

LEGISLATIVE GUIDE TO **CALIFORNIA** ELECTION LAWS

— 2013 —

Summary of Election Related Legislation



California Association of Clerks and Election Officials

LEGISLATIVE GUIDE TO ELECTION LAWS

2013

Summary of Election Related Legislation



**CALIFORNIA ASSOCIATION OF CLERKS AND
ELECTION OFFICIALS**

How to Use This Manual

This Legislative Guide to Election Laws has been prepared to provide you with a summary of election related legislation chaptered or vetoed in 2013. Changes in or additions to text are shown by underlined italics, deletions are indicated by strikeouts, and new law text is shown italicized with no underlining. In addition to summaries of legislation and California code language, the manual also contains the Assembly or Senate Bill number, chapter number assigned by the Secretary of State, Governor's veto letters, and a table of code sections affected by chaptered legislation. A copy of each bill listed in its full text can be obtained from the Legislative Counsel of California at www.leginfo.ca.gov.

Disclaimer

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



CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

Dear Reader,

The California Association of Clerks and Election Officials (CACEO) is proud to publish the annual "Guide to Election Laws" as a resource to our membership, policy makers and the general public. The Guide to Election Laws contains summaries of important election related legislation introduced in the last legislative session. It serves as a quick reference to new laws that were enacted or legislation that was vetoed during the session.

The proper administration of elections in California is essential to preserving and strengthening our local democratic process. This requires a well-run, accurate and accessible voting process. As an association CACEO works diligently with state officials and policy makers to advocate for, monitor and inform legislative efforts that make elections work. This publication is part of our initiative to inform the public of important legislative efforts that have an impact on the voting process.

On behalf of the California Association of Clerks and Election Officials I would like to express our thanks to the Office of the Los Angeles County Registrar-Recorder/County Clerk for their outstanding work in preparing this annual publication.

Cathy Darling-Allen, President

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Section One

BILL LISTING

	<u>BILL NO.</u>	<u>CHAPTER NO.</u>
ASSEMBLY	131	93
	149	580
	214	498
	254	12
	331	98
	354	265
	408	108
	530	501
	700	483
	813	112
	817	162
	829	268
	1135	271
	1316	106
	1417	560
	1418	654
	1419	511
SENATE	44	277
	111	151
	112	118
	213	278
	279	514
	311	184
	360	602
	362	566
	553	215
	589	280
TOTAL COUNT: 27		

Section Two

SECTIONS AFFECTED

**Am = Amended, Add = Added, R = Repealed,
Rn = Renumbered**

<u>CODE</u>	<u>SECTION</u>	<u>CHAPTER</u>	<u>EFFECT</u>
EDUCATION	33540	483	Am
ELECTIONS	102	278	Am
	104	278	Am
	303.3	560	Am
	336.7	566	Add
	338	511	Am
	354.5	151	Am
	1415	184	Am
	2105.5	580	Add
	2154	93	Am
	2187	511	Am
	2194	118	Am
	2194.1	118	Add
	2198	277	Add
	Chapter 7 (comm. w/Sec. 2500) to Div. 2	268	Add
	2500	268	Add
	2501	268	Add
	3001	501	Am
	3004	560	Am
	3007.8	501	Add
	3019	271	R
	3019	271	Add
	3019.5	280	Add
	3021.5	566	Add
	3106	271	Am
	3114	560	Am
	3122	560	Am
	3201	560	Am
	3203	560	Am
	5001	511	Am
	5002	511	Am
	5004	511	Am
	5005	511	Am

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<u>CODE</u>	<u>SECTION</u>	<u>CHAPTER</u>	<u>EFFECT</u>
ELECTIONS (CONT.)	Chapter 2.5 (comm. w/Sec. 5150) to Div. 5	511	Add
	5150	511	Add
	5151	511	Add
	5152	511	Add
	5153	511	Add
	5154	511	Add
	5200	511	Am
	6106	278	Am
	6108	278	Am
	6363	278	Am
	6365	278	Am
	6584	278	Am
	6586	278	Am
	6587	278	Am
	6784	278	Am
	6786	278	Am
	6787	278	Am
	8001	511	Am
	8041	278	Am
	8066	278	Am
	8106	278	Am
	8147.5	560	Add
	8409	278	Am
	8451	278	Am
	9021	278	Am
	9022	278	Am
	9160	265	Am
	9209	278	Am
	9237	278	Am
	9238	278	Am
	9255	184	Am
	9260	184	Am
	9280	265	Am
	9305	278	Am
	9307	278	Am
	9313	265	Am
	9314	265	Am
	9500	265	Am
	10220	278	Am
	10226	278	Am
	10403	98	Am
	10418	98	Am

