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## Elections

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# Elections

## Elections; campaign disclosures

Government Code §§81005, 82013, 82018, 82031.5, 82036, 84200, 84201, 84202, 84203, 84204, 84204.1, 84204.2, 84205, 84206, 84207, 84207.5, 84210, 84211, 84212, 84213, 84214, 84215 (repealed); §§82013, 82018, 82031, 82036, 82036.5, 84200, 84201, 84202, 84203, 84204, 84205, 84206, 84207, 84208, 84209, 84210, 84211, 84212, 84214, 84215 (new); §§81002, 82007, 82015, 82046, 82146, 90002 (amended); §§84216.5, 84226 (amended and renumbered).  
AB 1486 (Robinson); STATS 1980, Ch 289

*Clarifies the definitions and provisions of the Fair Political Practices Act of 1974; sets certain times and places for filing required campaign reports; raises dollar level thresholds for reporting; increases the number, but reduces the length, of most campaign reports; and generally eases reporting requirements of politically inactive candidates and committees.*

Chapter 289 represents the culmination of a two-year effort by the Fair Political Practices Commission to simplify those provisions of the Political Reform Act of 1974 (Proposition 9) that deal with campaign disclosure.<sup>1</sup> As enacted, Chapter 289 simplifies and clarifies campaign reporting filing requirements and schedules, revises definitions applicable under the Political Reform Act, and modifies the design and required contents of campaign statements.<sup>2</sup>

### *Filing Requirements and Schedules*

Prior to the enactment of Chapter 289, each candidate and each committee supporting or opposing a candidate or a ballot measure was required to file three campaign statements as follows:<sup>3</sup> (1) the first no later than 40 days prior to the election; (2) the second no later than 12 days prior to the election; and (3) the third no later than 65 days after the election.<sup>4</sup> Under the revisions made by Chapter 289, the number of times committees or candidates must file required campaign disclosure

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1. See CAMPAIGN L. REP., March 1980, at 1. See generally Gravey & Nielsen, Jr., *Proposition 9*, 50 CAL. ST. B.J. 254 (1975).

2. See generally CAMPAIGN L. REP., March 1980, at 5, 6.

3. See CAL. GOV'T CODE §82006 (definition of campaign statement).

4. See CAL. STATS. 1977, c. 1193, §4, at 3964 (amending CAL. GOV'T CODE §84200). See

statements depends on their financial activities during certain requisite periods.<sup>5</sup> All candidates<sup>6</sup> and committees<sup>7</sup> are required to file campaign disclosure statements semiannually, on July 31 and January 31, if they have made or received contributions<sup>8</sup> or made expenditures in the preceding six months.<sup>9</sup> All elected officers, except judges and those elected officers whose salaries are less than \$100 a month, are required to file semiannual statements;<sup>10</sup> however, those exempted must also file if they are candidates or committees receiving contributions or making expenditures during the applicable six-month period.<sup>11</sup> In addition to these semiannual statements, candidates, elected officers, their controlled committees, and any committee formed primarily to support or oppose a candidate or measure must file additional quarterly reports on any of four specific dates if, in a given period prior to a filing date, they raise or spend \$500 or more.<sup>12</sup> These quarterly campaign statements must be filed (1) no later than March 22, (2) no later than 12 days before the June election, (3) September 22, and (4) 12 days before the November election, and are based upon threshold periods ending approximately five days before the appropriate filing deadline.<sup>13</sup>

Elected officers, candidates, their controlled committees, and committees formed primarily to support or oppose a candidate whose activities within a quarterly threshold period consist only of receiving contributions and making expenditures solely in connection with their own or their candidate's campaign, however, are *not* required to file quarterly statements in any six-month semiannual period when the candidate's office is not to be voted on<sup>14</sup> or, in the case of elected officers,<sup>15</sup> when they are not candidates.<sup>16</sup> Committees formed primarily to support or oppose a measure apparently do not benefit from this filing exemption, and are required to file quarterly statements even during the six-month period in which the measure is not voted on if they made or spent more than \$500.<sup>17</sup> All other committees, including polit-

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*generally* Diamond, diDonato, Marley & Tubert, *California's Political Reform Act: Greater Access to Initiative Process*, 7 SW. U.L. REV. 453 (1975).

