

AMENDED IN ASSEMBLY MAY 28, 2008

AMENDED IN ASSEMBLY APRIL 29, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3069**

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Introduced by ~~Committee on Elections and Redistricting (Price (Chair), Leno, Levine, Mendoza, and Saldana)~~ Assembly Member Nunez

March 6, 2008

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An act to ~~amend Sections 13107.3 and 13307~~ add Chapter 1.5 (commencing with Section 21050) and Chapter 1.7 (commencing with Section 21070) to Division 21 of the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 3069, as amended, ~~Committee on Elections and Redistricting~~ Nunez. Elections: ~~ballots: candidate information redistricting.~~

(1) *The California Constitution requires the Legislature, in the year following the year in which the federal census is taken at the beginning of each decade, to adjust the boundary lines of the Senate, Assembly, congressional, and State Board of Equalization districts in accordance with specified standards.*

*This bill would, if Assembly Constitutional Amendment 1 is approved by the voters and that constitutional amendment repeals and adds Article XXI of the California Constitution to create a redistricting commission, set forth the procedure to select members of that redistricting commission, as specified. The bill would prohibit a person from serving on that redistricting commission under specified conditions, including*

*holding state or federal elected office for either the current or immediately preceding term of that office. The bill would require the redistricting commission to comply with the Bagley-Keene Open Meeting Act and the California Public Records Act, and would require the redistricting commission to implement a hearing process for public input, as specified.*

*The bill would require the Legislature to continue to adjust the boundary lines for congressional districts. The bill would require the redistricting commission to adjust the boundary lines for Senate, Assembly, and State Board of Equalization districts. The bill would further require the Legislature and the redistricting commission to hold joint public hearings regarding the redistricting maps.*

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

~~Under existing law, a candidate may have a ballot designation appear on the ballot immediately under his or her name, as prescribed. If the candidate chooses a ballot designation, he or she must submit to the county elections official a ballot designation worksheet with his or her declaration of candidacy.~~

~~This bill would make nonsubstantive changes to these provisions.~~

~~Existing law permits a candidate for local nonpartisan elective office to prepare a candidate's statement which the elections official is required to send to the voters, together with the sample ballot, a voter's pamphlet which contains the written statements of each candidate that is prepared pursuant to these provisions. The local agency may estimate the total cost of producing and processing the candidate's statement, and may require each candidate filing a statement to pay in advance to the local agency his or her pro rata share of that estimate. Existing law states that the elections official is not bound by that estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of an underpayment, the elections official may require the candidate to pay the balance of the cost incurred, and in the event of an overpayment, the elections official shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.~~

~~This bill would instead shift the authority to bill the candidate for additional actual expenses and the obligation to refund any overpayment to the candidate from the elections official to the local agency that produced the estimated cost.~~

The bill also would delete an obsolete provision relating to the filing of a candidate's statement by a candidate for judicial office.

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: ~~no~~<sup>yes</sup>. State-mandated local program: no.

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

1     SECTION 1. Chapter 1.5 (commencing with Section 21050)  
2     is added to Division 21 of the Elections Code, to read:

3  
4                    CHAPTER 1.5. REDISTRICTING COMMISSION  
5

6     21050. (a) This chapter applies to the redistricting commission  
7     created pursuant to Article XXI of the California Constitution to  
8     adjust the boundary lines of Senate, Assembly, and State Board of  
9     Equalization districts.

10    (b) This chapter may be amended or repealed by the procedures  
11    set forth in Section 5 of Article XXI of the California Constitution.

12    (c) For purposes of this chapter, "day" means a calendar day,  
13    except that if the final day of a period within which an act is to be  
14    performed is a Saturday, Sunday, or holiday, the period is extended  
15    to the next day that is not a Saturday, Sunday, or holiday.

16    21051. Pursuant to paragraph (1) of subdivision (a) of Section  
17    2 of Article XXI of the California Constitution, nine members of  
18    the redistricting commission shall be chosen as follows:

19    (a) (1) The Judicial Council shall, subject to subdivisions (b)  
20    to (f), inclusive, select a panel composed of 10 sitting or retired  
21    superior court judges or justices of the Courts of Appeal. That  
22    panel shall establish pools of nominees for the commission as  
23    described in subdivision (i).

