

AMENDED IN SENATE AUGUST 22, 2012

AMENDED IN SENATE JUNE 25, 2012

AMENDED IN SENATE JUNE 13, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1466**

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**Introduced by Committee on Budget (Blumenfield (Chair), Alejo, Bonilla, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson)**

January 10, 2012

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*An act to amend Section 17206 of the Business and Professions Code, to amend Section 1936 of the Civil Code, to amend Sections 8879.58, 8879.59, 11270, 11546, 13071, 17581, 17617, 19849, 19851, and 76104.7 of, to amend and repeal Section 5924 of, to amend, repeal, and add Section 51298 of, to add Sections 8169.7, 12531, and 13300.5 to, to add and repeal Section 15849.65 of, to repeal Section 50087 of, and to repeal and amend Section 15849.6 of, the Government Code, to amend Section 11873 of the Insurance Code, to amend Section 62.9 of the Labor Code, to amend Section 972.1 of the Military and Veterans Code, to amend Section 6611 of the Public Contract Code, and to amend Sections 8352.3, 8352.4, 8352.5, 8352.6, and 19533 of, and to repeal Article 2 (commencing with Section 19290) of Chapter 5 of Part 10.2 of Division 2 of, the Revenue and Taxation Code, and to amend Item 7300-001-0001 of Section 2.00 of the Budget Act of 2012, relating to state government, and making an appropriation therefor, to take effect immediately, bill related to the budget. An act to amend Section 69999.6 of the Education Code, and to amend Sections 3020, 4103, and 15372 of the Elections Code, relating to state government, and making an*

*appropriation therefor, to take effect immediately, bill related to the budget.*

## LEGISLATIVE COUNSEL'S DIGEST

AB 1466, as amended, Committee on Budget. ~~State government.~~  
*Budget Act of 2012: Governor's Scholarship Programs: vote by mail ballots and election result statements.*

*(1) Provisions of law that became inoperative on July 1, 2003, and that were repealed on January 1, 2004, established the Governor's Scholarship Programs under the administration of the Scholarshare Investment Board. Existing law expresses the intent of the Legislature to provide explicit authority to the board to continue to administer accounts for, and to make awards to, persons who qualified for awards under the provisions of the Governor's Scholarship Programs as those provisions existed on January 1, 2003, and to provide for the management and disbursement of funds previously set aside for the Governor's Scholarship Programs. Existing law provides that the amount remaining in the Golden State Scholarshare Trust following a specified transfer is available as a reserve for funding claims for awards.*

*Existing law additionally states the intent of the Legislature to provide a guarantee should additional funds be needed to cover awards authorized and made pursuant to the program. Existing law also requires the board to negotiate with the current manager of the program to execute an amended or new management and funding agreement, which would be required to include specified terms, including, but not limited to, terms that provide for the return to the General Fund of specified moneys appropriated to the Governor's Scholarship Programs.*

*Of those funds transferred to the General Fund, this bill would appropriate \$5,000,000 to the Chancellor of the California State University, without regard to fiscal years, to fund specified purposes relating to open education resources pursuant to legislation enacted in the 2011—12 Regular Session of the Legislature. The bill would prohibit all, or a portion, of that \$5,000,000 from being encumbered unless at least 100% of that amount encumbered is matched by private funds, and would require the amount of the \$5,000,000 that is not matched by private funds to revert to the Golden State Scholarshare Trust for purposes of the Governor's Scholarship Programs.*

*(2) Existing law makes the vote by mail ballot available to any registered voter. Existing law requires that those vote by mail ballots*

*be received by the elections officials from whom they were obtained or by the precinct boards before the polls close on election day in order to be counted.*

*Existing law authorizes certain local, special, or consolidated elections to be conducted wholly by mail, so long as specified conditions are satisfied. Existing law requires ballots cast in these vote by mail elections to be returned to the elections official from whom they were obtained no later than 8 p.m. on election day.*

*This bill would, notwithstanding the above provisions, provide that any vote by mail ballot is timely cast if it is received by the voter's elections official no later than 3 days after election day, and either the ballot is postmarked on or before election day or the voter has executed a declaration under penalty of perjury stating that the ballot was voted and mailed prior to 8 p.m. on election day.*

*Because the bill would expand the duties of local elections officials, it would impose a state-mandated local program.*

*(3) Existing law requires the elections official to prepare a certified statement of the results of the election and submit it to the governing body within 28 days of the election, except for specified elections.*

*This bill would instead require the elections official to submit the certified statement of the results of the election to the governing body within 31 days of the election.*

*(4) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

*(5) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.*

~~*(1) Existing law regulates consumer rental car agreements and authorizes rental car companies to collect a customer facility charge based on a fee required by an airport operated by specified entities. Existing law also directs those airports to complete independent audits to substantiate the need for the fee prior to the collection of these fees from rental companies. Existing law requires the Controller to review these independent audits and report its conclusions to the Legislature,*~~

as specified. Existing law also requires the Controller to be reimbursed for these reviews by the airport being audited.

