

ASSEMBLY BILL

No. 441

Introduced by Assembly Member Hall

February 24, 2009

An act to amend Section 18370 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 441, as introduced, Hall. Elections: prohibited activities.

Existing law prohibits a person from engaging in specified activities within 100 feet of a polling place or an election official's office when a voter may be casting a ballot and makes a violation of these provisions a misdemeanor.

This bill would additionally prohibit a person in those circumstances from soliciting a donation, engaging in commercial activity, or distributing goods or items for consumption or use.

Because the bill would make additional conduct a crime, 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.

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 18370 of the Elections Code is amended
2 to read:

3 18370. No person, on election day, or at any time that a voter
4 may be casting a ballot, shall, within 100 feet of a polling place
5 or an elections official’s office:

6 (a) Circulate an initiative, referendum, recall, or nomination
7 petition or any other petition.

8 (b) Solicit a vote or speak to a voter on the subject of marking
9 his or her ballot.

10 (c) Place a sign relating to voters’ qualifications or speak to a
11 voter on the subject of his or her qualifications except as provided
12 in Section 14240.

13 (d) Do any electioneering.

14 (e) *Solicit a donation of any kind.*

15 (f) *Engage in commercial activity. “Commercial activity” means*
16 *any activity or action undertaken in whole or in part by a business*
17 *or an individual whose purpose, in whole or in part, directly or*
18 *indirectly, is to derive or realize a present or future financial gain*
19 *for the individual or business.*

20 As used in this section, “100 feet of a polling place or an
21 elections official’s office” means a distance 100 feet from the room
22 or rooms in which voters are signing the roster and casting ballots.

23 Any person who violates any of the provisions of this section is
24 guilty of a misdemeanor.

25 SEC. 2. 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.