

AMENDED IN SENATE MARCH 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 93

Introduced by ~~Committee on Budget (Blumenfield (Chair), Alejo, Allen, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson)~~
Assembly Member Lara

(Principal coauthor: Senator Calderon)

January 10, 2011

An act relating to ~~the Budget Act of 2011 elections~~, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 93, as amended, ~~Committee on Budget Lara. Budget Act of 2011. Elections: City of Bell.~~

Existing provisions of the California Constitution and statute authorize the recall of local officers. Existing law provides that the results of a recall election be declared in substantially the manner provided by law for a regular election for the office.

Existing law requires the local elections official to conduct a canvass of the vote after an election and, upon completion of the canvass, to certify the results to the local governing body. Under existing law, upon the completion of the canvass and before installing the new officers, the governing body is required to adopt a resolution reciting the fact of the election and other information, as specified, and to declare the results and install the newly elected officers. Depending upon whether the city election is consolidated, existing law prescribes different timelines for when the governing body is required to meet to make the above declaration and install the newly elected officers.

In lieu of any inconsistent provisions set forth above, with respect to the March 8, 2011, City of Bell General Municipal Election, Special Recall Election, and Special Election to Fill a Vacancy, this bill would authorize the City of Bell to comply, subject to approval by the Los Angeles County Board of Supervisors, with an alternative procedure for certification, declaration of election results, and installation of newly elected officers. Under this alternative procedure, upon completion of the canvass of the votes by the Los Angeles County Registrar-Recorder/County Clerk, the City of Bell City Clerk would be required to certify the election results to the Los Angeles County Board of Supervisors. Under the alternate procedure, the Los Angeles County Board of Supervisors would, within 7 days of receiving the certification, adopt the above-described resolution and declare the results of the elections. Within 48 hours of the above-described resolution being adopted and the declaration being made, under the alternate procedure, the City of Bell City Clerk would install the newly elected officers at the Bell Council Chambers of the Bell City Hall.

This bill would make legislative findings and declarations as to the necessity of a special statute for the City of Bell.

This bill would declare that it is to take effect immediately as an urgency statute.

This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2011.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) With respect to the March 8, 2011, City of
- 2 Bell General Municipal Election, Special Recall Election, and
- 3 Special Election to Fill a Vacancy, the City of Bell may comply,
- 4 subject to approval of the Los Angeles County Board of
- 5 Supervisors, with subdivision (b) in lieu of any inconsistent
- 6 provisions set forth in Sections 10262 and 10263 of the Elections
- 7 Code.
- 8 (b) (1) Upon completion of the canvass of the votes by the Los
- 9 Angeles County Registrar-Recorder/County Clerk, the City of Bell
- 10 City Clerk shall certify the results to the Los Angeles County Board
- 11 of Supervisors.

1 (2) Within seven days of the City of Bell City Clerk's
2 certification of the election results pursuant to paragraph (1), the
3 Los Angeles County Board of Supervisors shall adopt a resolution
4 reciting the fact of the elections and the other matters that are
5 enumerated in Section 10264 of the Elections Code and declare
6 the results of the elections.

7 (3) Within 48 hours of the resolution being adopted and the
8 declaration being made pursuant to paragraph (2), the City of Bell
9 City Clerk shall install the newly elected officers at the Bell Council
10 Chambers of the Bell City Hall.

11 SEC. 2. The Legislature finds and declares that a special law
12 is necessary and that a general law cannot be made applicable
13 within the meaning of Section 16 of Article IV of the California
14 Constitution because of the current unique circumstances in the
15 City of Bell that will affect the certification, declaration of results,
16 and installation of officers following the March 8, 2011, City of
17 Bell General Municipal Election, Special Recall Election, and
18 Special Election to Fill a Vacancy.

19 SEC. 3. This act is an urgency statute necessary for the
20 immediate preservation of the public peace, health, or safety within
21 the meaning of Article IV of the Constitution and shall go into
22 immediate effect. The facts constituting the necessity are:

23 In order to ensure the certification, declaration of results, and
24 installation of officers following the March 8, 2011, City of Bell
25 General Municipal Election, Special Recall Election, and Special
26 Election to Fill a Vacancy, it is necessary that this act take effect
27 immediately.

28 SECTION 1. ~~It is the intent of the Legislature to enact statutory~~
29 ~~changes relating to the Budget Act of 2011.~~