24    (2) The Judicial Council shall select the panelists by March 1  
25    of each year ending in the number zero, and shall adopt rules and  
26    procedures for selecting 10 qualified panelists and for selecting  
27    alternate panelists in the event that one or more of the 10 panelists  
28    is unable or unwilling to carry out his or her duties.

29    (3) The Judicial Council shall establish and implement a process  
30    to gather and receive input from the public regarding potential  
31    panelists, in a manner designed to achieve widespread public  
32    participation.

1     (4) *Members of the Judicial Council who sit on the Supreme*  
2 *Court or who are Members of the Legislature shall not participate*  
3 *in any action taken by the Judicial Council pursuant to this section.*

4     (b) *Of the 10 panelists, five shall be sitting superior court judges*  
5 *or sitting justices of the Courts of Appeal and five shall be retired*  
6 *superior court judges or retired justices of the Courts of Appeal.*

7     (c) *Of the 10 panelists, five shall be registered with the state's*  
8 *largest qualified political party, based on party registration, and*  
9 *five shall be registered with the state's second largest qualified*  
10 *political party, based on party registration.*

11     (d) *Each panelist shall be a registered voter in this state who*  
12 *has been continuously registered with the same qualified political*  
13 *party for not less than three years immediately preceding his or*  
14 *her selection.*

15     (e) *An alternate panelist who replaces one of the 10 panelists*  
16 *shall comply with subdivisions (b) to (d), inclusive.*

17     (f) *In establishing pools of nominees for the commission, the*  
18 *panel shall comply with subdivision (e) of Section 2 of Article XXI*  
19 *of the California Constitution.*

20     (g) (1) *The panel shall establish and implement a process for*  
21 *candidates to apply to serve as a member of the commission. The*  
22 *panel shall provide for input from the public regarding the*  
23 *proposed application process, and shall publicly display the*  
24 *proposed application form and applications submitted by*  
25 *candidates, all in a manner designed to achieve widespread public*  
26 *participation. Public comment shall, at a minimum, be allowed*  
27 *during the following periods:*

28     (A) *The period of public display of the proposed application*  
29 *form.*

30     (B) *The period of public display of all submitted applications*  
31 *to serve as a member of the commission.*

32     (C) *The period of public comment on applicants for service on*  
33 *the commission.*

34     (2) *After the period of public display of the proposed application*  
35 *form and after allowing input from the public regarding the*  
36 *proposed application and application process, the panel shall*  
37 *finalize the application and the application process to be used by*  
38 *candidates for the commission.*

39     (h) *Seven or more affirmative votes of the 10 panelists are*  
40 *required to select an applicant for the pool of nominees.*

1 (i) By June 15 of each year ending in the number zero, the panel  
2 shall forward to the Governor the names of 45 qualified nominees  
3 who are not excluded from serving as a member of the commission  
4 pursuant to Section 21053 and who satisfy the requirements of  
5 subdivisions (b) to (e), inclusive, of Section 2 of Article XXI of the  
6 California Constitution. Each qualified nominee shall be willing  
7 to serve as a member of the commission. The names of the 45  
8 qualified nominees shall be forwarded to the Governor in the  
9 following manner:

10 (1) There shall be one pool of 15 nominees from the state's  
11 largest qualified political party, based on party registration.

12 (2) There shall be one pool of 15 nominees from the state's  
13 second largest qualified political party, based on party registration.

14 (3) There shall be one pool of 15 nominees who are not  
15 registered with either of the state's two largest qualified political  
16 parties, based on party registration.

17 (j) The Governor may strike up to two nominees from each pool  
18 described in paragraphs (1) to (3), inclusive, of subdivision (i).

19 (k) By July 15 of each year ending in the number zero, the  
20 Governor shall publicly select by lot nine members from the  
21 nominees whose names have not been stricken from each pool  
22 pursuant to subdivision (j), as follows:

23 (1) Three members shall be selected from the pool of nominees  
24 registered with the state's largest qualified political party.

25 (2) Three members shall be selected from the pool of nominees  
26 registered with the state's second largest qualified political party.

27 (3) Three members shall be selected from the pool of nominees  
28 who are not registered with either of the state's two largest  
29 qualified political parties.

