

Introduced by Senator Aanestad

February 22, 2007

An act to amend Section 13307 of the Elections Code, relating to candidates.

LEGISLATIVE COUNSEL'S DIGEST

SB 656, as introduced, Aanestad. Candidates: statements.

Existing law authorizes a candidate for a nonpartisan elective office in any local agency, including any city, county, city and county, or district, to prepare a candidate's statement in the voter's pamphlet, subject to certain limitations and the payment of costs.

This bill would make technical, nonsubstantive changes to this provision.

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

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

1 SECTION 1. Section 13307 of the Elections Code is amended
2 to read:
3 13307. (a) (1) Each candidate for nonpartisan elective office
4 in any local agency, including any city, county, city and county,
5 or district, may prepare a candidate's statement on an appropriate
6 form provided by the elections official. The statement may include
7 the name, age and occupation of the candidate and a brief
8 description, of no more than 200 words, of the candidate's
9 education and qualifications expressed by the candidate himself
10 or herself. However, the governing body of the local agency may
11 authorize an increase in the limitations on words for the statement

1 from 200 to 400 words. The statement shall not include the party
2 affiliation of the candidate, nor membership or activity in partisan
3 political organizations.

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

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16 withdrawn, but not changed, during the period for filing nomination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

19 (4) Notwithstanding paragraph (2) of this subdivision, a
20 candidate for a judicial office shall have until 5 p.m. on the 83rd
21 day before the election to file a candidate statement as authorized
22 by this section. This paragraph shall remain in effect only until
23 January 1, 2007, and as of that date is repealed, unless a later
24 enacted statute, that is enacted before January 1, 2007, deletes or
25 extends that date.

26 (b) The elections official shall send to each voter, together with
27 the sample ballot, a voter's pamphlet which contains the written
28 statements of each candidate that is prepared pursuant to this
29 section. The statement of each candidate shall be printed in type
30 of uniform size and darkness, and with uniform spacing. The
31 elections official shall provide a Spanish translation to those
32 candidates who wish to have one, and shall select a person to
33 provide that translation from the list of approved Spanish language
34 translators and interpreters of the superior court of the county or
35 from an institution accredited by the Western Association of
36 Schools and Colleges.

37 (c) The local agency may estimate the total cost of printing,
38 handling, translating, and mailing the candidate's statements filed
39 pursuant to this section, including costs incurred as a result of
40 complying with the federal Voting Rights Act of 1965, as amended.

1 The local agency may require each candidate filing a statement to
2 pay in advance to the local agency his or her estimated pro rata
3 share as a condition of having his or her statement included in the
4 voter's pamphlet. In the event the estimated payment is required,
5 the receipt for the payment shall include a written notice that the
6 estimate is just an approximation of the actual cost that varies from
7 one election to another election and may be significantly more or
8 less than the estimate, depending on the actual number of
9 candidates filing statements. Accordingly, the elections official is
10 not bound by the estimate and may, on a pro rata basis, bill the
11 candidate for additional actual expense or refund any excess paid
12 depending on the final actual cost. In the event of underpayment,
13 the elections official may require the candidate to pay the balance
14 of the cost incurred. In the event of overpayment, the elections
15 official shall prorate the excess amount among the candidates and
16 refund the excess amount paid within 30 days of the election.

17 (d) Nothing in this section shall be deemed to make any
18 statement or ~~the its authors thereof~~ free or exempt from any civil
19 or criminal action or penalty because of any false, slanderous, or
20 libelous statements offered for printing or contained in the voter's
21 pamphlet.

22 (e) Before the nominating period opens, the local agency for
23 that election shall determine whether a charge shall be levied
24 against that candidate for the candidate's statement sent to each
25 voter. This decision shall not be revoked or modified after the
26 seventh day prior to the opening of the nominating period. A
27 written statement of the regulations with respect to charges for
28 handling, packaging, and mailing shall be provided to each
29 candidate or his or her representative at the time he or she picks
30 up the nomination papers.

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