5. See CAL. GOV'T CODE §84200; CAMPAIGN L. REP., March 1980, at 1.
6. See CAL. GOV'T CODE §82007 (definition of candidate).
7. See *id.* §82013 (definition of committee).
8. See *id.* §82015 (definition of contribution).
9. See *id.* §84200(a).
10. See *id.*
11. See *id.*
12. See *id.* §84200(b).
13. See *id.* §§84200(b), 84202(a)-(f) (closing dates of threshold periods).
14. See *id.* §84200(b).
15. See *id.* §82020 (definition of elected officer).
16. See *id.* §82007 (definition of candidate). See also *id.* §84200(b).
17. See *id.* §84200(b)(4), (c).

ical action committees,<sup>18</sup> are required to file quarterly statements in even-numbered years if they make or receive contributions of \$500 or more or make expenditures of \$500 or more during the appropriate threshold period.<sup>19</sup> In odd-numbered years, these committees are required to file quarterly statements if they make contributions or independent expenditures<sup>20</sup> of \$500 or more during the threshold period.<sup>21</sup> Political action committees generally receive membership dues on a continuous basis, and therefore apparently will be required to file for each quarterly period.<sup>22</sup>

If an election<sup>23</sup> is held on a date other than that of the June or November election, campaign statements in connection with the election are to be filed on a different schedule.<sup>24</sup> During the six-month period in which the election is held, those candidates or committees normally required to file semiannual and quarterly statements instead file on three dates as follows: (1) no later than 40 days before the election; (2) no later than 12 days before the election; and (3) no later than 65 days after the election.<sup>25</sup> These dates again reflect respective threshold periods of approximately five days before the appropriate filing deadlines.<sup>26</sup> During any six-month period in which the election is not held, semiannual and quarterly statements are required.<sup>27</sup>

In the event that a subsequent runoff election is held within 60 days of an election, campaign statements that must be filed in connection with that runoff election are to be filed (1) no later than 40 days prior to the first election, (2) no later than 12 days prior to the first election, (3) no later than 12 days prior to the runoff election, and (4) no later than 65 days after the runoff election.<sup>28</sup> If the election which results in the runoff is held on the June or November election date, the first campaign statement must be filed by the respective preceding quarterly deadline of March 22 or September 22.<sup>29</sup>

18. See 2 CAL. ADM. CODE §§18419(a)(1) (definition of political action committee), 18419(a) (organizations sponsoring political action committees under CAL. GOV'T CODE §82013 are not required to file campaign statements under specified conditions). See generally CAMPAIGN L. REP., May 1980, at 11.

19. See CAL. GOV'T CODE §84200(b).

20. See *id.* §82031 (definition of independent expenditure).

21. See *id.* §84200(b).

22. See CAMPAIGN L. REP., May 1980, at 11.

23. See CAL. GOV'T CODE §82022 (definition of election).

24. See *id.* §84200(c).

25. See *id.*

26. See *id.* §84202(g), (h), (i) (threshold periods).

27. See *id.* §84200(c).

28. See *id.*

29. See *id.*

Committees formed or existing primarily to support or oppose the qualification of a measure and proponents of a state measure are required to file campaign statements no later than 35 days after the deadline for filing petitions or the date of notification that the measure has either qualified or failed to qualify, whichever is earlier.<sup>30</sup> These committees are not required to file semiannual statements until after this initial filing.<sup>31</sup>

