

AMENDED IN SENATE JULY 16, 2007

AMENDED IN SENATE JULY 5, 2007

AMENDED IN ASSEMBLY APRIL 30, 2007

AMENDED IN ASSEMBLY MARCH 29, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1090

**Introduced by Assembly Member Spitzer
(Principal coauthor: Assembly Member Jeffries)
(Coauthors: Assembly Members DeVore, Horton, Huffman, and
Maze)**

February 23, 2007

An act to amend Section 13107 of, and to add Section 13107.3 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1090, as amended, Spitzer. Ballot designation requirements.

(1) Existing law provides, with the exception of candidates for Justice of the State Supreme Court or Court of Appeal, that each candidate for elective city, county, district, state, or federal office, at his or her option, may have appear immediately under his or her name as a candidate only one of a number of specified designations, including, but not limited to, his or her current principal professions, vocations, or occupations.

This bill would require the elections official to maintain a copy of the ballot designation for each candidate that appears on the ballot in that county for a specified period of time. By increasing the duties of local elections officials, the bill would impose a state-mandated local program.

This bill would additionally require a candidate who submits a ballot designation on his or her nomination documents to also file a ballot designation worksheet that supports the use of these words and would require that the ballot designation worksheet be filed by the candidate with the elections official at the same time that the candidate files his or her declaration of candidacy.

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

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

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13107 of the Elections Code is amended
2 to read:

3 13107. (a) With the exception of candidates for Justice of the
4 State Supreme Court or Court of Appeal, immediately under the
5 name of each candidate, and not separated from the name by any
6 line, may appear at the option of the candidate only one of the
7 following designations:

8 (1) Words designating the elective city, county, district, state,
9 or federal office which the candidate holds at the time of filing the
10 nomination documents to which he or she was elected by vote of
11 the people, or to which he or she was appointed, in the case of a
12 superior court judge.

13 (2) The word “incumbent” if the candidate is a candidate for
14 the same office which he or she holds at the time of filing the
15 nomination papers, and was elected to that office by a vote of the
16 people, or, in the case of a superior court judge, was appointed to
17 that office.

18 (3) No more than three words designating either the current
19 principal professions, vocations, or occupations of the candidate,
20 or the principal professions, vocations, or occupations of the
21 candidate during the calendar year immediately preceding the
22 filing of nomination documents. For purposes of this section, all

1 California geographical names shall be considered to be one word.
2 Hyphenated words that appear in any generally available standard
3 reference dictionary, published in the United States at any time
4 within the 10 calendar years immediately preceding the election
5 for which the words are counted, shall be considered as one word.
6 Each part of all other hyphenated words shall be counted as a
7 separate word.

8 (4) The phrase “appointed incumbent” if the candidate holds
9 an office other than a judicial office by virtue of appointment, and
10 the candidate is a candidate for election to the same office, or, if
11 the candidate is a candidate for election to the same office or to
12 some other office, the word “appointed” and the title of the office.
13 In either instance, the candidate may not use the unmodified word
14 “incumbent” or any words designating the office unmodified by
15 the word “appointed.” However, the phrase “appointed incumbent”
16 shall not be required of a candidate who seeks reelection to an
17 office which he or she holds and to which he or she was appointed,
18 as a nominated candidate, in lieu of an election, pursuant to
19 Sections 5326 and 5328 of the Education Code or Section 7228,
20 7423, 7673, 10229, or 10515 of this code.

21 (b) Neither the Secretary of State nor any other elections official
22 shall accept a designation of which any of the following would be
23 true:

24 (1) It would mislead the voter.

25 (2) It would suggest an evaluation of a candidate, such as
26 outstanding, leading, expert, virtuous, or eminent.

27 (3) It abbreviates the word “retired” or places it following any
28 word or words which it modifies.

29 (4) It uses a word or prefix, such as “former” or “ex-,” which
30 means a prior status. The only exception is the use of the word
31 “retired.”

32 (5) It uses the name of any political party, whether or not it has
33 qualified for the ballot.

34 (6) It uses a word or words referring to a racial, religious, or
35 ethnic group.

36 (7) It refers to any activity prohibited by law.

37 (c) If, upon checking the nomination documents and the ballot
38 designation worksheet described in Section 13107.3, the elections
39 official finds the designation to be in violation of any of the
40 restrictions set forth in this section, the elections official shall

1 notify the candidate by registered or certified mail return receipt
2 requested, addressed to the mailing address provided on the
3 candidate's ballot designation worksheet.

4 (1) The candidate shall, within three days, excluding Saturday,
5 Sunday, and state holidays, from the date he or she receives notice
6 by registered or certified mail, or from the date the candidate
7 receives actual notice of the violation, whichever occurs first,
8 appear before the elections official or, in the case of the Secretary
9 of State, notify the Secretary of State by telephone, and provide a
10 designation that complies with subdivision (a).

11 (2) In the event the candidate fails to provide a designation that
12 complies with subdivision (a) within the three-day period specified
13 in paragraph (1), no designation shall appear after the candidate's
14 name.

15 (d) No designation given by a candidate shall be changed by
16 the candidate after the final date for filing nomination documents,
17 except as specifically requested by the elections official as specified
18 in subdivision (c) or as provided in subdivision (e). The elections
19 official shall maintain a copy of the ballot designation *worksheet*
20 for each candidate that appears on the ballot in the county for the
21 same period of time as applied to nomination documents pursuant
22 to Section 17100.

23 (e) The designation shall remain the same for all purposes of
24 both primary and general elections, unless the candidate, at least
25 98 days prior to the general election, requests in writing a different
26 designation which the candidate is entitled to use at the time of
27 the request.

28 (f) In all cases, the words so used shall be printed in 8-point
29 roman uppercase and lowercase type except that, if the designation
30 selected is so long that it would conflict with the space
31 requirements of Sections 13207 and 13211, the elections official
32 shall use a type size for the designation for each candidate for that
33 office sufficiently smaller to meet these requirements.

34 (g) Whenever a foreign language translation of a candidate's
35 designation is required under the Voting Rights Act of 1965 (42
36 U.S.C. Sec. 1971), as amended, to appear on the ballot in addition
37 to the English language version, it shall be as short as possible, as
38 consistent as is practicable with this section, and shall employ
39 abbreviations and initials wherever possible in order to avoid undue
40 length.

1 SEC. 2. Section 13107.3 is added to the Elections Code, to
2 read:

3 13107.3. (a) Each candidate who submits a ballot designation
4 pursuant to subdivision (a) of Section 13107 shall file, in addition
5 to the nomination documents filed pursuant to Section 8020, a
6 ballot designation worksheet that supports the use of that ballot
7 designation by the candidate, in a format prescribed by the
8 Secretary of State.

9 (b) The ballot designation worksheet shall be filed with the
10 elections official at the same time that the candidate files his or
11 her declaration of candidacy.

12 (c) In the event that a candidate fails to file a ballot designation
13 worksheet in accordance with subdivision (a), no designation shall
14 appear under the candidate's name on the ballot.

15 SEC. 3. If the Commission on State Mandates determines that
16 this act contains costs mandated by the state, reimbursement to
17 local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.