~~This bill would remove the provisions requiring the Controller to review, and report to the Legislature regarding, the independent audits described above.~~

~~(2) Existing law requires every city, county, or city and county that has at least 5,000 residents or in which 5% of the population is of Filipino ancestry or ethnic origin and that conducts a survey as to the ancestry or ethnic origin of its employees, or that maintains any statistical tabulation of minority group employees, to categorize employees whose ancestry or ethnic origin is Filipino as Filipinos in the survey or tabulation.~~

~~This bill would repeal that requirement.~~

~~(3) Existing law requires the Department of General Services to offer for sale land that is declared excess or is declared surplus by the Legislature, and that is not needed by any state agency, to local agencies and private entities and individuals, subject to specified conditions.~~

~~This bill would authorize the Department of General Services to sell all or a portion of specified parcels of property located in the City of Sacramento that are leased by the department to the Capitol Area Development Authority, subject to specified criteria. The bill would require the proceeds of that sale to be deposited into the General Fund or the Deficit Recovery Fund, as specified.~~

~~(4) Existing law requires a \$3 state-only penalty to be levied in each county for every \$10, or part of \$10, of a fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, as specified.~~

~~This bill would increase the amount of the state-only penalty to \$4 for every \$10, or part of \$10, of those payments.~~

~~(5) Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters as Proposition 1B at the November 7, 2006, general election, authorizes the issuance of \$19.925 billion of general obligation bonds for specified purposes. Existing law specifies the responsibilities of the California Emergency Management Agency (Cal EMA) with respect to the allocation of bond funds appropriated from the Transit System Safety, Security, and Disaster Response Account.~~

~~This bill would require Cal EMA, in prioritizing the funding of projects, to additionally prioritize projects that demonstrate the ability and intent to expend a significant percentage of project funds within 6~~

months. During each fiscal year a transit agency or transit operator receives funds, the bill would authorize Cal EMA to monitor project expenditures.

~~(6) Existing law establishes the California Technology Agency within state government, and requires the office to carry out specified duties relating to creating and managing the technology policy of the state. Existing law requires the agency to be responsible for the approval and oversight of information technology projects.~~

~~This bill would require a state department to get written approval from the California Technology Agency to procure oversight services for information technology projects unless otherwise required by law.~~

~~(7) Existing law requires the Department of Finance to certify annually to the Controller the amount determined to be the fair share of administrative costs due and payable from each state agency and to certify to the Controller any amount redetermined to be the fair share of administrative costs due and payable from a state agency. Existing law requires the Controller to notify a state agency of that amount, and, unless the state agency requests that those payments be deferred, to transfer that amount from specified funds to the Central Service Cost Recovery Fund. Existing law defines “administrative costs” as the amounts expended by various specified state entities for supervision or administration of the state government or for services to the various state agencies.~~

~~This bill would modify the definition of administrative costs to include amounts expended by the Financial Information System for California.~~

~~(8) Existing law requires the Director of Finance, in coordinating the internal auditors of state agencies, to ensure that these auditors utilize the “Standards for the Professional Practices of Internal Auditing.”~~

~~This bill would also require the director to be responsible for coordinating state agency internal audits and identifying when agencies are required to comply with federally mandated audits.~~

~~(9) Existing law requires the Department of Finance, the Controller, the Treasurer, and the Department of General Services to collaboratively develop, implement, utilize, maintain, and operate the Financial Information System for California (FISCAL) as a single integrated financial management system, as specified. Existing law requires the fiscal Project Office in the Department of Finance to implement these provisions until the Office of the Financial Information System is established.~~

~~This bill would require the FISCal Project Office to report to the Legislature, by February 15 of each year, an update on the project, as specified. The provisions of the bill would remain in effect only until a postimplementation evaluation report has been approved by the California Technology Agency.~~

