

Senate Bill No. 1686

Passed the Senate May 8, 2008

Secretary of the Senate

Passed the Assembly August 7, 2008

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2008, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1686, 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.

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.

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

SECTION 1. Section 18660 of the Elections Code is amended to read:

18660. (a) A person who makes a false affidavit concerning an initiative, referendum, or recall petition or the signatures appended thereto is punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment.

(b) A person, company, organization, company official, or other organizational officer in charge of a person who circulates an

initiative, referendum, or recall petition who knowingly directs or permits the person to make a false affidavit concerning an initiative, referendum, or recall petition or the signatures appended thereto is punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in a county jail not exceeding one year, or by both the fine and imprisonment.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2008

Governor