

ASSEMBLY BILL

No. 1532

Introduced by Assembly Member Kevin Murray

February 24, 1995

An act to amend Sections 2159 and 18108 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1532, as introduced, K. Murray. Voter registration: consideration.

Existing law requires any person who, for payment, assists another to register to vote by receiving the completed affidavit of registration, to personally affix on the affidavit the telephone number of the payor. It prohibits the rendering of payment unless this information has been personally affixed on the affidavit by the payee.

This bill would require the person receiving the completed affidavit to instead sign in his or her handwriting and affix on the affidavit the name and telephone number of the payor. It would prohibit the rendering of payment unless all this information has been personally affixed on the affidavit in the handwriting of the payee.

Existing law requires the payor of a person who assists another to register to vote by receiving the completed affidavit of registration to maintain a list of the names, addresses, and telephone numbers of individuals the payor has agreed to compensate.

This bill would, in addition, require the payor to include the social security number on the list of payees, and to provide

each payee with a written statement of personal responsibilities under specified provisions of law. It would require that receipt of the statement be acknowledged by the payee and that records be kept by the payor for a minimum of 3 years and made available upon demand by specified officials.

Existing law imposes misdemeanor penalties upon a person who, for payment, assists another to register to vote by receiving the completed affidavit of registration, and who fails to affix the required information on the affidavit of registration.

This bill would impose a state-mandated local program by (1) requiring the applicable misdemeanor penalty to be a fine not exceeding \$1,000 or imprisonment in the county jail not exceeding one year, or both, (2) making subject to those misdemeanor penalties any payor or payee who fails to comply the duties imposed by this bill, and (3) imposing specified felony penalties upon any person, company, or organization upon a 3rd conviction or more for failure to comply with this bill.

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 no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 2159 of the Elections Code is
2 amended to read:
3 2159. (a) Notwithstanding paragraph (1) of
4 subdivision (b) of Section 2158, any person who, in
5 exchange for money or other valuable consideration,
6 assists another to register to vote by receiving the
7 completed affidavit of registration from the elector, shall
8 ~~personally~~ sign *in his or her handwriting* and affix directly
9 on the affidavit of registration the *name and* telephone



1 number of the person, company, or organization that
2 agrees to pay money or other valuable consideration for
3 the completed affidavit of registration.

4 (b) Any person, company, or other organization that
5 agrees to pay money or other valuable consideration to
6 any person who assists another person to register to vote
7 by receiving the completed affidavit of registration shall
8 maintain a list of the names, *social security numbers*,
9 addresses, and telephone numbers of all individuals that
10 the person, company, or other organization has agreed to
11 compensate for assisting others to register to vote, *and*
12 *shall provide to each person receiving that consideration*
13 *a written statement of that person's personal*
14 *responsibilities and liabilities under Sections 18100, 18101,*
15 *18103, 2138, 2139, and 2158. Receipt of the written*
16 *statement shall be acknowledged, in writing, by the*
17 *person receiving the consideration, and the*
18 *acknowledgement shall be kept by the person, company,*
19 *or organization agreement to compensate that person.*
20 *All records required by this subdivision shall be*
21 *maintained for a minimum of three years, and shall be*
22 *made available to the elections official, the Secretary of*
23 *State, or an appropriated prosecuting agency, upon*
24 *demand.*

25 (c) Failure to comply with subdivision (a) *or (b)* shall
26 not cause the invalidation of the registration of the voter.

27 (d) No person, company, or other organization that
28 agrees to pay money or other valuable consideration to
29 any person to assist another to register to vote by
30 receiving the completed affidavit of registration shall
31 render the payment or promised consideration unless the
32 information specified in subdivision (a) has been affixed
33 personally on the affidavit ~~by~~ *in the handwriting of* the
34 person with whom the agreement for payment was made.

35 SEC. 2. Section 18108 of the Elections Code is
36 amended to read:

37 18108. (a) Any person, *company, or other*
38 *organization who renders payment or promised*
39 *consideration to, or any person who, ~~in exchange for~~*
40 *receives money or other valuable consideration, assists to*



1 *assist* another to register to vote by receiving the
 2 completed affidavit of registration from the elector, and
 3 ~~fails to provide the information required by~~ *comply with*
 4 Section 2159, is guilty of a misdemeanor; *and shall be*
 5 *punished by a fine not exceeding one thousand dollars*
 6 *(\$1,000), or by imprisonment in the county jail not*
 7 *exceeding one year, or both.*

8 *(b) Any person, company, or other organization, upon*
 9 *a third conviction or more for failure to comply with*
 10 *Section 2159 shall be punished by a fine not exceeding ten*
 11 *thousand dollars (\$10,000), or by imprisonment in the*
 12 *state prison for 16 months, or two or three years, or by*
 13 *both the fine and imprisonment.*

14 SEC. 3. No reimbursement is required by this act
 15 pursuant to Section 6 of Article XIII B of the California
 16 Constitution because the only costs that may be incurred
 17 by a local agency or school district will be incurred
 18 because this act creates a new crime or infraction,
 19 eliminates a crime or infraction, or changes the penalty
 20 for a crime or infraction, within the meaning of Section
 21 17556 of the Government Code, or changes the definition
 22 of a crime within the meaning of Section 6 of Article
 23 XIII B of the California Constitution.

24 Notwithstanding Section 17580 of the Government
 25 Code, unless otherwise specified, the provisions of this act
 26 shall become operative on the same date that the act
 27 takes effect pursuant to the California Constitution.

