

AMENDED IN SENATE JUNE 24, 2010  
AMENDED IN ASSEMBLY JUNE 1, 2010  
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.

Existing law imposes residency requirements on specified elected officials in California. The California Constitution provides that each house of the Legislature is the sole judge of the qualifications of its Members.

This bill would require that a person elected to a nonjudicial public office for a county, city, or school district, maintain his or her ~~place of residence~~ *domicile, as defined*, 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~~ 4 years. The bill would provide that these provisions would apply to all persons holding a nonjudicial, public office 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~~ *domicile* 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 authorize enforcement of its provisions by the Attorney General, the district attorney or the county counsel of a county for a violation involving a 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 nonjudicial public office whose territory is located wholly or partially within that city.

The bill would also provide that Members of the Legislature should ~~live~~ *be domiciled* in the districts that they represent and that each house of the Legislature should review its rules relative to qualifications to hold office and amend those rules as appropriate.

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 a nonjudicial public office for a county, a city, or a
- 5 school district, shall continue to maintain his or her ~~place of~~
- 6 ~~residence~~ *domicile* within the jurisdiction in which voters are
- 7 qualified to vote for the office during his or her term of office. A
- 8 person does not violate this subdivision if, after being elected for
- 9 a term of office, the boundaries of the jurisdiction in which voters

1 are qualified to vote for the office are changed during that term of  
2 office so as to exclude his or her ~~place of residence~~ *domicile*.

3 (b) A person who violates subdivision (a) shall immediately  
4 forfeit his or her office and is disqualified from holding any state  
5 or local public office for a period of ~~three~~ *four* years.

6 (c) A violation of subdivision (a) is punishable by one of the  
7 following:

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

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

12 (d) An action to enforce this section may be brought by the  
13 Attorney General, the district attorney or county counsel of a  
14 county for a violation involving a nonjudicial public office whose  
15 territory is located wholly or partially within that county, or the  
16 city attorney of a city for a violation involving a nonjudicial public  
17 office whose territory is located wholly or partially within that  
18 city.

19 (e) Subdivisions (a) and (b) apply to all persons holding a  
20 nonjudicial public office for a county, city, or school district on  
21 or after the effective date of the statute that added this section.  
22 Subdivision (c) applies only to persons holding these offices under  
23 terms of office that commence on or after November 2, 2010.

24 (f) *For purposes of this section, "domicile" shall have the same*  
25 *meaning as defined in subsection (b) of Section 349 of the Election*  
26 *Code.*

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

31 SEC. 3. The Legislature hereby finds and declares that, in order  
32 to ensure that Members of the Legislature adequately and  
33 effectively represent their constituents, those elected to the  
34 Legislature should ~~reside~~ *be domiciled* in the districts that they are  
35 elected to represent. As each house of the Legislature judges its  
36 rules relative to the qualifications to hold office pursuant to Section  
37 5 of Article IV of the California Constitution, each house of the  
38 Legislature should review its rules relative to qualifications to hold  
39 office and should amend those rules as appropriate.

1 SEC. 4. No reimbursement is required by this act pursuant to  
2 Section 6 of Article XIII B of the California Constitution because  
3 the only costs that may be incurred by a local agency or school  
4 district will be incurred because this act creates a new crime or  
5 infraction, eliminates a crime or infraction, or changes the penalty  
6 for a crime or infraction, within the meaning of Section 17556 of  
7 the Government Code, or changes the definition of a crime within  
8 the meaning of Section 6 of Article XIII B of the California  
9 Constitution.

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