

AMENDED IN ASSEMBLY MAY 4, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1399

Introduced by Assembly Member Anderson

February 27, 2009

~~An act to add Section 14218.3 to the Elections Code, relating to elections. An act to add Section 24059 to the Government Code, relating to local government.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1399, as amended, Anderson. ~~Elections: voting identification. Elected county officials.~~

Existing provisions of the California Constitution prohibit the Legislature from making any gift of public money or thing of value to any person, and this prohibition applies to local government. Existing law specifies the duties of various elected county officials.

This bill would prohibit any elected county official from hiring or employing any immediate family member, as defined, if that immediate family member would serve under direct supervision of the elected county official. The bill would also specifically prohibit an elected county official from making a gift of public funds or property to any person without consideration.

~~Existing law requires a person desiring to vote to announce his or her name and address to a precinct board member and to write them on the roster of voters.~~

~~This bill would require a voter, in addition, to present proof of his or her identity and residency to a member of the precinct board before~~

receiving a ballot. It would specify the documents that may be used for this purpose and would authorize any other form of identification that the Secretary of State determines to be appropriate. It would permit a voter who is unable to present proof of identity or residency to cast a provisional ballot.

~~Because the bill would require county elections official to develop procedures to implement this bill and to perform additional duties, 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions:~~

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

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

1 SECTION 1. Section 24059 is added to the Government Code,
2 to read:

3 24059. (a) An elected county official shall not hire or employ
4 any immediate family member if that immediate family member
5 would serve under direct supervision of the elected county official.

6 (b) An elected county official shall not make a gift of public
7 funds or property to any person, without consideration.

8 (c) For purposes of this section, "immediate family member"
9 means an elected county official's spouse, child, sibling, or parent.

10 SECTION 1. ~~Section 14218.3 is added to the Elections Code,~~
11 to read:

12 14218.3. ~~(a) A voter shall present proof of his or her identity~~
13 ~~and residency to a member of the precinct board before receiving~~
14 ~~a ballot.~~

15 ~~(1) Proof of identity may be established by presenting any of~~
16 ~~the following documents:~~

17 ~~(A) A California driver's license.~~

18 ~~(B) A California identification card.~~

19 ~~(C) A valid voter registration card.~~

- 1 ~~(D) A sample ballot pamphlet for the election with the voter's~~
- 2 ~~name and address printed thereon by the county elections official.~~
- 3 ~~(E) A military identification card.~~
- 4 ~~(F) A Certification of Citizenship issued by the Bureau of~~
- 5 ~~Citizenship and Immigration Services.~~
- 6 ~~(G) A copy of a birth certificate.~~
- 7 ~~(H) Any other form of identification that the Secretary of State~~
- 8 ~~determines to be appropriate.~~
- 9 ~~(2) Proof of residency may be established by presenting any of~~
- 10 ~~the following documents:~~
- 11 ~~(A) A California driver's license.~~
- 12 ~~(B) A California identification card.~~
- 13 ~~(C) A valid voter registration card.~~
- 14 ~~(D) A sample ballot pamphlet for the election with the voter's~~
- 15 ~~name and address printed thereon by the county elections official.~~
- 16 ~~(E) A current utility or telephone bill or stub showing the correct~~
- 17 ~~name and address.~~
- 18 ~~(F) Any other form of identification that the Secretary of State~~
- 19 ~~determines to be appropriate.~~
- 20 ~~(b) The county elections official shall develop procedures to~~
- 21 ~~implement this section in a manner that imposes the least~~
- 22 ~~burdensome requirements upon voters.~~
- 23 ~~(c) A voter who is unable to present proof of his or her identity~~
- 24 ~~or residency as required by this section shall be entitled to vote a~~
- 25 ~~provisional ballot, as provided in Section 14310.~~
- 26 ~~SEC. 2. (a) The Legislature finds that the procedure under~~
- 27 ~~current law requiring a voter to announce his or her name to a~~
- 28 ~~precinct board member before receiving a ballot and allowing a~~
- 29 ~~precinct board member to challenge a potential voter on specified~~
- 30 ~~grounds is insufficient to ensure against voting fraud because the~~
- 31 ~~potential for, and consequences of, abuse are too great.~~
- 32 ~~(b) The Legislature has investigated many other methods to~~
- 33 ~~eliminate voting fraud, and finds that each of the other methods is~~
- 34 ~~more drastic than the method proposed by this act. Because the~~
- 35 ~~current law is ineffective to ensure against voting fraud, the~~
- 36 ~~Legislature finds that the method proposed by this act is the least~~
- 37 ~~drastic means available.~~
- 38 ~~(c) The Legislature finds that Section 1 of this act is necessary~~
- 39 ~~to protect the integrity of the voting process, and by establishing~~
- 40 ~~additional procedures to reduce voting fraud, this act serves a~~

1 compelling state interest and its provisions are narrowly tailored
2 to achieving these objectives:

3 ~~SEC. 3. If the Commission on State Mandates determines that~~
4 ~~this act contains costs mandated by the state, reimbursement to~~
5 ~~local agencies and school districts for those costs shall be made~~
6 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
7 ~~4 of Title 2 of the Government Code.~~

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