

AMENDED IN SENATE JULY 26, 1995  
AMENDED IN SENATE JULY 10, 1995  
AMENDED IN SENATE JUNE 21, 1995  
AMENDED IN ASSEMBLY MAY 10, 1995  
AMENDED IN ASSEMBLY APRIL 4, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1532**

**Introduced by Assembly Member Kevin Murray**

February 24, 1995

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An act to amend Sections 2159, ~~18100~~, and 18108 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

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

(1) 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 payer. It prohibits the rendering of payment unless this information has been personally affixed on the affidavit by the payee.

This bill would require any *such* person receiving the completed affidavit to instead sign in his or her handwriting and affix on the affidavit, ~~under penalty of perjury~~, his or her full name, telephone number, address, and the name and telephone number of the payer, if any. It would prohibit the

rendering of payment unless all this information has been personally affixed on the affidavit in the handwriting of the payee. It would impose a state-mandated local program by adding to the definition of the crime of perjury.

(2) Existing law requires the payer 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 payer has agreed to compensate.

This bill would, in addition, require the payer, whether on a per-affidavit basis or otherwise, 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 payer for a minimum of 3 years and made available upon demand by specified officials. It would provide that, as an alternative to maintaining the records required by this bill, the records may be filed with the county elections official, who would be required to retain those records for a minimum of 3 years. It would authorize the county elections official to charge a fee, not to exceed actual costs, for storing these records.

(3) 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~~ *a specified period of time*, or both, and (2) imposing specified felony penalties upon any person, except as specified, upon a 3rd or subsequent conviction, under stated conditions, for failure to comply with this bill.

~~(4) Existing law imposes criminal penalties of imprisonment in the state prison for 16 months or 2 or 3 years, or in a county jail for not more than one year, on every person who willfully causes, procures, or allows himself or herself or any other person to be registered as a voter, knowing that he or she or that other person is not entitled to registration.~~



~~This bill would delete the optional punishment of imprisonment in a county jail for not more than one year for this offense.~~

~~(5) Existing law imposes criminal penalties of imprisonment in the state prison for 16 months or 2 or 3 years, or in a county jail for not more than one year, on every person who knowingly and willfully signs, or causes or procures the signing of, an affidavit of registration of a nonexistent person, and who mails or delivers, or causes or procures the mailing or delivery of, that affidavit to a county elections official.~~

~~This bill would delete the optional punishment of imprisonment in a county jail for not more than one year for this offense.~~

~~(6)~~

(4) Proposition 8, an initiative statute approved by the voters at the June 8, 1982, primary election, prescribes a 5-year prison sentence enhancement for any person convicted of a serious felony, as defined, who has been previously convicted of a serious felony. This initiative statute provides that any amendment of its provisions by the Legislature shall require a  $\frac{2}{3}$  vote of the membership of each house. Chapter 12 of the Statutes of 1994 amended the initiative statute and prescribes enhanced prison sentences for any person convicted of a felony who has one or more prior felony convictions, as defined.

This bill would provide that a felony conviction under the provisions in ~~paragraphs (3), (4), and (5)~~ *paragraph (3)* above shall not constitute a current felony conviction for purposes of the above sentence enhancement provisions. Because this provision would constitute an amendment of an initiative statute, this bill would require a  $\frac{2}{3}$  vote.

~~(7)~~

(5) Proposition 184, an initiative statute approved by the voters at the November 8, 1994, general election, added Section 1170.12 to the Penal Code. This initiative statute also provides that any amendment of its provisions by the Legislature shall require a  $\frac{2}{3}$  vote of the membership of each house. Section 1170.12 of the Penal Code also prescribes enhanced sentences for any person convicted of a felony who has one or more prior felony convictions.



This bill would provide that a felony conviction under the provisions in ~~paragraphs (3), (4), and (5)~~ *paragraph (3)* above shall not constitute a current felony conviction for purposes of the above sentence enhancement provisions. Because this provision would also constitute an amendment of an initiative statute, this bill would require a  $\frac{2}{3}$  vote.

~~(8) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

~~(6) 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:  $\frac{2}{3}$ . 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



1 sign in his or her handwriting and affix directly on the  
2 affidavit of registration ~~under penalty of perjury~~, his or  
3 her full name, telephone number, and address, and the  
4 name and telephone number of the person, company, or  
5 organization, if any, that agrees to pay money or other  
6 valuable consideration for the completed affidavit of  
7 registration.

8 (b) Any person, company, or other organization that  
9 agrees to pay money or other valuable consideration,  
10 whether on a per-affidavit basis or otherwise, to any  
11 person who assists another person to register to vote by  
12 receiving the completed affidavit of registration, shall  
13 maintain a list of the names, addresses, and telephone  
14 numbers of all individuals that the person, company, or  
15 other organization has agreed to compensate for assisting  
16 others to register to vote, and shall provide to each person  
17 receiving that consideration a written statement of that  
18 person's personal responsibilities and liabilities under  
19 Sections 18100, 18101, 18103, 2138, 2139, and 2158. Receipt  
20 of the written statement shall be acknowledged, in  
21 writing, by the person receiving the consideration, and  
22 the acknowledgment shall be kept by the person,  
23 company, or organization that agrees to compensate that  
24 person. All records required by this subdivision shall be  
25 maintained for a minimum of three years, and shall be  
26 made available to the elections official, the Secretary of  
27 State, or an appropriate prosecuting agency, upon  
28 demand. As an alternative to maintaining the records  
29 required by this subdivision, the records may be filed with  
30 the county elections official, who shall retain those  
31 records for a minimum of three years. The county  
32 elections official may charge a fee, not to exceed actual  
33 costs, for storing records pursuant to this subdivision.

