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Elections

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Elections

Elections; absent voter ballots

Elections Code §14629.5 (new).
AB 1798 (Keysor); STATS 1973, Ch 834

Section 14629.5 has been added to the Elections Code to provide that the county clerk shall send a second absent voter ballot to a voter upon receipt of a statement under penalty of perjury from the voter that he has lost or destroyed his absent voter ballot. The envelope in which the second ballot is sent must have plainly stamped or printed on it a warning that voting twice constitutes a felony. An attempt by the voter to vote more than one absent voter ballot shall render both ballots void. The county clerk is to maintain a record of each absent voter ballot sent to and received from a voter and shall verify, prior to counting any replacement absent voter ballot, that the voter has not voted or attempted to vote more than one absent voter ballot.

See Generally:

- 1) CAL. ELECTIONS CODE §14690 (fraud in absent voting), §§14800, 14801 (absent voter ballots).

Elections; additional filing time

Elections Code §§6511.5, 22840.5, 23521 (new).
AB 426 (MacDonald); STATS 1973, Ch 421

Sections 6511.5, 22840.5, and 23521, concerning elections for officers of a county, city, or district, respectively, have been added to the Elections Code to provide that when an incumbent fails to file his nomination papers by the final filing date, the voters shall have an additional five days before the election in which to nominate candidates other than the incumbent in county and city elections and an additional four days in district elections.

COMMENT

These new sections are designed to reduce an incumbent's control over his possible successors. Because of the advantage incumbent elected officials are thought to have in elections against opponents who have not held office, interested persons are often discouraged from

filing for election where the incumbent is seeking reelection. Therefore, prior to the enactment of these sections, an incumbent could exercise some control over the identity and number of candidates for the office by failing to publicly announce his intention not to seek reelection before the close of filing.

Elections; analysis of ballot measures

Elections Code §5010.5 (new).

SB 285 (Zenovich); STATS 1973, Ch 305

Section 5010.5 has been added to the Elections Code to provide that whenever any city measure qualifies for a place on the ballot, the governing body of the city may require the city attorney to prepare an impartial analysis of the measure. If the measure affects the organization or salaries of the office of the city attorney, the analysis is to be prepared by the city clerk. The analysis shall show the operation of the measure and its effect on existing law, and shall be printed in the ballot pamphlet preceding the arguments for and against the measure.

COMMENT

Section 5010.5 is similar to the provisions of Sections 3566 and 3781 of the Elections Code, which apply to state and county elections, respectively. The new statute differs from the provisions for state and county measures in two respects. First, the analysis is mandatory with state and county measures, but at the discretion of the city governing body. Second, the requirements of city ballot analyses are less detailed than for the state analyses. It would seem likely that the legislature will consider adding a similar requirement to the ballots in district elections [CAL. ELECTIONS CODE §5150 *et seq.*] which presently have no such provision.

See Generally:

- 1) CAL. ELECTIONS CODE div. 4 (commencing with §3500).

Elections; bilingual deputy registrars and election officials

Elections Code §§201, 1611, 14217 (amended).

AB 790 (Garcia); STATS 1973, Ch 885

Sections 201 and 1611 of the Elections Code have been amended to provide that when the county clerk finds that three percent or more of the voting age residents of a precinct are insufficiently skilled in

English to register or vote without assistance, or if interested citizens or organizations provide information which the county clerk believes indicates a need for registration or voting assistance for qualified, non-English-speaking citizens, the county clerk shall make reasonable efforts to recruit deputy registrars or election officials who are fluent in English and in a language used by the non-English-speaking citizens.

Section 201 provides that deputy registrars so appointed shall facilitate registration in the particular precincts concerned and shall have the right to register voters anywhere in the county. Section 201 has also been amended to express the intent of the legislature that no limitation be imposed on the number of persons appointed to act as deputy registrars of voters. As amended, Section 1611 provides that at least 14 days before an election the clerk shall prepare and make available to the public a list of the precincts to which officials were appointed pursuant to this section and the language or languages other than English in which they will provide assistance. At the discretion of the clerk, this information may be included in the notice of names of election officials appointed and the polling places designated for each election precinct, which is published pursuant to Section 1622.