Prior to the enactment of Chapter 289, county central committee candidates,<sup>32</sup> candidates for reelection to judicial office whose names did not appear on the ballot,<sup>33</sup> individuals appointed in lieu of an election to a district governing board,<sup>34</sup> and any candidate who, in lieu of a campaign statement, filed a statement that no more than \$200 was received or expended on behalf of his or her candidacy, were exempted from certain campaign statement filing requirements.<sup>35</sup> Chapter 289 eliminates these exemptions and requires all candidates and committees to file required semiannual and quarterly statements.<sup>36</sup> Candidates filing in connection with a special election<sup>37</sup> may, however, in lieu of the required statements, file a declaration under penalty of perjury that less than \$500 will be received or expended in their behalf.<sup>38</sup> If contributions or expenditures of \$500 or more are eventually received or made, the candidate must file the required statements.<sup>39</sup>

Prior law also permitted candidates and committees to designate subsequent preelection statements as final statements if certain conditions were met, thus avoiding otherwise required post-election filings.<sup>40</sup> With the enactment of Chapter 289, however, the declaration of intent previously submitted by the candidate's treasurer in lieu of the required campaign statement must now be submitted by the candidate.<sup>41</sup> Committees and candidates must file the required quarterly and semiannual statements if they make expenditures or receive contributions after the closing date of the campaign statement they have designated as final.<sup>42</sup>

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30. *See id.* §84200(d).

31. *See id.*

32. *See* CAL. STATS. 1977, c. 1193, §6, at 3965 (amending and renumbering CAL. GOV'T CODE §84200.5).

33. *See* CAL. STATS. 1977, c. 1193, §11.5, at 3965 (amending CAL. GOV'T CODE §84207).

34. *See* CAL. STATS. 1976, c. 1106, §11, at 4989 (enacting CAL. GOV'T CODE §84207.5).

35. *See* CAL. STATS. 1975, c. 915, §4, at 2021 (amending CAL. GOV'T CODE §84212).

36. *See* CAL. GOV'T CODE §84200.

37. *See id.* §84205 (declaration must be filed on or before filing date for first preelection campaign statement).

38. *See id.* §84205(b).

39. *See id.* §84205(a). *See also id.* §84200(c).

40. *See* CAL. STATS. 1978, c. 1408, §1, at 4659 (amending CAL. GOV'T CODE §84204.2).

41. *Compare* CAL. GOV'T CODE §84204 with CAL. STATS. 1978, c. 1408, §1, at 4659 (amending CAL. GOV'T CODE §84204.2).

42. *See* CAL. GOV'T CODE §§84203(c), 84204(c). *See also id.* §84200(c).

Moreover, a committee that has made independent expenditures in a calendar year of \$500 or more to support or oppose a candidate, a measure, or the qualification of a measure in a special election must file independent expenditure reports in addition to any required quarterly or semiannual campaign statements.<sup>43</sup> These reports are to be filed as if the committee making the expenditures in question was formed or existing primarily to support or oppose the candidate, a measure, or qualification of a measure, and are to be filed at the same time and place as other required campaign statements.<sup>44</sup> Committees receiving contributions of \$500 or more in a calendar year,<sup>45</sup> but not otherwise required to file campaign statements in connection with an election held on a date other than the June or November election, now must file if the committee was (1) formed or existing primarily to support or oppose candidates or measures and (2) makes contributions of \$15,000 or more to support or oppose those candidates or state measures voted on in the election.<sup>46</sup> These statements are to be filed at the same time and in the same manner as other required campaign statements.<sup>47</sup>

### Definitions

In addition to the comprehensive changes made in campaign statement filing schedules, Chapter 289 makes significant definitional changes relevant to campaign disclosure.<sup>48</sup> Chapter 289 amends the definitions of “candidate” and “committee”, specifying that both a candidate and a committee will retain their status until properly terminated,<sup>49</sup> apparently clarifying that the post-election activities of candidates and committees are now reportable under most conditions.<sup>50</sup> Chapter 289 also discards certain potentially ambiguous language in the Fair Political Practices Act that would have made the classification of a committee dependent on receiving or expending funds for the purpose of influencing the voters.<sup>51</sup> Chapter 289 amends the existing definition of “contribution”, specifically excluding from the definition payments made by occupants for campaign fund raising

43. See *id.* §84208(a) (no independent expenditure report is required for a period in which no activity occurred). See also *id.* §84200.

