

AMENDED IN ASSEMBLY MAY 6, 2010  
AMENDED IN ASSEMBLY APRIL 27, 2010  
AMENDED IN ASSEMBLY MARCH 24, 2010  
CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1676**

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**Introduced by Assembly Member Fuentes  
(Coauthors: Assembly Members Jeffries and Solorio)**

January 21, 2010

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An act to add Section 1065 to the Government Code, relating to elected officials.

LEGISLATIVE COUNSEL'S DIGEST

AB 1676, as amended, Fuentes. Elected officials: residency requirements.

The California Constitution requires that a person reside for one year within the legislative district for which he or she seeks election as a Member of the Legislature. Various statutory provisions impose residency requirements on other specified elected officials in California.

This bill would require that a person elected to the Legislature, or a *nonjudicial* public office ~~in~~ for a county, city, or school district, maintain his or her place of residence within the jurisdiction within which voters are qualified to vote for the office during his or her term of office. The bill would require a person who violates this provision to immediately forfeit his or her office and would disqualify the person from holding any state or local public office for a period of 3 years. The bill would provide that these provisions would apply ~~retroactively~~ to all persons holding a *nonjudicial*, public office ~~in~~ for a county, city, or school district on or after the effective date of the bill. As to persons holding

these offices serving terms of office that commence on or after November 2, 2010, the bill would also make a violation of the residency requirement punishable by either a civil penalty not to exceed \$1,000 or a fine not to exceed \$1,000, imprisonment in a county jail for no more than 6 months, or by both fine and imprisonment. The bill would provide that its provisions apply to Members of the Legislature only for terms of office that commence on or after December 3, 2012. The bill would authorize enforcement of its provisions by the Attorney General, the district attorney or the county counsel of a county for a violation involving a ~~jurisdiction~~ *nonjudicial public office whose territory is located wholly or partially within that county*, or by the city attorney of a city for a violation involving a ~~jurisdiction~~ *nonjudicial public office whose territory is located wholly or partially within that city*.

By creating a new crime, the bill 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 1065 is added to the Government Code,  
 2 to read:  
 3 1065. (a) Notwithstanding any other provision of law, a person  
 4 elected to the Legislature, or to a *nonjudicial public office* ~~in~~ *for*  
 5 a county, a city, or a school district, shall continue to maintain his  
 6 or her place of residence within the jurisdiction in which voters  
 7 are qualified to vote for the office during his or her term of office.  
 8 A person does not violate this subdivision if, after being elected  
 9 for a term of office, the boundaries of the jurisdiction in which  
 10 voters are qualified to vote for the office are changed during that  
 11 term of office so as to exclude his or her place of residence.  
 12 (b) A person who violates subdivision (a) shall immediately  
 13 forfeit his or her office and is disqualified from holding any state  
 14 or local public office for a period of three years.

1 (c) A violation of subdivision (a) is punishable by one of the  
2 following:

3 (1) A civil penalty not to exceed one thousand dollars (\$1,000).

4 (2) By imprisonment in a county jail not exceeding six months,  
5 or by a fine not exceeding one thousand dollars (\$1,000), or by  
6 both that fine and imprisonment.

7 (d) An action to enforce this section may be brought by the  
8 Attorney General, the district attorney or county counsel of a  
9 county for a violation involving a ~~jurisdiction~~ *nonjudicial public*  
10 *office whose territory is* located wholly or partially within that  
11 county, or the city attorney of a city for a violation involving a  
12 ~~jurisdiction~~ *nonjudicial public office whose territory is* located  
13 wholly or partially within that city.

14 (e) (1) As to Members of the Legislature, this section applies  
15 only to terms of office that commence on or after December 3,  
16 2012.

17 (2) Subdivisions (a) and (b) apply ~~retroactively~~ to all persons  
18 holding a *nonjudicial* public office ~~in~~ for a county, city, or school  
19 district on or after the effective date of the statute that added this  
20 section. Subdivision (c) applies only to persons holding these  
21 offices under terms of office that commence on or after November  
22 2, 2010. This paragraph does not apply to Members of the  
23 Legislature.

24 SEC. 2. The provisions of this section are severable. If any  
25 provision of this section or its application is held invalid, that  
26 invalidity shall not affect other provisions or applications that can  
27 be given effect without the invalid provision or application.

28 SEC. 3. No reimbursement is required by this act pursuant to  
29 Section 6 of Article XIII B of the California Constitution because  
30 the only costs that may be incurred by a local agency or school  
31 district will be incurred because this act creates a new crime or  
32 infraction, eliminates a crime or infraction, or changes the penalty  
33 for a crime or infraction, within the meaning of Section 17556 of  
34 the Government Code, or changes the definition of a crime within  
35 the meaning of Section 6 of Article XIII B of the California  
36 Constitution.

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