

AMENDED IN ASSEMBLY MARCH 25, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1948

Introduced by Assembly Member Mullin

February 19, 2014

An act to amend Section 13.5~~to~~ of the Elections Code, and to amend ~~Section~~ Sections 27000.6 and 27000.7 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1948, as amended, Mullin. Counties: officers: qualification for office.

Existing law prohibits a person from being considered a legally qualified candidate for the offices of county auditor, county district attorney, county sheriff, county superintendent of schools, judge of the superior court, county treasurer, county tax collector, or county treasurer-tax collector, unless the person has filed a declaration of candidacy, nomination paper, or statement of write-in candidacy, accompanied by documentation, as specified, sufficient to establish, in the determination of the official with whom the declaration or statement is filed, that the person meets each qualification established by specified provisions for service in that office. *Existing law applies these requirements to the office of county treasurer, county tax collector, and county treasurer-tax collector, and requires, where the board of supervisors has adopted a certain ordinance, that a person meet at least one of 5 specified criteria to be eligible for those offices.*

This bill would *for elections or appointments on or after January 1, 2015, extend these requirements provisions to the offices of consolidated director of finance—and, the director of finance, and any office*

consolidated with the office of treasurer or tax collector of any county. By imposing new duties on local election officials and expanding the crime of perjury, this bill would create a state-mandated local program. The bill would eliminate the condition, for the application of the requirement that at least one of 5 specified criteria be met, with respect to the offices of the county treasurer, county tax collector, and county treasurer-tax collector, that the board of supervisors adopt certain ordinance.

~~Existing law requires that a person meet at least one of 5 specified criteria to be eligible for election or appointment to the office of county treasurer, county tax collector, or county treasurer-tax collector of any county elected or appointed on or after January 1, 1998.~~

~~This bill would extend these requirements to the offices of consolidated director of finance and director of finance of any county. The bill would revise one of the specified criteria, and would change the applicability date from January 1, 1998, to January 1, 2015.~~

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 13.5 of the Elections Code is amended
- 2 to read:
- 3 13.5. (a) (1) Notwithstanding subdivision (a) of Section 13,
- 4 no person shall be considered a legally qualified candidate for any
- 5 of the offices set forth in subdivision (b) unless that person has
- 6 filed a declaration of candidacy, nomination papers, or statement
- 7 of write-in candidacy, accompanied by documentation, including,
- 8 but not necessarily limited to, certificates, declarations under
- 9 penalty of perjury, diplomas, or official correspondence, sufficient
- 10 to establish, in the determination of the official with whom the

1 declaration or statement is filed, that the person meets each
2 qualification established for service in that office by the provision
3 referenced in subdivision (b).

4 (2) The provision of “documentation,” for purposes of
5 compliance with the requirements of paragraph (1), may include
6 the submission of either an original, as defined in Section 255 of
7 the Evidence Code, or a duplicate, as defined in Section 260 of
8 the Evidence Code.

9 (b) This section shall be applicable to the following offices and
10 qualifications therefor:

11 (1) For the office of county auditor, the qualifications set forth
12 in Sections 26945 and 26946 of the Government Code.

13 (2) For the office of county district attorney, the qualifications
14 set forth in Sections 24001 and 24002 of the Government Code.

15 (3) For the office of county sheriff, the qualifications set forth
16 in Section 24004.3 of the Government Code.

17 (4) For the office of county superintendent of schools, the
18 qualifications set forth in Sections 1205 to 1208, inclusive, of the
19 Education Code.

20 (5) For the office of judge of the superior court, the
21 qualifications set forth in Section 15 of Article VI of the California
22 Constitution.

23 (6) For the ~~office of county treasurer, county tax collector,~~
24 ~~county treasurer-tax collector, consolidated director of finance, or~~
25 ~~director of finance, or any office consolidated with the office of~~
26 ~~treasurer or tax collector~~ of any county, the qualifications set forth
27 in Section 27000.7 of the Government Code, ~~provided that the~~
28 ~~board of supervisors has adopted the provisions of that section~~
29 ~~pursuant to Section 27000.6 of the Government Code.~~

30 *SEC. 2. Section 27000.6 of the Government Code is amended*
31 *to read:*

32 27000.6. The provisions of Sections ~~27000.7, 27000.8, 27000.8~~
33 ~~and 27000.9~~ shall become effective only in those counties in which,
34 prior to the first date of the period for filing declarations of
35 candidacy for the office of county treasurer, county tax collector,
36 or county treasurer-tax collector, the board of supervisors by
37 majority vote at a regular meeting with all members present, enact
38 an ordinance adopting the provisions of those sections. That
39 ordinance may be repealed by the board of supervisors at any time.

1 ~~SEC. 2.~~

2 SEC. 3. Section 27000.7 of the Government Code is amended
3 to read:

4 27000.7. (a) No person shall be eligible for election or
5 appointment to the office of county treasurer, county tax collector,
6 county treasurer-tax collector, consolidated director of finance, ~~or~~
7 director of finance, *or any office consolidated with the office of*
8 *treasurer or tax collector* of any county unless that person ~~meets~~
9 ~~the requirements of Section 13.5 of the Elections Code and~~ meets
10 at least one of the following criteria:

11 (1) The person has served in a senior financial management
12 position in a county, city, or other public agency dealing with
13 similar financial responsibilities for a continuous period of not less
14 than three years, including, but not limited to, treasurer, tax
15 collector, auditor, auditor-controller, or the chief deputy or an
16 assistant in those offices.

17 (2) The person possesses a valid baccalaureate, masters, or
18 doctoral degree from an accredited college or university in any of
19 the following major fields of study: business administration, public
20 administration, economics, finance, accounting, or a related field,
21 with a minimum of 16 college semester units, or their equivalent,
22 in accounting, auditing, or finance.

23 (3) The person possesses a valid certificate issued by the
24 California Board of Accountancy pursuant to Chapter 1
25 (commencing with Section 5000) of Division 3 of the Business
26 and Professions Code, showing that person to be, and a permit
27 authorizing that person to practice as, a certified public accountant.

28 (4) The person possesses a valid charter issued by the Institute
29 of Chartered Financial Analysts showing the person to be
30 designated a Chartered Financial Analyst, with a minimum of 16
31 college semester units, or their equivalent, in accounting, auditing,
32 or finance.

33 (5) The person possesses a valid certificate issued by the
34 Association for Financial Professionals showing the person to be
35 designated a Certified Treasury Professional ~~Cash Manager~~, with
36 a minimum of 16 college semester units, or their equivalent, in
37 accounting, auditing, or finance.

38 (b) This section shall only apply to any person duly elected or
39 appointed as a county treasurer, county tax collector, county
40 treasurer-tax collector, consolidated director of finance, director

1 of finance, *or any office consolidated with the office of treasurer*
2 *or tax collector*, on or after January 1, 2015.

3 ~~SEC. 3.~~

4 *SEC. 4.* No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution for certain
6 costs that may be incurred by a local agency or school district
7 because, in that regard, this act creates a new crime or infraction,
8 eliminates a crime or infraction, or changes the penalty for a crime
9 or infraction, within the meaning of Section 17556 of the
10 Government Code, or changes the definition of a crime within the
11 meaning of Section 6 of Article XIII B of the California
12 Constitution.

13 However, if the Commission on State Mandates determines that
14 this act contains other costs mandated by the state, reimbursement
15 to local agencies and school districts for those costs shall be made
16 pursuant to Part 7 (commencing with Section 17500) of Division
17 4 of Title 2 of the Government Code.