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AB-606 State voter information guides. (2017-2018)

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Assembly Bill No. 606

CHAPTER 656

An act to amend Sections 2194, 9084, 9086, 9094.5, and 9096 of the Elections Code, and to amend Section 12173 of the Government Code, relating to elections.

[Approved by Governor October 11, 2017. Filed with Secretary of State October 11, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 606, Berman. State voter information guides.

Existing law requires the Secretary of State to prepare and mail to voters a state voter information guide that includes, among other things, a copy of the specific constitutional or statutory provision, if any, that each state measure would repeal or revise. Existing law requires the Secretary of State to make available the complete contents of the state voter information guide over the Internet. Existing law also requires the Secretary of State to establish procedures to allow a voter to opt out of receiving the state voter information guide by mail and, instead, to either receive the guide in an electronic format or receive an electronic notification making the guide available by means of online access.

This bill would require the Secretary of State to instead include before each state measure a conspicuous notice that identifies the location on the Secretary of State's Internet Web site of the specific constitutional or statutory provision that the state measure would repeal or revise, as specified. The bill would require that the electronic version of the state voter information guide include an active hyperlink for each cited Uniform Resource Locator. The bill would make conforming changes.

Existing law requires the Secretary of State to develop a program to utilize modern communications and information processing technology to enhance the availability and accessibility of information on statewide candidates and ballot initiatives.

The bill would authorize the Secretary of State to electronically send election information, including information contained within the state voter information guide, to a voter if specified requirements are met. The bill would additionally authorize the Secretary of State to utilize affidavit of voter registration information for these purposes.

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

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 2194 of the Elections Code is amended to read:

2194. (a) Except as provided in Section 2194.1, the affidavit of voter registration information identified in Section 6254.4 of the Government Code:

(1) Shall be confidential and shall not appear on any computer terminal, list, affidavit, duplicate affidavit, or other medium routinely available to the public at the county elections official's office.

(2) Shall not be used for any personal, private, or commercial purpose, including, but not limited to:

(A) The harassment of any voter or voter's household.

(B) The advertising, solicitation, sale, or marketing of products or services to any voter or voter's household.

(C) Reproduction in print, broadcast visual or audio, or display on the Internet or any computer terminal unless pursuant to paragraph (3).

(3) Shall be provided with respect to any voter, subject to the provisions of Sections 2166, 2166.5, 2166.7, and 2188, to any candidate for federal, state, or local office, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State.

(4) May be used by the Secretary of State for the purpose of educating voters pursuant to Section 12173 of the Government Code.

(b) (1) Notwithstanding any other law, the California driver's license number, the California identification card number, the social security number, and any other unique identifier used by the State of California for purposes of voter identification shown on the affidavit of voter registration of a registered voter, or added to voter registration records to comply with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.), are confidential and shall not be disclosed to any person.

(2) Notwithstanding any other law, the signature of the voter shown on the affidavit of voter registration or an image thereof is confidential and shall not be disclosed to any person, except as provided in subdivision (c).

(c) (1) The home address or signature of any voter shall be released whenever the person's vote is challenged pursuant to Sections 15105 to 15108, inclusive, or Article 3 (commencing with Section 14240) of Chapter 3 of Division 14. The address or signature shall be released only to the challenger, to elections officials, and to other persons as necessary to make, defend against, or adjudicate the challenge.

(2) An elections official shall permit a person to view the signature of a voter for the purpose of determining whether the signature matches a signature on an affidavit of registration or an image thereof or a petition, but shall not permit a signature to be copied.

(d) A governmental entity, or officer or employee thereof, shall not be held civilly liable as a result of disclosure of the information referred to in this section, unless by a showing of gross negligence or willfulness.

(e) For the purposes of this section, "voter's household" is defined as the voter's place of residence or mailing address or any persons who reside at the place of residence or use the mailing address as supplied on the affidavit of registration pursuant to paragraphs (3) and (4) of subdivision (a) of Section 2150.

SEC. 2. Section 9084 of the Elections Code is amended to read:

9084. The state voter information guide shall contain all of the following:

(a) A complete copy of each state measure.

(b) Before each state measure, a conspicuous notice that identifies the location on the Secretary of State's Internet Web site of the specific constitutional or statutory provision that the state measure would repeal or revise.

(c) A copy of the arguments and rebuttals for and against each state measure.

(d) A copy of the analysis of each state measure.

(e) Tables of contents, indexes, art work, graphics, and other materials that the Secretary of State determines will make the state voter information guide easier to understand or more useful for the average voter.

(f) A notice, conspicuously printed on the cover of the state voter information guide, indicating that additional copies of the state voter information guide will be mailed by the county elections official upon request.

(g) A written explanation of the judicial retention procedure as required by Section 9083.

(h) The Voter Bill of Rights pursuant to Section 2300.

(i) If the ballot contains an election for the office of United States Senator, information on candidates for United States Senator. A candidate for United States Senator may purchase the space to place a statement in the state voter information guide that does not exceed 250 words. The statement shall not make any reference to any opponent of the candidate. The statement shall be submitted in accordance with timeframes and procedures set forth by the Secretary of State for the preparation of the state voter information guide.

(j) If the ballot contains a question on the confirmation or retention of a justice of the Supreme Court, information on justices of the Supreme Court who are subject to confirmation or retention.

