

AMENDED IN ASSEMBLY AUGUST 21, 2014

**SENATE BILL**

**No. 1043**

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**Introduced by Senator Torres**

February 18, 2014

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An act to amend Sections 5100, *5151*, 18201, 18202, 18203, 18204, 18600, 18601, 18603, 18604, 18610, 18611, 18612, 18613, 18614, 18620, 18621, 18622, 18630, 18631, 18640, 18650, 18660, and 18661 of, and to add Section 338.5 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1043, as amended, Torres. Elections: ~~in-lieu-filing-fee~~ *in-lieu-filing-fee* and political party qualification petitions: penal provisions.

Existing law authorizes a party to qualify to participate in any primary election if specified requirements are met, including the filing with the Secretary of State a petition signed by voters declaring that the voters represent a proposed party desiring to participate in that primary election.

This bill would define the term “political party qualification petition” for these purposes to mean a petition circulated to qualify a political party in accordance with existing procedures.

Existing law provides that a person committing specified activities relating to the circulation, subscription, or signature of an initiative, referendum, or recall petition is guilty of a misdemeanor or felony or subject to a fine or imprisonment or both that fine and imprisonment.

This bill would additionally provide that a person committing these specified activities in relation to the circulation, subscription, or signature of a political party qualification petition would be subject to the above penal provisions.

Existing law authorizes a candidate to submit a petition containing signatures of registered voters in lieu of a filing fee, as specified. Existing law also provides that any person who commits specified fraudulent or deliberate activities relating to the filing of any nomination paper or declaration of candidacy is guilty of a misdemeanor or subject to a fine or imprisonment, or both that fine and imprisonment.

This bill would additionally provide that a person committing these specified activities in relation to the submission of an ~~in-lieu-filing-fee~~ *in-lieu-filing-fee* petition would be subject to the penal provisions specified above. By creating additional crimes, this bill would impose a state-mandated local program.

*This bill would incorporate additional changes to Sections 5100 and 5151 of the Elections Code, as proposed by AB 2351, to be operative only if AB 2351 and this bill are both chaptered and become effective on or before January 1, 2015, and this bill is chaptered last. The bill would incorporate additional changes to Section 18621 of the Elections Code, as proposed by SB 1253, to be operative only if SB 1253 and this bill are both chaptered and become effective on or before January 1, 2015, and this bill is chaptered last.*

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 338.5 is added to the Elections Code, to
- 2 read:
- 3 338.5. “Political party qualification petition” means a petition
- 4 circulated to qualify a political party in accordance with Division
- 5 5 (commencing with Section 5000).
- 6 SEC. 2. Section 5100 of the Elections Code is amended to read:
- 7 5100. A party is qualified to participate in any primary election
- 8 under any of the following conditions:
- 9 (a) If at the last preceding gubernatorial election there was polled
- 10 for any one of its candidates for any office voted on throughout
- 11 the state, at least 2 percent of the entire vote of the state.

1 (b) If on or before the 135th day before any primary election,  
2 it appears to the Secretary of State, as a result of examining and  
3 totaling the statement of voters and their political affiliations  
4 transmitted to him or her by the county elections officials, that  
5 voters equal in number to at least 1 percent of the entire vote of  
6 the state at the last preceding gubernatorial election have declared  
7 their intention to affiliate with that party.

8 (c) If on or before the 135th day before any primary election,  
9 there is filed with the Secretary of State a political party  
10 qualification petition signed by voters, equal in number to at least  
11 10 percent of the entire vote of the state at the last preceding  
12 gubernatorial election, declaring that the voters signing the petition  
13 ~~represent support qualification of~~ a proposed party, the name of  
14 which shall be stated in the petition, which proposed party those  
15 voters desire to have participate in that primary election. This  
16 petition shall be circulated, ~~signed, verified~~ *signed and verified*,  
17 and the signatures of the voters on it shall be certified to and  
18 transmitted to the Secretary of State by the county elections  
19 officials substantially as provided for initiative petitions. Each  
20 page of the petition shall bear a caption in 18-point boldface type,  
21 which caption shall be the name of the proposed party followed  
22 by the words "Petition to participate in the primary election."