Section 14217 has been amended to provide that when an election official uses a language other than English at the polls, he shall communicate with voters in such language only as he would be lawfully permitted to communicate in English under the Elections Code and shall be subject to the same penalty for any illegal communication as if it had occurred in English. Section 14217 formerly prohibited an election official on duty from speaking any language other than English.

The provisions of this chapter which have amended Section 1611 (recruiting election officials) shall not apply to any election for which the precinct election officials have been designated on or before the effective date of this act (January 1, 1974) [A.B. 790, CAL. STATS. 1973, c. 885, §5].

Elections; California water districts

Water Code Article 3 (commencing with §35040) (new).
SB 330 (Way); STATS 1973, Ch 643

Authorizes registered voters living within a California water district to petition to change the district from a landowner voting district to a resident voting district.

Section 35003 of the Water Code provides that a voter in a California water district election shall have one vote for each dollar's worth of land which he owns within the district (§34014 excludes improvements and mineral rights from its definition of "land"). Chapter 643 has added Article 3 (commencing with §35040) to the Water Code to provide an alternate method of conducting elections.

Section 35041 provides that when the secretary of the district has certified that at least fifty percent of the assessable area within a California water district is devoted to and developed for residential, industrial, or nonagricultural commercial use, or any combination thereof, the registered voters living in the district may petition to change the district from a landowner voting district to a resident voting district. Section 35042 requires that the petition contain at least twenty-five signatures representing not less than twenty-five percent of the registered voters who reside within the district, and Section 35048 provides that the petition shall be filed with the county clerk of the district's principal county (as defined in §34015) at least six months prior to the date of the next general district election.

Sections 35049 to 35054 provide that the county clerk of the principal county shall certify the petition and deliver the petition and certificate to the secretary of the district. The district board of directors shall then adopt a resolution specifying that all future elections in the district for elective offices, bonds, or other purposes shall be conducted as a resident voting district. All elections held in the district after adoption of the resolution shall be conducted under the law relating to resident voting districts, rather than as a landowner voting district. The resolution of the district board of directors which specifies the change of procedure shall be published in a newspaper of general circulation.

Section 35055 provides that directors elected in a resident voting district shall be registered voters residing in the district and that such directors need not be landowners (§34700 requires each director of a landowner voting district to be a holder of title to land). Section 35056 provides that after the establishment of a resident voting district the provisions set forth in Article 2 (commencing with §35025) are no longer applicable. The board of directors may at any time establish divisions within the district, and after such divisions have been established, or if divisions have previously been established in the district, the board of directors shall from time to time reestablish the boundaries on the basis of equalizing as nearly as practicable the num-

ber of registered voters in each division. The creation or modification of divisions shall not affect the term of any director until his term shall expire.

Section 35060 provides that after establishment of a resident voting district the provisions of Sections 35305 and 35306 shall no longer be applicable. The board of directors may at any time alter, repeal, or amend the bylaws by a majority vote. Any alteration, repeal, or amendment to the bylaws shall be recorded with the county recorder of each affected county.

See Generally:

- 1) *Salyer Land Co. v. Tulare Lake Basin Water Storage Dist.*, 93 S. Ct. 1224 (1973).
- 2) CAL. ELECTIONS CODE §23500 *et seq.* (Uniform District Election Law).
- 3) CAL. WATER CODE §34000 *et seq.* (California water districts).

Elections; campaign literature

Elections Code §29182 (new).
AB 822 (Cullen); STATS 1973, Ch 683

Chapter 683 has added Section 29182 to the Elections Code to provide that any person who knowingly causes to be mailed or distributed or knowingly mails or distributes literature to any voter which includes a designation of the voter's precinct polling place, other than a precinct polling place listed for that voter in an official precinct polling list, is guilty of a misdemeanor. Such official precinct polling list must have constituted the latest official precinct polling list at some time not more than 30 days prior to such mailing or distribution. Willful violation of Section 29182 is punishable under Section 29001 by a fine not exceeding \$1,000 or by imprisonment in the state prison not exceeding 5 years, or both.

