

**ASSEMBLY BILL**

**No. 2010**

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**Introduced by Assembly Member Ridley-Thomas**

February 16, 2016

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An act to amend Sections 13307 and 13312 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2010, as introduced, Ridley-Thomas. Samples ballots and voter pamphlets.

Existing law permits a candidate for a nonpartisan elective office in any local agency, which includes any city, county, city and county, or district, to prepare a written statement, pursuant to specified guidelines, to be included in a voter's pamphlet that is mailed to each voter. Existing law requires each voter's pamphlet to contain a notice in the heading of the first page of that pamphlet that, among other things, each candidate's statement in the pamphlet is volunteered by the candidate. Existing law requires an elections official to provide a Spanish translation to those candidates who wish to have one.

Existing law authorizes a county or city elections official to establish procedures designed to permit a voter to opt out of receiving his or her voter's pamphlet and other related materials by mail, and instead obtain them electronically via email or by accessing them on the county's or city's Internet Web site, provided specified conditions are met.

This bill would authorize the governing body of a local agency to permit a candidate for nonpartisan elective office in the local agency to prepare a written statement for electronic distribution. This bill would require the statement to be posted on the Internet Web site of the elections official, permit the statement to be included in a voter's

pamphlet that is electronically distributed, and prohibit the statement from being included in a voter’s pamphlet that is printed and mailed to voters. This bill would require the elections official to provide a Spanish translation to those candidates who wish to have one. This bill would require the notice in the heading of the first page of the voter’s pamphlet, in certain circumstances, to specify that additional statements are available on the Internet Web site of the elections official.

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

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

1 SECTION 1. Section 13307 of the Elections Code is amended  
2 to read:  
3 13307. (a) (1) Each candidate for nonpartisan elective office  
4 in any local agency, including any city, county, city and county,  
5 or district, may prepare a candidate’s statement on an appropriate  
6 form provided by the elections official. The statement may include  
7 the name, age, and occupation of the candidate and a brief  
8 description, of no more than 200 words, of the candidate’s  
9 education and qualifications expressed by the candidate himself  
10 or herself. However, the governing body of the local agency may  
11 authorize an increase in the limitations on words for the statement  
12 from 200 to 400 words. The statement shall not include the party  
13 affiliation of the candidate, nor membership or activity in partisan  
14 political organizations.  
15 (2) The statement authorized by this subdivision shall be filed  
16 in the office of the elections official when the candidate’s  
17 nomination papers are returned for filing, if it is for a primary  
18 election, or for an election for offices for which there is no primary.  
19 The statement shall be filed in the office of the elections official  
20 no later than the 88th day before the election, if it is for an election  
21 for which nomination papers are not required to be filed. If a runoff  
22 election or general election occurs within 88 days of the primary  
23 or first election, the statement shall be filed with the elections  
24 official by the third day following the governing body’s declaration  
25 of the results from the primary or first election.  
26 (3) Except as provided in Section 13309, the statement may be  
27 withdrawn, but not changed, during the period for filing nomination

1 papers and until 5 p.m. of the next working day after the close of  
2 the nomination period.

3 (b) (1) The elections official shall send to each voter, together  
4 with the sample ballot, a voter's pamphlet ~~which~~ *that* contains the  
5 written statements of each candidate that is prepared pursuant to  
6 ~~this section. subdivision (a)~~. The statement of each candidate shall  
7 be printed in type of uniform size and darkness, and with uniform  
8 spacing.

9 (2) The elections official shall provide a Spanish translation to  
10 those candidates who wish to have one, and shall select a person  
11 to provide that translation who is one of the following:

12 (A) A certified and registered interpreter on the Judicial Council  
13 Master List.

14 (B) An interpreter categorized as "certified" or "professionally  
15 qualified" by the Administrative Office of the United States Courts.

16 (C) From an institution accredited by a regional or national  
17 accrediting agency recognized by the United States Secretary of  
18 Education.

19 (D) A current voting member in good standing of the American  
20 Translators Association.

21 (E) A current member in good standing of the American  
22 Association of Language Specialists.

