

AMENDED IN ASSEMBLY AUGUST 30, 2007

AMENDED IN SENATE APRIL 23, 2007

AMENDED IN SENATE APRIL 10, 2007

**SENATE BILL**

**No. 812**

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**Introduced by Senator Correa  
(Coauthor: Senator Calderon)**

February 23, 2007

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*An act to amend Sections 2159.5 and 18108.5 of, and to add Section 18112 to, the Elections Code, relating to elections. An act to add Section 1186.5 to the Labor Code, relating to employment.*

LEGISLATIVE COUNSEL'S DIGEST

SB 812, as amended, Correa. ~~Voter registration: paid registration activities.~~ *Alternative workweek schedules: pharmacists.*

*Existing law generally requires premium overtime rates of pay for work in excess of 8 hours in a day and work in excess of 40 hours in a workweek with specified exceptions, including where the employer and employees have agreed to an alternative workweek pursuant to specified procedures. The Industrial Welfare Commission, pursuant to constitutionally authorized delegated powers from the Legislature, has established regulations, denominated wage orders, governing wages, hours, and working conditions in various industries. Pharmacists, depending on the nature of their work, may be regulated by Wage Order 7, relating to the mercantile industry, or Wage Order 4, relating to professional, technical, clerical, mechanical, and similar occupations, including employees in the health care industry. Although both wage orders permit the adoption of alternative workweek schedules by agreement for those employees performing work in those industries,*

*Wage Order 7 requires that any such agreement provide not less than 2 consecutive days off within a workweek, whereas, Wage Order 4 has no such restriction.*

*This bill would provide that pharmacists engaged in the practice of pharmacy who are employed in the mercantile industry, pursuant to Wage Order 7, be permitted to adopt alternative workweek schedules pursuant to Wage Order 4, as it is applicable to pharmacists employed in the health care industry.*

~~Existing law authorizes any person, company, or other organization that complies with specified conditions to agree to pay money or other valuable consideration, on a per-affidavit basis or otherwise, to any person who assists another person to register to vote by receiving the completed affidavit of registration.~~

~~This bill would prohibit any person, company, or other organization, except state political parties that reimburse their central committees and clubs on a per-affidavit basis, from agreeing to pay money or other valuable consideration on a per-affidavit basis to any person who assists another person to register to vote by receiving the completed affidavit of registration, would prohibit the receipt of this per-affidavit consideration, and would make conforming changes. A violation of these prohibitions would be an infraction, punishable by a fine not to exceed \$500.~~

~~Existing law requires an elections official to notify the payor of a person who assists others to register to vote if three or more affidavits submitted by the person assisting do not comply with specified provisions.~~

~~This bill would provide that this notification is required when three or more affidavits submitted by the person assisting each reflects a violation of one or more of those provisions.~~

~~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 no reimbursement is required by this act for a specified reason.~~

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

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

1     SECTION 1. Section 1186.5 is added to the Labor Code, to  
2 read:

3     1186.5. Notwithstanding any other provision of law,  
4 pharmacists engaged in the practice of pharmacy who are  
5 employed in the mercantile industry, as defined by Wage Order 7  
6 of the Industrial Welfare Commission, shall be permitted to adopt  
7 alternative workweek schedules pursuant to Wage Order 4, as it  
8 is applicable to pharmacists employed in the health care industry.

9     SECTION 1. Section 2159.5 of the Elections Code is amended  
10 to read:

11     2159.5. ~~Any person, company, or other organization that agrees~~  
12 ~~to pay money or other valuable consideration to any person who~~  
13 ~~assists another person to register to vote by receiving the completed~~  
14 ~~affidavit of registration, shall do all of the following:~~

15     ~~(a) Maintain a list of the names, addresses, and telephone~~  
16 ~~numbers of all individuals that the person, company, or other~~  
17 ~~organization has agreed to compensate for assisting others to~~  
18 ~~register to vote, and shall provide to each person receiving that~~  
19 ~~consideration a written statement of that person's personal~~  
20 ~~responsibilities and liabilities under Sections 2138, 2139, 2150,~~  
21 ~~2158, 2159, 18100, 18101, 18103, 18106, 18108, 18108.1, and~~  
22 ~~18108.5. Receipt of the written statement shall be acknowledged,~~  
23 ~~in writing, by the person receiving the consideration, and the~~  
24 ~~acknowledgment shall be kept by the person, company, or~~  
25 ~~organization that agrees to compensate that person. All records~~  
26 ~~required by this subdivision shall be maintained for a minimum~~  
27 ~~of three years, and shall be made available to the elections official,~~  
28 ~~the Secretary of State, or an appropriate prosecuting agency, upon~~  
29 ~~demand. As an alternate to maintaining the records required by~~  
30 ~~this subdivision, the records may be filed with the county elections~~  
31 ~~official, who shall retain those records for a minimum of three~~  
32 ~~years. The county elections official may charge a fee, not to exceed~~  
33 ~~actual costs, for storing records pursuant to this subdivision.~~

