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AB-2010 Voter's pamphlet: electronic candidate statement. (2015-2016)

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Assembly Bill No. 2010

CHAPTER 128

An act to amend Sections 13307, 13308, and 13312 of the Elections Code, relating to elections.

[Approved by Governor August 17, 2016. Filed with Secretary of State August 17, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2010, Ridley-Thomas. Voter's pamphlet: electronic candidate statement.

Existing law permits a candidate for a nonpartisan elective office in any local agency, which includes any city, county, city and county, or district, to prepare a written statement, pursuant to specified guidelines, to be included in a voter's pamphlet that is mailed to each voter. Existing law requires each voter's pamphlet to contain a notice in the heading of the first page of that pamphlet in heavy-faced gothic type that, among other things, each candidate's statement in the pamphlet is volunteered by the candidate. Existing law requires an elections official to provide a Spanish translation to those candidates who wish to have one.

Existing law authorizes a county or city elections official to establish procedures designed to permit a voter to opt out of receiving his or her voter's pamphlet and other related materials by mail, and instead obtain them electronically via email or by accessing them on the county's or city's Internet Web site, provided specified conditions are met.

This bill would authorize the governing body of a local agency to permit a candidate for nonpartisan elective office in the local agency to prepare a written statement for electronic distribution if the elections official who is conducting the election permits electronic distribution of a candidate's statement. This bill would require the statement to be posted on the Internet Web site of the elections official, permit the statement to be included in a voter's pamphlet that is electronically distributed, and prohibit the statement from being included in a voter's pamphlet that is printed and mailed to voters. This bill would require the elections official to provide a Spanish translation to those candidates who wish to have one. This bill would require the notice in the heading of the first page of the voter's pamphlet, in certain circumstances, to specify that additional statements are available on the Internet Web site of the elections official, and would delete the requirement that the notice appear in heavy-faced gothic type.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

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 that contains the written statements of each candidate that is prepared pursuant to subdivision (a). 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) (1) In addition to the statement prepared pursuant to subdivision (a), if the elections official who is conducting the election permits electronic distribution of a candidate's statement, the governing body of a local agency may permit each candidate for nonpartisan elective office in the local agency to prepare a candidate's statement for the purpose of electronic distribution pursuant to this subdivision.

(2) A statement prepared pursuant to this subdivision shall be posted on the Internet Web site of the elections official, and may be included in a voter's pamphlet that is electronically distributed by the elections official pursuant to Section 13300.7, but shall not be included in a voter's pamphlet that is printed and mailed to voters pursuant to subdivision (b).

(3) A statement that is printed in the voter's pamphlet and mailed to voters pursuant to subdivision (b) shall be included with the statement that is prepared and electronically distributed pursuant to this subdivision.

(4) A statement that is prepared and electronically distributed pursuant to this subdivision shall be displayed in type of uniform size and darkness, and with uniform spacing.

(5) 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 persons listed in paragraph (2) of subdivision (b).

(d) The local agency may estimate the total cost of printing, handling, translating, mailing, and electronically distributing a 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 or electronically distributed. 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 that, 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.

(e) 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 electronic distribution pursuant to this section, or contained in the voter's pamphlet.

(f) 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 and, if authorized pursuant to subdivision (c), for the electronically distributed candidate's statement. 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, mailing, and electronic distribution shall be provided to each candidate, or his or her representative, at the time he or she picks up the nomination papers.

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

SEC. 2. Section 13308 of the Elections Code is amended to read:

13308. In addition to the restrictions set forth in Section 13307, any candidate's statement submitted pursuant to Section 13307 shall be limited to a recitation of the candidate's own personal background and qualifications, and shall not in any way make reference to other candidates for that office or to another candidate's qualifications, character, or activities. The elections official shall not cause to be printed, posted on an Internet Web site, or circulated any statement that the elections official determines is not so limited or that includes any reference prohibited by this section.

SEC. 3. Section 13312 of the Elections Code is amended to read:

13312. (a) Each voter's pamphlet prepared pursuant to subdivision (b) of Section 13307 shall contain a notice in the heading of the first page, not smaller than 10-point type, that specifies both of the following:

(1) That the pamphlet does not contain a complete list of candidates and that a complete list of candidates appears on the sample ballot (if any candidate is not listed in the pamphlet).

(2) That each candidate's statement in the pamphlet is volunteered by the candidate and (if printed at the candidate's expense) is printed at his or her expense.

(b) If a local agency has authorized each candidate for nonpartisan elective office to prepare a candidate's statement for the purpose of electronic distribution pursuant to subdivision (c) of Section 13307, and if a candidate has submitted a statement for that purpose, the notice required by subdivision (a) shall specify that additional statements are available on the Internet Web site of the elections official and shall include the Internet Web site address at which the statements may be viewed.