

AMENDED IN SENATE AUGUST 6, 2012

AMENDED IN SENATE JULY 13, 2011

AMENDED IN SENATE JUNE 21, 2011

AMENDED IN ASSEMBLY JUNE 1, 2011

AMENDED IN ASSEMBLY MARCH 16, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 145

**Introduced by Assembly Members ~~Galgiani, Bonnie Lowenthal,~~
and ~~Gordon Member Pan~~**

(Principal coauthor: Assembly Member Galgiani)

(Principal coauthor: Senator Correa)

January 13, 2011

~~An act to amend Section 13975 of the Government Code, and to repeal and add Division 19.5 (commencing with Section 185000) of the Public Utilities Code, relating to high-speed rail. An act to amend Sections 2159.5 and 18108.5 of, and to add Section 18109.5 to, the Elections Code, relating to elections.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 145, as amended, ~~Galgiani Pan. High-speed rail. Voter registration: paid registration activities.~~

Existing law authorizes any person, company, or other organization that complies with specified conditions to agree to pay money or other valuable consideration, 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.

This bill would prohibit any person, company, or other organization from agreeing to pay money or other valuable consideration on a per-affidavit basis to any person who assists another person to register to vote by receiving the completed affidavit of registration, would prohibit the receipt of this per-affidavit consideration, and would make conforming changes. A violation of these prohibitions would be a misdemeanor.

Existing law requires an elections official to notify the payor of a person who assists others to register to vote if 3 or more affidavits submitted by the person assisting do not comply with specified provisions.

This bill would provide that this notification is required when 3 or more affidavits submitted by the person assisting each reflects a violation of one or more of those provisions.

By defining a new crime, this bill would impose a state-mandated local program.

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.

~~Existing law, the California High-Speed Rail Act, creates the High-Speed Rail Authority with 9 members to develop and implement a high-speed train system in the state, with specified powers and duties. Existing law, pursuant to that act, specifies the powers and duties of the authority, which include entering into contracts with private and public entities for the design, construction, and operation of high-speed trains, the acquisition of rights-of-way through purchase or eminent domain, and the relocation of highways and utilities, among other things. Existing law requires the authority to adopt and submit to the Legislature, every 2 years, a business plan. Existing law authorizes the authority to appoint an executive director, and authorizes the Governor to appoint up to 6 additional persons exempt from civil service. Existing law provides for the authority to establish an independent peer review group. Existing law, the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters as Proposition 1A at the November 4, 2008, general election, provides for the issuance of \$9.95 billion in general obligation bonds for high-speed rail and related purposes.~~

~~This bill would repeal all of the provisions of the California High-Speed Rail Act. The bill would enact a new California High-Speed Rail Act. The bill would continue the High-Speed Rail Authority in existence with limited responsibilities and would place the authority within the Business, Transportation and Housing Agency. The 5 members of the authority appointed by the Governor would be subject to Senate confirmation, but existing members could continue to serve the remainder of their terms. The bill would authorize the authority to appoint an executive director, and would provide for the Governor to appoint up to 6 additional individuals exempt from civil service as authority staff. The bill would require the authority to adopt policies directing the development and implementation of high-speed rail, prepare and adopt a business plan and high-speed train capital program, establish a peer review group, select alignments for the routes of the high-speed train system established by law, adopt criteria for the award of franchises, and set fares or establish guidelines for the setting of fares. The bill would enact other related provisions.~~

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

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

1 SECTION 1. Section 2159.5 of the Elections Code is amended
 2 to read:

3 2159.5. Any person, company, or other organization that agrees
 4 to pay money or other valuable consideration, ~~whether on a~~
 5 ~~per-affidavit basis or otherwise~~, to any person who assists another
 6 person to register to vote by receiving the completed affidavit of
 7 registration, shall do all of the following:

8 (a) Maintain a list of the names, addresses, and telephone
 9 numbers of all individuals that the person, company, or other
 10 organization has agreed to compensate for assisting others to
 11 register to vote, and shall provide to each person receiving that
 12 consideration a written statement of that person's personal
 13 responsibilities and liabilities under Sections 2138, 2139, 2150,
 14 2158, 2159, 18100, 18101, 18103, 18106, 18108, 18108.1, and
 15 18108.5. Receipt of the written statement shall be acknowledged,
 16 in writing, by the person receiving the consideration, and the
 17 acknowledgment shall be kept by the person, company, or
 18 organization that agrees to compensate that person. All records

1 required by this subdivision shall be maintained for a minimum
2 of three years, and shall be made available to the elections official,
3 the Secretary of State, or an appropriate prosecuting agency, upon
4 demand. As an alternate to maintaining the records required by
5 this subdivision, the records may be filed with the county elections
6 official, who shall retain those records for a minimum of three
7 years. The county elections official may charge a fee, not to exceed
8 actual costs, for storing records pursuant to this subdivision.

