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SB-665 Elections: ballot measures. (2017-2018)

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Senate Bill No. 665

CHAPTER 75

An act to amend Sections 9067, 9166, 9287, and 9503 of the Elections Code, relating to elections.

[Approved by Governor July 17, 2017. Filed with Secretary of State July 17, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 665, Moorlach. Elections: ballot measures.

Under existing law, whenever a statewide, county, city, or school district measure qualifies for the ballot, specified entities, including bona fide associations of citizens, may file a written argument for or against the measure. If more than one of these entities or individuals submits an argument, existing law directs the appropriate official to select the argument to be printed and distributed based on the identity of the author or authors, which existing law prioritizes, as specified.

This bill would require an organization or association submitting an argument for or against a measure to also submit additional information to the appropriate official to enable that official to determine if it qualifies as a bona fide association of citizens. This bill would also prohibit the official from considering the type of documentation submitted or the form of the association when selecting an argument from among associations.

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

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

SECTION 1. Section 9067 of the Elections Code is amended to read:

9067. (a) If more than one argument for, or more than one argument against, a measure is filed within the time prescribed, the Secretary of State shall select one of the arguments for printing in the state voter information guide. In selecting the argument the Secretary of State shall give preference and priority in the order named to the arguments of the following:

- (1) In the case of a measure submitted by the Legislature, Members of the Legislature.
- (2) In the case of an initiative or referendum measure, the proponent of the measure.
- (3) Bona fide associations of citizens.
- (4) Individual voters.

(b) In order to enable the Secretary of State to determine whether it qualifies as a bona fide association of citizens, an organization or association submitting an argument for or against a measure shall submit with its argument a copy of one of the following:

(1) Its articles of incorporation, articles of association, partnership documents, bylaws, or similar documents.

(2) Letterhead containing the name of the organization and its principal officers.

(3) If the organization or association is a primary formed committee established to support or oppose the measure, its statement of organization filed pursuant to Section 84101 of the Government Code.

(c) In selecting an argument from among bona fide associations of citizens, the Secretary of State shall not consider the type of documentation submitted pursuant to subdivision (b) or the form of the association.

SEC. 2. Section 9166 of the Elections Code is amended to read:

9166. (a) If more than one argument for or more than one argument against any county measure is submitted to the county elections official within the time prescribed, the county elections official shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument, the county elections official shall give preference and priority in the order named to the arguments of the following:

(1) The board of supervisors or a member or members of the board.

(2) The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.

(3) Bona fide associations of citizens.

(4) Individual voters who are eligible to vote on the measure.

(b) In order to enable the county elections official to determine whether it qualifies as a bona fide association of citizens, an organization or association submitting an argument for or against a county measure shall submit with its argument a copy of one of the following:

(1) Its articles of incorporation, articles of association, partnership documents, bylaws, or similar documents.

(2) Letterhead containing the name of the organization and its principal officers.

(3) If the organization or association is a primarily formed committee established to support or oppose the measure, its statement of organization filed pursuant to Section 84101 of the Government Code.

(c) In selecting an argument from among bona fide associations of citizens, the county elections official shall not consider the type of documentation submitted pursuant to subdivision (b) or the form of the association.

SEC. 3. Section 9287 of the Elections Code is amended to read:

9287. If more than one argument for or more than one argument against any city measure is submitted to the city elections official within the time prescribed, he or she shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument, the city elections official shall give preference and priority, in the order named, to the arguments of the following:

(a) The legislative body, or member or members of the legislative body authorized by that body.

(b) The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.

(c) Bona fide associations of citizens.

(d) Individual voters who are eligible to vote on the measure.

(e) In order to enable the city elections official to determine whether it qualifies as a bona fide association of citizens, an organization or association submitting an argument for or against a city measure shall submit with its argument a copy of one of the following:

(1) Its articles of incorporation, articles of association, partnership documents, bylaws, or similar documents.

(2) Letterhead containing the name of the organization and its principal officers.

(3) If the organization or association is a primarily formed committee established to support or oppose the measure, its statement of organization filed pursuant to Section 84101 of the Government Code.

(f) In selecting an argument from among bona fide associations of citizens, the city elections official shall not consider the type of documentation submitted pursuant to subdivision (b) or the form of the association.

SEC. 4. Section 9503 of the Elections Code is amended to read:

9503. If more than one argument for or more than one argument against any school measure is submitted to the person conducting the election within the time prescribed, the person conducting the election shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the arguments, the person conducting the election shall give preference and priority, in the order named, to the arguments of the following:

(a) The governing board of the district or a member or members of the board.

(b) The individual voter, or bona fide associations of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.

(c) Bona fide associations of citizens.

(d) Individual voters who are eligible to vote on the measure.

(e) In order to enable the person conducting the election to determine whether it qualifies as a bona fide association of citizens, an organization or association submitting an argument for or against a school measure shall submit with its argument a copy of one of the following:

(1) Its articles of incorporation, articles of association, partnership documents, bylaws, or similar documents.

(2) Letterhead containing the name of the organization and its principal officers.

(3) If the organization or association is a primary formed committee established to support or oppose the measure, its statement of organization filed pursuant to Section 84101 of the Government Code.

(f) In selecting an argument from among bona fide associations of citizens, the person conducting the election shall not consider the type of documentation submitted pursuant to subdivision (b) or the form of the association.