~~(10) Existing law sets forth the duties and powers of the Treasurer in the sale of state bonds. Moneys are continuously appropriated from the General Fund in an annual amount necessary to pay all obligations, including principal, interest, fees, costs, indemnities, and all other amounts incurred by the state pursuant to any credit enhancement or liquidity agreement entered into by the state, as specified, for bonds payable pursuant to an appropriation from the General Fund. Existing law, until June 30, 2013, prohibits the amount appropriated for these fees, costs, and other similar expenses from exceeding 3% of the original principal amount of the bonds.~~

~~This bill would repeal the inoperative date of those provisions, thereby extending the 3% interest rate indefinitely, thereby making an appropriation.~~

~~(11) Existing law, the State Building Construction Act of 1955, authorizes the State Public Works Board to acquire and construct public buildings for use by state agencies, when authorized by a separate act or appropriation enacted by the Legislature. Existing law authorizes the board to issue bonds, notes, or other obligations to finance the acquisition or construction of a public building, facility, or equipment as authorized by the Legislature, and any additional amount authorized by the board to pay the cost of financing.~~

~~This bill would revise and recast that provision to instead authorize the State Public Works Board to issue bonds, notes, or other obligations to finance the acquisition, design, or construction of a public building as authorized by the Legislature, and any additional amount authorized by the board to pay the cost of financing, including interest payable on any interim loan or interim financing for the public building.~~

~~(12) Existing law, until January 1, 2013, requires a mortgagee, trustee, beneficiary, or authorized agent to comply with certain procedures in dealing with a borrower who is in default prior to filing a notice of default and to explore options for the borrower to avoid foreclosure, as specified. Existing law provides that a violation of these provisions would result in specified civil penalties, including penalties for unfair business practices. Existing law provides that civil penalties collected for unfair business practice violations brought by the Attorney General~~

are deposited in the Unfair Competition Law Fund within the General Fund.

This bill would establish the National Mortgage Special Deposit Fund in the State Treasury as a continuously appropriated fund and would require certain direct payments made to the state under the National Mortgage Settlement to be deposited in the fund for allocation by the Director of Finance, as specified. This bill would further authorize the Director of Finance to allocate moneys from the fund to offset General Fund expenditures during the 2011–12, 2012–13, and 2013–14 fiscal years for purposes consistent with the National Mortgage Settlement. The bill would also require that civil penalties collected under the National Mortgage Settlement be deposited into the Unfair Competition Fund, and be continuously appropriated to the Department of Justice to offset the General Fund costs incurred by the department, thereby also making an appropriation.

(13) Existing law requires the Department of Veterans Affairs to disburse funds, appropriated to the department for the purpose of supporting county veterans service offices pursuant to the annual Budget Act, on a pro rata basis, to counties that comply with certain conditions. Existing law requires the Department of Veterans Affairs to determine annually the amount of new or increased monetary benefits paid to eligible veterans by the federal government attributable to the assistance of county veterans service offices and requires the department to prepare and transmit its determination for the preceding fiscal year to the Department of Finance and the Legislature, as specified.

This bill would require the Department of Veterans Affairs, by June 30, 2013, to develop a performance-based formula that will incentivize county veterans service offices to perform workload units, as defined; that help veterans access federal compensation and pension benefits and other benefits, in order to maximize the amount of federal money received by California veterans. This bill would require the department to conduct a review of the high-performing and low-performing county veterans service offices and based on this review, produce a best-practices manual for county veterans service offices by June 30, 2013.

(14) Existing law, known as the Capital Investment Incentive Program, authorizes, until January 1, 2017, a city, county, or city and county to pay capital investment incentive amounts to a requesting proponent of a “qualified manufacturing facility,” as defined. Existing law also requires the Business, Transportation and Housing Agency to

certify qualified manufacturing facilities for purposes of these provisions and to carry out various oversight duties, including, but not limited to, reporting specified information to the Legislature.

~~This bill would, until June 30, 2013, expand these provisions to include a “qualified research and development facility,” modify and provide additional definitions, and transfer the duties of the Business, Transportation and Housing Agency to the Governor’s Office of Business and Economic Development. This bill would, on July 1, 2013, restore these provisions to existing law.~~

~~(15) Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, including school districts, the state is required to provide a subvention of funds to reimburse the local government, with specified exceptions.~~

~~Existing law provides that no local agency or school district shall be required to implement or give effect to any statute or executive order, or portion thereof that imposes a mandate during any fiscal year and for the period immediately following that fiscal year for which the Budget Act has not been enacted for the subsequent fiscal year if specified conditions are met, including that the statute or executive order, or portion thereof, has been specifically identified by the Legislature in the Budget Act for the fiscal year as being one for which reimbursement is not provided for that fiscal year.~~