23 *SEC. 2.5. Section 5100 of the Elections Code is amended to*  
24 *read:*

25 5100. A party is qualified to participate in ~~any~~ a primary  
26 election under any of the following conditions:

27 (a) ~~If at (1) At the last preceding gubernatorial election there~~  
28 ~~was polled for any one of its candidates for any primary election,~~  
29 *the sum of the votes cast for all of the candidates for an office*  
30 *voted on throughout the state, state who disclosed a preference*  
31 *for that party on the ballot was at least 2 percent of the entire vote*  
32 *of the state for that office.*

33 (2) *Notwithstanding paragraph (1), a party may inform the*  
34 *Secretary of State that it declines to have the votes cast for any*  
35 *candidate who has disclosed that party as his or her party*  
36 *preference on the ballot counted toward the 2 percent qualification*  
37 *threshold. If the party wishes to have votes for any candidate not*  
38 *counted in support of its qualification under paragraph (1), the*  
39 *party shall notify the Secretary in writing of that candidate's name*  
40 *by the 7th day prior to the gubernatorial primary election.*

1 (b) ~~If on~~ On or before the 135th day before ~~any~~ a primary  
 2 election, it appears to the Secretary of State, as a result of  
 3 examining and totaling the statement of voters and their *declared*  
 4 ~~political affiliations~~ *preference* transmitted to him or her by the  
 5 county elections officials, that voters equal in number to at least  
 6 ~~± 0.33 percent of the entire vote of the state at the last preceding~~  
 7 ~~gubernatorial~~ *total number of voters registered on the 154th day*  
 8 *before the primary* election have declared their ~~intention to affiliate~~  
 9 ~~with preference for~~ that party.

10 (c) ~~If on~~ On or before the 135th day before ~~any~~ a primary  
 11 election, there is filed with the Secretary of State a *political party*  
 12 *qualification* petition signed by voters, equal in number to at least  
 13 10 percent of the entire vote of the state at the last preceding  
 14 gubernatorial election, declaring that ~~they represent~~ *the voters*  
 15 *signing the petition support qualification of* a proposed party, the  
 16 name of which shall be stated in the petition, which proposed party  
 17 those voters desire to have participate in that primary election.  
 18 This petition shall be circulated, ~~signed, verified~~ *signed and*  
 19 *verified*, and the signatures of the voters on it shall be certified to  
 20 and transmitted to the Secretary of State by the county elections  
 21 officials substantially as provided for initiative petitions. Each  
 22 page of the petition shall bear a caption in 18-point boldface type,  
 23 which caption shall be the name of the proposed party followed  
 24 by the words "Petition to participate in the primary election."

25 *SEC. 3. Section 5151 of the Elections Code is amended to read:*  
 26 5151. A party is qualified to participate in a presidential general  
 27 election under any of the following conditions:

28 (a) If the party qualified to participate and participated in the  
 29 presidential primary election preceding the presidential general  
 30 election pursuant to Section 5100.

31 (b) If at the last preceding gubernatorial election there was polled  
 32 for any one of its candidates for any office voted on throughout  
 33 the state at least 2 percent of the entire vote of the state.

34 (c) If on or before the 102nd day before a presidential general  
 35 election, it appears to the Secretary of State, as a result of  
 36 examining and totaling the statement of voters and their political  
 37 affiliations transmitted to him or her by the county elections  
 38 officials, that voters equal in number to at least 1 percent of the  
 39 entire vote of the state at the last preceding gubernatorial election  
 40 have declared their intention to affiliate with that party.

1 (d) If on or before the 135th day before a presidential general  
2 election, there is filed with the Secretary of State a *political party*  
3 *qualification* petition signed by voters, equal in number to at least  
4 10 percent of the entire vote of the state at the last preceding  
5 gubernatorial election, declaring that ~~they represent~~ *the voters*  
6 *signing the petition support qualification of* a proposed party, the  
7 name of which shall be stated in the petition, which proposed party  
8 those voters desire to have participate in that presidential general  
9 election. This petition shall be circulated, signed, and verified and  
10 the signatures of the voters on it shall be certified to and transmitted  
11 to the Secretary of State by the county elections officials  
12 substantially as provided for initiative petitions. Each page of the  
13 petition shall bear a caption in 18-point boldface type, which  
14 caption shall be the name of the proposed party followed by the  
15 words "Petition to participate in the presidential general election."

