

AMENDED IN SENATE MARCH 4, 2010

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

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. An act to repeal Section 19961.05 of, and to add Section 19961.06 to, the Business and Professions Code, relating to gaming.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 441, as amended, Hall. ~~Elections: prohibited activities. Local gaming.~~

Existing law permits a city, county, or city and county to permit controlled gambling, consistent with state law, if a majority of voters affirmatively approve an ordinance so permitting, as specified. Existing law provides that an amendment of an ordinance permitting an increase of 24.99% in the number of gambling tables that may be operated in a gambling establishment in a city, county, or city and county, or 2 tables, whichever is greater, compared to the ordinance in effect on January 1, 1996, may occur without voter approval. Any amendment to a city or county ordinance relating to gambling establishments or the Gambling Control Act is required to be submitted to the Division of Gambling Control for review and comment before the ordinance is adopted by the city or county.

This bill, instead, would provide that an amendment of an ordinance permitting an increase of 2 tables in the number of gambling tables that may be operated in a gambling establishment in a city, county, or

city and county, compared to the ordinance in effect on January 1, 2010, may occur without voter approval. The bill would permit a city, county, or city and county to exercise its authority to amend a local gaming ordinance without voter approval pursuant to this provision only one time.

~~Existing law prohibits a person from engaging in specified activities within 100 feet of a polling place or an elections 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 specified 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~~*no*.

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

- 1 SECTION 1. *Section 19961.05 of the Business and Professions*
- 2 *Code is repealed.*
- 3 ~~19961.05. Notwithstanding Sections 19961 and 19962, a city,~~
- 4 ~~county, or city and county may amend an ordinance to increase~~
- 5 ~~the number of gambling tables by two, or 24.99 percent, whichever~~
- 6 ~~is greater, compared to the ordinance that was in effect on January~~
- 7 ~~1, 1996.~~
- 8 SEC. 2. *Section 19961.06 is added to the Business and*
- 9 *Professions Code, to read:*
- 10 ~~19961.06. Notwithstanding Sections 19961 and 19962, a city,~~
- 11 ~~county, or city and county may amend an ordinance to increase~~
- 12 ~~by two the number of gambling tables that may be operated in a~~
- 13 ~~gambling establishment in the city, county, or city and county,~~
- 14 ~~compared to the ordinance that was in effect on January 1, 2010.~~
- 15 ~~A city, county, or city and county may exercise the authority~~
- 16 ~~provided by this section only one time, but this authority shall be~~

1 *in addition to any authorization under any other law for a city,*
2 *county, or city and county to increase the number of gambling*
3 *tables that may be operated in a gambling establishment in the*
4 *city, county, or city and county.*

5 SECTION 1. ~~Section 18370 of the Elections Code is amended~~
6 ~~to read:~~

7 ~~18370. No person, on election day, or at any time that a voter~~
8 ~~may be casting a ballot, shall, within 100 feet of a polling place~~
9 ~~or an elections official's office:~~

10 ~~(a) Circulate an initiative, referendum, recall, or nomination~~
11 ~~petition or any other petition.~~

12 ~~(b) Solicit a vote or speak to a voter on the subject of marking~~
13 ~~his or her ballot.~~

14 ~~(c) Place a sign relating to voters' qualifications or speak to a~~
15 ~~voter on the subject of his or her qualifications except as provided~~
16 ~~in Section 14240.~~

17 ~~(d) Do any electioneering.~~

18 ~~(e) Solicit a donation of any kind.~~

19 ~~(f) Engage in commercial activity. "Commercial activity" means~~
20 ~~any activity or action undertaken only on election day in whole or~~
21 ~~in part by a business or an individual whose purpose, in whole or~~
22 ~~in part, directly or indirectly, is to derive or realize a present or~~
23 ~~future financial gain for the individual or business.~~

24 ~~As used in this section, "100 feet of a polling place or an~~
25 ~~elections official's office" means a distance 100 feet from the room~~
26 ~~or rooms in which voters are signing the roster and casting ballots.~~

27 ~~Any person who violates any of the provisions of this section is~~
28 ~~guilty of a misdemeanor.~~

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