

Introduced by Senator LaraFebruary 17, 2017

An act to amend Sections 13105 and 13307 of, to add Chapter 3 (commencing with Section 10050) to Part 1 of Division 10 of, and to repeal Section 10226 of, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 691, as introduced, Lara. Local agency elections: party preference.

(1) Existing law permits the voters of a city to nominate a candidate for an elective office of the city by the signing and filing of nomination papers, as specified. Existing law requires a candidate for an elective office in a local agency to include an affidavit with his or her nomination papers, indicating the candidate's name, designation, and residence address, as specified.

This bill would additionally require that the candidate disclose his or her party preference, or indicate that he or she declines to disclose a party preference, on the affidavit of the nominee. The bill also would make conforming changes.

(2) Existing law authorizes each candidate for nonpartisan elective office in any local agency, including any city, county, city and county, or district, to prepare a candidate's statement on an appropriate form provided by the elections official. Existing law prohibits the statement from including the candidate's party affiliation or membership or activity in partisan political organizations.

This bill would instead authorize a candidate to include his or her party preference or membership or activity in partisan political organizations in his or her candidate's statement.

(3) Existing law prohibits a ballot for an elective office in any local agency election from including a candidate's party preference.

This bill would require a ballot for an elective office in a local agency, including any city, county, city and county, or district, to include a candidate’s party preference, as specified. Because this bill would impose additional duties on local elections officials, it 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would provide that it would become operative only if SCA ___ is approved by the voters.

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

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

1 SECTION 1. Chapter 3 (commencing with Section 10050) is
2 added to Part 1 of Division 10 of the Elections Code, to read:

3
4 CHAPTER 3. NOMINATION OF LOCAL CANDIDATES
5

6 10050. (a) A candidate for an elective office in any local
7 agency, including any city, county, city and county, or district,
8 shall indicate one of the following upon his or her nomination
9 papers, which shall be consistent with what appears on the
10 candidate’s most recent affidavit of registration:

11 (1) “Party Preference: _____ (insert the name of the qualified
12 political party as disclosed upon your affidavit of registration).”

13 (2) “Party Preference: None (if you have declined to disclose a
14 preference for a qualified political party upon your affidavit of
15 registration).”

16 (b) The selection made by the candidate pursuant to subdivision
17 (a) shall appear on the election ballot in conjunction with his or
18 her name.

19 (c) A candidate designating a party preference pursuant to
20 subdivision (a) shall not be deemed to be the official nominee of
21 the party designated as preferred by the candidate. A candidate’s

1 designation of party preference shall not be construed as an
2 endorsement of that candidate by the party designated. The party
3 preference designated by the candidate is shown for the information
4 of the voters only and shall not limit the options available to voters.

5 (d) All references to party preference or affiliation shall be
6 omitted from all forms required to be filed by a candidate for
7 elective office pursuant to this division, except that the affidavit
8 of the nominee required by Section 10051 shall include space for
9 the candidate to list the party preference disclosed upon the
10 candidate's most recent affidavit of registration, in accordance
11 with subdivision (a).

12 10051. The nomination papers and affidavits shall be
13 substantially in the following form:

14
15 "NOMINATION PAPER

16
17 We, the undersigned voters of the ____ of ____ hereby nominate ____ for
18 the office of ____ of the city, county, city and county, or district:

19 20 Name	Residence
21 _____	_____
22 _____	_____
23 _____	_____

24
25 AFFIDAVIT OF THE CIRCULATOR

26
27 State of California }
28 County of _____ } ss.

- 29
30 I, _____, solemnly swear (or affirm) all of the following:
- 31 1. That I am 18 years of age or older.
 - 32 2. That my residence address, including street and number, is

33
34 _____.

35
36 [If no street or number exists, a designation of my residence adequate
37 to readily ascertain its location is

38
39 _____.]

1 3. That the signatures on this nomination paper were obtained between
 2 _____, 2__, and _____, 2__; that I circulated this petition and I saw the
 3 signatures on this section of the nomination papers being written; and that, to
 4 the best of my information and belief, each signature is the genuine signature
 5 of the person whose name it purports to be.

6 _____
 7 (Signature)

8
 9 I certify (or declare) under the penalty of perjury under the laws of the
 10 State of California that the foregoing is true and correct.

11 Executed by me at _____, on _____, 2__.

12
 13 AFFIDAVIT OF THE NOMINEE

14 State of California }
 15 County of _____ } ss.

17
 18 _____ being duly sworn, says that he or she is the above-named nominee
 19 for the office of _____, that he or she will accept the office in the event of his
 20 or her election, that he or she desires his or her name to appear on the ballot
 21 as follows:

22 _____
 23 (Print name above),

24 and that he or she desires the following designation to appear on the ballot
 25 under his or her name:

26 _____
 27 (Print desired designation above),

28 and that his or her residence address is _____.

29 (Print residence address as provided by affiant)

30
 31 Pursuant to Section 10050 of the Elections Code, select one of the following:

32
 33 _____ Party Preference: _____ (insert the name of the
 34 qualified political party as disclosed upon your affidavit of registration).