See Generally:

- 1) CAL. ELECTIONS CODE §29000 *et seq.* (penal provisions).

Elections; consolidation of elections

Education Code §§1102, 1104, 1111, 1111.3, 1111.4, 1111.5, 1111.7, 1162, 25471.5 (amended); Elections Code §2504 (repealed); §2504 (new); §§22030, 23509 (amended); Government Code §§23380, 23705, 23710, 23711, 23722, 34457, 34902, 35122, 36503, 61121 (amended); Health and Safety Code §6447 (amended); Public Resources Code §9125 (amended); Public Utilities Code §§2962, 11641, 15761, 15951, 27011, 27426, 27502,

Elections

29681, 40501, 98401, 98402 (amended); Streets and Highways Code §19090 (amended); Water Code §§30291, 60111, 71162, 74093 (amended).

SB 230 (Biddle); STATS 1973, Ch 1146

Chapter 1146 has repealed and added Section 2504 of the Elections Code to establish three regular election dates for even-numbered years and two in odd-numbered years. In even-numbered years elections may be held on the first Tuesday after the first Monday in March, June, and November. In odd-numbered years elections may be held on the first Tuesday after the first Monday in March and November. The elections held in June and November of the even-numbered years shall be statewide election dates. Notwithstanding any other provision of law, all state, county, municipal, district, and school district elections are to be held on the established election date nearest the date on which they would have been held in the absence of this election. If the election is held on a statewide election date, it is to be consolidated with the statewide election.

Section 2504 does not apply to any election called by the Governor, elections held in chartered cities in which the charter provisions are inconsistent with the provisions of this section, school governing board elections consolidated pursuant to Section 1111.6 of the Education Code, or county, municipal, district and school district initiative, referendum, or recall elections. The various other sections amended by Chapter 1146 provide either for specified elections to be held on the regular election date in March (*e.g.*, general municipal elections), or for an election to be held on the next regularly scheduled election date, not less than 74 days after the occurrence of an unplanned event which requires an election (*e.g.*, vacancy or resignation).

Elections; counting ballots

Elections Code §17021 (amended).

AB 488 (Dunlap); STATS 1973, Ch 422

Chapter 422 has amended Section 17021 of the Elections Code to allow the ballots for all candidates and propositions voted upon solely within a county to be counted, and the results made public, once the polls have closed in that county. However, the ballots for any candidate or proposition also voted upon in other counties shall not be counted until after all the polls in such other counties have closed. The same restriction applies to the reading or observation

of a count made automatically by a voting machine. Violation of this section is a misdemeanor, punishable by a fine of not more than \$500.

Prior to amendment, Section 17021 prohibited the counting of any votes until all polling places in California had closed on the day of election. In 1972, when the polls were kept open in San Francisco until 11 p.m., no ballots could be counted, including ballots for local offices elsewhere in the state, until San Francisco's polls closed (San Francisco Chronicle, June 8, 1972, at 1, col. 7].

Elections; petition circulation

Elections Code §§29254, 29255 (new).
AB 93 (Meade); STATS 1973, Ch 525

Section 29254 has been added to the Elections Code to provide that every *paid* circulator of an initiative, referendum, or recall petition, who willfully and knowingly refuses to permit each person to whom the petition is presented for signature to read the contents of the petition if the person so requests, is guilty of a misdemeanor and is punishable by a fine, not exceeding \$500, or imprisonment in the county jail, not to exceed six months, or both. The section also states that a conviction pursuant to this section will not invalidate any signature obtained by the defendant which is otherwise valid. In other words, Section 29254 will not provide an opportunity to invalidate any petition except upon a showing of invalidity for each signature, pursuant to Section 45 of the Elections Code, and will not supply the temptation to fabricate charges of violation to gain such an invalidation.

Section 29255 has been added to define "paid circulator" as one who circulates, as principal or agent, or has charge or control of the circulation of, or obtains signatures to, any initiative, referendum, or recall petition, in return for any form of compensation, whether that compensation is received before or after the circulation of the petition.

