescribes the form of the petition. Requires that each petition section contain the text of the proposed measure and include across the top of each page on which signatures shall appear, in 12-point bold face type, the ballot title prepared by county counsel.

Amends  
Sections  
23506,  
23509,  
23509.1,  
23509.2,  
23520,  
23554  
and  
23556

Prescribes the terms of office for governing board members of special districts governed by the Uniform District Election Law.

Prescribes the procedure for the appointment in lieu of a special district election. Provides that the elections official shall request that the supervising authority, at a regular or special meeting held prior to the Monday before the last Friday in November in which the election is held appoint those persons who have filed declarations of candidacy or if no person has filed any qualified person.

Provides that no later than the Monday before the last Friday in the month in which the general election is held (November) the county clerk shall declare the candidate or candidates elected, as specified.

NEW  
PROVISIONS

Requires that the ballot title and summary also appear on each section of the petition and shall be clearly separated from the text of the measure.

Also makes technical amendments.

Revises the expiration date of those terms of office from the last Friday in November to the first Friday in December succeeding the election.

Revises the deadline from the Monday before the last Friday in November to the Monday before the first Friday in December.

COMMENTS

See comments for amendments to the Education Code.

Coincides with amendments to provisions relating to terms of office for governing board members of school, irrigation districts and special districts governed by the Uniform District Election Laws.



CH. 1161 AB 3543	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
GOVERNMENT CODE			
Amends Sections 23702, 23720 and 23721	Provides for the proposal, revision, amendment or repeal of a county charter by petition and prescribes the procedures and signature requirements.	Provides that the petition procedure shall be subject to the provisions relating to county initiatives (Article 1 (commencing with Section 3700) of Chapter 2 of Division 5 of the Elections Code).	See comments for Section 3701.5
Repeals Sections 23703 and 23704	Requires the county clerk, within 30 days after the filing of a petition to propose, revise, amend or repeal a county charter, to examine and ascertain whether the petition is signed by the requisite number of registered voters.  Provides that upon the completion of the examination of the petition, the clerk shall attach a certificate of the results and shall immediately present the sufficient petition to the governing body if in session or at the next regular meeting after the date of certification.	Repeals such provisions.	Coincides with new provisions specifying that procedures for charter revisions or amendments are governed by the county initiative provisions of the Elections Code.
Amends Section 23705	Requires the board of supervisors, upon adoption or presentation of a petition to propose or revise a county charter, to order a special election for the purpose of electing a charter commission. The election shall be held on the next established election date not less than 74 days after the adoption of the ordinance or submission of the petition.	Changes from 74 to 88 the least number of days from the next established election date that an election may be held.	Favorable impact by prescribing 88 day minimum for calling of election.

CH. 1161 AB 3543	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
WATER CODE			
Amends Section 21101	Prescribes the terms of office for board of directors of irrigation districts.	Revises the expiration date of those terms of office from the last Friday in December to the first Friday in December succeeding the election.	See comments for amendments to the Education Code.
UNCODIFIED SECTION	New Act.	Provides for the submission of Senate Constitutional Amendment 47 to the voters at the November 6, 1990 General Election and prescribes the procedures for placement on the ballot.	Senate Constitutional Amendment 47 was refused adoption thereby making this section obsolete.  Portions of this bill were sponsored by the County Clerks' Association.

MISCELLANEOUS PROVISIONS

CH. 1314 SB 2729	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
ELECTIONS CODE			
Amends Section 703	<p>Prescribes the procedures for retention, transfer or cancellation of the affidavits of registration of a voter who moves from one precinct or county to another.</p> <p>Provides that all cancelled affidavits of registration shall be preserved by the elections official as required in Section 14500.</p>	<p>Deletes reference to the preservation of cancelled affidavits.</p> <p>Also makes technical non-substantive amendments.</p>	<p>Clarifies the law by deleting duplicate language. Provisions relating to retention and preservation of election records appear in Division 10.5 of the Elections Code.</p>
Repeals Section 1108	<p>Requires county elections official to preserve the canceled affidavits of registration as required in Section 710.</p>	<p>Repeals such provision.</p>	<p>Supersedes Section 1108 as amended by Ch. 27, 1990 Statutes (AB 572).</p>
Amends Section 1109	<p>Requires the county elections official to keep open to public inspection a list showing the names and addresses of all persons who have voted as new residents. The list shall be preserved for a period of four years from the date of the election.</p>	<p>Deletes requirement that the list of new resident voters be preserved for four years from the date of the election.</p>	<p>See comments for Section 703.</p>

CH. 1314 SB 2729	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
Amends Section 4054	Requires the city clerk to examine municipal referendum petitions, certify the results and preserve the referendum petitions in the same manner as county measures.	Deletes requirement that the municipal referendum petitions be preserved in the same manner as county measures.	See comments for Section 703.
Adds Heading to Division 10.5 (commencing with Section 14500)	New Heading.	Adds "DIVISION 10.5. RETENTION AND PRESERVATION OF ELECTION RECORDS."	Intended to provide clarity and easier accessibility to retention provisions.
Adds Headings to Chapters 1 through 6 (commencing with Section 14500) of Division 10.5.	New Headings.	<p>Adds: "CHAPTER 1. AFFIDAVITS OF REGISTRATION AND VOTER REGISTRATION INDEXES."</p> <p>"CHAPTER 2. NOMINATION DOCUMENTS."</p> <p>"CHAPTER 3. INITIATIVE AND REFERENDUM PETITIONS."</p> <p>"CHAPTER 4. PRECINCT SUPPLIES AND BALLOTS."</p> <p>"CHAPTER 5. RECALL PETITIONS."</p> <p>"CHAPTER 6. MISCELLANEOUS PROVISIONS."</p>	See above comment.