~~This bill would provide that all state-mandated local programs suspended in the Budget Act for the 2012-13 fiscal year will also be suspended in the 2013-14 and 2014-15 fiscal years.~~

~~(16) Existing law also requires that the total amount due to each city, county, city and county, and special district, for which the state has determined that reimbursement is required under the California Constitution, be appropriated for payment to these entities over a period of not more than 15 years, commencing with the Budget Act for the 2006-07 fiscal year and concluding with the Budget Act for the 2020-21 fiscal year.~~

~~This bill would prohibit appropriations for payment of reimbursement claims pursuant to these provisions for the 2012-13, 2013-14, and 2014-15 fiscal years.~~

~~(17) Existing law imposes an excise tax on motor vehicle fuel (gasoline). Existing law, as a result of the elimination of the sales tax on gasoline effective July 1, 2010, provides for a commensurate increase in the excise tax on gasoline. Article XIX of the California Constitution~~

~~requires gasoline excise tax revenues from motor vehicles traveling upon public streets and highways to be deposited in the Highway Users Tax Account, for allocation to city, county, and state transportation purposes. Existing law generally provides for statutory allocation of gasoline excise tax revenues attributable to other modes of transportation, including aviation, boats, agricultural vehicles, and off-highway vehicles, to particular accounts and funds for expenditure on purposes associated with those other modes. Expenditure of the gasoline excise tax revenues attributable to those other modes is not restricted by Article XIX of the California Constitution.~~

~~This bill, with respect to the increase in gasoline excise taxes as a result of the elimination of the sales tax on gasoline, would instead transfer the revenues attributable to aviation, boats, agricultural vehicles, and off-highway vehicles to the General Fund, commencing July 1, 2012. The bill, with respect to these revenues already transferred to the particular nonhighway accounts and funds in the 2010–11 and 2011–12 fiscal years, would also transfer those revenues to the General Fund.~~

~~(18) Existing law states that it is the policy of the state that the workweek of the state employee shall be 40 hours, and the workday of state employees 8 hours, except that workweeks and workdays of a different number of hours may be established in order to meet the varying needs of the different state agencies.~~

~~This bill would require a state employee, except as specified, for the period from July 1, 2012, to June 30, 2013, inclusive, either as required by an applicable memorandum of understanding or by the direction of the Department of Human Resources for excluded employees, to participate in the Personal Leave Program 2012 (PLP 2012 Program), under which each employee would receive a reduction in pay not greater than 5% in exchange for 8 hours of PLP 2012 Program leave credits per month.~~

~~(19) Existing law requires the department to adopt rules governing hours of work and overtime compensation and the keeping of related records, except that conflicting provisions of a memorandum of understanding are controlling, as specified.~~

~~The bill would require the department, notwithstanding any conflicting provisions of a memorandum of understanding, to adopt a plan for the period from July 1, 2012, to June 30, 2013, inclusive, by which all state employees, except as specified, who are not subject to the PLP 2012 Program, as described above, shall be furloughed for one workday per~~

~~calendar month, and to adopt rules for the implementation, administration, and enforcement of this furlough plan.~~

~~(20) Existing law provides that the State Compensation Insurance Fund shall not be subject to the provisions of the Government Code made applicable to state agencies generally or collectively, unless the provision specifically names the fund as an agency to which it applies. Existing law also provides that employee positions funded by the State Compensation Insurance Fund are exempt from any hiring freezes and staff cutbacks otherwise required by law.~~

~~This bill would provide that employees of the fund shall, without limitation, be subject to any and all reductions in state employee compensation imposed by the Legislature on other state employees for the period from July 1, 2012, to June 30, 2013, inclusive, regardless of the means adopted to effect those reductions. With the exception of those reductions, the bill would further provide that if any of these provisions, or a practice or procedure adopted pursuant to these provisions, conflicts with a memorandum of understanding, the memorandum of understanding shall be controlling, as specified.~~

~~(21) Existing law authorizes the Department of General Services to, relative to contracts for goods, services, information technology, and telecommunications, use a negotiation process if the department finds that certain conditions exist, as specified.~~

~~This bill would authorize, until January 1, 2018, the California Technology Agency to utilize that negotiation process for the purpose of procuring information technology and telecommunications goods and services on behalf of state departments and information technology projects. The bill would require an annual report to the Legislature, as specified.~~