30 21052. The eight members of the redistricting commission  
31 selected pursuant to paragraph (2) of subdivision (a) of Section 2  
32 of Article XXI of the California Constitution shall be selected as  
33 follows:

34 (a) The President pro Tempore of the Senate, the Minority Floor  
35 Leader of the Senate, the Speaker of the Assembly, and the Minority  
36 Floor Leader of the Assembly shall each select two members of  
37 the commission. Each legislative leader shall select a person of  
38 the same political party as that leader from either the pool of  
39 nominees remaining after the Governor's selections pursuant to  
40 subdivision (k) of Section 21051, or any other person who is not

1 excluded from serving as a member of the commission pursuant  
2 to Section 21053 and who satisfies the requirements of subdivisions  
3 (b) to (e), inclusive, of Section 2 of Article XXI of the California  
4 Constitution.

5 (b) Beginning August 1 of each year ending in the number zero,  
6 the Speaker of the Assembly shall make his or her first selection  
7 for the commission, followed in order by the Minority Floor Leader  
8 of the Assembly, the President pro Tempore of the Senate, and the  
9 Minority Floor Leader of the Senate. After the first round of  
10 selections is complete, the legislative leaders shall make a second  
11 selection in reverse order from which the first selections were  
12 made. Each legislative leader shall make a selection within three  
13 business days after the immediately preceding selection. If a  
14 legislative leader does not make a selection within three business  
15 days after the preceding selection, the next legislative leader in  
16 the order of selection shall make two selections.

17 21053. (a) A person is not eligible to serve as a member of  
18 the commission if either of the following apply:

19 (1) At the time the commission members are selected, he or she  
20 holds state or federal elected office or he or she held a state or  
21 federal elected office during the term of that office which  
22 immediately precedes the time the commission members are  
23 selected.

24 (2) At the time the commission members are selected, he or she  
25 was a candidate for state or federal elected office for the current  
26 term of that office or during the term of that office which  
27 immediately precedes the time the commission members are  
28 selected.

29 (b) A person is not eligible to serve on the commission if he or  
30 she is the immediate family member of a person described in  
31 subdivision (a). For purposes of this section, "immediate family  
32 member" means a parent, sibling, child, or spouse, or the legal  
33 equivalent thereof.

34 (c) A person is not eligible to serve on the commission if, within  
35 one year preceding his or her application or selection, any of the  
36 following apply:

37 (1) He or she is or was an officer of a qualified state political  
38 party.

39 (2) He or she is or was a registered lobbyist as defined in  
40 Section 82039 of the Government Code or pursuant to federal law.

1 (3) *He or she is or was an employee of, or consultant to, the*  
2 *State Board of Equalization, a statewide elected officer, a member*  
3 *of Congress, or any Member or committee of the Legislature, and*  
4 *his or her duties are not or were not exclusively secretarial,*  
5 *clerical, or manual.*

6 21054. (a) *By September 30 of each year ending in the number*  
7 *zero, the Governor shall convene the first meeting of the*  
8 *commission.*

9 (b) *At the first meeting of the commission, the members of the*  
10 *commission shall, by 12 or more affirmative votes, including at*  
11 *least six affirmative votes of members selected pursuant to*  
12 *paragraph (1) of subdivision (a) of Section 2 of Article XXI of the*  
13 *California Constitution, and six affirmative votes of members*  
14 *selected pursuant to paragraph (2) of that subdivision, select one*  
15 *member to serve as the chairperson and another member to serve*  
16 *as the vice chairperson. Both the chairperson and the vice*  
17 *chairperson shall be registered with either the state's largest or*  
18 *second largest qualified political party, based on party registration.*  
19 *The vice chairperson shall not be of the same qualified political*  
20 *party as the chairperson.*

21 21055. (a) *The commission shall comply with the Bagley-Keene*  
22 *Open Meeting Act (Article 9 (commencing with Section 11120) of*  
23 *Chapter 1 of Part 1 of Division 3 of Title 2 of the Government*  
24 *Code). Notwithstanding Section 11125 of the Government Code,*  
25 *the commission shall provide notice of its meetings at least 14 days*  
26 *in advance of the meeting.*

27 (b) *The records of the commission pertaining to redistricting,*  
28 *and all data considered by the commission for the purpose of*  
29 *redistricting, are subject to the California Public Records Act*  
30 *(Chapter 3.5 (commencing with Section 6250) of Division 7 of*  
31 *Title 1 of the Government Code), and are open to inspection by*  
32 *members of the public upon request as provided by that act.*

33 (c) (1) *Except as described in paragraph (2), any written or*  
34 *verbal communication with a commission member outside of a*  
35 *public hearing, other than by staff or by legal counsel, is prohibited*  
36 *as to any matter within the jurisdiction of the commission.*