44. See *id.* §84208(a), (b).

45. See *id.* §84210(a). See also *id.* §82013(a).

46. See *id.* §84210(a).

47. See *id.* §84210(b), (c) (period covered by closing report), (d). See also *id.* §§84202 (closing dates), 84215 (place of filing), 84210(c) (contents of special election report).

48. See generally *id.* §§82007, 82013, 82015, 82018, 82031, 82036, 82036.5, 82046.

49. Compare *id.* §82007 with FAIR POLITICAL PRACTICES ACT §82007 (initiative measure June 6, 1974); compare CAL. GOV'T CODE §82013 with CAL. STATS. 1977, c. 1213, §1, at 4089.

50. See CAL. GOV'T CODE §§82007, 82013. See also *id.* §84214 (termination of filing obligation).

51. Compare *id.* §82013 with CAL. STATS. 1977, c. 1213, §1, at 4089.

events held in their home or office if the payments are less than \$500.<sup>52</sup> A stipulation is also included concerning transfers of funds between committees: only those transfers for which full and adequate consideration has *not* been received are to be designated as contributions, and thus are reportable.<sup>53</sup> The designation of "late contribution" has been clarified specifically to include loans that total \$1,000 made or received before the date of an election but after the closing date of the last campaign statement required to be filed before the election.<sup>54</sup> These late contributions are to be reported by mailgram, telegram, or personal delivery notice within 48 hours of the time they are made or received, but a late contribution need not be reported or considered accepted if it is not cashed, negotiated, or deposited and is returned to the contributor within 48 hours.<sup>55</sup> Although apparently not specifically provided for under prior law,<sup>56</sup> this provision appears to represent the codification of existing Fair Political Practices Commission regulations concerning contributions.<sup>57</sup>

Chapter 289 significantly amends the definition of "independent expenditure",<sup>58</sup> and additionally provides a definition of "late independent expenditures".<sup>59</sup> Prior to the enactment of Chapter 289, an independent expenditure consisted of any expenditure not made to, or at the direction of, a committee or candidate.<sup>60</sup> Chapter 289 narrows this definition by requiring that in order to qualify as independent, an expenditure must be made in connection with a communication that expressly advocates the election or defeat of a clearly identified candidate or the passage or defeat of a clearly identified measure, or taken as a whole or in context, unambiguously urges a particular result in an election, but that is not made to or at the direction of the affected candidate or committee.<sup>61</sup> "Late independent expenditures" are those independent expenditures which in the aggregate total \$1,000 or more and are made for or against any specific candidate or measure involved in an election before the election but after the closing date of the last

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52. See CAL. GOV'T CODE §82015. See also Memorandum from Robert M. Stern and Regina Siciliano-Kutchins to Barry Keene (June 5, 1980) (copy on file at the Fair Political Practices Commission).

53. See CAL. GOV'T CODE §82015.

54. Compare *id.* §82036 with CAL. STATS. 1977, c. 344, §2, at 1307.

55. See CAL. GOV'T CODE §84206(b), (c).

56. See CAL. STATS. 1977, c. 344, §1.5, at 1307 (enacting CAL. GOV'T CODE §84214).

57. Compare CAL. GOV'T CODE §84206(b) with CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION, RECORD KEEPING MANUAL FOR CAMPAIGN COMMITTEES, at 5 (March, 1980).