~~Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an injured employee for injuries sustained in the course of his or her employment. Existing law requires that the Director of Industrial Relations levy and collect assessments from employers in an amount determined by the director to be sufficient to fund specified workers' compensation programs implemented in the state. In that connection, existing law requires the director to include in the total assessment amount the Department of Industrial Relations' costs for administering the assessment, including the collections process and the cost of reimbursing the Franchise Tax Board or another agency or department for its cost of collection activities.~~

~~Existing law requires the Department of Industrial Relations to enter into an agreement with the Franchise Tax Board that transfers responsibility from the Department of Industrial Relations to the Franchise Tax Board for the collection of delinquent fees, wages, penalties, and costs, and any interest, including the assessments from employers in an amount determined by the Director of Industrial Relations to be sufficient to fund specified workers' compensation programs implemented in the state and any penalties.~~

~~Existing law also authorizes the Department of Industrial Relations to enter into an agreement with the Employment Development Department that provides for the transfer of all or part of the responsibility from the Department of Industrial Relations, or any office or division within that department, to the Employment Development Department for the collection of assessments, as specified, arising out of the enforcement of any law within the jurisdiction of the Department of Industrial Relations or any office or division within that department, as provided.~~

~~This bill would repeal the requirement that the Department of Industrial Relations enter into an agreement with the Franchise Tax Board to transfer responsibility from the Department of Industrial Relations to the Franchise Tax Board for the collection of delinquent fees, wages, penalties, and costs, and any interest, including the assessments from employers in an amount determined by the Director of Industrial Relations to be sufficient to fund specified workers' compensation programs implemented in the state and any penalties. This bill would require the Director of Industrial Relations to include in that total assessment amount the cost of reimbursing the Employment Development Department or another agency or department for its cost of collection activities, as provided. This bill would make other conforming changes.~~

~~(22) This bill would appropriate \$1,000 from the General Fund to the Department of Finance for purposes of implementing this bill, thereby making an appropriation.~~

~~(23) The Budget Bill, enacted as the Budget Act of 2012, would make appropriations for the support of state government for the 2012–13 fiscal year.~~

~~This bill would amend the Budget Act of 2012 by revising an item of appropriation in the Budget Act of 2012.~~

~~(24) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.~~

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: ~~no~~-yes.

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

1     SECTION 1. Section 69999.6 of the Education Code is amended  
2 to read:

3     69999.6. (a) In enacting this article, it is the intent of the  
4 Legislature to accomplish all of the following:

5         (1) Provide explicit authority to the board to continue to  
6 administer accounts for, and make awards to, persons who qualified  
7 for awards under the provisions of the Governor’s Scholarship  
8 Programs as those provisions existed on January 1, 2003, prior to  
9 the repeal of former Article 20 (commencing with Section 69995).

10         (2) Provide for the management and disbursement of funds  
11 previously set aside for the scholarship programs authorized by  
12 former Article 20 (commencing with Section 69995).

13         (3) Provide a guarantee should additional funds be needed to  
14 cover awards authorized and made pursuant to former Article 20  
15 (commencing with Section 69995).

16         (b) The board may manage and disburse the funds previously  
17 set aside for the scholarship programs authorized by former Article  
18 20 (commencing with Section 69995).

19         (c) If a person has earned an award under the Governor’s  
20 Scholarship Programs on or before January 1, 2003, but has not  
21 claimed the award on or before June 30, 2004, he or she still may  
22 claim the award by a date that is five years from the first June 30  
23 that fell after he or she took the qualifying test. An award shall not  
24 be made by the board after that date.

25         (d) The board shall negotiate with the current manager of the  
26 Governor’s Scholarship Programs and execute an amended or new  
27 management and funding agreement, before January 1, 2013, which  
28 shall include, but not be limited to, all of the following:

29             (1) Terms providing for the return to the General Fund by no  
30 later than January 1, 2013, of moneys appropriated to the  
31 Governor’s Scholarship Programs that are not anticipated to be  
32 needed to make awards pursuant to paragraphs (1) and (2) of  
33 subdivision (a).

34             (2) Provisions that authorize the board to pay agreed-upon early  
35 withdrawal penalties or fees.

1 (3) Terms that extend *to* the final date upon which the board  
2 may withdraw funds for a person who earned an award under the  
3 Governor’s Scholarship Programs.