16 SEC. 3.5. *Section 5151 of the Elections Code is amended to*  
17 *read:*

18 5151. A party is qualified to participate in a presidential general  
19 election under any of the following conditions:

20 (a) ~~If the~~ *The* party qualified to participate and participated in  
21 the presidential primary election preceding the presidential general  
22 election pursuant to Section 5100.

23 (b) ~~If at (1) At~~ the last preceding gubernatorial election there  
24 ~~was polled for any one of its candidates for any primary election,~~  
25 *the sum of the votes cast for all of the candidates for an office*  
26 *voted on throughout the state who disclosed a preference for that*  
27 *party on the ballot was at least 2 percent of the entire vote of the*  
28 *state for that office.*

29 (2) *Notwithstanding paragraph (1), a party may inform the*  
30 *Secretary of State that it declines to have the votes cast for any*  
31 *candidate who has disclosed that party as his or her party*  
32 *preference on the ballot counted toward the 2 percent qualification*  
33 *threshold. If the party wishes to have votes for any candidate not*  
34 *counted in support of its qualification under paragraph (1), the*  
35 *party shall notify the Secretary of State in writing of that*  
36 *candidate's name by the seventh day prior to the gubernatorial*  
37 *primary election.*

38 (c) ~~If on~~ *On* or before the 102nd day before a presidential general  
39 election, it appears to the Secretary of State, as a result of  
40 examining and totaling the statement of voters and their *declared*

1 political ~~affiliations~~ *preference* transmitted to him or her by the  
 2 county elections officials, that voters equal in number to at least  
 3 ~~1 percent of the entire vote of the state at the last preceding~~  
 4 ~~gubernatorial election~~ *0.33 percent of the total number of voters*  
 5 *registered on the 123rd day before the presidential general election*  
 6 have declared their ~~intention to affiliate with~~ *preference for* that  
 7 party.

8 (d) ~~If on~~ *On* or before the 135th day before a presidential general  
 9 election, there is filed with the Secretary of State a *political party*  
 10 *qualification* petition signed by voters, equal in number to at least  
 11 10 percent of the entire vote of the state at the last preceding  
 12 gubernatorial election, declaring that ~~they represent~~ *the voters*  
 13 *signing the petition support qualification of* a proposed party, the  
 14 name of which shall be stated in the petition, which proposed party  
 15 those voters desire to have participate in that presidential general  
 16 election. This petition shall be circulated, signed, and verified and  
 17 the signatures of the voters on it shall be certified to and transmitted  
 18 to the Secretary of State by the county elections officials  
 19 substantially as provided for initiative petitions. Each page of the  
 20 petition shall bear a caption in 18-point boldface type, which  
 21 caption shall be the name of the proposed party followed by the  
 22 words "Petition to participate in the presidential general election."

23 ~~SEC. 3.~~

24 *SEC. 4.* Section 18201 of the Elections Code is amended to  
 25 read:

26 18201. Any person who falsely makes or fraudulently defaces  
 27 or destroys all or any part of a nomination paper or an  
 28 in-lieu-filing-fee petition, is punishable by a fine not exceeding  
 29 one thousand dollars (\$1,000) or by imprisonment pursuant to  
 30 subdivision (h) of Section 1170 of the Penal Code for 16 months  
 31 or two or three years or by both that fine and imprisonment.

32 ~~SEC. 4.~~

33 *SEC. 5.* Section 18202 of the Elections Code is amended to  
 34 read:

35 18202. Every person acting on behalf of a candidate is guilty  
 36 of a misdemeanor who deliberately fails to file at the proper time  
 37 and in the proper place any nomination paper, in-lieu-filing-fee  
 38 petition, or declaration of candidacy in his or her possession that  
 39 is entitled to be filed under this code.

