

AMENDED IN SENATE APRIL 1, 2008

SENATE BILL

No. 1686

Introduced by Senator Denham

February 22, 2008

An act to amend Section ~~18602~~ 18660 of the Elections Code relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1686, as amended, Denham. Improper signature-gathering tactics.

Under existing law, a person who makes a false affidavit concerning an initiative, referendum, or recall petition or the signatures appended thereto is punishable by fine, imprisonment, or both fine and imprisonment.

This bill would make it a crime for a person, company, organization, company official, or other organizational officer in charge of a person who circulates an initiative, referendum, or recall petition to knowingly direct or permit the person to make a false affidavit concerning an initiative, referendum, or recall petition or the signatures appended thereto. The bill would provide that this additional prohibition would not apply to a petition for a statewide initiative, referendum, or recall

Because the bill would create new crimes, it would impose a state-mandated local program.

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.

~~Under existing law, it is a misdemeanor for any person working for the proponent of a statewide initiative or referendum measure to cover or otherwise obscure the summary of the measure prepared by the Attorney General from the view of a prospective signer.~~

~~This bill would make a technical, nonsubstantive change to this provision.~~

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

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

1 SECTION 1. Section 18660 of the Elections Code is amended
 2 to read:
 3 18660. ~~Every~~(a) A person who makes a false affidavit
 4 concerning an initiative, referendum, or recall petition or the
 5 signatures appended thereto is punishable by a fine not exceeding
 6 five thousand dollars (\$5,000), or by imprisonment in the state
 7 prison for 16 months or two or three years or in a county jail not
 8 exceeding one year, or by both the fine and imprisonment, ~~who~~
 9 ~~makes any false affidavit concerning any initiative, referendum,~~
 10 ~~or recall petition or the signatures appended thereto.~~
 11 (b) A person, company, organization, company official, or other
 12 organizational officer in charge of a person who circulates an
 13 initiative, referendum, or recall petition who knowingly directs or
 14 permits the person to make a false affidavit concerning an
 15 initiative, referendum, or recall petition or the signatures appended
 16 thereto is punishable by a fine not exceeding five thousand dollars
 17 (\$5,000), or by imprisonment in the state prison for 16 months or
 18 two or three years or in a county jail not exceeding one year, or
 19 by both the fine and imprisonment. This subdivision shall not apply
 20 to a petition for a statewide initiative, referendum, or recall.
 21 SEC. 2. No reimbursement is required by this act pursuant to
 22 Section 6 of Article XIII B of the California Constitution because
 23 the only costs that may be incurred by a local agency or school
 24 district will be incurred because this act creates a new crime or
 25 infraction, eliminates a crime or infraction, or changes the penalty
 26 for a crime or infraction, within the meaning of Section 17556 of
 27 the Government Code, or changes the definition of a crime within
 28 the meaning of Section 6 of Article XIII B of the California
 29 Constitution.

1 SECTION 1. ~~Section 18602 of the Elections Code is amended~~
2 ~~to read:~~
3 ~~18602. A person working for the proponent or proponents of~~
4 ~~a statewide initiative or referendum measure who covers or~~
5 ~~otherwise obscures the summary of the measure prepared by the~~
6 ~~Attorney General from the view of a prospective signer is guilty~~
7 ~~of a misdemeanor.~~

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