4 (e) (1) If funds retained in the Golden State Scholarshare Trust  
5 after January 1, 2013, are insufficient to cover the remaining  
6 withdrawal requests, it is the intent of the Legislature to appropriate  
7 the necessary funds to the Golden State Scholarshare Trust for the  
8 purpose of funding individual beneficiary accounts.

9 (2) The board shall notify the Department of Finance and the  
10 Legislature no later than 10 working days after determining that  
11 a shortfall in available funding described in paragraph (1) will  
12 occur.

13 *(f) (1) Of the funds transferred to the General Fund pursuant*  
14 *to paragraph (1) of subdivision (d), five million dollars*  
15 *(\$5,000,000) is hereby appropriated to the Chancellor of the*  
16 *California State University, without regard to fiscal years, to fund*  
17 *the establishment and administration of the California Open*  
18 *Education Resources Council and the California Digital Open*  
19 *Source Library, and the development or acquisition of open*  
20 *education resources, or any combination thereof, pursuant to*  
21 *legislation enacted in the 2011–12 Regular Session of the*  
22 *Legislature, provided that the chancellor may provide*  
23 *reimbursement to the California Community Colleges and the*  
24 *University of California for costs those segments, or their*  
25 *representatives, incur in association with the activities described*  
26 *in this paragraph.*

27 (2) *Moneys, or a portion of moneys, appropriated pursuant to*  
28 *paragraph (1) shall not be encumbered unless at least 100 percent*  
29 *of that amount encumbered is matched by private funds. Moneys*  
30 *appropriated pursuant to paragraph (1) that are not matched by*  
31 *private funds shall revert to the Golden State Scholarshare Trust*  
32 *for purposes of the Governor’s Scholarship Programs.*

33 (f)

34 (g) The board may adopt rules and regulations for the  
35 implementation of this article.

36 *SEC. 2. Section 3020 of the Elections Code is amended to read:*

37 3020. (a) All vote by mail ballots cast under this division  
38 shall be received by the elections official from whom they were  
39 obtained or by the precinct board no later than the close of the  
40 polls on election day.

1     **(b)** Notwithstanding subdivision (a), any vote by mail ballot  
 2 cast under this division shall be timely cast if it is received by the  
 3 voter’s elections official no later than three days after election day  
 4 and either of the following is satisfied:

- 5     (1) The ballot is postmarked on or before election day.
- 6     (2) The voter has executed a declaration under penalty of  
 7 perjury stating that the ballot was voted and mailed prior to 8 p.m.  
 8 on election day.

9     **SEC. 3.** Section 4103 of the Elections Code is amended to read:  
 10 4103. (a) Notwithstanding Section 3020, ballots cast under  
 11 this chapter shall be returned to the elections official from whom  
 12 they were obtained no later than 8 p.m. on election day.

13     **(b)** Notwithstanding subdivision (a), any vote by mail ballot  
 14 cast under this chapter shall be timely cast if it is received by the  
 15 voter’s elections official no later than three days after election day  
 16 and either of the following is satisfied:

- 17     (1) The ballot is postmarked on or before election day.
- 18     (2) The voter has executed a declaration under penalty of  
 19 perjury stating that the ballot was voted and mailed prior to 8 p.m.  
 20 on election day.

21     **SEC. 4.** Section 15372 of the Elections Code is amended to  
 22 read:

23 15372. The elections official shall prepare a certified statement  
 24 of the results of the election and submit it to the governing body  
 25 within ~~28~~ 31 days of the election or, in the case of school district,  
 26 community college district, county board of education, or special  
 27 district elections conducted on the first Tuesday after the first  
 28 Monday in November of odd-numbered years, no later than the  
 29 last Monday before the last Friday of that month.

30     **SEC. 5.** Counties may continue to use official election materials  
 31 that do not take into account the provisions of Sections 2 and 3 of  
 32 this act, until the supply of those official election materials is  
 33 exhausted.

34     **SEC. 6.** If the Commission on State Mandates determines that  
 35 this act contains costs mandated by the state, reimbursement to  
 36 local agencies and school districts for those costs shall be made  
 37 pursuant to Part 7 (commencing with Section 17500) of Division  
 38 4 of Title 2 of the Government Code.

39     **SEC. 7.** This act is a bill providing for appropriations related  
 40 to the Budget Bill within the meaning of subdivision (e) of Section

1 *12 of Article IV of the California Constitution, has been identified*  
2 *as related to the budget in the Budget Bill, and shall take effect*  
3 *immediately.*

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**All matter omitted in this version of the bill  
appears in the bill as amended in the  
Senate, June 25, 2012. (JR11)**

O