(k) If the ballot contains an election for the offices of President and Vice President of the United States, a notice that refers voters to the Secretary of State's Internet Web site for information about candidates for the offices of President and Vice President of the United States.

(l) A written explanation of the appropriate election procedures for party-nominated, voter-nominated, and nonpartisan offices as required by Section 9083.5.

(m) A written explanation of the top 10 contributor lists required by Section 84223 of the Government Code, including a description of the Internet Web sites where those lists are available to the public.

SEC. 3. Section 9086 of the Elections Code is amended to read:

9086. The state voter information guide shall contain as to each state measure to be voted upon, the following, in the order set forth in this section:

(a) (1) Upon the top portion of the first page, and not exceeding one-third of the page, shall appear:

(A) Identification of the measure by number and title.

(B) The official summary prepared by the Attorney General.

(C) The total number of votes cast for and against the measure in both the State Senate and Assembly, if the measure was passed by the Legislature.

(2) The space in the title and summary that is used for an explanatory table prepared pursuant to paragraph (2) of subdivision (e) of Section 9087 and Section 88003 of the Government Code shall not be included when measuring the amount of space the information described in paragraph (1) has taken for purposes of determining compliance with the restriction prohibiting the information described in paragraph (1) from exceeding one-third of the page.

(b) Beginning at the top of the right page shall appear the analysis prepared by the Legislative Analyst if the analysis fits on a single page. If it does not fit on a single page, the analysis shall begin on the lower portion of the first left page and shall continue on subsequent pages until it is completed.

(c) Immediately below the analysis prepared by the Legislative Analyst shall appear a printed statement that refers voters to the Secretary of State's Internet Web site for a list of committees primarily formed to support or oppose a ballot measure, and information on how to access the committee's top 10 contributors.

(d) Arguments for and against the measure shall be placed on the next left and right pages, respectively, following the final page of the analysis of the Legislative Analyst. The rebuttals shall be placed immediately below the arguments.

(e) If an argument against the measure has not been submitted, the argument for the measure shall appear on the right page facing the analysis.

(f) Before each state measure, a conspicuous notice identifying the location on the Secretary of State's Internet Web site of the complete text of the state measure. The Secretary of State's Internet Web Site shall contain the provisions of the proposed measure and the existing laws repealed or revised by the measure. The provisions of the proposed measure differing from the existing laws affected shall be distinguished in print, so as to facilitate comparison. There shall be printed immediately below each state measure, in no less than 10-point bold type, a legend substantially as follows: "If you desire a copy of the full text of the state measure, please call the Secretary of State at (insert toll-free telephone number) and a copy will be mailed at no cost to you."

(g) The following statement shall be printed at the bottom of each page where arguments appear: "Arguments printed on this page are the opinions of the authors, and have not been checked for accuracy by any official agency."

SEC. 4. Section 9094.5 of the Elections Code is amended to read:

9094.5. (a) The Secretary of State shall establish processes to enable a voter to do both of the following:

(1) Opt out of receiving by mail the state voter information guide prepared pursuant to Section 9081.

(2) When the state voter information guide is available, receive either the state voter information guide in an electronic format or an electronic notification making the guide available by means of online access. The electronic version of the state voter information guide shall include an active hyperlink for each cited Uniform Resource Locator.

(b) The processes described in subdivision (a) do not apply where two or more registered voters have the same postal address unless each voter who shares the same postal address has chosen to discontinue receiving the state voter information guide by mail.

(c) The Secretary of State shall also establish a procedure to permit a voter to begin receiving the state voter information guide by mail again after the voter has discontinued receiving it pursuant to subdivision (a).

SEC. 5. Section 9096 of the Elections Code is amended to read:

9096. (a) As soon as copies of the state voter information guide and copies of the full text of all measures described in subdivision (f) of Section 9086 are available, the Secretary of State shall immediately mail the following number of copies to the listed persons and places:

(1) Five copies to each county elections official or registrar of voters.

(2) Six copies to each city elections official.

(3) Five copies to each Member of the Legislature.

(4) Five copies to the proponents of each ballot measure.

(b) The Secretary of State shall also mail:

(1) Two copies to each public library and branch of each public library.

(2) Twelve copies to each public high school or other public school teaching at least the 11th and 12th grades, and 25 copies to each public postsecondary educational institution. Upon request, and in the discretion of the Secretary of State, additional copies may be furnished to these persons and institutions.

(c) No later than one business day after receipt of a request from a voter, the Secretary of State shall mail the full text of a state measure described in subdivision (f) of Section 9086 to the voter.

SEC. 6. Section 12173 of the Government Code is amended to read:

12173. (a) The Secretary of State's office shall develop a program to utilize electronic communications and enhance the availability and accessibility of information on statewide candidates and ballot initiatives. This includes making information available online as well as through other information processing technology.

(b) The Secretary of State may electronically send all of the following election information to a voter:

(1) The date of the election.

(2) The voter registration deadline.

(3) Other information that assists the voter in registering to vote or casting a ballot.

(4) Information contained within the state voter information guide pursuant to Section 9082.7.

(c) The Secretary of State may send the information identified in subdivision (b) using one or both of the following methods:

(1) By electronic mail if the Secretary of State has the voter's email address and provides the voter with an opportunity to opt out of receiving communications.

(2) By text message to the voter's electronic device if the voter has consented to receiving text messages and the voter has been provided with an opportunity to opt out of receiving communications.