See Generally:

- 1) CAL. ELECTIONS CODE art. 5 (commencing with §29210) (abuse of initiative, referendum, and recall), art. 6 (commencing with §29250) (interference with initiative, referendum, and recall).

Elections; petition summary

Elections Code §3524 (new).

Elections

AB 874 (Leroy F. Greene); STATS 1973, Ch 547

Opposition: The People's Lobby

Sections 3500.1 and 3501 of the Elections Code provide that before any initiative or referendum petition is circulated for signatures, its proponents shall submit a draft of the petition to the Attorney General with a written request that he prepare a title and summary of the chief purpose and points of the proposed measure. Section 3502 requires that the summary prepared by the Attorney General be placed on the top of each page of the petition on which signatures are to appear.

Chapter 547 has added Section 3524 to provide that immediately upon the preparation of the summary of an initiative or referendum petition, the Attorney General shall transmit copies of the text of the measure and summary to the Senate and Assembly. The appropriate committees of each house may hold public hearings on the subject of the measure, but the legislature has no authority to alter the measure or prevent it from appearing on the ballot.

See Generally:

- 1) CAL. ELECTIONS CODE §3500 *et seq.* (initiative and referendum petitions).

Elections; registration of voters

Elections Code §203.5 (new).

AB 498 (Meade); STATS 1973, Ch 23

(Effective April 12, 1973)

Support: County Clerks Association

Pursuant to Section 203 of the Elections Code, California voters may register to vote until 30 days before any election [See 4 PAC. L.J., REVIEW OF SELECTED 1972 CALIFORNIA LEGISLATION 465 (1973)]. Chapter 23 has added Section 203.5 to the Elections Code to provide that any voter who has registered and subsequently moves from the precinct within the 30 days prior to the election shall be deemed to be a resident and qualified elector of that precinct from which he has moved. This section applies only until the close of the polls on the day of the election and only for the purpose of the election. Previously, Article II of the California Constitution provided that any registered voter who moved to another precinct in the county or to another county in California after the closing date of voter registration for a particular election could vote in his former precinct for

that election. This provision was removed by a constitutional amendment (Proposition 7) adopted at the November 7, 1972, general election.

Elections; school district governing board

Education Code §1162.5 (new); §§1162, 1163, 1164, 1165 (amended).

SB 472 (Alquist); STATS 1973, Ch 364

Section 1162 has been amended to allow a school district governing board to fill a vacancy on the board by either calling a special election or making a provisional appointment within 30 days of the vacancy or notice of resignation. Prior to this enactment, governing boards were required to hold a special election immediately upon occurrence of a vacancy or resignation. Section 1163 still provides, however, that if the vacancy or resignation occurs within four months of the end of the term of the position to be filled, the position shall remain vacant until the person elected to serve during the succeeding term takes office.

If a provisional appointment has been made, Section 1162.5 has been added to require the governing board within four days of such appointment to post notices of both the actual vacancy or filing of resignation and the provisional appointment. Such notices must be posted in three public places in the district and published once in a newspaper of general circulation unless there is no newspaper of general circulation in the district. Under Section 1162, voters of the district then have 30 days from the appointment in which to petition for a special election. The filing of a petition with a sufficient number of signatures (specified in the section) terminates the appointment, and requires the governing board to call a special election no later than 120 days after verification of the number of signatures. If, however, the vacancy or resignation occurs within four months of a regularly scheduled school board election, a special election shall, if practicable, be consolidated with that regularly scheduled election. If a petition is not filed within the 30-day period, the appointee shall have from that time all the powers and perform all the duties of a regular member of the governing board.

See Generally:

- 1) CAL. EDUC. CODE §1111 *et seq.* (election of school district governing board members).

Elections; vacancies in office

Elections Code §2601 (amended); Government Code §1773 (amended).

AB 777 (Fenton); STATS 1973, Ch 271

Chapter 271 has amended Section 1773 of the Government Code to provide that when a vacancy occurs in the office of a Representative in Congress or in either house of the state legislature, the Governor shall within 14 days issue an election proclamation to fill the vacancy. Section 2601 of the Elections Code has been amended to require that such a special election be conducted on a Tuesday at least 84 days, but not more than 91 days, following the issuance of the election proclamation by the Governor. However, a special election may be conducted up to 180 days following the proclamation in order to consolidate the special election or the special primary election with the next regularly scheduled statewide election.