1     ~~SEC. 5.~~

2     *SEC. 6.* Section 18203 of the Elections Code is amended to  
3 read:

4     18203. Any person who files or submits for filing a nomination  
5 paper, in-lieu-filing-fee petition, or declaration of candidacy  
6 knowing that it or any part of it has been made falsely is punishable  
7 by a fine not exceeding one thousand dollars (\$1,000) or by  
8 imprisonment pursuant to subdivision (h) of Section 1170 of the  
9 Penal Code for 16 months or two or three years or by both that  
10 fine and imprisonment.

11     ~~SEC. 6.~~

12     *SEC. 7.* Section 18204 of the Elections Code is amended to  
13 read:

14     18204. Any person who willfully suppresses all or any part of  
15 a nomination paper, in-lieu-filing-fee petition, or declaration of  
16 candidacy either before or after filing is punishable by a fine not  
17 exceeding one thousand dollars (\$1,000) or by imprisonment  
18 pursuant to subdivision (h) of Section 1170 of the Penal Code for  
19 16 months or two or three years or by both that fine and  
20 imprisonment.

21     ~~SEC. 7.~~

22     *SEC. 8.* Section 18600 of the Elections Code is amended to  
23 read:

24     18600. Every person is guilty of a misdemeanor who:

25     (a) Circulating, as principal or agent, or having charge or control  
26 of the circulation of, or obtaining signatures to, any state or local  
27 initiative, referendum, recall, or political party qualification  
28 petition, intentionally misrepresents or intentionally makes any  
29 false statement concerning the contents, purport or effect of the  
30 petition to any person who signs, or who desires to sign, or who  
31 is requested to sign, or who makes inquiries with reference to it,  
32 or to whom it is presented for his or her signature.

33     (b) Willfully and knowingly circulates, publishes, or exhibits  
34 any false statement or misrepresentation concerning the contents,  
35 purport or effect of any state or local initiative, referendum, recall,  
36 or political party qualification petition for the purpose of obtaining  
37 any signature to, or persuading or influencing any person to sign,  
38 that petition.

39     (c) Circulating, as principal or agent, or having charge or control  
40 of the circulation of, or obtaining signatures to, any state or local

1 initiative, or political party qualification petition intentionally  
2 makes any false statement in response to any inquiry by any voter  
3 as to whether he or she is a paid signature gatherer or a volunteer.

4 ~~SEC. 8.~~

5 *SEC. 9.* Section 18601 of the Elections Code is amended to  
6 read:

7 18601. Any person working for the proponent or proponents  
8 of an initiative or referendum measure, recall petition, or political  
9 party qualification petition who refuses to allow a prospective  
10 signer to read the measure or petition is guilty of a misdemeanor.

11 An arrest or conviction pursuant to this section shall not  
12 invalidate or otherwise affect the validity of any signature obtained  
13 by the person arrested or convicted.

14 ~~SEC. 9.~~

15 *SEC. 10.* Section 18603 of the Elections Code is amended to  
16 read:

17 18603. Every person who offers or gives money or other  
18 valuable consideration to another in exchange for his or her  
19 signature on a state, county, municipal, or district initiative,  
20 referendum, recall, or political party qualification petition is guilty  
21 of a misdemeanor.

22 ~~SEC. 10.~~

23 *SEC. 11.* Section 18604 of the Elections Code is amended to  
24 read:

25 18604. Upon conviction of a violation of any provision of this  
26 article, Article 2 (commencing with Section 18610), Article 3  
27 (commencing with Section 18620), Article 5 (commencing with  
28 Section 18640), Article 6 (commencing with Section 18650), or  
29 Article 7 (commencing with Section 18660), the court may order  
30 as a condition of probation that the convicted person be prohibited  
31 from receiving money or other valuable consideration for gathering  
32 signatures on an initiative, referendum, recall, or political party  
33 qualification petition.

34 ~~SEC. 11.~~

35 *SEC. 12.* Section 18610 of the Elections Code is amended to  
36 read:

37 18610. Every person who solicits any circulator to affix to any  
38 initiative, referendum, recall, or political party qualification petition  
39 any false or forged signature, or to cause or permit a false or forged  
40 signature to be affixed, is guilty of a misdemeanor.