37 (2) *Paragraph (1) does not apply to any written communication*  
38 *that satisfies the standards for documents which are subject to*  
39 *prompt public disclosure by the commission. The commission shall*

1 *develop standards for the prompt public disclosure of documents*  
2 *that comply with this subdivision.*

3 *(3) This subdivision does not prohibit any communication*  
4 *outside of a public hearing between commission members when*  
5 *the communication is permitted by the Bagley-Keene Open Meeting*  
6 *Act.*

7 *(d) Any rules and regulations adopted pursuant to this chapter*  
8 *or Article XXI of the California Constitution shall be exempt from*  
9 *the requirements of Chapter 3.5 (commencing with Section 11340)*  
10 *of Part 1 of Division 3 of Title 2 of the Government Code.*

11 21056. *(a) Pursuant to subdivision (b) of Section 1 of Article*  
12 *XXI of the California Constitution, the commission shall establish*  
13 *and implement a hearing process to receive input from the public,*  
14 *in a manner designed to achieve widespread public participation,*  
15 *including adopting procedures and rules for the submission of*  
16 *proposed redistricting maps and written comments, which facilitate*  
17 *the orderly receipt of materials, the taking of testimony at public*  
18 *hearings, and the prompt availability to the public of materials*  
19 *and testimony. The procedures and rules shall provide for full and*  
20 *fair public consideration and debate regarding drafts and proposed*  
21 *final redistricting maps and written public comments. Any*  
22 *individual or entity, including the Senate, Assembly, the State*  
23 *Board of Equalization, an elected official of those entities, and*  
24 *any other officeholder of a city, county, or city and county, may*  
25 *make recommendations to the commission and may offer a*  
26 *complete or partial proposed redistricting map, which shall be*  
27 *considered by the commission to the extent feasible.*

28 *(b) (1) The commission shall hold joint public hearings with*  
29 *the Legislature in various regions of the state. The public hearing*  
30 *process shall include, at a minimum, the following:*

31 *(A) Hearings to receive input from the public regarding*  
32 *communities of interest, as defined in paragraph (5) of subdivision*  
33 *(a) of Section 1 of Article XXI of the California Constitution, before*  
34 *the release of data by the United States Census Bureau for the*  
35 *most recent applicable decennial census.*

36 *(B) Hearings to receive input from the public after the release*  
37 *of data by the United States Census Bureau for the most recent*  
38 *applicable decennial census, and before the commission displays*  
39 *any preliminary maps.*

1 (C) Hearings subsequent to the drawing and display of  
2 preliminary maps.

3 (D) Hearings subsequent to the drawing and display of the  
4 proposed final maps.

5 (2) At the hearings described in subparagraphs (C) and (D) of  
6 paragraph (1), the commission shall display any map created for  
7 public comment in a manner designed to achieve widespread public  
8 dissemination. Public comment shall be taken for at least 30 days  
9 from the date of public display unless the commission determines  
10 that a comment period of that duration is not practicable.

11 21057. The Legislature shall take all steps necessary to assure  
12 that a complete and accurate computerized database is available  
13 for redistricting, and that procedures are in place to provide the  
14 public ready access to redistricting data and computer software  
15 for drawing maps. Upon the commission's formation and until its  
16 dissolution, the Legislature shall coordinate these efforts with the  
17 commission.

18 21058. Each map of the Senate, Assembly, or State Board of  
19 Equalization shall be approved by a separate vote of the  
20 commission. Upon the approval of each map of the Senate,  
21 Assembly, or State Board of Equalization, and no later than  
22 October 15 of the year ending in the number one, the commission  
23 shall certify the districts shown on all of the approved final maps  
24 to the Secretary of State as the final state redistricting plan.

25 21059. (a) (1) In each year ending in the number zero, the  
26 Governor shall include, in the Governor's Budget submitted to the  
27 Legislature pursuant to Section 12 of Article IV of the California  
28 Constitution, an amount of funding sufficient to meet the estimated  
29 expenses for the next two ensuing fiscal years of the subsequent  
30 redistricting process occurring pursuant to this chapter and Article  
31 XXI of the California Constitution. The necessary appropriation  
32 for this purpose shall be made in the annual Budget Act as an  
33 appropriation that is available for expenditure during the entire  
34 two-year redistricting period.

