

ASSEMBLY BILL

No. 1033

Introduced by Assembly Member Donnelly

February 22, 2013

An act to amend Section 18522 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1033, as introduced, Donnelly. Corruption of Voters.

Existing law makes it a crime, punishable by imprisonment as specified, for a person or a controlled committee, directly or through any other person or controlled committee, to pay, lend, or contribute, or offer or promise to pay, lend, or contribute, any money or other valuable consideration to or for any voter or for any other person to induce or reward the voter for specified acts, including refraining from voting at any election, voting or refraining from voting at an election for any particular person or measure, and remaining away from the polls at an election.

This bill, in addition, would make this prohibition applicable to a political party. The bill would provide that these provisions do not prohibit a person from offering or accepting transportation to or from a polling place or other location where a ballot may be cast.

By expanding the definition of an existing crime, the 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 18522 of the Elections Code is amended
2 to read:
3 18522. ~~Neither a~~ (a) A person ~~nor, a political party, or a~~
4 controlled committee shall *not* directly or through any other person
5 or controlled committee pay, lend, or contribute, or offer or promise
6 to pay, lend, or contribute, any money or other valuable
7 consideration to or for any voter or to or for any other person to:
8 (a) Induce any voter to:
9 (1) Refrain from voting at any election.
10 (2) Vote or refrain from voting at an election for any particular
11 person or measure.
12 (3) Remain away from the polls at an election.
13 (b) Reward any voter for having:
14 (1) Refrained from voting.
15 (2) Voted for any particular person or measure.
16 (3) Refrained from voting for any particular person or measure.
17 (4) Remained away from the polls at an election.
18 ~~Any person~~
19 (b) A *person* or candidate violating this section is punishable
20 by imprisonment pursuant to subdivision (h) of Section 1170 of
21 the Penal Code for 16 months or two or three years.
22 (c) *This section does not prohibit a person from offering or*
23 *accepting transportation to or from a polling place or other*
24 *location where a ballot may be cast.*
25 SEC. 2. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section 17556 of
31 the Government Code, or changes the definition of a crime within
32 the meaning of Section 6 of Article XIII B of the California
33 Constitution.

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