1 ~~SEC. 12.~~

2 *SEC. 13.* Section 18611 of the Elections Code is amended to  
3 read:

4 18611. Every person is punishable by a fine not exceeding five  
5 thousand dollars (\$5,000), or by imprisonment pursuant to  
6 subdivision (h) of Section 1170 of the Penal Code for 16 months  
7 or two or three years, or in a county jail not exceeding one year,  
8 or by both that fine and imprisonment, who circulates or causes  
9 to be circulated any initiative, referendum, recall, or political party  
10 qualification petition, knowing it to contain false, forged, or  
11 fictitious names.

12 ~~SEC. 13.~~

13 *SEC. 14.* Section 18612 of the Elections Code is amended to  
14 read:

15 18612. Every person is guilty of a misdemeanor who knowingly  
16 signs his or her own name more than once to any initiative,  
17 referendum, recall, or political party qualification petition, or signs  
18 his or her name to that petition knowing himself or herself at the  
19 time of signing not to be qualified to sign it.

20 ~~SEC. 14.~~

21 *SEC. 15.* Section 18613 of the Elections Code is amended to  
22 read:

23 18613. Every person who subscribes to any initiative,  
24 referendum, recall, or political party qualification petition a  
25 fictitious name, or who subscribes thereto the name of another, or  
26 who causes another to subscribe such a name to that petition, is  
27 guilty of a felony and is punishable by imprisonment pursuant to  
28 subdivision (h) of Section 1170 of the Penal Code for two, three,  
29 or four years.

30 ~~SEC. 15.~~

31 *SEC. 16.* Section 18614 of the Elections Code is amended to  
32 read:

33 18614. Every person is punishable by a fine not exceeding five  
34 thousand dollars (\$5,000), or by imprisonment pursuant to  
35 subdivision (h) of Section 1170 of the Penal Code for 16 months  
36 or two or three years, or in a county jail not exceeding one year,  
37 or by both that fine and imprisonment, who files in the office of  
38 the elections official or other officer designated by law to receive  
39 the filing, any initiative, referendum, recall, or political party  
40 qualification petition to which is attached, appended, or subscribed

1 any signature which the person filing the petition or measure knows  
2 to be false or fraudulent or not the genuine signature of the person  
3 whose name it purports to be.

4 ~~SEC. 16.~~

5 *SEC. 17.* Section 18620 of the Elections Code is amended to  
6 read:

7 18620. Every person who seeks, solicits, bargains for, or  
8 obtains any money, thing of value, or advantage of or from any  
9 person, firm, or corporation for the purpose or represented purpose  
10 of fraudulently inducing, persuading, or seeking the proponent or  
11 proponents of any initiative or referendum measure, recall petition,  
12 or political party qualification petition to (a) abandon the measure  
13 or petition, (b) fail, neglect, or refuse to file in the office of the  
14 elections official or other officer designated by law, within the  
15 time required by law, the initiative or referendum measure, recall  
16 petition, or political party qualification petition after securing the  
17 number of signatures required to qualify the measure or petition,  
18 (c) stop the circulation of the initiative or referendum measure,  
19 recall petition, or political party qualification petition, or (d)  
20 perform any act that will prevent or aid in preventing the initiative  
21 or referendum measure, recall petition, or political party  
22 qualification petition from qualifying as an initiative or referendum  
23 measure, or the recall petition from resulting in a recall election,  
24 or political party qualification petition from qualifying a party is  
25 punishable by a fine not exceeding five thousand dollars (\$5,000),  
26 or by imprisonment pursuant to subdivision (h) of Section 1170  
27 of the Penal Code for 16 months or two or three years, or in a  
28 county jail not exceeding one year, or by both that fine and  
29 imprisonment.