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<u>CODE</u>	<u>SECTION</u>	<u>CHAPTER</u>	<u>EFFECT</u>
ELECTIONS (CONT.)	10735	560	Am
	11045	278	Am
	11046	278	Am
	12300	162	Am
	12302	162	Am
	13118	106	Am
	13301	560	R
	13305	280	Add
	13306	560	Am
	13309	560	Am
	15372	112	Am
	15501	112	Am
	Heading of Div. 19 (comm. w/Sec. 19001)	602	Am
	19006	602	Add
	19100	602	Am
	19101	602	Am & Rn
	19101	602	Add
	19102	602	Add
	19103	602	Am & Rn
	19104	498	Add
	Heading of Ch. 3 (comm. w/Sec. 19200) of Div. 19	602	Am
	Heading of Art. 1 (comm. w/Sec. 19200) of Ch. 3 of Div. 19	602	Am
	19200.5	602	Am & Rn
	19201	602	Add
	19202	602	Am & Rn
	19203	602	Am & Rn
	19204	602	Am & Rn
	19205	602	R
	19206	560	Am
	19206	602	R & Add
	19207	602	Am & Rn
	19208	602	R
	19209	602	Am & Rn
	19210	602	Am & Rn
	19211	602	Am & Rn
	19212	602	Am & Rn
	19212.5	602	Am & Rn
	19213	602	Am & Rn

<u>CODE</u>	<u>SECTION</u>	<u>CHAPTER</u>	<u>EFFECT</u>
ELECTIONS (CONT.)	19214	602	Am & Rn
	19214.5	602	Am & Rn
	19215	602	Am & Rn
	19216	602	Am & Rn
	19217	602	Am & Rn
	Heading of Art. 2 (comm. w/Sec. 19220) of Ch. 3 of Div. 19	602	Am & Rn
	Art. 2 (comm. w/Sec. 19220) to Ch. 3 of Div. 19	602	Add
	19220	602	Am & Rn
	19220	602	Add
	19221	602	Am & Rn
	19221	602	Add
	19222	602	Am & Rn
	19222	602	Add
	19223	602	Am & Rn
	Heading of Art. 2.5 (comm. w/Sec. 19225) of Ch. 3 of Div. 19	602	Am & Rn
	19225	602	Am & Rn
	19226	602	Am & Rn
	19227	602	Am & Rn
	19227.5	602	Am & Rn
	19228	602	Am & Rn
	19229	602	Am & Rn
	19229.5	602	Am & Rn
	Heading of Art. 3 (comm. w/Sec. 19230) of Ch. 3 of Div. 19	602	Am & Rn
	19230	602	Am & Rn
	19231	602	Am & Rn
	19232	602	Am & Rn
	19233	602	Am & Rn
	19234	602	Am & Rn
	19234.5	602	Am & Rn
	19235	602	Am & Rn
	19236	602	Am & Rn

<u>CODE</u>	<u>SECTION</u>	<u>CHAPTER</u>	<u>EFFECT</u>
ELECTIONS (CONT.)	19237	602	Am & Rn
	19238	602	Am & Rn
	19239	602	Am & Rn
	19240	602	Am & Rn
	19241	602	Am & Rn
	19242	602	Am & Rn
	19243	602	Am & Rn
	19244	602	Am & Rn
	19245	602	Am & Rn
	Heading of Art. 4 (comm. w/Sec. 19250) of Ch. 3 of Div. 19	602	Am & Rn
	19250	602	Am & Rn
	19251	602	Am & Rn
	19252	602	Am & Rn
	19253	602	Am & Rn
	19254	602	Am & Rn
	19255	602	Am & Rn
	Heading of Ch. 3.5 (comm. w/Sec. 19260) of Div. 19	602	Am
	19260	602	Am & Rn
	19261	602	Am & Rn
	19262	602	Am & Rn
	19263	602	Am & Rn
	19264	602	Am & Rn
	19265	602	R
	19266	602	R
	19267	602	Am & Rn
	19268	602	R
	19269	602	Am & Rn
	19270	602	Am & Rn
	19271	602	Am & Rn
	19272	602	Am & Rn
	19273	602	Am & Rn
	19274	602	Am & Rn
	19275	602	Am & Rn
	19282	602	Add
	19283	602	Add
	19286	602	Add

<u>CODE</u>	<u>SECTION</u>	<u>CHAPTER</u>	<u>EFFECT</u>
	19295	602	Am & Rn
GOVERNMENT	26802.5	12	Am
	34457	184	Am
	34458	184	Am
	53755.5	215	Add
	66704.05	514	Am
	81008	654	Am
	83109	654	Am
	84102	654	Am
	85205	511	Am
PUBLIC UTILITIES	11852.5	108	Add

Section Three

2013 CHAPTERED LEGISLATION

VOTER REGISTRATION: AFFIDAVITS: REBUTTABLE PRESUMPTIONS

Assembly Bill 131 Chapter 93

AB 131

CURRENT PROVISIONS:

Existing law provides that when a county elections official receives an affidavit of registration that does not include portions of information for which space is provided, the county elections official is required to apply several rebuttable presumptions that include the presumption that if the affiant fails to identify his or her state of birth within the United States, then it is presumed that the affiant was born in a state or territory of the United States if the affiant lists his or her birthplace as the United States, U.S.A., or other recognizable term designating the United States.

