

Senate Bill No. 366

Passed the Senate April 16, 2015

Secretary of the Senate

Passed the Assembly July 9, 2015

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 13307 and 14111 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 366, Nguyen. Ballot materials: translations.

Existing law requires each county elections official to prepare separate sample ballots for each political party and a separate sample nonpartisan ballot, as specified. Existing law requires the elections official to send to each voter, together with the sample ballot, a voter's pamphlet that contains the written statements of each candidate. Existing law requires the elections officials to provide a Spanish translation to those candidates who wish to have one and requires that the person selected to provide that translation be from a list of approved Spanish-language translators and interpreters of the superior court of the county or from an institution accredited by the Western Association of Schools and Colleges.

Existing law requires the public posting of specified voting information at each polling place on the day of each election. Existing law requires the precinct board to post, in a conspicuous location at the polling place, at least one facsimile copy of the ballot with the ballot measures and ballot instructions printed in Spanish and facsimile ballots printed in other languages if a significant and substantial need is found by the elections official. Existing law requires that each translation of the ballot measures and ballot instructions posted at the polling place be provided by a person selected by the elections official from the list of approved translators and interpreters of the superior court of the county or from an institution accredited by the Western Association of Schools and Colleges.

This bill would expand the group of acceptable translators for purposes of those provisions to include persons appearing on the Judicial Council Master List, persons qualified by the Administrative Office of the United States Courts, persons from an institution accredited by a regional or national accrediting agency recognized by the United States Secretary of Education, and members of certain professional organizations.

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

SECTION 1. Section 13307 of the Elections Code is amended to read:

13307. (a) (1) Each candidate for nonpartisan elective office in any local agency, including any city, county, city and county, or district, may prepare a candidate's statement on an appropriate form provided by the elections official. The statement may include the name, age, and occupation of the candidate and a brief description, of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself. However, the governing body of the local agency may authorize an increase in the limitations on words for the statement from 200 to 400 words. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations.

(2) The statement authorized by this subdivision shall be filed in the office of the elections official when the candidate's nomination papers are returned for filing, if it is for a primary election, or for an election for offices for which there is no primary. The statement shall be filed in the office of the elections official no later than the 88th day before the election, if it is for an election for which nomination papers are not required to be filed. If a runoff election or general election occurs within 88 days of the primary or first election, the statement shall be filed with the elections official by the third day following the governing body's declaration of the results from the primary or first election.

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

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

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

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

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

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

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

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

(c) The local agency may estimate the total cost of printing, handling, translating, and mailing the candidate’s statements filed pursuant to this section, including costs incurred as a result of complying with the federal Voting Rights Act of 1965, as amended. The local agency may require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter’s pamphlet. In the event the estimated payment is required, the receipt for the payment shall include a written notice that the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the local agency is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the local agency may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the local agency which, or the elections official who, collected the estimated cost shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

(d) Nothing in this section shall be deemed to make any statement, or the authors thereof, free or exempt from any civil or criminal action or penalty because of any false, slanderous, or libelous statements offered for printing or contained in the voter’s pamphlet.

(e) Before the nominating period opens, the local agency for that election shall determine whether a charge shall be levied against that candidate for the candidate’s statement sent to each

voter. This decision shall not be revoked or modified after the seventh day prior to the opening of the nominating period. A written statement of the regulations with respect to charges for handling, packaging, and mailing shall be provided to each candidate or his or her representative at the time he or she picks up the nomination papers.

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

SEC. 2. Section 14111 of the Elections Code is amended to read:

14111. Translations of the ballot measures and ballot instructions, as required by Section 14201, shall be provided by a person selected by the elections official who is one of the following:

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

(b) An interpreter categorized as “certified” or “professionally qualified” by the Administrative Office of the United States Courts.

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

(d) A current voting member in good standing of the American Translators Association.

(e) A current member in good standing of the American Association of Language Specialists.

Approved _____, 2015

Governor