35 (2) For every fiscal year not subject to an appropriation made  
36 under paragraph (1), the Governor shall include, in the Governor's  
37 Budget submitted to the Legislature pursuant to Section 12 of  
38 Article IV of the California Constitution, an amount of funding  
39 sufficient to meet for that fiscal year any additional estimated  
40 expenses of the redistricting process occurring pursuant to this

1 chapter and Article XXI of the California Constitution. The  
2 necessary appropriation for this purpose shall be made in the  
3 annual Budget Act.

4 (b) The commission has standing in legal actions regarding  
5 whether funds or other resources provided for the operation of the  
6 commission are adequate.

7 (c) Members of the commission are eligible for reimbursement  
8 of reasonable expenses incurred in connection with the duties  
9 performed for the commission pursuant to law. For purposes of  
10 the reimbursement of expenses, the residence of a member of the  
11 commission is deemed to be his or her designated post of duty.

12 21060. (a) On or before July 1 in the next odd-numbered year  
13 following a year in which a state redistricting plan established by  
14 a court pursuant to subdivision (b) of Section 4 of Article XXI of  
15 the California Constitution was used for elections, or the final  
16 state redistricting plan or any map that is part of the plan was  
17 disapproved by referendum, a new commission shall be formed  
18 and the commission shall adopt a new state redistricting plan as  
19 described in subdivision (c) of Section 4 of Article XXI of the  
20 California Constitution.

21 (b) Except as provided in subdivision (c), the commission shall  
22 adopt a new state redistricting plan and certify that plan to the  
23 Secretary of State no later than October 15 of the year immediately  
24 preceding the next statewide primary election.

25 (c) The Legislature may adopt a court-ordered state redistricting  
26 plan pursuant to paragraph (2) of subdivision (c) of Section 4 of  
27 Article XXI of the California Constitution prior to the adoption of  
28 a new state redistricting plan pursuant to subdivision (b). That  
29 plan shall be adopted by a concurrent resolution of the Legislature  
30 no later than September 15 of the year immediately preceding the  
31 next statewide primary election, and, if adopted, the commission  
32 shall not be formed or shall be dissolved pursuant to paragraph  
33 (2) of subdivision (c) of Section 4 of Article XXI of the California  
34 Constitution.

35 SEC. 2. Chapter 1.7 (commencing with Section 21070) is added  
36 to Division 21 of the Elections Code, to read:

1     *CHAPTER 1.7. REDISTRICTING FOR CONGRESSIONAL DISTRICTS*

2  
3     21070. (a) *This chapter applies to the adjustment of boundary*  
4 *lines for congressional districts by the Legislature pursuant to*  
5 *Article XXI of the California Constitution.*

6     (b) *This chapter may be amended or repealed by the procedures*  
7 *set forth in Section 5 of Article XXI of the California Constitution.*

8     (c) *For purposes of this chapter, “day” means a calendar day,*  
9 *except that if the final day of a period within which an act is to be*  
10 *performed is a Saturday, Sunday, or holiday, the period is extended*  
11 *to the next day that is not a Saturday, Sunday, or holiday.*

12     21071. (a) *Pursuant to subdivision (b) of Section 1 of Article*  
13 *XXI of the California Constitution, the Legislature shall establish*  
14 *and implement a hearing process to receive input from the public,*  
15 *in a manner designed to achieve widespread public participation,*  
16 *including adopting procedures and rules for the submission of*  
17 *proposed congressional redistricting maps and written comments,*  
18 *which facilitate the orderly receipt of materials, the taking of*  
19 *testimony at public hearings, and the prompt availability to the*  
20 *public of materials and testimony. The procedures and rules shall*  
21 *provide for full and fair public consideration and debate regarding*  
22 *drafts and proposed final redistricting maps and written public*  
23 *comments. Any individual or entity, including the Senate, Assembly,*  
24 *Congress of the United States, an elected official of those entities,*  
25 *and any other officeholder of a city, county, or city and county,*  
26 *may make recommendations to the Legislature and may offer a*  
27 *complete or partial proposed congressional redistricting map,*  
28 *which shall be considered by the Legislature to the extent feasible.*

29     (b) (1) *The Legislature shall hold joint public hearings with*  
30 *the commission described in Chapter 1.5 (commencing with Section*  
31 *21050) in various regions of the state. The public hearing process*  
32 *shall include, at a minimum, the following:*

33     (A) *Hearings to receive input from the public regarding*  
34 *communities of interest, as defined in paragraph (5) of subdivision*  
35 *(a) of Section 1 of Article XXI of the California Constitution, before*  
36 *the release of data by the United States Census Bureau for the*  
37 *most recent applicable decennial census.*

38     (B) *Hearings to receive input from the public after the release*  
39 *of data by the United States Census Bureau for the most recent*

1 applicable decennial census, and before the Legislature displays  
2 any preliminary congressional maps.

