

AMENDED IN SENATE MARCH 21, 2013

SENATE BILL

No. 279

Introduced by Senator Hancock

February 14, 2013

An act to amend Section ~~13109~~ 66704.05 of the ~~Election~~ Government Code, relating to ~~ballots~~ the San Francisco Bay Restoration Authority.

LEGISLATIVE COUNSEL'S DIGEST

SB 279, as amended, Hancock. ~~Elections: ballots: San Francisco Bay Restoration Authority.~~

Existing law establishes the San Francisco Bay Restoration Authority to raise and allocate resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitat in the San Francisco Bay and along its shoreline. Existing law authorizes the authority to levy a benefit assessment, special tax, or property-related fee consistent with the California Constitution, as specified. Existing law requires the board of supervisors of each affected county, when the authority proposes a measure to levy a benefit assessment, special tax, or property-related fee for submission to the voters, to call a special election on the measure and place the measure on the ballot of the next regularly scheduled statewide election.

This bill would specify that a measure proposed by the authority must be submitted to the voters of the authority in accordance with the provisions of the Elections Code applicable to districts. This bill would require the authority to file with the board of supervisors of each affected county a resolution requesting consolidation. This bill would require the legal counsel for the authority to prepare, subject to review and revision by a specified county counsel, an impartial analysis of the measure. This bill would require the elections officials of those affected

counties to mutually agree to use the same letter designation for the measure and would require the measure to appear on the ballot before all county, city, and other local measures.

By imposing new duties or higher levels of service on local elections officials, 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, 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 these statutory provisions.

~~Existing law sets forth the order of precedence of offices and measures on the ballot and, among other things, requires that the office of Superintendent of Public Instruction always precedes any school, city, or county office and that state ballot measures always precede local ballot measures.~~

~~This bill would make technical, nonsubstantive changes to this provision of law:~~

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

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

1 SECTION 1. Section 66704.05 of the Government Code is
2 amended to read:
3 66704.05. (a) ~~When~~If the authority proposes to levy a benefit
4 assessment, special tax, or property-related fee pursuant to
5 subdivision (a) of Section 66704, the board of supervisors of the
6 county or counties in which the ~~special tax assessment, tax, or fee~~
7 is proposed to be levied shall call a special election on the measure.
8 The special election shall be consolidated with the next regularly
9 scheduled statewide election and the measure shall be submitted
10 to the voters in the appropriate counties, consistent with the
11 requirements of Article XIII C or XIII D of the California
12 Constitution, as applicable.
13 (b) *The authority is a district for purposes of the Elections Code.*
14 *Except as otherwise provided in this section, a measure proposed*
15 *by the authority that requires voter approval shall be submitted*

1 to the voters of the authority in accordance with the provisions of
2 the Elections Code applicable to districts.

3 (c) The authority shall file with the board of supervisors of each
4 county in which the measure shall appear on the ballot a resolution
5 of the authority requesting consolidation, and setting forth the
6 exact form of the ballot question, in accordance with Section 10403
7 of the Elections Code.

8 (d) The authority shall transmit a copy of the measure to the
9 legal counsel for the authority, who shall prepare, subject to review
10 and revision by the county counsel of the county that contains the
11 largest number of registered voters of the authority, an impartial
12 analysis of the measure in accordance with Section 9313 of the
13 Elections Code. If there is no legal counsel for the authority, the
14 authority shall transmit a copy of the measure to the county counsel
15 of the county that contains the largest number of registered voters
16 of the authority and the county counsel shall prepare the impartial
17 analysis.

18 ~~(b)~~

19 (e) Each county included in the measure shall use the exact
20 ballot question, ~~title and summary~~, impartial analysis, and ballot
21 language provided in the resolution of by the authority. If two or
22 more counties included in the measure are required to prepare a
23 translation of ballot materials into the same language other than
24 English, the county that contains the largest number of registered
25 voters shall prepare the translation and that translation shall be
26 used by the other county or counties, as applicable.

27 (f) Notwithstanding Section 13116 of the Elections Code, if a
28 measure proposed by the authority pursuant to this article is
29 submitted to the voters of the authority in two or more counties,
30 the elections officials of those counties shall mutually agree to use
31 the same letter designation for the measure and the measure shall
32 appear on the ballot before all county, city, and other local
33 measures.

34 ~~(e)~~

35 (g) The county clerk of each county shall report the results of
36 the special election to the authority.

37 (h) If a voter files a petition for a writ of mandate or an
38 injunction regarding a measure proposed by the authority, venue
39 for the proceeding shall be exclusively in the county that contains
40 the largest number of registered voters of the authority.