58. See CAL. GOV'T CODE §82031.

59. See *id.* §82036.5.

60. See CAL. STATS. 1979, c. 779, §2, at — (enacting CAL. GOV'T CODE §82031.5).

61. See CAL. GOV'T CODE §82031.

campaign statement required to be filed prior to the election.<sup>62</sup> Late independent expenditures are to be reported by the committee making the expenditure within 48 hours in the same manner as late contributions;<sup>63</sup> but unlike late contributions, late expenditures apparently still must be reported even if they are returned or refunded within 48 hours.<sup>64</sup>

Prior to the enactment of Chapter 289, "cumulative amount" referred to the amount contributed or expended since the closing date of the most recent post-election statement.<sup>65</sup> Chapter 289 redefines "cumulative amount" to designate that amount of money received or spent in the calendar year.<sup>66</sup> However, if a filer is required to file statements in one year for an election held in the next,<sup>67</sup> the period for calculating cumulative amounts ends on the closing date for filing post-election statements.<sup>68</sup> For a filer required to file in connection with the qualification of a measure, when the qualification effort extends into two calendar years,<sup>69</sup> the closing date is 28 days after the deadline for filing petitions or the date of notification that the measure has either qualified or failed to qualify, whichever is earlier.<sup>70</sup> Under prior law, the definition of "period covered" provided that the first reportable transaction by a person who had not previously reported triggered the beginning of the period.<sup>71</sup> Chapter 289 now states that if the individual filing has not previously filed a campaign statement, the period covered begins on January 1.<sup>72</sup>

### *Contents and Disposition of Campaign Statements*

Chapter 289 makes a series of amendments dealing with the required contents and disposition of campaign statements.<sup>73</sup> Existing law requires the disclosure of specified information regarding loans received, the lender, and any person who is liable directly, indirectly, or contingently on the loan.<sup>74</sup> If a loan made to a committee or candidate is a contribution,<sup>75</sup> Chapter 289 requires the disclosure of the interest rate<sup>76</sup>

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62. *See id.* §82036.5.

63. *See id.* §84207.

64. *Compare id.* §84207(a) with *id.* §84206(b).

65. *See* CAL. STATS. 1976, c. 1106, §4, at 4987 (amending CAL. GOV'T CODE §82018).

66. *See* CAL. GOV'T CODE §82018.

67. *See id.* §§82018, 84200(c), 84208.

68. *See id.* §82018.

69. *See id.* §§82018, 84200(d).

70. *See id.* §§82018, 84202(j).

71. *See* CAL. STATS. 1976, c. 1106, §5, at 4987-88 (amending CAL. GOV'T CODE §82046).

72. *See* CAL. GOV'T CODE §82046(b).

73. *See generally id.* §§84201, 84209, 84211, 84215, 90002.

74. *See id.* §84211(g).

75. *See id.* §84216 (circumstances making a loan a contribution).

and the extent of the maximum liability of each person, other than the filer, who is directly, indirectly, or contingently liable for payment of the loan.<sup>77</sup> Loans that are not contributions but that are used for political<sup>78</sup> purposes apparently are to be reported in the same manner as loans that are contributions.<sup>79</sup> Chapter 289 deletes a provision that permitted loans that had been repaid during the period covered by the campaign statement to be subtracted from the total amount of contributions and expenditures to be reported.<sup>80</sup> Additionally, the itemized reporting of expenditures which in the aggregate total \$100 or more is no longer required unless these expenditures are clearly part of a series of payments for a single service or product.<sup>81</sup>

Chapter 289 also requires the disclosure of specified information regarding persons who have received, directly or indirectly, payments totaling \$100 or more for circulating petitions to qualify a ballot measure.<sup>82</sup> In addition, Chapter 289 subjects controlled committees, and committees primarily supporting or opposing candidates or measures, to existing provisions of the Fair Political Practices Act dealing with audits and investigations,<sup>83</sup> and further provides that contributions need not be reported nor deemed accepted if they are not cashed, negotiated, or deposited and if they are returned to the contributor before the filing closing date of the campaign statement in which they would otherwise be reported.<sup>84</sup> Finally, Chapter 289 standardizes locations where required campaign statements for both state and federal elections are to be filed,<sup>85</sup> allows the Fair Political Practices Commission to, by regulation or written advice, permit filers to combine their preelection and semiannual campaign statements,<sup>86</sup> and permits candidates and their controlled committees to consolidate their required statements.<sup>87</sup>

In summary, Chapter 289 represents an attempt to simplify campaign disclosure provisions of the Political Reform Act of 1974. Under Chapter 289, the reporting requirements for filers apparently will be

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76. *See id.* §84211(f)(5).