3 (C) Hearings subsequent to the drawing and display of  
4 preliminary congressional maps.

5 (D) Hearings subsequent to the drawing and display of the  
6 proposed final congressional maps.

7 (2) At the hearings described in subparagraphs (C) and (D) of  
8 paragraph (1), the Legislature shall display any congressional  
9 map created for public comment in a manner designed to achieve  
10 widespread public dissemination. Public comment shall be taken  
11 for at least 30 days from the date of public display unless the  
12 Legislature determines that a comment period of that duration is  
13 not practicable.

14 21072. Upon enactment of a statute establishing the  
15 congressional districts, the Legislature shall certify the  
16 congressional districts shown on the final congressional map to  
17 the Secretary of State as the final congressional redistricting plan.

18 21073. The Legislature shall take all steps necessary to assure  
19 that a complete and accurate computerized database is available  
20 for redistricting, and that procedures are in place to provide the  
21 public ready access to redistricting data and computer software  
22 for drawing maps. Upon the formation of a commission described  
23 in Chapter 1.5 (commencing with Section 21050), and until the  
24 dissolution of that commission, the Legislature shall coordinate  
25 these efforts with that commission.

26 21074. (a) In each year ending in the number zero, the  
27 Governor shall include, in the Governor's Budget submitted to the  
28 Legislature pursuant to Section 12 of Article IV of the California  
29 Constitution, an amount of funding sufficient to meet the estimated  
30 expenses for the next two ensuing fiscal years of the subsequent  
31 redistricting process occurring pursuant to this chapter and Article  
32 XXI of the California Constitution. The necessary appropriation  
33 for this purpose shall be made in the annual Budget Act as an  
34 appropriation that is available for expenditure during the entire  
35 two-year redistricting period.

36 (b) For every fiscal year not subject to an appropriation made  
37 under paragraph (1), the Governor shall include, in the Governor's  
38 Budget submitted to the Legislature pursuant to Section 12 of  
39 Article IV of the California Constitution, an amount of funding  
40 sufficient to meet for that fiscal year any additional estimated

1 *expenses of the redistricting process occurring pursuant to this*  
2 *chapter and Article XXI of the California Constitution. The*  
3 *necessary appropriation for this purpose shall be made in the*  
4 *annual Budget Act.*

5 *SEC. 3. This act shall become operative only if Assembly*  
6 *Constitutional Amendment 1 of the 2007–08 Regular Session is*  
7 *approved by the voters and that constitutional amendment repeals*  
8 *and adds Article XXI of the California Constitution.*

9 *SEC. 4. This act is an urgency statute necessary for the*  
10 *immediate preservation of the public peace, health, or safety within*  
11 *the meaning of Article IV of the Constitution and shall go into*  
12 *immediate effect. The facts constituting the necessity are:*

13 *To amend existing law prior to the next adjustment of the*  
14 *boundary lines of state Senate, state Assembly, congressional, and*  
15 *State Board of Equalization districts, it is necessary that this act*  
16 *take effect immediately.*

17 ~~SECTION 1. Section 13107.3 of the Elections Code is amended~~  
18 ~~to read:~~

19 ~~13107.3. (a) A candidate who submits a ballot designation~~  
20 ~~pursuant to subdivision (a) of Section 13107 shall file a ballot~~  
21 ~~designation worksheet that supports the use of that ballot~~  
22 ~~designation by the candidate, in a format prescribed by the~~  
23 ~~Secretary of State.~~

24 ~~(b) The ballot designation worksheet shall be filed with the~~  
25 ~~elections official at the same time that the candidate files his or~~  
26 ~~her declaration of candidacy.~~

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

30 ~~SEC. 2. Section 13307 of the Elections Code is amended to~~  
31 ~~read:~~

32 ~~13307. (a) (1) Each candidate for nonpartisan elective office~~  
33 ~~in any local agency, including any city, county, city and county,~~  
34 ~~or district, may prepare a candidate's statement on an appropriate~~  
35 ~~form provided by the elections official. The statement may include~~  
36 ~~the name, age, and occupation of the candidate and a brief~~  
37 ~~description, of no more than 200 words, of the candidate's~~  
38 ~~education and qualifications expressed by the candidate himself~~  
39 ~~or herself. However, the governing body of the local agency may~~  
40 ~~authorize an increase in the limitations on words for the statement~~

1 from 200 to 400 words. The statement shall not include the party  
2 affiliation of the candidate, nor membership or activity in partisan  
3 political organizations.

