

AMENDED IN ASSEMBLY MARCH 23, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 800**

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**Introduced by Assembly Member Gomez**

February 26, 2015

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~~An act to amend Section 304 of the Elections Code, relating to elections.~~ *An act to amend Section 3010 of the Elections Code, relating to elections.*

LEGISLATIVE COUNSEL'S DIGEST

AB 800, as amended, Gomez. ~~Campaign advertising or communications.~~ *Elections: vote by mail ballots.*

*Existing law sets forth the procedures by which a voter may apply for and receive a vote by mail ballot. Existing law requires an elections official to deliver to each qualified applicant the vote by mail ballot for the precinct in which the applicant resides and all supplies necessary for the use and return of the ballot.*

*This bill would require the elections official to also deliver to each qualified applicant a return envelope with postage prepaid in which a vote by mail voter may return his or her ballot if the ballot is to be mailed within the territorial limits of the United States or the District of Columbia. By imposing additional duties on local elections officials, 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.*

~~The Elections Code defines “campaign advertising or communication” to mean a communication authorized by a candidate or specified committee for the purpose of advocating the election or defeat of a qualified candidate or ballot measure through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general, public, political advertising. The Elections Code makes specified provisions of the Civil Code, relating to libel and slander, fully applicable to any campaign advertising or communication, as defined.~~

~~This bill would specify that “campaign advertising or communication” includes a communication authorized by a candidate or specified committee for the purpose of advocating the election or defeat of a qualified candidate or ballot measure through Internet advertising.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
 State-mandated local program: ~~no~~-yes.

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

1     *SECTION 1. Section 3010 of the Elections Code is amended*  
 2     *to read:*

3     3010. (a) The elections official shall deliver *the following* to  
 4     each qualified applicant:

5     ~~(a)~~  
 6     (1) The ballot for the precinct in which he or she resides. In  
 7     ~~primary elections~~ *elections*, this shall also be accompanied by the  
 8     ballot for the central committee of the party with which the voter  
 9     is affiliated, if any.

10    ~~(b)~~  
 11    (2) All supplies necessary for the use and return of the ~~ballot~~.  
 12    *ballot, including a return envelope with postage prepaid if the*  
 13    *ballot is to be mailed within the territorial limits of the United*  
 14    *States or the District of Columbia.*

15    ~~No~~  
 16    (b) An officer of this state ~~may~~ *shall not* make any charge for  
 17    services rendered to ~~any~~ *a* voter under this chapter.

18    *SEC. 2. If the Commission on State Mandates determines that*  
 19    *this act contains costs mandated by the state, reimbursement to*  
 20    *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.*

3 SECTION 1. Section 304 of the Elections Code is amended to  
4 read:

5 304. ~~“Campaign advertising or communication” means a~~  
6 ~~communication authorized by a candidate or a candidate’s~~  
7 ~~controlled committee, as defined in Section 82016 of the~~  
8 ~~Government Code, or by a committee making independent~~  
9 ~~expenditures, as defined in Section 82031 of the Government Code,~~  
10 ~~or by a committee formed primarily to support or oppose a ballot~~  
11 ~~measure, as defined in Section 82047.5 of the Government Code,~~  
12 ~~for the purpose of advocating the election or defeat of a qualified~~  
13 ~~candidate or ballot measure through any broadcasting station,~~  
14 ~~newspaper, magazine, outdoor advertising facility, direct mailing,~~  
15 ~~Internet advertising, or any other type of general, public, political~~  
16 ~~advertising.~~

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