Prior to amendment, Section 1773 of the Government Code required the Governor to issue an election proclamation "at once" when a vacancy occurred in either house of the legislature. Section 2601 of the Elections Code required a special election to be held at least 84 days, but not more than 194 days, after a Governor's proclamation.

COMMENT

The purpose of this legislation is to prevent delays in calling and holding special elections [Assemblyman Jack R. Fenton, Press Release, Mar. 15, 1973]. Previously, the Governor was not required to act within any specified length of time: Section 1773 of the Government Code provided only that the proclamation be issued "at once"; Article I, Section 2 of the United States Constitution requires only that the Governor issue writs of election "when vacancies happen" in the House of Representatives; and Article IV, Section 2 of the California Constitution directs only that the Governor call an election "immediately" when a vacancy occurs in the legislature.

In *Jenkins v. Knight* [46 Cal. 2d 220, 293 P.2d 6 (1956)] the California Supreme Court held that performance of the duty imposed upon the Governor to issue writs of election to fill vacancies in the legislature may be compelled by writ of mandamus. However, *Jenkins* also demonstrated the inadequacy of this remedy. Nearly nine months after a vacancy had occurred in the legislature, the Governor still had

not issued a writ of election, and petitioners brought proceedings to initiate mandamus. One year after the vacancy had occurred, and after briefs and oral arguments for mandamus had been submitted, the Governor made the proclamation, calling for the special election to be consolidated with the statewide primary election to be held five months later. The district was without representation for 17 months.

Political maneuvering for numerical advantage in the legislature has denied representation to hundreds of thousands of constituents from all political parties for months on end because of unnecessary delays in calling special elections [Assemblyman Jack R. Fenton, Press Release, Mar. 15, 1973].

Elections; vacancies on city councils

Government Code §§36512.1, 36512.2, 36512.3 (new).
SB 73 (Gregorio); STATS 1973, Ch 488

Section 36512 of the Government Code provides that any vacancy occurring on a city council shall be filled through appointment by the remaining members of the council. If the council fails to fill a vacancy within 30 days, it shall immediately call an election to fill the vacancy. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent.

Chapter 488 has added Section 36512.1 to provide that a city may enact an ordinance requiring that a special election be held to fill every city council vacancy or that a special election be held to fill a city council vacancy when petitions bearing a specified number of verified signatures are filed. Section 36512.2 has been added to authorize a city to enact an ordinance which provides that a person appointed to fill a vacancy on the city council shall hold office only until the next regularly scheduled election for city council members, at which time a special election shall be held to fill the vacancy for the remainder of the unexpired term. Section 36512.3 has been added to provide that no person appointed as a successor to serve during the remainder of a term in which a vacancy occurs shall be designated as an incumbent, a member of the city council, a city councilman, or other designation indicating incumbency for purposes of the next election for such office.

See Generally:

- 1) CAL. GOV'T CODE § 36500 *et seq.* (officers of city government).

Elections; Waxman-Dymally Campaign Disclosure Act

Elections Code Chapter 1 (commencing with §11500), Chapter 2 (commencing with §11800), §12053 (repealed); Chapter 1 (commencing with §11500), §11707 (new); Government Code Chapter 3 (commencing with §3750) (repealed).

AB 703 (Waxman); STATS 1973, Ch 1186

The Waxman-Dymally Campaign Disclosure Act [CAL. ELECTIONS CODE ch. 1 (commencing with §11500)] has been enacted in recognition of the right of the people to expect the utmost in integrity, honesty, and fairness from their elected representatives at all levels of government. The legislature further finds that in order to vote knowledgeably for both candidates and measures, the people have a right to a true and timely disclosure of the identity of financial backers and the extent of their financial support. Under Section 11503 the provisions of this chapter apply to candidates and elected officials at all levels of state and local government, including chartered and general law cities and counties and special districts.