CH. 1314 SB 2729	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
Amends Sections 14810 and 14811	Provides that for federal elections, the packages containing the following shall be kept by the elections official, unopened and unaltered, for 22 months and for a state or local election for six months subsequent to the date of the declaration of the result of the election:	Requires that the ballots and identification envelopes be kept unopened and unaltered for specified periods from the date of the election instead of the date the results are declared official.	Provides uniformity within provisions relating to retention of election documents.
	<ol style="list-style-type: none"> <li>(1) Voted polling place ballots.</li> <li>(2) Voted absent voter ballots.</li> <li>(3) Absent voter identification envelopes.</li> <li>(4) Spoiled ballots.</li> <li>(5) Canceled ballots.</li> <li>(6) Unused absent voter ballots surrendered by voters.</li> <li>(7) Ballot receipts.</li> </ol>		
	Permits the elections official to destroy or recycle the ballots/packages if a contest is not commenced within the retention period, or if a criminal prosecution involving fraudulent use, marking or falsification of ballots or forgery of absent voters' signatures is not commenced within the retention period.	<p>Requires rather than authorizes the elections official to destroy or recycle the ballots. Also specifies that the packages shall remain unopened until they are destroyed or recycled.</p> <p>Also amends Section 14810(b) (6) to change reference from "unused absent voter ballots" to "unused absentee ballots."</p>	Imposes state-mandated program by requiring the destruction/recycling of the ballots. No reimbursement, however, is required because the Legislature finds and declares there are savings as well as costs in this act.

CH. 1314  
SB 2729

PRESENT  
PROVISIONS

Amends  
Sections  
14830  
and  
14831

Requires upon the completion of a court ordered recount for an office voted upon in a federal election, all ballot cards shall be retained in precinct order by the elections official for 22 months and for an office voted upon in a local or state election for six months or for as long as any contest involving the vote at the election remains undetermined.

Provides that the final disposition of all voted ballot cards shall be determined by the elections official.

Sealed ballot containers may be opened if the elections official determines it is necessary in a shredding or recycling process.

Adds  
Sections  
14980  
and  
14981

New Sections.

NEW  
PROVISIONS

Clarifies that retention period commences from the date of the election.

Prohibits the ballot packages or containers from being opened except as specified and requires that they remain unopened until the ballots are destroyed or recycled.

Provides that for federal elections, the applications for absent voter ballots shall be retained for 22 months and for state or local elections for six months from the date of the election. Provides that an election is not deemed a state or local election if votes for candidates for federal office may be cast on the same ballot.

COMMENTS

See comments for Sections 14810 and 14811.

Clarifies the law by including absent voter ballot applications in the retention of election document requirements.

CH. 1314 SB 2729	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
Adds Section 14990	New Section.	Requires that the elections official retain the list of new resident voters for 22 months from the date of the election.	Formerly in Section 1109.
Amends Section 17122	Requires the Secretary of State, following the filing of the statement of the vote, to compile a supplement vote showing the votes cast in each political jurisdiction, as specified, and shall be made available to the public upon request.	Requires that the supplement be compiled within 120 days following the filing of the statement of vote.	Clarifies the law by setting a deadline as to when the supplement must be completed.
Repeals Section 23548	Requires that the envelopes containing the ballots, except for purposes of a recount, be retained unopened by the county elections official for six months from the general district election governed by the Uniform District Election Law.	Repeals such provisions.	See comment for Section 703.
Amends Heading to Chapter 4 (commen- cing with Section 25500) of Division 15.	Reads "CHAPTER 4. STATE LEGISLATORS."	Revises heading to read: "CHAPTER 4. STATE LEGISLATIVE AND STATE OFFICERS."	Clarifies the law by correcting the heading to the provisions relating to the filing of the declaration of intention to include state officers.
Amends Section 25500	Requires each candidate for a legislative or any state constitutional office to file a declaration of intention not more than 14	Extends provisions to include the office of Insurance Commissioner.	Complies with Proposition 103 passed by the

CH. 1314 SB 2729	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
	<p>nor less than five days prior to the first day to file nomination papers. If the incumbent fails to file the declaration during that period, any person other than the incumbent may file a declaration no later than the first day to file nomination documents. If the incumbent files a declaration, but fails to qualify as a candidate by the nomination document deadline, a five-day extension period shall be allowed for any person other than the incumbent to file nomination documents.</p>	<p>Also changes reference from county "clerk or registrar of voters" to "elections official."</p>	<p>voters at the 1988 General Election requiring that the office of Insurance Commissioner be an elected position.</p>
<p>Amends Section 27036</p>	<p>Requires that each section of a recall petition shall have attached a declaration signed by the circulator of that section. Prescribes the content of the declaration.</p>	<p>Makes a technical non-substantive amendment.</p>	<p>Clarifies existing law.</p>
<p>Amends Section 27211</p>	<p>Prescribes the formula to determine the number of qualified signatures required in order to qualify a recall petition.</p> <p>Provides that in the case of a judicial office which has never appeared on the ballot or did not appear at its last election the number of signatures shall be as provided by law except that the percent shall be based on the number of votes cast within the judicial jurisdiction for the countywide office which had the least number of votes at the last general election in the county in which the judge holds his/her office.</p>	<p>Defines the term "countywide office" to mean an elective office wholly within the county which is voted on throughout the county.</p>	<p>Information only.</p> <p>Portions of this bill were sponsored by the Secretary of State.</p>



