

AMENDED IN SENATE MAY 20, 2010

AMENDED IN ASSEMBLY APRIL 15, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**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 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, order, as a condition of probation, that the person be prohibited 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)~~

(2) 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, upon finding a person guilty of violating these provisions, to order, as a condition of probation, that the person be prohibited 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.

Vote: majority. Appropriation: no. Fiscal committee: *yes-no*. State-mandated local program: 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, Upon conviction of a violation of~~  
7 ~~any provision of this chapter, the court may order as a condition~~  
8 ~~of probation that the convicted person be prohibited from receiving~~  
9 money or other valuable consideration for assisting another person  
10 to register to vote by receiving the completed affidavit of  
11 registration.

12 (b) ~~A person against whom an order is issued may, upon a~~  
13 ~~showing of good cause, petition the court for reconsideration of~~  
14 ~~the court's order.~~

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

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

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

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).~~

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