35
 36 _____ Party Preference: None (if you have declined to disclose a preference
 37 for a qualified political party upon your affidavit of registration).

38
 39 I certify (or declare) under the penalty of perjury under the laws of the State
 40 of California that the foregoing is true and correct.

1 Executed by me at _____, on _____, 2____.”

2

3 SEC. 2. Section 10226 of the Elections Code is repealed.

4 10226. ~~The nomination papers and affidavits shall be~~
5 ~~substantially in the following form:~~

6

7

“NOMINATION PAPER

8

9 ~~We, the undersigned voters of the _____ of _____ hereby nominate _____ for~~
10 ~~the office of _____ of the city:~~

11

Name	-	Residence
_____	_____	_____
_____	_____	_____
_____	_____	_____

16

17

AFFIDAVIT OF THE CIRCULATOR

18

19 State of California }
20 County of _____ } ss.

21

22 ~~I, _____, solemnly swear (or affirm) all of the following:~~

23 ~~1. That I am 18 years of age or older.~~

24 ~~2. That my residence address, including street and number, is~~

25

26 _____.

27

28 ~~_____ [If no street or number exists, a designation of my residence adequate~~
29 ~~to readily ascertain its location is~~

30

31 _____.]

32 ~~3. That the signatures on this nomination paper were obtained between~~
33 ~~_____, 2____, and _____, 2____; that I circulated this petition and I saw the~~
34 ~~signatures on this section of the nomination papers being written; and that, to~~
35 ~~the best of my information and belief, each signature is the genuine signature~~
36 ~~of the person whose name it purports to be.~~

37

38 _____
- (Signature)

39

40 ~~I certify (or declare) under the penalty of perjury under the laws of the~~

1 State of California that the foregoing is true and correct.

2 Executed by me at _____, on _____, 2____.

3

4 AFFIDAVIT OF THE NOMINEE

5

6 State of California }
7 County of _____ } ss.

8

9 _____ being duly sworn, says that he or she is the above-nominee
10 for the office of _____, that he or she will accept the office in the event of his
11 or her election, that he or she desires his or her name to appear on the ballot
12 as follows:

13 _____
14 - (Print name above);

15 and that he or she desires the following designation to appear on the ballot
16 under his or her name:

17 _____
18 - (Print desired designation above);

19 and that his or her residence address is _____.
20 - (Print residence address as provided by affiant)

21

22 I certify (or declare) under the penalty of perjury under the laws of the State
23 of California that the foregoing is true and correct.

24 Executed by me at _____, on _____, 2____.”

25

26 SEC. 3. Section 13105 of the Elections Code is amended to
27 read:

28 13105. (a) In the case of a candidate for a voter-nominated
29 office in a primary election, a general election, or a special election
30 to fill a vacancy in the office of United States Senator, Member
31 of the United States House of Representatives, State Senator, or
32 Member of the Assembly, immediately to the right of and on the
33 same line as the name of the candidate, or immediately below the
34 name if there is not sufficient space to the right of the name, there
35 shall be identified, as specified by the Secretary of State, the
36 designation made by the candidate pursuant to Section 8002.5.
37 The identification shall be in substantially the following form:

38 (1) In the case of a candidate who designated a political party
39 preference pursuant to Section 8002.5, “Party Preference: _____.”

1 (2) In the case of a candidate who did not state a preference for
2 a political party pursuant to Section 8002.5, “Party Preference:
3 None.”

4 (b) In the case of candidates for President and Vice President,
5 the name of the party shall appear to the right of and equidistant
6 from the pair of names of these candidates and on the same line
7 as the name of the candidate for President, or immediately below
8 the name of the vice presidential candidate if there is not sufficient
9 space to the right of the name.

10 (c) If for a general election any candidate for President of the
11 United States or Vice President of the United States has received
12 the nomination of any additional party or parties, the name(s) shall
13 be printed to the right of the name of the candidate’s own party.
14 Party names of a candidate shall be separated by commas. If a
15 candidate has qualified for the ballot by virtue of an independent
16 nomination, the word “Independent” shall be printed instead of
17 the name of a political party in accordance with the above rules.

18 (d) *In the case of a candidate for elective office in any local*
19 *agency, including any city, county, city and county, or district,*
20 *immediately to the right of and on the same line as the name of*
21 *the candidate, or immediately below the name if there is not*
22 *sufficient space to the right of the name, there shall be identified,*
23 *as specified by the Secretary of State, the designation made by the*
24 *candidate pursuant to Section 10050. The identification shall be*
25 *in substantially the following form:*

26 (1) *In the case of a candidate who designated a political party*
27 *preference pursuant to Section 10050, “Party Preference:*
28 *_____.”*

29 (2) *In the case of a candidate who did not state a preference*
30 *for a political party pursuant to Section 10050, “Party Preference:*
31 *None.”*

32 SEC. 4. Section 13307 of the Elections Code is amended to
33 read:

34 13307. (a) (1) Each candidate for ~~nonpartisan~~ elective office
35 in any local agency, including any city, county, city and county,
36 or district, may prepare a candidate’s statement on an appropriate
37 form provided by the elections official. The statement may include
38 the name, age, and occupation of the candidate and a brief
39 description, of no more than 200 words, of the candidate’s
40 education and qualifications expressed by the candidate himself

1 or herself. However, the governing body of the local agency may
2 authorize an increase in the limitations on words for the statement
3 from 200 to 400 words. The statement ~~shall not~~ *may* include the
4 party ~~affiliation~~ *preference* of the candidate, ~~nor~~ *or* membership
5 or activity in partisan political organizations.

