

AMENDED IN SENATE MAY 25, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2010

Introduced by Assembly Member Ridley-Thomas

February 16, 2016

An act to amend Sections ~~13307~~ 13307, 13308, and 13312 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2010, as amended, Ridley-Thomas. ~~Samples ballots and voter pamphlets.~~ *Voter's pamphlet: electronic candidate statement.*

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 *in heavy-faced gothic type* 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.~~ *distribution if the elections official who is conducting the election permits electronic*

distribution of a candidate’s statement. 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~~. *official, and would delete the requirement that the notice appear in heavy-faced gothic type.*

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

1 official by the third day following the governing body's declaration
2 of the results from the primary or first election.

3 (3) Except as provided in Section 13309, the statement may be
4 withdrawn, but not changed, during the period for filing nomination
5 papers and until 5 p.m. of the next working day after the close of
6 the nomination period.

7 (b) (1) The elections official shall send to each voter, together
8 with the sample ballot, a voter's pamphlet that contains the written
9 statements of each candidate that is prepared pursuant to
10 subdivision (a). The statement of each candidate shall be printed
11 in type of uniform size and darkness, and with uniform spacing.

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

15 (A) A certified and registered interpreter on the Judicial Council
16 Master List.

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

19 (C) From an institution accredited by a regional or national
20 accrediting agency recognized by the United States Secretary of
21 Education.

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

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

26 (c) (1) In addition to the statement prepared pursuant to
27 subdivision (a), *if the elections official who is conducting the*
28 *election permits electronic distribution of a candidate's statement,*
29 the governing body of a local agency may permit each candidate
30 for nonpartisan elective office in the local agency to prepare a
31 candidate's statement for the purpose of electronic distribution
32 pursuant to this subdivision.

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

39 (3) A statement that is printed in the voter's pamphlet and mailed
40 to voters pursuant to subdivision (b) shall be included with the

1 statement that is prepared and electronically distributed pursuant
2 to this subdivision.

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

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

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

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

38 (f) Before the nominating period opens, the local agency for
39 that election shall determine whether a charge shall be levied
40 against that candidate for the candidate's statement sent to each

1 voter and, if authorized pursuant to subdivision (c), for the
2 electronically distributed candidate's statement. This decision shall
3 not be revoked or modified after the seventh day prior to the
4 opening of the nominating period. A written statement of the
5 regulations with respect to charges for handling, packaging,
6 mailing, and electronic distribution shall be provided to each
7 candidate, or his or her representative, at the time he or she picks
8 up the nomination papers.

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

12 *SEC. 2. Section 13308 of the Elections Code is amended to*
13 *read:*

14 13308. In addition to the restrictions set forth in Section 13307,
15 any candidate's statement submitted pursuant to Section 13307
16 shall be limited to a recitation of the candidate's own personal
17 background and qualifications, and shall not in any way make
18 reference to other candidates for that office or to another
19 candidate's qualifications, character, or activities. The elections
20 official shall not cause to be ~~printed~~ *printed, posted on an Internet*
21 *Web site*, or circulated any statement that the elections official
22 determines is not so limited or that includes any reference
23 prohibited by this section.

24 ~~SEC. 2.~~

25 *SEC. 3. Section 13312 of the Elections Code is amended to*
26 *read:*

27 13312. (a) Each voter's pamphlet prepared pursuant to
28 subdivision (b) of Section 13307 shall contain a notice in the
29 heading of the first ~~page in heavy-faced gothic type,~~ *page*, not
30 smaller than ~~10-point~~ *10-point type*, that specifies both of the
31 following:

32 (1) That the pamphlet does not contain a complete list of
33 candidates and that a complete list of candidates appears on the
34 sample ballot (if any candidate is not listed in the pamphlet).

35 (2) That each candidate's statement in the pamphlet is
36 volunteered by the candidate and (if printed at the candidate's
37 expense) is printed at his or her expense.

38 (b) If a local agency has authorized each candidate for
39 nonpartisan elective office to prepare a candidate's statement for
40 the purpose of electronic distribution pursuant to subdivision (c)

1 of Section 13307, and if a candidate has submitted a statement for
2 that purpose, the notice required by subdivision (a) shall specify
3 that additional statements are available on the Internet Web site
4 of the elections official and shall include the Internet Web site
5 address at which the statements may be viewed.

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