

AMENDED IN SENATE AUGUST 6, 2012

AMENDED IN ASSEMBLY APRIL 24, 2012

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 *amend Sections 9304, 9305, and 9306 of, and to add 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 appropriate elections official, signed by not less than a specified number of voters. Under existing law, before a proponent of ~~an a county or city~~ initiative measure may circulate an initiative petition for signatures, he or she is required to file specified materials with the elections official, including a notice of intention to do so, ~~as specified, and~~ the written text of the initiative; ~~and, if required, a request that a ballot title and summary be prepared.~~ *Under existing law, before a proponent of a district initiative measure may circulate an initiative petition for signatures, he or she is required to publish or post a notice of intention to do so and a statement of the reasons for the initiative petition.*

From the time materials pertaining to a county, city, or district initiative petition are filed until the day after the 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 relevant governing body, as applicable, this bill would require an elections official to retain at his or her office ~~the~~ *specified* materials filed by the proponents of the measure and to furnish a copy of those materials to any person upon request. The bill would permit an elections official to charge a fee to a person obtaining copies of these materials, as specified. *The bill would also require a proponent of a district initiative measure to file specified materials, including the written text of the measure, with the district elections official prior to circulating the initiative petition for signatures.* By increasing the duties of 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 are filed pursuant to Section 9103 until the day after the
- 5 county elections official determines that the initiative petition does
- 6 not contain the minimum number of signatures required, the day
- 7 after the election at which the initiative measure is put before the
- 8 voters, or the day after the proposed ordinance is adopted by the
- 9 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~~ *notice of*
- 13 *intention, written text of the initiative, and request for a ballot title*

1 *and summary that* the proponents of the initiative measure filed
2 with the county elections official pursuant to Section 9103.

3 (b) Furnish copies of the materials he or she is required to keep
4 on file pursuant to subdivision (a) to any person upon request. The
5 county elections official may charge a fee to a person obtaining
6 copies pursuant to this subdivision. The fee may not exceed the
7 actual cost incurred by the county elections official in providing
8 the copies.

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

10 9202.5. From the time materials pertaining to an initiative
11 petition are filed pursuant to Section 9202 until the day after the
12 elections official determines that the initiative petition does not
13 contain the minimum number of signatures required, the day after
14 the election at which the initiative measure is put before the voters,
15 or the day after the proposed ordinance is adopted by the legislative
16 body of the city after being submitted to the legislative body of
17 the city pursuant to Section 9201, as applicable, the elections
18 official shall do both of the following:

19 (a) Keep on file at his or her office ~~the materials~~ *notice of*
20 *intention, written text of the initiative, and written statement setting*
21 *forth the reasons for the proposed petition, if any, that the*
22 *proponents of the initiative measure filed with the elections official*
23 *pursuant to Section 9202.*

24 (b) Furnish copies of the materials he or she is required to keep
25 on file pursuant to subdivision (a) to any person upon request. The
26 elections official may charge a fee to a person obtaining copies
27 pursuant to this subdivision. The fee may not exceed the actual
28 cost incurred by the elections official in providing the copies.

29 SEC. 3. Section 9304 of the Elections Code is amended to read:

30 9304. Within 10 days after the date of publication or posting,
31 or both, of the notice of intention and statement *of the reasons for*
32 *the proposed petition*, the proponents shall file *with the district*
33 *elections official* a copy of the notice and statement as published
34 or posted, or both, together with *the written text of the initiative*
35 *and* an affidavit made by a representative of the newspaper in
36 which the notice was published or, if the notice was posted, by a
37 voter of the district certifying to the fact of publication or posting.
38 ~~The affidavit, together with a copy of the notice of intention and~~
39 ~~statement, shall be filed with the district elections official.~~

1 ~~SEC. 3.~~

2 SEC. 4. Section 9304.5 is added to the Elections Code, to read:

3 9304.5. From the time materials pertaining to an initiative
4 petition are filed pursuant to Section 9304 until the day after the
5 district elections official determines that the initiative petition does
6 not contain the minimum number of signatures required, the day
7 after the election at which the initiative measure is put before the
8 voters, or the day after the proposed ordinance is adopted by the
9 governing board of the district after being submitted to the
10 governing board of the district pursuant to Section 9301, as
11 applicable, the district elections official shall do both of the
12 following:

13 (a) Keep on file at his or her office the ~~materials~~ *notice of*
14 *intention, statement of the reasons for the proposed petition, written*
15 *text of the initiative, and affidavit of publication or posting that*
16 *the proponents of the initiative measure filed with the district*
17 *elections official pursuant to Section 9304.*

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

24 SEC. 5. Section 9305 of the Elections Code is amended to read:

25 9305. After ~~the publication or posting, or both, filing a copy~~
26 ~~of the notice of intention and, statement of the reasons for the~~
27 ~~proposed petition, written text of the initiative, and affidavit of~~
28 ~~publication or posting with the district elections official pursuant~~
29 ~~to Section 9304,~~ the petition may be circulated among the voters
30 of the district for signatures by any person who is a voter or who
31 is qualified to register to vote in the district. Each section of the
32 petition shall bear a copy of the notice of intention and statement.

33 SEC. 6. Section 9306 of the Elections Code is amended to read:

34 9306. Signatures upon petitions and sections thereof shall be
35 secured, and the petition, together with all sections thereof, shall
36 be filed within 180 days from the date of ~~publication or posting,~~
37 ~~or both, of the notice of intention and statement~~ *filing the materials*
38 *specified in Section 9304 with the district elections official.* If the
39 petitions are not filed within the time permitted by this section,
40 the petition and its sections shall be void for all purposes.

1 ~~SEC. 4.~~

2 *SEC. 7.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 a local agency or school district has the authority to levy service
5 charges, fees, or assessments sufficient to pay for the program or
6 level of service mandated by this act, within the meaning of Section
7 17556 of the Government Code.

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