MISCELLANEOUS PROVISIONS

CH. 1427 AB 3154	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
EDUCATION CODE			
Amends Section 5091	Prescribes the procedures for filling a vacancy on a school or community college district governing board.		Information only.
	Requires a school or community college governing board to, within 60 days of a vacancy or the filing of a deferred resignation, order an election or make a provisional appointment to fill the vacancy.		
	Provides that if a provisional appointment is made, the voters of the district may, within 30 days of the appointment, petition for a special election to fill the vacancy. Requires that the petition be signed by 1 1/2 percent of the registered voters of the district at the time of the last regular governing board member election.	Requires instead that petition be signed by 1 1/2 percent of the the registered voters in the district or 25 voters, whichever is greater.	
Amends Section 5362	Provides that as an alternative to publication by newspaper of the formal notice of a school or community college district election, the county superintendent of schools having jurisdiction may post the notice in specified locations not later than E-20.	Revises the deadline from E-20 to E-90. Also makes a technical non-substantive amendment.	Conforms with the deadline to publish the notice of election for school/special district elections.

CH. 1427 AB 3154	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
Amends Section 5363	Requires the county clerk/registrar of voters to publish the formal notice of a school or community college district election in accordance with the provisions of Elections Code Section 23551 (Uniform District Election Law.)	Limits the application of this provision to governing board member elections.	Clarifies the law by providing a separate publication notice procedure more applicable to ballot measure elections.
		Requires that the formal notice for a school or community college district ballot measure election be published in accordance with Elections Code Section 2554.	
		Changes reference from "county clerk or the "registrar of voters" to "elections official."	
		Also makes technical non-substantive amendments.	
ELECTIONS CODE			
Amends Section 1007	Prescribes the procedures for processing the absent voter ballot application.	Also provides the the absent voter ballot may be delivered to the applicant's spouse or parent if the applicant is unmarried. Requires the spouse or parent to sign a statement under penalty of perjury that provides the applicant's name, his/her relationship to the applicant and affirming that he/she is authorized to deliver the absentee ballot.	Favorable impact by revising absent voter procedures to avoid voter disenfranchisement.
	Provides that if the elections official deems that the applicant is entitled to an absent voter ballot, he/she shall deliver the appropriate ballot to the qualified applicant by mail or in person.		

CH. 1427 AB 3154	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
Amends Section 17113	Provides that whenever any candidate whose name appears on the ballot dies after the hour of 12:01 a.m. of E-59, the votes cast for the deceased candidate shall be counted. If the deceased candidate receives a majority of the votes cast, he/she shall be deemed elected and a vacancy shall exist.	Revises the deadline from 12:01 a.m. of E-59 to E-68.	Enacted to provide uniformity within the provisions relating to the death of a candidate or removal of a candidate's name from the ballot.
Amends Section 22843.5	Provides that if, by 5 p.m. on the 63rd day prior to a regularly scheduled municipal election, no one or only one person has been nominated for any office to be voted on, the city clerk shall submit a certificate of that fact to the legislative body. The city clerk shall also publish a notice specifying that the legislative body may appoint any eligible elector if no one has been nominated or order the election to be held. The appointment or order of election shall be made after the tenth day following the publication.	Also provides that appointments in lieu of election may be made whenever the number of persons who have been nominated for offices elected at large does not exceed the number to be filled at the election.	Information only.
Amends Section 23511	Requires the county clerk, at least 90 days and not more than 120 days before the general district election to publish a notice of election, as specified. The notice shall contain the election date, the offices for which candidates may file, the qualifications required by the principal act and the location where the declarations of candidacy may be obtained.	Provides that the notice shall also include the office in which the completed declaration of candidacy is required to be filed and the date and time after which no declarations may be accepted for filing.  Changes reference from "county clerk" to "elections official."  Also makes technical non-substantive amendments.	Clarifies existing law by providing complete filing information on the notice.

CH. 1427 AB 3154	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
Amends Section 23530.5	Provides that the name of a candidate for a special district election shall be printed on the ballot unless the candidate has died and that fact has been ascertained by the officer in charge of printing the ballots by E-60.	Revises the deadline from E-60 to E-68.	See comments for Section 17113.
Amends Section 24002	Prescribes the declaration of candidacy and notice to declare candidacy forms for school and community college governing board elections.	Deletes the notice to declare candidacy format.	Clarifies the law by deleting an obsolete publication notice format. The requirement to publish the notice to declare candidacy was repealed by Ch. 334, 1979 Statutes. (AB 506).
GOVERNMENT CODE			
Amends Section 71180	<p>Prescribes the provisions governing a vacancy in the office of judge of a municipal court.</p> <p>Provides that if an incumbent municipal court judge who is up for election is appointed to another office within 59 days of the primary election and the elections official does not have sufficient time to remove the office from the ballot, the results of the June Primary for that office shall be invalid. The candidate who receives the highest number of votes at the next November General Election shall be deemed elected.</p>	Revises the deadline from 59 to 68 days prior to the primary election.	<p>See comments for Elections Code Section 17113.</p> <p>Portions of this bill were sponsored by the County Clerks' Association. CH. 1427</p>

