

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

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 amended, Donnelly. Corruption of ~~Voters~~ voters.

Existing law ~~makes it a crime, punishable by imprisonment as specified, for~~ prohibits a person or a controlled committee, directly or through any other person or controlled committee, ~~to pay, lend, or contribute, or offer or promise from paying, lending, or contributing, or offering or promising~~ 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, *and makes a violation of these prohibitions a crime punishable by imprisonment as specified.*

This bill, ~~in addition, would make this prohibition applicable to a political party~~ *would expand these prohibitions to also apply to inducing or rewarding a voter for the act of voting at an election.* The bill would ~~provide that these provisions do not prohibit~~ *make an exception to these prohibitions, as expanded, for 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. (a) A person, ~~a political party~~, or a controlled
4 committee shall not directly or through any other person or
5 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)~~

9 (1) Induce any voter to:

10 ~~(1)~~

11 (A) Refrain from voting at any election.

12 ~~(2)~~

13 (B) Vote or refrain from voting at an election for any particular
14 person or measure.

15 ~~(3)~~

16 (C) Remain away from the polls at an election.

17 (D) *Vote at an election.*

18 ~~(b)~~

19 (2) Reward any voter for having:

20 ~~(1)~~

21 (A) Refrained from voting.

22 ~~(2)~~

23 (B) Voted for any particular person or measure.

24 ~~(3)~~

25 (C) Refrained from voting for any particular person or measure.

26 ~~(4)~~

27 (D) Remained away from the polls at an election.

28 (E) *Voted at an election.*

1 (b) A person or candidate violating this section is punishable
2 by imprisonment pursuant to subdivision (h) of Section 1170 of
3 the Penal Code for 16 months or two or three years.

4 (c) This section does not prohibit a person from offering or
5 accepting transportation to or from a polling place or other location
6 where a ballot may be cast.

7 SEC. 2. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.