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

36 (d) No person, company, or other organization that  
37 agrees to pay money or other valuable consideration,  
38 whether on a per-affidavit basis or otherwise, to any  
39 person to assist another to register to vote by receiving  
40 the completed affidavit of registration shall render the

1 payment or promised consideration unless the  
2 information specified in subdivision (a) has been affixed  
3 personally on the affidavit in the handwriting of the  
4 person with whom the agreement for payment was made.

5 ~~SEC. 2. Section 18100 of the Elections Code is~~  
6 ~~amended to read:~~

7 ~~18100. (a) Every person who willfully causes,~~  
8 ~~procures, or allows himself or herself or any other person~~  
9 ~~to be registered as a voter, knowing that he or she or that~~  
10 ~~other person is not entitled to registration, is punishable~~  
11 ~~by imprisonment in the state prison for 16 months or two~~  
12 ~~or three years.~~

13 ~~(b) Every person who knowingly and willfully signs, or~~  
14 ~~causes or procures the signing of, an affidavit of~~  
15 ~~registration of a nonexistent person, and who mails or~~  
16 ~~delivers, or causes or procures the mailing or delivery of,~~  
17 ~~that affidavit to a county elections official is guilty of a~~  
18 ~~crime punishable by imprisonment in the state prison for~~  
19 ~~16 months or two or three years. For purposes of this~~  
20 ~~subdivision, “nonexistent person” includes, but is not~~  
21 ~~limited to, deceased persons, animals, and inanimate~~  
22 ~~objects.~~

23 ~~(c) A felony conviction under this section shall not~~  
24 ~~constitute a current felony conviction for purposes of~~  
25 ~~subdivisions (b) to (i), inclusive, of Section 667 of the~~  
26 ~~Penal Code, or Section 1170.12 of the Penal Code.~~

27 ~~SEC. 3.—~~

28 ~~SEC. 2. Section 18108 of the Elections Code is~~  
29 ~~amended to read:~~

30 18108. (a) Except as provided in subdivision (d), any  
31 person who receives money or other valuable  
32 consideration to, assist another to register to vote by  
33 receiving the completed affidavit of registration from the  
34 elector, and fails to comply with *subdivision (a) of* Section  
35 2159, is guilty of a misdemeanor, and shall be punished by  
36 a fine not exceeding one thousand dollars (\$1,000), or by  
37 imprisonment in the county jail not exceeding *six months*  
38 *or when the failure to comply is found to be willful, not*  
39 *exceeding* one year, or both.



1 (b) Any person who receives money or other valuable  
2 consideration to assist another to register to vote by  
3 receiving the completed affidavit of registration from the  
4 elector, upon a third or subsequent conviction, on charges  
5 brought and separately tried, for failure to comply with  
6 *subdivision (a) of* Section 2159 shall be punished by a fine  
7 not exceeding ten thousand dollars (\$10,000), or by  
8 imprisonment in the state prison for 16 months, or two or  
9 three years, or by both the fine and imprisonment.

10 (c) A felony conviction under this section shall not  
11 constitute a current felony conviction for purposes of  
12 subdivisions (b) to (i), inclusive, of Section 667 of the  
13 Penal Code, or Section 1170.12 of the Penal Code.

14 (d) This section shall not apply to any public agency or  
15 its employees that is designated as a voter registration  
16 agency pursuant to the National Voter Registration Act  
17 of 1993 (42 U.S.C. Sec. 1973gg), when an elector asks for  
18 assistance to register to vote during the course and scope  
19 of the agency's normal business.

20 ~~SEC. 4. No reimbursement is required by this act~~  
21 ~~pursuant to Section 6 of Article XIII B of the California~~  
22 ~~Constitution for certain costs that may be incurred by a~~  
23 ~~local agency or school district because in that regard this~~  
24 ~~act creates a new crime or infraction, eliminates a crime~~  
25 ~~or infraction, or changes the penalty for a crime or~~  
26 ~~infraction, within the meaning of Section 17556 of the~~  
27 ~~Government Code, or changes the definition of a crime~~  
28 ~~within the meaning of Section 6 of Article XIII B of the~~  
29 ~~California Constitution.~~

30 ~~However, notwithstanding Section 17610 of the~~  
31 ~~Government Code, if the Commission on State Mandates~~  
32 ~~determines that this act contains other costs mandated by~~  
33 ~~the state, reimbursement to local agencies and school~~  
34 ~~districts for those costs shall be made pursuant to Part 7~~  
35 ~~(commencing with Section 17500) of Division 4 of Title~~  
36 ~~2 of the Government Code. If the statewide cost of the~~  
37 ~~claim for reimbursement does not exceed one million~~  
38 ~~dollars (\$1,000,000), reimbursement shall be made from~~  
39 ~~the State Mandates Claims Fund.~~



1 ~~Notwithstanding Section 17580 of the Government~~  
2 ~~Code, unless otherwise specified, the provisions of this act~~  
3 ~~shall become operative on the same date that the act~~  
4 ~~takes effect pursuant to the California Constitution.~~

5 *SEC. 3. No reimbursement is required by this act*  
6 *pursuant to Section 6 of Article XIII B of the California*  
7 *Constitution because the only costs that may be incurred*  
8 *by a local agency or school district will be incurred*  
9 *because this act creates a new crime or infraction,*  
10 *eliminates a crime or infraction, or changes the penalty*  
11 *for a crime or infraction, within the meaning of Section*  
12 *17556 of the Government Code, or changes the definition*  
13 *of a crime within the meaning of Section 6 of Article*  
14 *XIII B of the California Constitution.*

15 *Notwithstanding Section 17580 of the Government*  
16 *Code, unless otherwise specified, the provisions of this act*  
17 *shall become operative on the same date that the act*  
18 *takes effect pursuant to the California Constitution.*