SECRETARY OF STATE; STATE BALLOT PAMPHLET

CH. 1430 AB 4109	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
Urgency Effective 9/29/90			
ELECTIONS CODE			
Amends Section 55	Provides that the Secretary of State is the chief elections officer of the state and has the powers and duties specified in Section 12172 of the Government Code.	Corrects reference from Section 12172 to 12172.5.	Information only.
Amends Section 3571 (and Government Code Section 88002)	Prescribes the information to be included in the statewide ballot pamphlet as to each state measure to be voted upon.  Provides that each analysis prepared by the Legislative Analyst shall appear on the lower portion of the measure's first left page and on the top half of the following right page, if necessary.	Provides, instead, that each analysis prepared by the Legislative Analyst shall begin on the top of the right page unless it does not fit on one page. If more than one page is necessary, the analysis shall begin on the lower portion of the measure's first left page and continue until complete.	Favorable impact. Intended to increase voter accessibility to state measure information by presenting a more readable state ballot pamphlet.
	Also provides that if arguments for and against the measure have been submitted, the text of the measure shall appear on the right page facing the analysis. If the text does not fit on this page it shall be continued on the back of the	Provides, instead, that arguments for and against the measure shall be placed on the next left and right pages, immediately following the analysis.	Prescribed format used for the 1990 November General Election State Pamphlet.

CH. 1430  
AB 4109

PRESENT  
PROVISIONS

pamphlet. Arguments for and against the measure shall be placed on the following left and right pages and rebuttals shall be placed immediately below the arguments.

Provides that if no argument against the measure is submitted, the argument for the measure shall appear on the right page facing the analysis. The text of the measure shall be printed in the back of the pamphlet.

Prescribes the content of the measure which shall include text of the proposed and existing provisions.

NEW  
PROVISIONS

Also requires that the complete text of the measure appear at the back of the pamphlet.

COMMENTS

The Secretary of State sponsored this bill.

SUPERVISORIAL AND COUNCILMANIC BOUNDARIES

CH. 1477 AB 4126	PRESENT PROVISIONS	NEW PROVISIONS	COMMENTS
ELECTIONS CODE			
Amends Sections 35000 and 35101	<p>Requires the board of supervisors, following each decennial federal census, to adjust the supervisorial boundaries using population figures as validated by the Population Research Unit of the Department of Finance as a basis so that the districts shall be as nearly equal in population as possible.</p> <p>Requires the city council, by ordinance or resolution following each decennial federal census, to adjust the boundaries of any or all councilmanic districts using the census as a basis so that the districts shall be as nearly equal in population as possible.</p> <p>Provides that in establishing the boundaries of the districts the board/council may give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community interests.</p>	<p>Provides that in adjusting the supervisorial boundaries, the board of supervisors use the decennial census as a basis and shall comply with the applicable provisions of Section 1973 of Title 42 of the United States Code (Voting Rights Act), as amended.</p> <p>Provides that in adjusting the councilmanic districts, the council shall comply with the applicable provisions of Section 1973 of Title 42 of the United States Code (Voting Rights Act), as amended.</p>	<p>Intended to provide uniformity in the standards used in local redistricting.</p>

INFORMATION  
BILLS



POLITICAL REFORM ACT: FINANCIAL DISCLOSURE: MULTIAGENCY FILERS

CH. 69 AB 2297

SECTIONS AFFECTED:

Amends Section 87500 of and adds Article 3.5 (commencing with Section 87350) to the Government Code.

BACKGROUND:

Under the Political Reform Act of 1974 specified individuals are required to file an assuming office statement, periodic statements of economic interest, and a leaving office statement. The information filed varies on the basis of the agency and position the filer holds. An individual serving more than one agency is required to file these statements for each agency.

SUMMARY:

This bill authorizes such a person to elect to file a multiagency statement disclosing all investments in entities doing business in the state, all interests in real property located within the state, and all income received during the applicable time period, in lieu of filing separate statements for each agency.

Provides that the filer shall notify the Fair Political Practices Commission (FPPC) of his/her decision to become a multiagency filer.

Also requires that statements of economic interests filed by designated employees under contract with more than one joint powers insurance agency, who elect to file a multiagency statement with the FPPC, shall also file a statement with each agency holding a contract. The statement shall declare that their statement of economic interest is on file with the FPPC and is available upon request.

PERMANENT ROAD DIVISIONS: FORMATION

CH. 70 AB 2358

SECTIONS AFFECTED:

Amends Section 1166 of and adds 1162.5 to the Streets and Highways Code.

SUMMARY:

Amends the Permanent Road Division Law as follows:

- Authorizes the board of supervisors, by resolution, to form a permanent road division.
- Provides that the resolution shall set a time and place for a public hearing on the establishment of the division and prescribes procedures for the publication of notices relating to the formation.
- Specifies that at least 20 days before the hearing, the clerk of the board of supervisors shall mail copies of the hearing notice to all affected landowners as specified and prescribes manner in which protests shall be submitted, withdrawn and the percentage necessary to require the proposed division to be submitted to the landowners for a majority voter approval or abandonment. Provides that if no election is required the division may be formed following the hearing.
- Authorizes the board of supervisors to conduct an all mail ballot election to approve or disapprove the proposed division formation.
- Specifies that if an election is conducted the board may include on the same ballot the question of whether a special tax shall be levied together with the division formation. The board may also submit each question to the voters separately or consolidate both questions into a single measure.
- Makes various other technical non-substantive amendments.

