

AMENDED IN ASSEMBLY APRIL 24, 2012

AMENDED IN ASSEMBLY APRIL 10, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1851**

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**Introduced by Assembly Member Allen**

February 22, 2012

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An act to add ~~Section~~ *Sections 9103.5, 9202.5, and 9304.5* to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1851, as amended, Allen. County, *city, and district* initiative petitions.

Existing law permits a proposed ordinance to be submitted to a county board of supervisors, *a legislative body of a city, or a governing board of a district* by filing an initiative petition with the ~~county~~ *appropriate* 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 *specified materials* with the ~~county~~ elections official, *including* a notice of intention to do so, as specified, the written text of the initiative, and, *if required*, a request that a ballot title and summary be prepared.

From the time ~~an~~ *materials pertaining to a county, city, or district* initiative petition ~~is~~ *are* 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~~ *relevant governing body*, as applicable, this bill would require ~~a county an~~

elections official to retain at his or her office the ~~above-described~~ materials ~~a proponent is required to file~~ *filed by the proponents of the measure* and to furnish a copy of those materials to any person upon request. The bill would permit ~~a county~~ an elections official to charge a fee to a person obtaining copies of ~~the above-described~~ *these* 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. From the time *materials pertaining to* an initiative  
4 petition ~~is are~~ filed pursuant to Section 9103 until the day after  
5 the county elections official determines that the initiative petition  
6 does not contain the minimum number of signatures required, the  
7 day after the election at which the initiative measure is put before  
8 the voters, or the day after the proposed ordinance is adopted by  
9 the board of supervisors after being submitted to the board of  
10 supervisors pursuant to Section 9101, as applicable, the county  
11 elections official shall do both of the following:

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

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

21 SEC. 2. Section 9202.5 is added to the Elections Code, to read:

22 9202.5. From the time *materials pertaining to* an initiative  
23 petition *are* filed pursuant to Section 9202 until the day after the

1 *elections official determines that the initiative petition does not*  
2 *contain the minimum number of signatures required, the day after*  
3 *the election at which the initiative measure is put before the voters,*  
4 *or the day after the proposed ordinance is adopted by the*  
5 *legislative body of the city after being submitted to the legislative*  
6 *body of the city pursuant to Section 9201, as applicable, the*  
7 *elections official shall do both of the following:*

8 (a) *Keep on file at his or her office the materials the proponents*  
9 *of the initiative measure filed with the elections official pursuant*  
10 *to Section 9202.*

11 (b) *Furnish copies of the materials he or she is required to keep*  
12 *on file pursuant to subdivision (a) to any person upon request. The*  
13 *elections official may charge a fee to a person obtaining copies*  
14 *pursuant to this subdivision. The fee may not exceed the actual*  
15 *cost incurred by the elections official in providing the copies.*

16 *SEC. 3. Section 9304.5 is added to the Elections Code, to read:*

17 *9304.5. From the time materials pertaining to an initiative*  
18 *petition are filed pursuant to Section 9304 until the day after the*  
19 *district elections official determines that the initiative petition does*  
20 *not contain the minimum number of signatures required, the day*  
21 *after the election at which the initiative measure is put before the*  
22 *voters, or the day after the proposed ordinance is adopted by the*  
23 *governing board of the district after being submitted to the*  
24 *governing board of the district pursuant to Section 9301, as*  
25 *applicable, the district elections official shall do both of the*  
26 *following:*

27 (a) *Keep on file at his or her office the materials the proponents*  
28 *of the initiative measure filed with the district elections official*  
29 *pursuant to Section 9304.*

30 (b) *Furnish copies of the materials he or she is required to keep*  
31 *on file pursuant to subdivision (a) to any person upon request. The*  
32 *district elections official may charge a fee to a person obtaining*  
33 *copies pursuant to this subdivision. The fee may not exceed the*  
34 *actual cost incurred by the district elections official in providing*  
35 *the copies.*

36 ~~SEC. 2.~~

37 *SEC. 4. No reimbursement is required by this act pursuant to*  
38 *Section 6 of Article XIII B of the California Constitution because*  
39 *a local agency or school district has the authority to levy service*  
40 *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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