30 ~~SEC. 17.~~

31 *SEC. 18.* Section 18621 of the Elections Code is amended to  
32 read:

33 18621. Any proponent of an initiative or referendum measure,  
34 recall petition, or political party qualification petition who seeks,  
35 solicits, bargains for, or obtains any money or thing of value of or  
36 from any person, firm, or corporation for the purpose of abandoning  
37 the same or stopping the circulation of petitions concerning the  
38 same, or failing or neglecting or refusing to file the measure or  
39 petition in the office of the elections official or other officer  
40 designated by law within the time required by law after obtaining

1 the number of signatures required under the law to qualify the  
2 measure or petition, or performing any act that will prevent or aid  
3 in preventing the initiative, referendum, recall, or political party  
4 proposed from qualifying as an initiative or referendum measure,  
5 resulting in a recall election, or qualifying as a political party by  
6 a political party qualification petition is punishable by a fine not  
7 exceeding five thousand dollars (\$5,000) or by imprisonment  
8 pursuant to subdivision (h) of Section 1170 of the Penal Code for  
9 16 months or two or three years, or in a county jail not exceeding  
10 one year, or by both that fine and imprisonment.

11 *SEC. 18.5. Section 18621 of the Elections Code is amended to*  
12 *read:*

13 18621. Any proponent of an initiative or referendum ~~measure~~  
14 ~~or recall~~ *measure, recall petition, or political party qualification*  
15 *petition who seeks, solicits, bargains for, or obtains any money or*  
16 *thing of value of or from any person, firm, or corporation for the*  
17 *purpose of abandoning the same or stopping the circulation of*  
18 *petitions concerning the same, or failing or neglecting or refusing*  
19 *to file the measure or petition in the office of the elections official*  
20 *or other officer designated by law within the time required by law*  
21 *after obtaining the number of signatures required under the law to*  
22 *qualify the measure or petition, or withdrawing an initiative petition*  
23 *after filing it with the appropriate elections official, or performing*  
24 *any act that will prevent or aid in preventing the initiative,*  
25 ~~referendum or recall~~ *referendum, recall, or political party* proposed  
26 *from qualifying as an initiative or referendum measure, or resulting*  
27 *in a recall election election, or qualifying as a political party by a*  
28 *political party qualification petition is punishable by a fine not*  
29 *exceeding five thousand dollars (\$5,000) or by imprisonment*  
30 *pursuant to subdivision (h) of Section 1170 of the Penal Code for*  
31 *16 months or two or three years, or in a county jail not exceeding*  
32 *one year, or by both that fine and imprisonment.*

33 ~~SEC. 18.~~

34 *SEC. 19. Section 18622 of the Elections Code is amended to*  
35 *read:*

36 18622. Every person who offers to buy or does buy from a  
37 circulator any referendum, initiative, recall, or political party  
38 qualification petition on which one or more persons have affixed  
39 their signatures is guilty of a misdemeanor punishable by  
40 imprisonment in the county jail for not more than one year, or by

1 a fine not exceeding one thousand dollars (\$1,000), or both. This  
2 section is not intended to prohibit compensation of a circulator,  
3 for his or her services, by a proponent of the petition or his or her  
4 agent.

5 ~~SEC. 19.~~

6 *SEC. 20.* Section 18630 of the Elections Code is amended to  
7 read:

8 18630. Every person who threatens to commit an assault or  
9 battery on a person circulating a referendum, initiative, recall, or  
10 political party qualification petition or on a relative of a person  
11 circulating a referendum, initiative, recall, or political party  
12 qualification petition or to inflict damage on the property of the  
13 circulator or the relative, with the intent to dissuade the circulator  
14 from circulating the petition or in retribution for the circulation,  
15 is guilty of a misdemeanor.

16 ~~SEC. 20.~~

17 *SEC. 21.* Section 18631 of the Elections Code is amended to  
18 read:

19 18631. Every person who forcibly or by stealth takes from the  
20 possession of a circulator any initiative, referendum, recall, or  
21 political party qualification petition on which one or more persons  
22 have affixed their signatures is guilty of a misdemeanor.

