

Senate Bill No. 205

Passed the Senate April 25, 2011

Secretary of the Senate

Passed the Assembly August 29, 2011

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 2159.5 and 18108.5 of, and to add Section 18109.5 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 205, Correa. Voter registration: paid registration activities.

Existing law authorizes any person, company, or other organization that complies with specified conditions to agree to pay money or other valuable consideration, on a per-affidavit basis or otherwise, to any person who assists another person to register to vote by receiving the completed affidavit of registration.

This bill would prohibit any person, company, or other organization from agreeing to pay money or other valuable consideration on a per-affidavit basis to any person who assists another person to register to vote by receiving the completed affidavit of registration, would prohibit the receipt of this per-affidavit consideration, and would make conforming changes. A violation of these prohibitions would be a misdemeanor.

Existing law requires an elections official to notify the payor of a person who assists others to register to vote if 3 or more affidavits submitted by the person assisting do not comply with specified provisions.

This bill would provide that this notification is required when 3 or more affidavits submitted by the person assisting each reflects a violation of one or more of those provisions.

By defining a new crime, this bill 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 no reimbursement is required by this act for a specified reason.

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

SECTION 1. Section 2159.5 of the Elections Code is amended to read:

2159.5. Any person, company, or other organization that agrees to pay money or other valuable consideration to any person who assists another person to register to vote by receiving the completed affidavit of registration, shall do all of the following:

(a) Maintain a list of the names, addresses, and telephone numbers of all individuals that the person, company, or other organization has agreed to compensate for assisting others to register to vote, and shall provide to each person receiving that consideration a written statement of that person's personal responsibilities and liabilities under Sections 2138, 2139, 2150, 2158, 2159, 18100, 18101, 18103, 18106, 18108, 18108.1, and 18108.5. Receipt of the written statement shall be acknowledged, in writing, by the person receiving the consideration, and the acknowledgment shall be kept by the person, company, or organization that agrees to compensate that person. All records required by this subdivision shall be maintained for a minimum of three years, and shall be made available to the elections official, the Secretary of State, or an appropriate prosecuting agency, upon demand. As an alternate to maintaining the records required by this subdivision, the records may be filed with the county elections official, who shall retain those records for a minimum of three years. The county elections official may charge a fee, not to exceed actual costs, for storing records pursuant to this subdivision.

(b) Not render any payment or promised consideration unless the information specified in Section 2159 has been affixed personally on the affidavit in the handwriting of the person with whom the agreement for payment was made.

(c) At the time of submission of affidavits to elections officials, identify and separate those affidavits into groups that do and that do not comply with the requirements of Sections 2150 and 2159. A signed acknowledgment shall be attached to each group of affidavits identifying a group as in compliance with Sections 2150 and 2159, and a group as not in compliance with either Section 2150 or 2159, or both.

(d) Failure to comply with this section shall not cause the invalidation of the registration of the voter.

SEC. 2. Section 18108.5 of the Elections Code is amended to read:

18108.5. (a) Any person, company, or other organization that agrees to pay money or other valuable consideration to any person who assists another person to register to vote by receiving the completed affidavit of registration who fails to comply with Section 2159.5, is guilty of a misdemeanor, and shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding six months or, when the failure to comply is found to be willful, not exceeding one year, or by both that fine and imprisonment.

(b) Any person, company, or other organization that agrees to pay money or other valuable consideration to any person who assists another person to register to vote by receiving the completed affidavit of registration, upon a third or subsequent conviction, on charges brought and separately tried, for failure to comply with Section 2159.5 shall be punished by a fine not exceeding ten thousand dollars (\$10,000), or by imprisonment in the county jail not to exceed one year, or by both that fine and imprisonment.

(c) An elections official shall notify any person, company, or other organization that agrees to pay money or other valuable consideration to any person who assists another person to register to vote by receiving the completed affidavit of registration, when three or more affidavits of registration submitted by a person who assisted others to register to vote each reflects a violation of one or more of Sections 18100, 18101, 18103, and 18106. The elections official may forward a copy of each of the noncomplying affidavits of registration to the district attorney, who may make a determination whether probable cause exists to believe that a violation of law has occurred.

(d) This section shall not apply to any public agency or its employees that is designated as a voter registration agency pursuant to the National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg), when an elector asks for assistance to register to vote during the course and scope of the agency's normal business.

SEC. 3. Section 18109.5 is added to the Elections Code, to read:

18109.5. (a) Any person who offers to pay or pays money or other valuable consideration to another person, either directly or indirectly, on a per-affidavit basis to assist another person to

register to vote by receiving the completed affidavit of registration is guilty of a misdemeanor.

(b) Any person who receives money or other valuable consideration, either directly or indirectly, on a per-affidavit basis to assist another person to register to vote by receiving the completed affidavit of registration is guilty of misdemeanor.

(c) Nothing in this section shall be construed to prohibit payment for assisting another person to register to vote by receiving the completed affidavit which is not, either directly or indirectly, on a per-affidavit basis.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2011

Governor