POLITICAL REFORM ACT: GOVERNMENTAL ETHICS

CH. 84 SB 1738

SECTIONS AFFECTED:

Amends Sections 86103, 87102, 87304, 87306 and 91005 of, adds Sections 8956, 15626, 87102.5, 87102.6, 87406, 87407 and Chapter 9.5 (commencing with Section 89500) to Title 9 of, and repeals Section 85202, Article 4 (commencing with Section 85400) and Article 8 (commencing with Section 85800) of Chapter 5 of title 9 of the Government Code.

SUMMARY:

Amends the Political Reform Act and other provisions of the Government Code to enact laws relating to governmental ethics which:

- Ban or strictly limit the acceptance of a gift by an elected state officer or Member of the Legislature from any source if the acceptance might create a conflict of interest.
- Strengthen the enforcement of existing conflict of interest laws prohibiting Members of the Legislature from engaging in activities having interest which conflict with the proper discharge of their duties and responsibilities.
- Prescribe guidelines for the acceptance and restricted use of campaign funds by candidates and specified committees.
- Adds numerous other provisions relating to honoraria and compensation prohibitions, prohibiting receipt of income from lobbying firms and prohibiting lobbying for compensation within 12 months after leaving office for state elected officers and Members of the Legislature.

COMMENTS:

Primarily enacted to comply with SCA 32 (Proposition 112, June 5, 1990 Primary Election), adopted by the voters which directs the Legislature to enact enabling legislation.

SOLANO COUNTY: REGISTRAR OF VOTERS: APPOINTED

CH. 158      AB 2777

SECTION AFFECTED:

Amends Section 26802.5 of the Government Code.

SUMMARY:

Provides that in a county of the 22nd class the registrar of voters may be appointed by the board of supervisors to discharge all duties vested by law in the county clerk which relate to and are a part of the election procedure.

COMMENTS:

Provisions now applicable to Solano County in addition to the counties of Monterey, Riverside and San Joaquin.

RECREATION AND PARK DISTRICTS: SPECIAL TAXES: VOTE REQUIRED

CH. 307 AB 4158

Urgency, effective 7/16/90

SECTION AFFECTED:

Adds Section 5784.39 to the Public Resources Code.

SUMMARY:

Authorizes a recreation and park district to impose a voter approved special tax. The special tax shall be applied equally to all taxpayers or all real property within the district. Allows unimproved property to be taxed at a lower rate than improved property.

COMMENTS:

Requires local officials to act by early August 1990 to call elections in November 1990.

POLITICAL REFORM ACT: CAMPAIGN CONTRIBUTION ACCOUNT

CH. 387 AB 4121

SECTION AFFECTED:

Amends Section 85201 of the Government Code.

SUMMARY:

Amends the Political Reform Act by providing that upon the establishment of a campaign contribution account, an individual who has previously filed a Candidate Intention (FPPC Form 501) with the Fair Political Practices Commission is required to file the name of the financial institution, the specific location and the account number with the Commission within 10 days instead of within 24 hours.

COMMENTS:

Information required should be reported using an FPPC Form 502.

REPUBLICAN COUNTY CENTRAL COMMITTEES: MEETINGS

CH. 401 AB 3207

SECTION AFFECTED:

Repeals and adds Section 9420 of the Elections Code.

SUMMARY:

Provides that except in counties of the first class, each county central committee shall meet in the courthouse of its county seat in quarters arranged or provided. The meeting shall take place on the weekday designated by the county clerk during the week after the first Sunday in January following the direct primary election.

Specifies that in counties of the first class, each committee shall meet on the first Saturday after the first Monday in January following the direct primary election.

COMMENTS:

A county of the first-class is defined as a county containing a population of 4,000,000 and over (Govt. Code Sec. 28022).

SCHOOL DISTRICT GOVERNING BOARDS: TERM OF OFFICE

CH. 444 SB 2174

SECTION AFFECTED:

Amends Section 5003 of the Education Code.

SUMMARY:

Allows the governing board of a unified school district formed in an even-numbered year to adopt a resolution, specifying that the majority of members who received the highest number votes in the first election shall serve until the last Friday in November of the third odd-numbered year after the election and the other members terms shall expire on the last Friday in November of the second odd-numbered year following the election. The resolution shall be adopted on or before March 15 of the second odd-numbered year following initial election.

COMMENTS:

Amendments made by this bill are superseded by the amendments made to this same section by AB 3543, Chapter 1161.



BENEFIT ASSESSMENTS: ELECTIONS

CH. 446 SB 2447

SECTIONS AFFECTED:

Amends Sections 54716 and 54717 of, and adds Section 54710.3 to, the Government Code.

SUMMARY:

Amends the Benefit Assessment Act of 1982 as follows:

- Authorizes local agencies to cure specified bonded indebtedness fund deficiencies by imposing benefit assessments to satisfy the obligation.
- With respect to benefit assessments to finance the maintenance and operation costs of drainage, flood control and street lighting or to cure specified bond indebtedness fund deficiencies, clarifies procedures for notifying persons of such assessments to distinguish between landowner and registered voter elections.

COMMENTS:

Amends and adds various other code sections which makes numerous changes to modernize various bond and assessment acts that do not directly affect county clerks' operations.

LOCAL AGENCY COSTS

CH. 459 SB 1333

Urgency, effective 7/31/90

SECTION AFFECTED:

Adds Section 17581 to the Government Code.

