

Assembly Bill No. 1337

CHAPTER 146

An act to amend Section 18370 of, and to add Section 319.5 to, the Elections Code, relating to elections.

[Approved by Governor August 5, 2009. Filed with
Secretary of State August 6, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1337, Evans. Elections: electioneering.

Existing law makes it a crime to conduct certain political activities within 100 feet of a polling place or an elections official's office while the polls are open on election day. Electioneering is one of the activities prohibited by these provisions.

This bill would define electioneering as displaying visible or disseminating audible information that advocates for or against any candidate or measure on the ballot in specified locations.

This bill would extend the prohibition on specified political activities to satellite voting locations.

Because this bill would change or expand the definition of 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.

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

SECTION 1. Section 319.5 is added to the Elections Code, to read:

319.5. "Electioneering" means the visible display or audible dissemination of information that advocates for or against any candidate or measure on the ballot within 100 feet of a polling place, an elections official's office, or a satellite location under Section 3018. Prohibited electioneering information includes, but is not limited to, any of the following:

- (a) A display of a candidate's name, likeness, or logo.
- (b) A display of a ballot measure's number, title, subject, or logo.
- (c) Buttons, hats, pencils, pens, shirts, signs, or stickers containing electioneering information.
- (d) Dissemination of audible electioneering information.

SEC. 2. Section 18370 of the Elections Code is amended to read:

18370. No person, on election day, or at any time that a voter may be casting a ballot, shall, within 100 feet of a polling place, a satellite location under Section 3018, or an elections official's office:

- (a) Circulate an initiative, referendum, recall, or nomination petition or any other petition.
- (b) Solicit a vote or speak to a voter on the subject of marking his or her ballot.
- (c) Place a sign relating to voters' qualifications or speak to a voter on the subject of his or her qualifications except as provided in Section 14240.
- (d) Do any electioneering as defined by Section 319.5.

As used in this section, "100 feet of a polling place, a satellite location under Section 3018, or an elections official's office" means a distance 100 feet from the room or rooms in which voters are signing the roster and casting ballots.

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

SEC. 3. 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.