

AMENDED IN ASSEMBLY APRIL 15, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2101

Introduced by Assembly Member Fong

February 18, 2010

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2101, as amended, 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, *for a period of up to 5 years*, from receiving money or other consideration for assisting another person to register to vote. *The bill would also provide a process to seek reconsideration of the court's order and to impose civil penalties for a violation of the order.*

(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, *for a period of up to 5 years*, 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. *This bill would also provide a process to seek reconsideration of the court's order and to impose civil penalties for a violation of the order.*

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~~no.

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 *for a period of up to five years*, from receiving money or other
7 valuable consideration for assisting another person to register to
8 vote by receiving the completed 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 *(b) A person against whom an order is issued may, upon a
12 showing of good cause, petition the court for reconsideration of
13 the court's order.*

14 *(c) A person who violates an order issued by the court pursuant
15 to subdivision (a) may be subject to a civil penalty not to exceed
16 twenty-five thousand dollars (\$25,000).*

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

18 18604. (a) In addition to any other penalty imposed by this
19 chapter, a court may issue an order prohibiting a person, *for a
20 period of up to five years*, from receiving money or other valuable
21 consideration for gathering signatures on an initiative, referendum,
22 or recall petition upon finding the person guilty of violating any
23 provision of this article, Article 2 (commencing with Section
24 18610), Article 3 (commencing with Section 18620), Article 5
25 (commencing with Section 18640), Article 6 (commencing with
26 Section 18650), or Article 7 (commencing with Section 18660).

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

1 **(b)** *A person against whom an order is issued may, upon a*
2 *showing of good cause, petition the court for reconsideration of*
3 *the court's order.*

4 **(c)** *A person who violates an order issued by the court pursuant*
5 *to subdivision (a) may be subject to a civil penalty not to exceed*
6 *twenty-five thousand dollars (\$25,000).*

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