SUMMARY:

Provides that no local agency shall be required to implement or give effect in any fiscal year to any statute or executive order determined by the Legislature, the Commission on State Mandates, or any court to mandate a new program or higher level of service requiring reimbursement of local agencies pursuant to the California Constitution, if the statute or executive order has been specifically identified by the Legislature in the Budget Act for the fiscal year as being one for which reimbursement is not provided for that fiscal year. If a local agency elects to implement or give effect to the statute or executive order, it would be authorized to assess fees to persons or entities which benefit from the statute or executive order.

Exempts specified state-mandated local programs for trial courts or for any program to which reimbursement funding counts toward the minimum General Fund requirements of Section 8 of Article XVI of the California Constitution.

Various appropriations are made including 1) five thousand dollars (\$5,000) for the payment of claims of counties seeking reimbursable state-mandated costs incurred for the fiscal year 1990-91 for the consolidation of local (school, community college, special districts and municipal) elections and 2) forty-two thousand dollars (\$42,000) for the payment of claims for local (municipal) elections conducted pursuant to Chapter 1013 of the Statutes of 1981 in the fiscal year 1989-90 and prior fiscal years.

POLITICAL REFORM ACT: BALLOT MEASURES

CH. 581 SB 284

SECTIONS AFFECTED:

Amends Sections 84102, 84200, 84211 and 84215 of the Government Code.

SUMMARY:

Amends the Political Reform Act as follows:

- Provides that a committee formed primarily to support or oppose the qualification of a measure shall among other things include on the committee's statement of organization (Form 410) a description of the subject matter of the measure.
- Deletes provision which specifies a committee formed primarily to support or oppose the qualification of a measure is not required to file semiannual campaign statements until specified time periods in connection with when the measure qualifies or fails to qualify for the ballot.
- Requires the campaign disclosure statements of initiative ballot measure committees to include among other things, the name of any person who controls the committee, or who is an officer or employee of the committee if the person or his/her spouse owns fifty percent (50%) or more of a business entity or is an officer, employee, partner, or consultant of a business entity, to which the committee has made a reportable expenditure, as well as the person's position with the committee and a description of his/her ownership interest or position with the business entity.
- Provides that committees formed or existing primarily to support or oppose the qualification of state ballot measures shall, in addition to filing disclosure statements with the Secretary of State, shall also file statements with the the Registrar-Recorder of Los Angeles County and the Registrar of Voters of the City and County of San Francisco.

COMMENTS:

Amendments to Section 84102 are superseded by Chapter 655 (SB 2585).

POLITICAL REFORM ACT: PRIMARILY FORMED COMMITTEES

CH. 626      SB 2795

SECTION AFFECTED:

Amends Section 82047.5 of the Government Code.

SUMMARY:

Amends the Political Reform Act by expanding the definition of "primarily formed committee" to also include two or more measures being voted on in the same city or county election.

SCHOOL AND COMMUNITY COLLEGE DISTRICTS: TRUSTEE AREAS

CH. 648 SB 2406

SECTIONS AFFECTED:

Amends Sections 5019.5 and 5019.7 of, and repeals Section 5019.6 of the Education Code.

SUMMARY:

Provides that following each decennial federal census, the governing board of each school district or community college district in which trustee areas have been established shall adjust the boundaries of any or all trustee areas to comply with one or both of the following conditions: 1) that each trustee area is represented by a number of board members which is proportionate to the population size of the area and/or 2) that each trustee area within the district is relatively equal in population.

COMMENTS:

Intended to clarify a conflict in the law by providing the option to follow either standard in adjusting school and community college trustee area boundaries.

POLITICAL REFORM ACT: ORGANIZATION OF COMMITTEES

CH. 655 SB 2585

SECTIONS AFFECTED:

Amends Section 84102 of and amends and renumbers Section 84106 of the Government Code.

SUMMARY:

Amends the Political Reform Act as follows:

- Provides that a committee's statement of organization shall include, among other things, the proponent's name of each state measure which it controls.
- Renumbers Section 84106 (which pertains to controlled committees) to Section 84106.5.

COMMENTS:

Supersedes Section 84102 of the Government Code as amended by Chapter 581, 1990 Statutes (SB 284).

The purpose of renumbering Section 84106 was a result of Proposition 68 (1988 June Primary Election) adding this section to an existing section within the Political Reform Act.

CORTESE-KNOX LOCAL GOVERNMENT REORGANIZATION ACT: LOCAL AGENCY FORMATION COMMISSION

CH. 957 AB 1535

SECTIONS AFFECTED:

Amends Sections 56827.5, 56833.3 and 56842.6 of the Government Code.

SUMMARY:

Amends the Cortese Knox Local Government Reorganization Act as follows:

1. Prohibits a local agency formation commission (LAFCO) from approving a proposal for incorporation until it has considered any other change of organization which conflicts with the incorporation proposal and was submitted to the commission within 30 days of the incorporation proposal.
2. Requires an interested party when requesting that the Controller review the comprehensive fiscal analysis for incorporation, to specify in writing the element or elements of the analysis that the Controller is to review and the reasons therefor. Allows LAFCO to adopt procedures for the acceptance, referral and payment of the request for review and specifies the manner and time period in which the request must be submitted. Specifies that the time spent by LAFCO or the executive officer to act shall be suspended until the Controller completes its report.
3. Requires that the permanent appropriations limit of the city shall be set at the first municipal election following the first full fiscal year of operation.