23 ~~SEC. 21.~~

24 *SEC. 22.* Section 18640 of the Elections Code is amended to  
25 read:

26 18640. Any person working for the proponent or proponents  
27 of an initiative or referendum measure, or a recall or political party  
28 qualification petition, who solicits signatures to qualify the measure  
29 or petition and accepts any payment therefor and who fails to  
30 surrender the measure or petition to the proponents thereof for  
31 filing is punishable by a fine not exceeding five thousand dollars  
32 (\$5,000), or by imprisonment pursuant to subdivision (h) of Section  
33 1170 of the Penal Code for 16 months or two or three years, or in  
34 a county jail not exceeding one year, or by both that fine and  
35 imprisonment.

36 ~~SEC. 22.~~

37 *SEC. 23.* Section 18650 of the Elections Code is amended to  
38 read:

39 18650. No one shall knowingly or willfully permit the list of  
40 signatures on an initiative, referendum, recall, or political party

1 qualification petition to be used for any purpose other than  
2 qualification of the initiative or referendum measure or recall  
3 question for the ballot or political party, except as provided in  
4 Section 6253.5 of the Government Code. Violation of this section  
5 is a misdemeanor.

6 ~~SEC. 23.~~

7 *SEC. 24.* Section 18660 of the Elections Code is amended to  
8 read:

9 18660. Every person is punishable by a fine not exceeding five  
10 thousand dollars (\$5,000), or by imprisonment pursuant to  
11 subdivision (h) of Section 1170 of the Penal Code for 16 months  
12 or two or three years, or in a county jail not exceeding one year,  
13 or by both that fine and imprisonment, who makes any false  
14 affidavit concerning any initiative, referendum, recall, or political  
15 party qualification petition or the signatures appended thereto.

16 ~~SEC. 24.~~

17 *SEC. 25.* Section 18661 of the Elections Code is amended to  
18 read:

19 18661. Every public official or employee is punishable by a  
20 fine not exceeding five thousand dollars (\$5,000), or by  
21 imprisonment pursuant to subdivision (h) of Section 1170 of the  
22 Penal Code for 16 months or two or three years, or in a county jail  
23 not exceeding one year, or by both that fine and imprisonment,  
24 who knowingly makes any false return, certification or affidavit  
25 concerning any initiative, referendum, recall, or political party  
26 qualification petition or the signatures appended thereto.

27 *SEC. 26. (a) Section 2.5 of this bill incorporates amendments*  
28 *to Section 5100 of the Elections Code proposed by both this bill*  
29 *and Assembly Bill 2351. It shall only become operative if (1) both*  
30 *bills are enacted and become effective on or before January 1,*  
31 *2015, (2) each bill amends Section 5100 of the Elections Code,*  
32 *and (3) this bill is enacted after Assembly Bill 2351, in which case*  
33 *Section 2 of this bill shall not become operative.*

34 *(b) Section 3.5 of this bill incorporates amendments to Section*  
35 *5151 of the Elections Code proposed by both this bill and Assembly*  
36 *Bill 2351. It shall only become operative if (1) both bills are*  
37 *enacted and become effective on or before January 1, 2015, (2)*  
38 *each bill amends Section 5151 of the Elections Code, and (3) this*  
39 *bill is enacted after Assembly Bill 2351, in which case Section 3*  
40 *of this bill shall not become operative.*

1 (c) Section 18.5 of this bill incorporates amendments to Section  
2 18621 of the Elections Code proposed by both this bill and Senate  
3 Bill 1253. It shall only become operative if (1) both bills are  
4 enacted and become effective on or before January 1, 2015, (2)  
5 each bill amends Section 18621 of the Elections Code, and (3) this  
6 bill is enacted after Senate Bill 1253, in which case Section 18 of  
7 this bill shall not become operative.

8 ~~SEC. 25.~~

9 SEC. 27. No reimbursement is required by this act pursuant to  
10 Section 6 of Article XIII B of the California Constitution because  
11 the only costs that may be incurred by a local agency or school  
12 district will be incurred because this act creates a new crime or  
13 infraction, eliminates a crime or infraction, or changes the penalty  
14 for a crime or infraction, within the meaning of Section 17556 of  
15 the Government Code, or changes the definition of a crime within  
16 the meaning of Section 6 of Article XIII B of the California  
17 Constitution.