

AMENDED IN ASSEMBLY APRIL 10, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1851

Introduced by Assembly Member Allen

February 22, 2012

An act to add Section 9103.5 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1851, as amended, Allen. County initiative petitions.

Existing law permits a proposed ordinance to be submitted to a county board of supervisors by filing an initiative petition with the county elections official, signed by not less than a specified number of voters. Under existing law, before a proponent of an initiative measure may circulate an initiative petition for signatures, he or she is required to file with the county elections official a notice of intention to do so, as specified, the written text of the initiative, and a request that a ballot title and summary be prepared.

~~During the period~~ *From the time an initiative petition is circulated for signatures filed until the day after the county elections official determines that the initiative petition does not contain the minimum number of signatures required, the day after the election at which the initiative measure is put before the voters, or the day after the proposed ordinance is adopted by the board of supervisors, as applicable,* this bill would require a county elections official to retain at his or her office the above-described materials a proponent is required to file and to furnish a copy of those materials to any person upon request. The bill would permit a county elections official to charge a fee to a person obtaining copies of the above-described materials, as specified. By

increasing the duties of county elections officials, this 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 9103.5 is added to the Elections Code,
2 to read:

3 9103.5. ~~During the period of circulation of~~ *From the time an*
4 *initiative petition for signatures is filed pursuant to Section 9103*
5 *until the day after the county elections official determines that the*
6 *initiative petition does not contain the minimum number of*
7 *signatures required, the day after the election at which the initiative*
8 *measure is put before the voters, or the day after the proposed*
9 *ordinance is adopted by the board of supervisors after being*
10 *submitted to the board of supervisors pursuant to Section 9101,*
11 *as applicable, the county elections official shall do both of the*
12 *following:*

13 (a) Keep on file at his or her office the materials the proponents
14 of the initiative measure filed with the county elections official
15 pursuant to Section 9103.

16 (b) Furnish copies of the materials he or she is required to keep
17 on file pursuant to subdivision (a) to any person upon request. The
18 county elections official may charge a fee to a person obtaining
19 copies pursuant to this subdivision. The fee may not exceed the
20 actual cost incurred by the county elections official in providing
21 the copies.

22 SEC. 2. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 a local agency or school district has the authority to levy service
25 charges, fees, or assessments sufficient to pay for the program or

- 1 level of service mandated by this act, within the meaning of Section
- 2 17556 of the Government Code.

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