POLITICAL REFORM ACT: CONFLICT OF INTEREST CODE; CAMPAIGN FUNDS

CH. 1075 AB 4143

SECTIONS AFFECTED:

Amends Sections 87102.5, 87207, 87406 and 89513 of and adds Sections 82030.5, 87102.8, 87306.5 and 89511.5 to the Government Code.

SUMMARY:

Amends the Political Reform Act as follows:

- Provides that no later than July 1 of each even-numbered year, the code reviewing body shall direct every local agency which has adopted a Conflict of Interest Code (CIC), to review its Code. If a change is necessitated by changed circumstances, submit an amended CIC to the code reviewing body. If no change is necessary, the local agency head shall submit a written statement to that effect to the code reviewing body no later than October 1 of the same year.
- Authorizes an incumbent elected officer to utilize his/her personal funds for expenditures without first depositing those funds into the controlled committee's bank account if 1) The expenditures are not campaign expenses and 2) The treasurer of the committee is provided with a dated receipt and a written discription of the expenditure.
- Specifies that an elected incumbent may also be reimbursed for expenditures of his/her personal funds from either the controlled committee bank account with respect to election to the incumbent term of office or from a controlled committee campaign bank account established with respect to election to a future term of office if specified conditions are met.
- This section shall not be construed to authorize an incumbent elected officer to make expenditures from any campaign bank account for expenses other than those expenses associated with his or her election to the specific office for which the account was established and expenses associated with holding that office.
- Provides that campaign funds may be loaned to candidates for elective office, political parties and committees, unless otherwise prohibited.



CH. 1075      AB 4143

COMMENTS:

Amends various other sections of the Political Reform Act relating to conflicts of interest, which do not directly affect county election officials' operations.

DEMOCRATIC STATE CENTRAL COMMITTEE: MEETINGS

CH. 1152 AB 4118

SECTION AFFECTED:

Repeals and adds Section 8710 to the Elections Code.

SUMMARY:

Requires that the Democratic State Central Committee convene in Sacramento no later than on the last weekend in March after the general election. The meeting shall begin no later than 10 a.m. on Saturday.

Also allows the committee to convene in 1991 in any northern California city designated by the party.

COMMENTS:

Information only.

CAMPAIGN ADVERTISING AND COMMUNICATION: LIBEL AND SLANDER

CH. 1470 AB 3517

SECTIONS AFFECTED:

Amends Section 12528 of and adds Section 12530 to the Elections Code.

BACKGROUND

Existing law provides that in an action for damages for the publication of libel in a newspaper or of slander by radio broadcast, a plaintiff may recover general, special and exemplary damages if the defendant fails to publish a correction demanded by the plaintiff within three weeks. The publication of correction limits recovery to special damages.

SUMMARY:

Provides that any action for libel or slander brought by a candidate, the willingness or unwillingness of the defendant to retract or correct a communication made in the course of a campaign, and his/her action in doing so, shall be admissible in evidence in the exemplary damages phase of a bifurcated trial.

Also amends Elections Code Section 12528 to correct an erroneous code section reference from 82048.5 to 82048.7 of the Government Code.

FIRE PROTECTION DISTRICTS: FORMATION ELECTION

CH. 1558 SB 1821

SECTIONS AFFECTED:

Adds Section 13823.5 to and amends Sections 13841 and 13845 of the Health and Safety Code.

SUMMARY:

Provides that upon approval by the local agency formation commission (LAFCO) for the formation of the fire protection district, the board of supervisors may dispense with the election and adopt the resolution if it finds that the petition filed has been signed by at least fifty-one percent (51%) of the registered voters.

Provides that if the board of directors of a fire protection district is elected, each member shall be a registered voter of the district. In the case of a board which is elected by division, each director shall be a registered voter rather than a resident of the division.

COMMENTS:

Makes other clarifying technical amendments and related changes that do not affect county clerks' operations.

INFRASTRUCTURE FINANCING DISTRICTS: FORMATION ELECTION

CH. 1575 SB 308

SECTIONS AFFECTED:

Adds Chapter 2.8 (commencing with Section 53395) to Part 1 of Division 2 of Title 5 of the Government Code.

SUMMARY:

Makes various legislative findings and declarations including that it is equitable and in the public interest to provide alternative procedures for financing public works and services to meet the needs of new housing and other development projects.

Authorizes counties and cities to form infrastructure financing districts for the purpose of financing public facilities.

- Sets forth specified limitations and guidelines for the proposed financing district and provides that proceedings for the establishment of the district shall be instituted by the adoption of a resolution of intention. Requires the legislative body to conduct a public hearing and prescribes notice and publication requirements.
- Provides that if at the conclusion of the hearing the legislative body adopts a resolution proposing formation, it shall then submit the proposal to the qualified electors of the proposed district at the next general or special election to be held at least 90 days, but not more than 180 days following adoption of the resolution. If the election is to be held less than 125 days following adoption of the resolution, the concurrence of the election official conducting the election is required. Requires submission by the legislative body of the formation resolution, map and sufficient description to allow the elections official to determine the boundaries of the district.

