

**ASSEMBLY BILL**

**No. 2101**

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**Introduced by Assembly Member Fong**

February 18, 2010

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An act to add Sections 18112 and 18604 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2101, as introduced, Fong. Elections: prohibiting payments.

(1) Existing law makes certain activities relating to voter registration a criminal offense.

(2) This bill would authorize a court, upon finding a person guilty of engaging in prohibited voter registration activities, to issue an order prohibiting the person from receiving money or other consideration for assisting another person to register to vote.

(3) Existing law makes certain activities relating to the circulation of an initiative, referendum, or recall petition a criminal offense.

(4) This bill would authorize a court to issue an order prohibiting a person from receiving money or other consideration for gathering signatures on an initiative, referendum, or recall petition upon finding the person guilty of violating these provisions.

Because the bill would make it a crime to violate an order issued by the court, 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 18112 is added to the Elections Code, to  
2 read:

3 18112. (a) In addition to any other penalty imposed by this  
4 chapter, a court may, upon finding a person guilty of violating any  
5 provision of this chapter, issue an order prohibiting that person  
6 from receiving money or other valuable consideration for assisting  
7 another person to register to vote by receiving the completed  
8 affidavit of registration.

9 (b) A person who violates an order issued by the court pursuant  
10 to subdivision (a) is guilty of a misdemeanor.

11 SEC. 2. Section 18604 is added to the Elections Code, to read:

12 18604. (a) In addition to any other penalty imposed by this  
13 chapter, a court may issue an order prohibiting a person from  
14 receiving money or other valuable consideration for gathering  
15 signatures on an initiative, referendum, or recall petition upon  
16 finding the person guilty of violating any provision of this article,  
17 Article 2 (commencing with Section 18610), Article 3  
18 (commencing with Section 18620), Article 5 (commencing with  
19 Section 18640), Article 6 (commencing with Section 18650), or  
20 Article 7 (commencing with Section 18660).

21 (b) A person who violates the order issued by the court pursuant  
22 to subdivision (a) is guilty of a misdemeanor.

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

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