23 (c) (1) *In addition to the statement prepared pursuant to*  
24 *subdivision (a), the governing body of a local agency may permit*  
25 *each candidate for nonpartisan elective office in the local agency*  
26 *to prepare a candidate's statement for the purpose of electronic*  
27 *distribution pursuant to this subdivision.*

28 (2) *A statement prepared pursuant to this subdivision shall be*  
29 *posted on the Internet Web site of the elections official, and may*  
30 *be included in a voter's pamphlet that is electronically distributed*  
31 *by the elections official pursuant to Section 13300.7, but shall not*  
32 *be included in a voter's pamphlet that is printed and mailed to*  
33 *voters pursuant to subdivision (b).*

34 (3) *A statement that is printed in the voter's pamphlet and mailed*  
35 *to voters pursuant to subdivision (b) shall be included with the*  
36 *statement that is prepared and electronically distributed pursuant*  
37 *to this subdivision.*

38 (4) *A statement that is prepared and electronically distributed*  
39 *pursuant to this subdivision shall be displayed in type of uniform*  
40 *size and darkness, and with uniform spacing.*

1 (5) *The elections official shall provide a Spanish translation to*  
 2 *those candidates who wish to have one, and shall select a person*  
 3 *to provide that translation who is one of the persons listed in*  
 4 *paragraph (2) of subdivision (b).*

5 ~~(e)~~  
 6 (d) The local agency may estimate the total cost of printing,  
 7 handling, translating, ~~and mailing the mailing,~~ and electronically  
 8 distributing a candidate's statements filed pursuant to this section,  
 9 including costs incurred as a result of complying with the federal  
 10 Voting Rights Act of 1965, as amended. The local agency may  
 11 require each candidate filing a statement to pay in advance to the  
 12 local agency his or her estimated pro rata share as a condition of  
 13 having his or her statement included in the voter's pamphlet *or*  
 14 *electronically distributed*. In the event the estimated payment is  
 15 required, the receipt for the payment shall include a written notice  
 16 that the estimate is just an approximation of the actual cost that  
 17 varies from one election to another election and may be  
 18 significantly more or less than the estimate, depending on the actual  
 19 number of candidates filing statements. Accordingly, the local  
 20 agency is not bound by the estimate and may, on a pro rata basis,  
 21 bill the candidate for additional actual expense or refund any excess  
 22 paid depending on the final actual cost. In the event of  
 23 underpayment, the local agency may require the candidate to pay  
 24 the balance of the cost incurred. In the event of overpayment, the  
 25 local agency ~~which,~~ *that,* or the elections official who, collected  
 26 the estimated cost shall prorate the excess amount among the  
 27 candidates and refund the excess amount paid within 30 days of  
 28 the election.

29 ~~(d)~~  
 30 (e) Nothing in this section shall be deemed to make any  
 31 statement, or the authors thereof, free or exempt from any civil or  
 32 criminal action or penalty because of any false, slanderous, or  
 33 libelous statements offered for printing *or electronic distribution*  
 34 *pursuant to this section*, or contained in the voter's pamphlet.

35 ~~(e)~~  
 36 (f) Before the nominating period opens, the local agency for  
 37 that election shall determine whether a charge shall be levied  
 38 against that candidate for the candidate's statement sent to each  
 39 voter *and, if authorized pursuant to subdivision (c), for the*  
 40 *electronically distributed candidate's statement*. This decision

1 shall not be revoked or modified after the seventh day prior to the  
2 opening of the nominating period. A written statement of the  
3 regulations with respect to charges for handling, packaging, ~~and~~  
4 mailing, *and electronic distribution* shall be provided to each  
5 candidate, or his or her representative, at the time he or she picks  
6 up the nomination papers.

7 (f)

8 (g) For purposes of this section and Section 13310, the board  
9 of supervisors shall be deemed the governing body of judicial  
10 elections.

11 SEC. 2. Section 13312 of the Elections Code is amended to  
12 read:

13 13312. (a) Each voter's pamphlet prepared pursuant to  
14 *subdivision (b) of Section 13307* shall contain a ~~statement~~ *notice*  
15 in the heading of the first page in heavy-faced gothic type, not  
16 smaller than 10-point, ~~that: (a), the~~ *that specifies both of the*  
17 *following:*

18 (1) *That the pamphlet does not contain a complete list of*  
19 *candidates and that a complete list of candidates appears on the*  
20 *sample ballot (if any candidate is not listed in the pamphlet), and*  
21 ~~*that (b), each pamphlet.*~~

22 (2) *That each candidate's statement in the pamphlet is*  
23 *volunteered by the candidate, candidate and (if printed at the*  
24 *candidate's expense) is printed at his or her expense.*

25 (b) *If a local agency has authorized each candidate for*  
26 *nonpartisan elective office to prepare a candidate's statement for*  
27 *the purpose of electronic distribution pursuant to subdivision (c)*  
28 *of Section 13307, and if a candidate has submitted a statement for*  
29 *that purpose, the notice required by subdivision (a) shall specify*  
30 *that additional statements are available on the Internet Web site*  
31 *of the elections official and shall include the Internet Web site*  
32 *address at which the statements may be viewed.*