SUMMARY:

- Specifies that if at least 12 persons have been registered to vote within the territory of the proposed district for 90 days prior to the close of the hearing, the election shall be conducted by registered voters. If not the election shall be conducted by landowners as specified. Allows for mail ballot elections and prescribes the content of the ballot material, instructions for the return of the ballot, mailing and canvass procedures. Provisions of law regulating elections of the local agency that calls the election shall govern except as otherwise provided.
- Provides that if two-thirds (2/3) of the votes cast are in favor of the creation, the legislative body may create the district. If the question fails to get two-thirds (2/3) of the votes cast no further action may be taken for one year from the date of the election.
- Authorizes the legislative body to initiate proceedings to issue bonds as specified. The legislative body shall submit the proposal to issue bonds to the voters within the district. The election may be conducted in the same manner as the election to create the district and the two may be consolidated.
- Provides that all costs incurred by a county in connection with the division of taxes for a district shall be paid by the district.

COMMENTS:

Also adds various provisions relating to the administration and financing of the district which do not affect county clerks' operations.

CAMPAIGN MATERIALS: UNAUTHORIZED SIGNATURES

CH. 1590 SB 1865

Urgency, effective 9/30/90

SECTIONS AFFECTED:

Adds Section 3344.5 to the Civil Code and Section 115.5 to the Penal Code.

SUMMARY:

1. Provides that no person shall publish or cause to be published, with the intent to deceive, any campaign advertisement containing a signature which the person knows to be unauthorized. Defines "campaign advertisement" for the purposes of this section.

Specifies that the above provisions shall not be construed to prohibit a person from publishing or causing to be published a reproduction of all or part of a document containing an actual or authorized signature, provided that the signature so reproduced shall not, with intent to deceive, be incorporated into another document in a manner that falsely suggests that the person whose signature is reproduced has signed the other document.

Specifies that any violation of these provisions is a public offense punishable by imprisonment in the state prison or in the county jail, or by a fine not to exceed fifty thousand dollars (\$50,000), or both.

Also makes legislative findings and declarations that the voters of California are entitled to accurate representations in materials which are directed to them in efforts to influence how they vote.

2. Provides that any person whose signature is unlawfully used or any candidate for elective office whose election or defeat is expressly advocated in any campaign advertisement which violates Penal Code Section 115.5, shall have a civil cause of action against the person committing the act.

CH. 1590 SB 1865

SUMMARY:

If a mass mailing or other printed matter violates Penal Code Section 115.5 and expressly advocates the election or defeat of more than one candidate, only the person whose signature is used and the candidate(s) to whom the unauthorized signature directly relates shall have a civil cause of action.

Imposes monetary penalties on those persons found in violation of the above.

COMMENTS:

Reference material for inclusion in election information manuals.



WATER STORAGE AND REPLENISHMENT DISTRICTS: ELECTIONS

CH. 1593 SB 1963

Urgency, effective 9/30/90

SECTIONS AFFECTED:

Amends Sections 39050, 39925, 40306, 41013 and 41016 of and adds Section 40307 and Chapter 1.5 (commencing with Section 41025) to Part 4 of Division 14 of the Water Code.

SUMMARY:

Amends various provisions relating to water storage elections as follows:

1. Provides that with respect to a formation or general district elections, if there is less than 10 voters in any division, signatures of one-third of the number of voters, rounded up to the next whole number, shall be required to nominate a candidate.
2. Requires that upon receipt of written notice that a director (or entity the director represented) no longer is a holder of title within the district (or that the title holder represented is withdrawing authorizations) a vacancy shall exist. The director shall continue to serve until his/her successor is elected/appointed and qualified.
3. Provides that in order to be nominated and eligible for the office of director, a candidate shall be a holder of title within the district. If a holder of title to land is not a natural person, the holder may designate a representative(s) to be eligible to be elected or appointed as a director by filing with the district written evidence of that designation.
4. Provides that as an alternative to using the most recent county assessment roll, the board of directors may cause an election roll to be prepared and used for determining ownership and value of parcels involving elections. Prescribes manner in which the election roll shall be prepared including conduct of a public hearing and publication requirements.
5. Also makes changes in the arrangement of candidate names on the ballot, appointment in lieu of election procedures and whether directors are elected at large.

CH. 1593 SB 1963

COMMENTS:

Also amends Sections 1091 and 1126 of and adds Section 1129.1 to the Government Code relating to water replenishment and water storage districts.

SCHOOL DISTRICT REORGANIZATION

CH. 1658 SB 1927

SECTION AFFECTED:

Adds Section 35710.51 to the Education Code.

SUMMARY:

Revises procedures for the reorganization of school districts including the transfer of territory as follows:

- Requires the county superintendent of schools, within 35 days after receiving notification of a proposed transfer of territory, to call an election to be conducted at the next available election date in the districts or in the case of territory transfers appealed to the State Board of Education.
- Provides that the county superintendent shall not issue an order of election until after the time for an appeal has elapsed.

COMMENTS:

Makes various related changes by adding and amending other sections of the Education Code which do not directly affect county clerks' operations.

LEGISLATIVE TASK FORCE ON DISTRICT ELECTIONS

RES. CH. 144 ACR 35

SECTIONS AFFECTED:

None

SUMMARY:

Establishes the Legislative Task Force on District Elections to conduct a study on the desirability of district elections at the local level.

Authorizes the task force to collect and analyze information relative to, among other things, whether there are changes which could be made to district elections and/or the electoral process which would have the effect of increasing minority representation among local elected officials.

Authorizes the task force to solicit information, assistance, and advice from various sources, including the Secretary of State, the county clerks, outside experts, state and local agencies and departments, and other states so as to accomplish its mandate. The Secretary of State, the county clerks, and all other state and local agencies and departments are urged to cooperate with the task force.

Provides that the task force shall cease operation on January 31, 1991.



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