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

6 SECTION 1. ~~Section 13109 of the Elections Code is amended~~
7 ~~to read:~~

8 ~~13109. The order of precedence of offices on the ballot shall~~
9 ~~be as listed below for those offices and measures that apply to the~~
10 ~~election for which this ballot is provided. Beginning in the column~~
11 ~~to the left:~~

12 ~~(a) Under the heading, PRESIDENT AND VICE PRESIDENT:~~
13 ~~Nominees of the qualified political parties and independent~~
14 ~~nominees for President and Vice President.~~

15 ~~(b) Under the heading, PRESIDENT OF THE UNITED~~
16 ~~STATES:~~

17 ~~(1) Names of the presidential candidates to whom the delegates~~
18 ~~are pledged.~~

19 ~~(2) Names of the chairpersons of unpledged delegations.~~

20 ~~(c) Under the heading, STATE:~~

21 ~~(1) Governor.~~

22 ~~(2) Lieutenant Governor.~~

23 ~~(3) Secretary of State.~~

24 ~~(4) Controller.~~

25 ~~(5) Treasurer.~~

26 ~~(6) Attorney General.~~

27 ~~(7) Insurance Commissioner.~~

28 ~~(8) Member, State Board of Equalization.~~

29 ~~(d) Under the heading, UNITED STATES SENATOR:~~

30 ~~Candidates or nominees to the United States Senate.~~

31 ~~(e) Under the heading, UNITED STATES REPRESENTATIVE:~~

32 ~~Candidates or nominees to the House of Representatives of the~~
33 ~~United States.~~

34 ~~(f) Under the heading, STATE SENATOR:~~

35 ~~Candidates or nominees to the State Senate.~~

36 ~~(g) Under the heading, MEMBER OF THE STATE~~
37 ~~ASSEMBLY:~~

38 ~~Candidates or nominees to the Assembly.~~

39 ~~(h) Under the heading, COUNTY COMMITTEE:~~

40 ~~Members of the County Central Committee.~~

- 1 ~~(i) Under the heading, JUDICIAL:~~
- 2 ~~(1) Chief Justice of California.~~
- 3 ~~(2) Associate Justice of the Supreme Court.~~
- 4 ~~(3) Presiding Justice, Court of Appeal.~~
- 5 ~~(4) Associate Justice, Court of Appeal.~~
- 6 ~~(5) Judge of the Superior Court.~~
- 7 ~~(6) Marshal.~~
- 8 ~~(j) Under the heading, SCHOOL:~~
- 9 ~~(1) Superintendent of Public Instruction.~~
- 10 ~~(2) County Superintendent of Schools.~~
- 11 ~~(3) County Board of Education Members.~~
- 12 ~~(4) College District Governing Board Members.~~
- 13 ~~(5) Unified District Governing Board Members.~~
- 14 ~~(6) High School District Governing Board Members.~~
- 15 ~~(7) Elementary District Governing Board Members.~~
- 16 ~~(k) Under the heading, COUNTY:~~
- 17 ~~(1) County Supervisor.~~
- 18 ~~(2) Other offices in alphabetical order by the title of the office.~~
- 19 ~~(l) Under the heading, CITY:~~
- 20 ~~(1) Mayor.~~
- 21 ~~(2) Member, City Council.~~
- 22 ~~(3) Other offices in alphabetical order by the title of the office.~~
- 23 ~~(m) Under the heading, DISTRICT:~~
- 24 ~~Directors or trustees for each district in alphabetical order~~
- 25 ~~according to the name of the district.~~
- 26 ~~(n) Under the heading, MEASURES SUBMITTED TO THE~~
- 27 ~~VOTERS and the appropriate heading from subdivisions (a)~~
- 28 ~~through (m), above, ballot measures in the order, state through~~
- 29 ~~district shown above, and within each jurisdiction, in the order~~
- 30 ~~prescribed by the official certifying them for the ballot.~~
- 31 ~~(o) In order to allow for the most efficient use of space on the~~
- 32 ~~ballot in counties that use a voting system, as defined in Section~~
- 33 ~~362, the county elections official may vary the order of~~
- 34 ~~subdivisions (j), (k), (l), (m), and (n) and the order of offices within~~
- 35 ~~these subdivisions. However, the office of Superintendent of Public~~
- 36 ~~Instruction shall always precede a school, county, or city office,~~
- 37 ~~and state measures shall always precede local measures.~~

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