6 (2) The statement authorized by this subdivision shall be filed
7 in the office of the elections official when the candidate's
8 nomination papers are returned for filing, if it is for a primary
9 election, or for an election for offices for which there is no primary.
10 The statement shall be filed in the office of the elections official
11 no later than the 88th day before the election, if it is for an election
12 for which nomination papers are not required to be filed. If a runoff
13 election or general election occurs within 88 days of the primary
14 or first election, the statement shall be filed with the elections
15 official by the third day following the governing body's declaration
16 of the results from the primary or first election.

17 (3) Except as provided in Section 13309, the statement may be
18 withdrawn, but not changed, during the period for filing nomination
19 papers and until 5 p.m. of the next working day after the close of
20 the nomination period.

21 (b) (1) The elections official shall send to each voter a county
22 voter information guide that contains the written statements of
23 each candidate that is prepared pursuant to subdivision (a). The
24 statement of each candidate shall be printed in type of uniform
25 size and darkness, and with uniform spacing.

26 (2) The elections official shall provide a Spanish translation to
27 those candidates who wish to have one, and shall select a person
28 to provide that translation who is one of the following:

29 (A) A certified and registered interpreter on the Judicial Council
30 Master List.

31 (B) An interpreter categorized as "certified" or "professionally
32 qualified" by the Administrative Office of the United States Courts.

33 (C) From an institution accredited by a regional or national
34 accrediting agency recognized by the United States Secretary of
35 Education.

36 (D) A current voting member in good standing of the American
37 Translators Association.

38 (E) A current member in good standing of the American
39 Association of Language Specialists.

1 (c) (1) In addition to the statement prepared pursuant to
2 subdivision (a), if the elections official who is conducting the
3 election permits electronic distribution of a candidate's statement,
4 the governing body of a local agency may permit each candidate
5 for ~~nonpartisan~~ elective office in the local agency to prepare a
6 candidate's statement for the purpose of electronic distribution
7 pursuant to this subdivision.

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

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

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

21 (5) The elections official shall provide a Spanish translation to
22 those candidates who wish to have one, and shall select a person
23 to provide that translation who is one of the persons listed in
24 paragraph (2) of subdivision (b).

25 (d) The local agency may estimate the total cost of printing,
26 handling, translating, mailing, and electronically distributing
27 candidate's statements filed pursuant to this section, including
28 costs incurred as a result of complying with the federal Voting
29 Rights Act of 1965, as amended. The local agency may require
30 each candidate filing a statement to pay in advance to the local
31 agency his or her estimated pro rata share as a condition of having
32 his or her statement included in the county voter information guide
33 or electronically distributed. In the event the estimated payment
34 is required, the receipt for the payment shall include a written
35 notice that the estimate is just an approximation of the actual cost
36 that varies from one election to another election and may be
37 significantly more or less than the estimate, depending on the actual
38 number of candidates filing statements. Accordingly, the local
39 agency is not bound by the estimate and may, on a pro rata basis,
40 bill the candidate for additional actual expense or refund any excess

1 paid depending on the final actual cost. In the event of
 2 underpayment, the local agency may require the candidate to pay
 3 the balance of the cost incurred. In the event of overpayment, the
 4 local agency that, or the elections official who, collected the
 5 estimated cost shall prorate the excess amount among the
 6 candidates and refund the excess amount paid within 30 days of
 7 the election.

8 (e) This section shall not be deemed to make any statement, or
 9 the authors of any statement, free or exempt from any civil or
 10 criminal action or penalty because of any false, slanderous, or
 11 libelous statements offered for printing electronic distribution
 12 pursuant to this section or contained in the county voter information
 13 guide.

14 (f) Before the nominating period opens, the local agency for
 15 that election shall determine whether a charge shall be levied
 16 against that candidate for the candidate’s statement sent to each
 17 voter and, if authorized pursuant to subdivision (c), for the
 18 electronically distributed candidate’s statement. This decision shall
 19 not be revoked or modified after the seventh day before the opening
 20 of the nominating period. A written statement of the regulations
 21 with respect to charges for handling, packaging, mailing, and
 22 electronic distribution shall be provided to each candidate or his
 23 or her representative, at the time he or she picks up the nomination
 24 papers.

25 (g) For purposes of this section and Section 13310, the board
 26 of supervisors is the governing body of judicial elections.

27 SEC. 5. If the Commission on State Mandates determines that
 28 this act contains costs mandated by the state, reimbursement to
 29 local agencies and school districts for those costs shall be made
 30 pursuant to Part 7 (commencing with Section 17500) of Division
 31 4 of Title 2 of the Government Code.

32 SEC. 6. This measure shall become operative only if SCA ____
 33 is approved by the voters.