4 ~~(2) The statement authorized by this subdivision shall be filed~~  
5 ~~in the office of the elections official when the candidate's~~  
6 ~~nomination papers are returned for filing, if it is for a primary~~  
7 ~~election, or for an election for offices for which there is no primary.~~  
8 ~~The statement shall be filed in the office of the elections official~~  
9 ~~no later than the 88th day before the election, if it is for an election~~  
10 ~~for which nomination papers are not required to be filed. If a runoff~~  
11 ~~election or general election occurs within 88 days of the primary~~  
12 ~~or first election, the statement shall be filed with the elections~~  
13 ~~official by the third day following the governing body's declaration~~  
14 ~~of the results from the primary or first election.~~

15 ~~(3) Except as provided in Section 13309, the statement may be~~  
16 ~~withdrawn, but not changed, during the period for filing nomination~~  
17 ~~papers and until 5 p.m. of the next working day after the close of~~  
18 ~~the nomination period.~~

19 ~~(b) The elections official shall send to each voter, together with~~  
20 ~~the sample ballot, a voter's pamphlet which contains the written~~  
21 ~~statements of each candidate that is prepared pursuant to this~~  
22 ~~section. The statement of each candidate shall be printed in type~~  
23 ~~of uniform size and darkness, and with uniform spacing. The~~  
24 ~~elections official shall provide a Spanish translation to those~~  
25 ~~candidates who wish to have one, and shall select a person to~~  
26 ~~provide that translation from the list of approved Spanish language~~  
27 ~~translators and interpreters of the superior court of the county or~~  
28 ~~from an institution accredited by the Western Association of~~  
29 ~~Schools and Colleges.~~

30 ~~(c) The local agency may estimate the total cost of printing,~~  
31 ~~handling, translating, and mailing the candidate's statements filed~~  
32 ~~pursuant to this section, including costs incurred as a result of~~  
33 ~~complying with the federal Voting Rights Act of 1965, as amended.~~  
34 ~~The local agency may require each candidate filing a statement to~~  
35 ~~pay in advance to the local agency his or her estimated pro rata~~  
36 ~~share as a condition of having his or her statement included in the~~  
37 ~~voter's pamphlet. In the event the estimated payment is required,~~  
38 ~~the receipt for the payment shall include a written notice that the~~  
39 ~~estimate is just an approximation of the actual cost that varies from~~  
40 ~~one election to another election and may be significantly more or~~

1 less than the estimate, depending on the actual number of  
2 candidates filing statements. Accordingly, the local agency is not  
3 bound by the estimate and may, on a pro rata basis, bill the  
4 candidate for additional actual expense or refund any excess paid  
5 depending on the final actual cost. In the event of underpayment,  
6 the local agency may require the candidate to pay the balance of  
7 the cost incurred. In the event of overpayment, the local agency  
8 which or elections official who collected the estimated cost shall  
9 prorate the excess amount among the candidates and refund the  
10 excess amount paid within 30 days of the election.

11 (d) Nothing in this section shall be deemed to make any  
12 statement or the authors thereof free or exempt from any civil or  
13 criminal action or penalty because of any false, slanderous, or  
14 libelous statements offered for printing or contained in the voter's  
15 pamphlet.

16 (e) Before the nominating period opens, the local agency for  
17 that election shall determine whether a charge shall be levied  
18 against that candidate for the candidate's statement sent to each  
19 voter. This decision shall not be revoked or modified after the  
20 seventh day prior to the opening of the nominating period. A  
21 written statement of the regulations with respect to charges for  
22 handling, packaging, and mailing shall be provided to each  
23 candidate or his or her representative at the time he or she picks  
24 up the nomination papers.

25 (f) For purposes of this section and Section 13310, the board of  
26 supervisors shall be deemed the governing body of judicial  
27 elections.