Article 4 (commencing with §11550) sets forth provisions under which candidates and committees supporting or opposing a candidate or candidates, proponents and committees supporting or opposing a ballot measure, and every person who holds any elective office shall file campaign statements. For example, Section 11550 requires candidates and committees supporting or opposing candidates to file campaign statements no later than the 25th and 7th days, respectively, before an election and no later than the 38th day after an election. Section 11553.5 requires every candidate and committee that receives contributions or makes expenditures for the period January 1 through December 31, and every person who holds any elective office, to file a campaign statement for that period not later than January 31, unless such candidate, committee, or officeholder is required to file campaign statements in connection with an election held within the period. This section is not applicable to elected officers whose salaries are less than \$100 per month or to judges, unless such elected officer or judge is a candidate or committee who receives contributions or makes expenditures during the specified period. (The campaign statement required to be filed by this chapter on January 31, 1974, shall be filed by March 1, 1974. This statement shall contain the information required by Chapter 1 (commencing with §11500) of the Elections Code and Chapter 3 (commencing with §3750) of the Government

Code in effect on December 31, 1973. The statement shall contain all contributions received and expenditures made since the candidate's or committee's last post-election campaign statement was filed [A.B. 703, CAL. STATS. 1973, c. 1186, §8].)

Section 11559 provides that whenever any provision of this chapter requires the filing of a campaign statement by a candidate, the candidate may instead file a statement signed under penalty of perjury that to the best of his knowledge not more than \$500 has been received or expended on behalf of or in support of his candidacy. Section 11560 provides that a candidate for reelection for judicial office whose name does not appear on the ballot by reason of Section 25304 (incumbent judge running unopposed) shall file his campaign statement within 21 days following the date of the general election and shall not be required to file any additional campaign statements. This section does not apply to a committee supporting one or more candidates for judicial office.

Other notable provisions of Article 4 are as follows: contributions must be made in the donor's legal name (§11561); anonymous contributions from any single source totaling \$100 or more in a calendar year shall not be used by the intended recipient but shall be promptly forwarded to the state (§11563); and no contribution of \$500 or more shall be made in cash (§11565).

Article 2 (commencing with §11510) defines "person," "election," "candidate," "elective office," "measure," "committee," "contribution," "expenditure," "loan," "campaign statement," "period covered by a campaign statement," "cumulative amount," and "closing date." Under Section 11516 "contribution" includes the purchase of tickets for fund-raising events, the use of the candidate's own money or property on behalf of his candidacy, and the granting of discounts or rebates not available to the general public. It does not include volunteer personal services provided without compensation, payments made by an individual for his own travel if such payments are made voluntarily without any understanding or agreement that they shall be directly or indirectly repaid, or the use of private property when utilized directly by the owner or lessee.

Section 11518 provides that "campaign statement" means an itemized report signed under penalty of perjury which is prepared on a form prescribed by the Secretary of State, and which provides the following information: (1) the total amount of contributions and loans received and the total amount of expenditures made during the period

covered by the campaign statement, and the cumulative amounts of loans, contributions received, and expenditures made with respect to any primary, general, or special election; (2) the balance of cash and cash equivalents on hand at the beginning and at the end of the period covered by the campaign statement; (3) the total amount of contributions received from persons who have given less than \$100, and the total amount of contributions received from persons who have given \$100 or more; (4) the total amount of expenditures disbursed to persons who have received less than \$100, and the total amount of expenditures disbursed to persons who have received \$100 or more; (5) for each person from whom contributions totaling \$100 or more have been received, the full name, city, state, occupation, name of employer or principal place of business, and the amount contributed; (6) for each person to whom expenditures totaling \$100 or more have been made, the full name, city, state, amount expended, description of the purpose for the expenditure, and the full name, city, and state of the person providing the consideration for which any expenditure was made, if different from the payee; (7) in the case of a committee supporting or opposing more than one candidate or measure, the total amount of expenditures for or against each candidate or measure; (8) the full name, residential and business address, and telephone numbers of the person or committee filing the campaign statement; (9) in a campaign statement filed by a candidate, the full name and street address of any committee which he knows has received contributions or made expenditures on behalf of his candidacy; (10) the total value of all loans of money, property, or other things received; (11) for loans of \$100 or more in value, the full name, city, county, and state of each lender, cosigner, and guarantor, and the date, amount, interest rate, and amount remaining unpaid; and (12) the total amount of loans remaining unpaid.