34     ~~(b) Not render any payment or promised consideration unless~~  
35 ~~the information specified in Section 2159 has been affixed~~  
36 ~~personally on the affidavit in the handwriting of the person with~~  
37 ~~whom the agreement for payment was made.~~

1 ~~(e) At the time of submission of affidavits to elections officials,~~  
2 ~~identify and separate those affidavits into groups that do and that~~  
3 ~~do not comply with the requirements of Sections 2150 and 2159.~~  
4 ~~A signed acknowledgment shall be attached to each group of~~  
5 ~~affidavits identifying a group as in compliance with Sections 2150~~  
6 ~~and 2159, and a group as not in compliance with either Section~~  
7 ~~2150 or 2159, or both.~~

8 ~~(d) Failure to comply with this section shall not cause the~~  
9 ~~invalidation of the registration of the voter.~~

10 ~~SEC. 2. Section 18108.5 of the Elections Code is amended to~~  
11 ~~read:~~

12 ~~18108.5. (a) Any person, company, or other organization that~~  
13 ~~agrees to pay money or other valuable consideration to any person~~  
14 ~~who assists another person to register to vote by receiving the~~  
15 ~~completed affidavit of registration who fails to comply with Section~~  
16 ~~2159.5, is guilty of a misdemeanor, and shall be punished by a~~  
17 ~~fine not exceeding one thousand dollars (\$1,000), or by~~  
18 ~~imprisonment in the county jail not exceeding six months or, when~~  
19 ~~the failure to comply is found to be willful, not exceeding one~~  
20 ~~year, or by both that fine and imprisonment.~~

21 ~~(b) Any person, company, or other organization that agrees to~~  
22 ~~pay money or other valuable consideration to any person who~~  
23 ~~assists another person to register to vote by receiving the completed~~  
24 ~~affidavit of registration, upon a third or subsequent conviction, on~~  
25 ~~charges brought and separately tried, for failure to comply with~~  
26 ~~Section 2159.5 shall be punished by a fine not exceeding ten~~  
27 ~~thousand dollars (\$10,000), or by imprisonment in the county jail~~  
28 ~~not to exceed one year, or by both that fine and imprisonment.~~

29 ~~(c) An elections official shall notify any person, company, or~~  
30 ~~other organization that agrees to pay money or other valuable~~  
31 ~~consideration to any person who assists another person to register~~  
32 ~~to vote by receiving the completed affidavit of registration, when~~  
33 ~~three or more affidavits of registration submitted by a person who~~  
34 ~~assisted others to register to vote each reflects a violation of one~~  
35 ~~or more of Sections 18100, 18101, 18103, and 18106. The elections~~  
36 ~~official may forward a copy of each of the none complying affidavits~~  
37 ~~of registration to the district attorney, who may make a~~  
38 ~~determination whether probable cause exists to believe that a~~  
39 ~~violation of law has occurred.~~

1 ~~(d) This section shall not apply to any public agency or its~~  
2 ~~employees that is designated as a voter registration agency pursuant~~  
3 ~~to the National Voter Registration Act of 1993 (42 U.S.C. Sec.~~  
4 ~~1973gg), when an elector asks for assistance to register to vote~~  
5 ~~during the course and scope of the agency's normal business.~~

6 ~~SEC. 3. Section 18112 is added to the Elections Code, to read:~~

7 ~~18112. (a) Any person who offers to pay or pays money or~~  
8 ~~other valuable consideration to another person, either directly or~~  
9 ~~indirectly, on a per-affidavit basis to assist another person to~~  
10 ~~register to vote by receiving the completed affidavit of registration~~  
11 ~~is guilty of an infraction, punishable by a fine not to exceed five~~  
12 ~~hundred dollars (\$500).~~

13 ~~(b) Any person who receives money or other valuable~~  
14 ~~consideration, either directly or indirectly, on a per-affidavit basis~~  
15 ~~to assist another person to register to vote by receiving the~~  
16 ~~completed affidavit of registration is guilty of an infraction,~~  
17 ~~punishable by a fine not to exceed five hundred dollars (\$500).~~

18 ~~(c) This section shall not apply to any state political party that~~  
19 ~~reimburses its central committees and clubs on a per-affidavit~~  
20 ~~basis.~~

21 ~~(d) Nothing in this section shall be construed to prohibit payment~~  
22 ~~for assisting another person to register to vote by receiving the~~  
23 ~~completed affidavit which is not, either directly or indirectly, on~~  
24 ~~a per-affidavit basis.~~

25 ~~SEC. 4. No reimbursement is required by this act pursuant to~~  
26 ~~Section 6 of Article XIII B of the California Constitution because~~  
27 ~~the only costs that may be incurred by a local agency or school~~  
28 ~~district will be incurred because this act creates a new crime or~~  
29 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
30 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
31 ~~the Government Code, or changes the definition of a crime within~~  
32 ~~the meaning of Section 6 of Article XIII B of the California~~  
33 ~~Constitution.~~