

AMENDED IN SENATE JULY 8, 2015
AMENDED IN ASSEMBLY MARCH 26, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 646

Introduced by Assembly Member McCarty

February 24, 2015

An act to amend Section ~~2114~~ of the ~~Elections Code, relating to elections.~~ *12174 of the Government Code, relating to state archives, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 646, as amended, McCarty. ~~Voter registration.~~ *State Archives: museum activities.*

Existing law requires the Secretary of State to administer the State Archives Building Complex for the use, education, and enjoyment of the public and to advance civic education and civic engagement by all Californians. Existing law authorizes the Secretary of State to enter into an agreement to operate a museum in the State Archives Building Complex with the California Museum for History, Women and the Arts, a nonprofit public benefit corporation, or its successor. Existing law requires the Secretary of State, the Director of Parks and Recreation, and the State Archivist to act as honorary nonvoting members of the governing board of the corporation.

This bill would remove the Secretary of State, the Director of Parks and Recreation, and the State Archivist from their honorary, nonvoting positions on the governing board of the corporation and, instead, would require the Secretary of State and the Director of Parks and Recreation to act as ex officio voting members of the board.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law requires a county elections official who receives an affidavit of registration from a voter who resides or claims residence in another county to forward the affidavit to the elections official for the county in which the voter resides, and further requires the elections official for the county in which the voter resides to accept the affidavit and use it as the voter's permanent record of registration. Under existing law, registration by that method is effective for all elections occurring 29 or more days after receipt of the affidavit of registration by the elections official to which the affidavit was mailed or delivered by the voter.~~

~~This bill would instead provide that registration by that method is effective for all elections occurring 15 or more days after receipt of the affidavit of registration by the elections official to which the affidavit was mailed or delivered by the voter. By requiring elections officials to process and count additional voters' ballots to be handled and counted, 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~^{no}.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12174 of the Government Code, as
- 2 amended by Section 1 of Chapter 33 of the Statutes of 2015, is
- 3 amended to read:
- 4 12174. (a) The Secretary of State shall administer, protect,
- 5 develop, and interpret the Secretary of State and State Archives
- 6 Building Complex located in Sacramento in the area bounded by
- 7 10th, 11th, O, and P Streets for the use, education, and enjoyment
- 8 of the public, including uses to advance civic education and civic
- 9 engagement by all Californians.

1 (b) The Secretary of State may enter into an operating agreement
2 with the California Museum for History, Women and the Arts, an
3 existing California nonprofit public benefit corporation, tax exempt
4 under Section 501(c)(3) of the United States Internal Revenue
5 Code, or its successor. Under the operating agreement with the
6 Secretary of State, the corporation shall operate a museum located
7 in the Secretary of State and State Archives Building Complex,
8 including development, administration, interpretation, and
9 management of the museum and related public services, and
10 acquiring and managing funding for the museum's programs and
11 services. The operating agreement shall provide for support by the
12 Secretary of State, consistent with subdivision (a) and Section
13 12221, including integration of State Archives artifacts, collections,
14 and programs in museum exhibits and programs.

15 (c) The governing board of the corporation shall *include the*
16 *Secretary of State or any Assistant Secretary of State designated*
17 *by the Secretary of State and the Director of Parks and Recreation*
18 *or his or her designee as ex officio voting members of the board.*
19 *The board shall be the governing authority for operations funded*
20 *through moneys received by the museum. The board shall submit*
21 *an audit report annually to the Secretary of State. The Secretary*
22 *of State shall submit copies of the annual audit reports to the*
23 *Director of Finance, the Chair of the Joint Legislative Audit*
24 *Committee, and the Chair of the Joint Legislative Budget*
25 *Committee. No funds raised or assets acquired by the corporation*
26 *shall be used for purposes inconsistent with support of the museum*
27 *and the operating agreement. ~~The Secretary of State, the State~~*
28 *~~Archivist, and the Director of Parks and Recreation, or their~~*
29 *~~respective designees, shall be honorary nonvoting board members.~~*

30 (d) No later than January 10 of each year, the corporation shall
31 submit the corporation business plan for the following fiscal year
32 to the Director of Finance and the Chair of the Joint Legislative
33 Budget Committee for review and comment. The executive director
34 of the corporation shall also submit, not less than 30 days prior to
35 adoption by the governing board of the corporation, any proposed
36 formal amendments to the corporation business plan to the Director
37 of Finance and the Chair of the Joint Legislative Budget Committee
38 for review and comment.

39 (e) Fees charged to members of the public for copying,
40 reproduction, and other services provided by the Secretary of State

1 shall be at a level consistent with the costs of providing these
2 services. The Secretary of State may establish an agreement with
3 the corporation to provide these services and collect moneys for
4 providing these services.

5 (f) Notwithstanding any other provision of law, the California
6 Museum for History, Women and the Arts, or its successor, is a
7 private nonprofit corporation and shall not be considered a state,
8 local, or other public body for any purpose.

9 (g) The Legislature encourages the governing board of the
10 corporation to conduct its meetings in an open manner, establish
11 a board membership that is representative and reflective of
12 California's rich history, and work cooperatively with the Secretary
13 of State to ensure public input, confidence, and accountability in
14 the museum's use of its resources and the protection of California's
15 priceless archives, collections, and artifacts.

16 *SEC. 2. This act is an urgency statute necessary for the*
17 *immediate preservation of the public peace, health, or safety within*
18 *the meaning of Article IV of the Constitution and shall go into*
19 *immediate effect. The facts constituting the necessity are:*

20 *In order for the Secretary of State to enter into an agreement*
21 *with the California Museum for History, Women and the Arts*
22 *without significant delay after the current agreement expires at*
23 *the end of the 2014–15 fiscal year, it is necessary that this act take*
24 *effect immediately.*

25 ~~SECTION 1. Section 2114 of the Elections Code is amended~~
26 ~~to read:~~

27 ~~2114. A county elections official may receive the affidavit of~~
28 ~~registration of an elector who resides or claims residence in another~~
29 ~~county in this state. The affidavit shall be forwarded to the county~~
30 ~~elections official of the county in which the elector resides. The~~
31 ~~county elections official of the county in which the elector resides~~
32 ~~shall use the affidavit of registration received from the other county~~
33 ~~as his or her permanent record of registration.~~

34 ~~Registration by this method shall be effective for all elections~~
35 ~~occurring 15 or more days after receipt of the affidavit of~~
36 ~~registration by the county elections official or his or her deputy to~~
37 ~~which the affidavit is mailed or delivered by the elector.~~

38 ~~SEC. 2. If the Commission on State Mandates determines that~~
39 ~~this act contains costs mandated by the state, reimbursement to~~
40 ~~local agencies and school districts for those costs shall be made~~

1 pursuant to Part 7 (commencing with Section 17500) of Division
2 4 of Title 2 of the Government Code.

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