NEW PROVISIONS:

Provides that the affiant's failure to furnish his or her place of birth shall not preclude his or her affidavit of registration from being deemed complete.

SECTION AFFECTED:

Amends Election Code 2154

In the event that the county elections official receives an affidavit of ~~registration~~ registration, executed under penalty of perjury, that does not include portions of the information for which space is provided, the county elections official shall apply the following rebuttable presumptions:

(d) If the affiant fails to identify his or her state of birth within the United States, it shall be presumed that the affiant was born in a state or territory of the United States if the birthplace of the affiant is shown as "United States," "U.S.A.," or other recognizable term designating the United States. The affiant's failure to furnish his or her place of birth shall not preclude his or her affidavit of registration from being deemed complete.

Changes in or additions to text are shown by underlined italics, deletions by ~~strikeouts~~, and new law text is shown *italicized* with no underlining.

*Full text can be obtained from www.leginfo.ca.gov

VOTING RIGHTS: COUNTY PROBATION DEPARTMENTS

**Assembly Bill 149
Chapter 580**

CURRENT PROVISIONS:

Existing law provides that in order to be entitled to register to vote a person must be a United States citizen, a resident of California, 18 years of age, and not be incarcerated or on parole for a felony conviction.

NEW PROVISIONS:

Requires each county probation department to either establish and maintain on the county probation department's Internet Web site a hyperlink to the Secretary of State's voting rights guide for incarcerated persons or post a notice with the Internet Web site address that contains the Secretary of State's voting rights guide for incarcerated persons in each probation office where probationers are seen.

SECTION AFFECTED:

Adds Elections Code 2105.5

Each county probation department shall do one of the following:

(a) Establish and maintain on the county probation department's Internet Web site a hyperlink to the Internet Web site at which the Secretary of State's voting rights guide for incarcerated persons may be found.

(b) Post, in each probation office where probationers are seen, a notice that contains the Internet Web site address at which the Secretary of State's voting rights guide for incarcerated persons may be found.

VOTING: STATE OF EMERGENCY

**Assembly Bill 214
Chapter 498**

CURRENT PROVISIONS:

Existing law designates the Secretary of State as the chief elections officer of the state and requires him or her to study and adopt regulations governing the use of voting machines, voting devices, vote tabulating devices, and ballot marking systems.

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AB 214

NEW PROVISIONS:

Requires the Secretary of State, by December 31, 2014, to establish, in consultation with county elections officials, procedures and guidelines for voting in the event of a natural disaster or other state of emergency.

Requires the Secretary of State to publish those procedures and guidelines on his or her Internet Web site.

Requires the Secretary of State to report to the Legislature, by December 31, 2014, on the readiness of the state to hold elections during or following a natural disaster or other state of emergency, as specified.

SECTION AFFECTED:

Adds Elections Code 19104

(a) The Secretary of State shall do both of the following by December 31, 2014:

(1) In consultation with county elections officials, establish the procedures and guidelines for voting in the event of a natural disaster or other state of emergency. The Secretary of State shall publish the procedures and guidelines on his or her Internet Web site.

(2) Submit a report to the Legislature on the readiness of the state to hold elections during or following a natural disaster or other state of emergency.

(b) (1) The requirement for submitting a report imposed under paragraph (2) of subdivision (a) is inoperative on December 31, 2018, pursuant to Section 10231.5 of the Government Code.

(2) A report to be submitted pursuant to paragraph (2) of subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

REGISTRAR OF VOTERS: COUNTY OF MODOC

AB 254

**Assembly Bill 254
Chapter 12**

CURRENT PROVISIONS:

Existing law provides that in specified counties, the board of supervisors is authorized to appoint a registrar of voters to discharge all duties vested by law in the county elections official which relate to, and are part of, the election procedure.

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NEW PROVISIONS:

Extends the appointment authority to the County of Modoc, and makes a legislative finding and declaration as to the necessity of a special statute for the County of Modoc.

SECTIONS AFFECTED:

Amends Government Code 26802.5

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

SEC.2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the circumstances of Modoc County. The facts constituting the special circumstances include the need to reorganize the structure and duties of county officers to reduce costs and increase productivity within the county government.

CONSOLIDATION OF ELECTIONS

**Assembly Bill 331
Chapter 98**

CURRENT PROVISIONS:

Existing law provides that whenever two or more elections are called to be held on the same day, in the same territory, or in territory that is in part the same, the elections may be consolidated.

Requires, if one of the elections to be consolidated is a statewide election or a specified local election, the consolidated election to be held and conducted and all other proceedings incidental to and connected with the election to be regulated and done, in accordance with the provisions of law regulating the statewide or regularly scheduled election.

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