Article 3 (commencing with §11530) provides for the organization of committees. Section 11531 requires each committee which receives or anticipates receiving contributions during a calendar year in an aggregate amount of \$500 or more, to file with the Secretary of State a statement of organization. This statement shall be filed within 20 days after the committee is organized or within 20 days after it receives information which causes it to anticipate it will receive contributions aggregating \$500 or more. Each such committee in existence at the date of the enactment of this chapter (January 1, 1974) shall file a statement with the Secretary of State within 60 days (March 2,

1974). The statement of organization required by Section 11531 shall be prepared on a form prescribed by the Secretary of State. Section 11533 provides that a committee which fails to file a statement of organization shall not be subject to any criminal or civil penalties but shall be assessed a fee of \$25 by the Secretary of State.

Article 6 (commencing with §11580) provides that campaign statements are to be open for inspection and reproduction at a charge not to exceed ten cents per page (§§11580, 11581), but that they shall not be copied or used for purposes of commercial or election campaign solicitation (§11582). Section 11584 directs the Secretary of State to prescribe and supply appropriate forms required by this chapter, and to prepare and publish a manual explaining the duties of persons and committees under this chapter. Section 11583.5 prohibits the collection of any fee or charge for the filing of any campaign statement, or for the forms upon which statements are to be prepared.

Article 7 (commencing with §11600) provides that the Attorney General and the district attorneys have concurrent power and responsibilities in the enforcement of this act. Any person who knowingly and willfully violates any of the provisions of this chapter is guilty of a misdemeanor under Section 11601, but Section 11602 limits prosecution for violation of this chapter to within two years after the date on which the violation occurred. Section 11603 provides that any candidate, campaign treasurer, committee, or other person who willfully, knowingly, or by gross neglect violates the reporting requirements of this chapter shall be liable in a civil action for the amount of contributions and loans received and expenditures made which are not properly reported. If, upon notice, the district attorney or Attorney General does not bring a civil action, any California resident may do so. If a judgment is entered against the defendant, the plaintiff receives fifty percent of the judgment amount, the remainder going to the state. Section 11603.5 effectively prevents the filing of a civil action under Section 11603 during a campaign, but under Section 11605 any person may sue for injunctive relief to compel compliance with the provisions of this chapter.

Finally, Article 8 (commencing with §11610) directs the Board of Equalization to make field investigations and audits with respect to campaign statements of: (1) each candidate who has received more than fifteen percent of the total vote cast for the office for which he ran in either the general or special election; (2) each

Elections

candidate running in the primary, general, or special election for whom the Board of Equalization determines more than \$25,000 has been spent; (3) each committee supporting one or more such candidates; and (4) each committee which has spent more than \$10,000 during any calendar year. In addition, the Board of Equalization may make investigations and audits with respect to the campaign statements of any candidate or committee which has filed or should have filed a campaign statement with the Secretary of State. Section 11613 provides that the report of the Board of Equalization shall be a public document and shall contain the board's findings in detail with respect to the accuracy and completeness of each campaign statement reviewed and its findings with respect to any campaign statements that should have been but were not filed.

Section 11707 has been added to require that every bill, placard, poster, pamphlet, or other printed matter having reference to an election or to any candidate shall bear upon its face the name and address of the printer and publisher. No payment for any such printed matter shall be made or allowed unless the name and address is so printed.

Previously existing campaign disclosure law [CAL. ELECTIONS CODE ch. 1 (commencing with §11500), ch. 2 (commencing with §11800); CAL. GOV'T CODE ch. 3 (commencing with §3750)] has been repealed.

See Generally:

- 1) *Brown v. Superior Court*, 5 Cal. 3d 509, 487 P.2d 1224, 96 Cal. Rptr. 584 (1971) (campaign disclosure requirements).
- 2) 2 U.S.C. ch. 14 (commencing with §431) (Supp. 1973) (federal election campaign law).