9 (b) Not render any payment or promised consideration unless
10 the information specified in Section 2159 has been affixed
11 personally on the affidavit in the handwriting of the person with
12 whom the agreement for payment was made.

13 (c) At the time of submission of affidavits to elections officials,
14 identify and separate those affidavits into groups that do and that
15 do not comply with the requirements of Sections 2150 and 2159.
16 A signed acknowledgment shall be attached to each group of
17 affidavits identifying a group as in compliance with Sections 2150
18 and 2159, and a group as not in compliance with either Section
19 2150 or 2159, or both.

20 (d) Failure to comply with this section shall not cause the
21 invalidation of the registration of the voter *unless the registration*
22 *of the voter is found to be invalid pursuant to any other section of*
23 *this division.*

24 *SEC. 2. Section 18108.5 of the Elections Code is amended to*
25 *read:*

26 18108.5. (a) Any person, company, or other organization that
27 agrees to pay money or other valuable consideration, ~~whether on~~
28 ~~a per-affidavit basis or otherwise,~~ to any person who assists another
29 person to register to vote by receiving the completed affidavit of
30 registration who fails to comply with Section 2159.5, is guilty of
31 a misdemeanor, and shall be punished by a fine not exceeding one
32 thousand dollars (\$1,000), or by imprisonment in the county jail
33 not exceeding six months or, when the failure to comply is found
34 to be willful, not exceeding one year, ~~or both~~ *by both that fine and*
35 *imprisonment.*

36 (b) Any person, company, or other organization that agrees to
37 pay money or other valuable consideration, ~~whether on a~~
38 ~~per-affidavit basis or otherwise,~~ to any person who assists another
39 person to register to vote by receiving the completed affidavit of
40 registration, upon a third or subsequent conviction, on charges

1 brought and separately tried, for failure to comply with Section
2 2159.5 shall be punished by a fine not exceeding ten thousand
3 dollars (\$10,000), or by imprisonment in the county jail not to
4 exceed one year, or ~~both~~ by *both that fine and imprisonment*.

5 (c) An elections official shall notify any person, company, or
6 other organization that agrees to pay money or other valuable
7 consideration, ~~whether on a per-affidavit basis or otherwise~~, to
8 any person who assists another person to register to vote by
9 receiving the completed affidavit of registration, ~~that~~ *when three*
10 *or more affidavits of registration submitted by a person who*
11 *assisted another others to register to vote do not comply with each*
12 *reflects a violation of one or more of Sections 18100, 18101,*
13 *18103, ~~or~~ and 18106.* The elections official may forward a copy
14 of each of the noncomplying affidavits of registration to the district
15 attorney, who may make a determination whether probable cause
16 exists to believe that a violation of *this division or any other law*
17 has occurred.

18 (d) This section shall not apply to any public agency or its
19 employees that is designated as a voter registration agency pursuant
20 to the National Voter Registration Act of 1993 (42 U.S.C. Sec.
21 1973gg), when an elector asks for assistance to register to vote
22 during the course and scope of the agency's normal business.

23 *SEC. 3. Section 18109.5 is added to the Elections Code, to*
24 *read:*

25 *18109.5. (a) Any person who offers to pay or pays money or*
26 *other valuable consideration to another person, either directly or*
27 *indirectly, on a per-affidavit basis to assist another person to*
28 *register to vote by receiving the completed affidavit of registration*
29 *is guilty of a misdemeanor.*

30 *(b) Any person who receives money or other valuable*
31 *consideration, either directly or indirectly, on a per-affidavit basis*
32 *to assist another person to register to vote by receiving the*
33 *completed affidavit of registration is guilty of a misdemeanor.*

34 *(c) Nothing in this section shall be construed to prohibit payment*
35 *for assisting another person to register to vote by receiving the*
36 *completed affidavit which is not, either directly or indirectly, on*
37 *a per-affidavit basis.*

38 *SEC. 4. No reimbursement is required by this act pursuant to*
39 *Section 6 of Article XIII B of the California Constitution because*
40 *the only costs that may be incurred by a local agency or school*

1 *district will be incurred because this act creates a new crime or*
2 *infraction, eliminates a crime or infraction, or changes the penalty*
3 *for a crime or infraction, within the meaning of Section 17556 of*
4 *the Government Code, or changes the definition of a crime within*
5 *the meaning of Section 6 of Article XIII B of the California*
6 *Constitution.*

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**All matter omitted in this version of the bill
appears in the bill as amended in the
Senate, July 13, 2011. (JR11)**

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