

Assembly Bill No. 1532

CHAPTER 946

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

[Approved by Governor October 16, 1995. Filed
with Secretary of State October 16, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1532, 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, 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.

(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 a specified period of time, or both, and (2) imposing a fine not to

exceed \$10,000, or imprisonment in the county jail not to exceed one year, or both, upon any person, except as specified, upon a 3rd or subsequent conviction, under stated conditions, for failure to comply with this bill.

(4) 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.

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

SECTION 1. Section 2159 of the Elections Code is amended to read:

2159. (a) Notwithstanding paragraph (1) of subdivision (b) of Section 2158, any person who, in exchange for money or other valuable consideration, assists another to register to vote by receiving the completed affidavit of registration from the elector, shall sign in his or her handwriting and affix directly on the affidavit of registration his or her full name, telephone number, and address, and the name and telephone number of the person, company, or organization, if any, that agrees to pay money or other valuable consideration for the completed affidavit of registration.

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



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

(d) No person, company, or other organization that agrees to pay money or other valuable consideration, whether on a per-affidavit basis or otherwise, to any person to assist another to register to vote by receiving the completed affidavit of registration shall render the payment or promised consideration unless the information specified in subdivision (a) has been affixed personally on the affidavit in the handwriting of the person with whom the agreement for payment was made.

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

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

(b) Any person who receives money or other valuable consideration to assist another to register to vote by receiving the completed affidavit of registration from the elector, upon a third or subsequent conviction, on charges brought and separately tried, for failure to comply with subdivision (a) of Section 2159 shall be punished by a fine not exceeding ten thousand dollars (\$10,000), or by imprisonment in the county jail not to exceed one year, or both.

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

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

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