77. *See id.* §84211(g)(5).

78. *See id.* §84216.

79. *See id.* *See also id.* §84211(f).

80. *Compare id.* §84211 with CAL. STATS. 1978, c. 650, §1, at 2111 (amending CAL. GOV'T CODE §84210).

81. *Compare* CAL. GOV'T CODE §84211(j)(6) with CAL. STATS. 1978, c. 650, §1, at 2111.

82. *See* CAL. GOV'T CODE §84211(r).

83. *Compare id.* §90002 with CAL. STATS. 1978, c. 1411, §2, at 4669 (amending CAL. GOV'T CODE §90002).

84. *See* CAL. GOV'T CODE §84211(q). *See also id.* §84206(c).

85. *See id.* §§84215, 84217.

86. *See id.* §84201.

87. *See id.* §84209.

more precise and predictable, resulting in a clearer picture for the public of campaign finance activity.<sup>88</sup>

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88. See Bulletin, Fair Political Practices Commission, vol. 6, No. 7, July 17, 1980.

## Elections; public examination of election material

Elections Code §§3795, 5025, 5215, 5330 (new); §§3710, 3784, 3790, 4010, 4011, 4020, 4055, 5015, 5323, 23302 (amended).

AB 2033 (Gage); STATS 1980, Ch 710

Support: Department of Finance; Office of Planning and Research

Prior to the enactment of Chapter 710, an official charged with conducting an election on a municipal, county, or district measure apparently was not required to open official election materials to public examination prior to printing.<sup>1</sup> These official election materials include copies of ordinances prepared by county, municipal, and district clerks,<sup>2</sup> argument submitted for and against measures,<sup>3</sup> impartial analyses prepared by county counsels, district attorneys, city attorneys, or district clerks,<sup>4</sup> and submitted rebuttal arguments.<sup>5</sup> Chapter 710 now requires elections clerks conducting county, district, or municipal elections to make official election materials available for public examination for at least a 20-day period prior to the time these materials are sent for printing.<sup>6</sup> These materials must be available for examination in the clerk's office, and copies may be obtained upon payment of an authorized fee.<sup>7</sup>

During the 20-day examination period, any voter in the jurisdiction holding the election may seek a writ of mandate<sup>8</sup> or an injunction<sup>9</sup> with a superior court for the purpose of amending or deleting material.<sup>10</sup> The clerk will be named as respondent in the action, with the individual or official who authored the material in question named as the real party in interest.<sup>11</sup> In county and municipal elections the request for a

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1. See generally CAL. ELEC. CODE §§3713, 3714, 3781, 3783, 3787, 4015, 4015.5, 4018, 5011, 5012, 5013, 5014.5, 5156, 5157, 5157.5.

2. See *id.* §§3713, 4018, 5156.

3. See *id.* §§3714, 3783, 5012, 5013, 5157.

4. See *id.* §§3781, 5011, 5156.

5. See *id.* §§3787, 4015.5, 5014.5, 5157.5.

6. See *id.* §§3795, 5025, 5215; CAMPAIGN L. REP., April 1980, at 11.

7. See CAL. ELEC. CODE §§3795, 5025, 5215.

8. See 5 B. WITKIN, CALIFORNIA PROCEDURE, *Extraordinary Writs* §4 (2d ed. 1971) (Mandamus: Compulsion of Ministerial Duty).

9. See 2 B. WITKIN, CALIFORNIA PROCEDURE, *Provisional Remedies* §39 (2d ed. 1971) (Nature of Injunction).

10. See CAL. ELEC. CODE §§3795, 5025, 5215.

11. See *id.*

writ of mandate or injunctive relief may be brought by the elections clerk, with the board of supervisors of the county named as respondent.<sup>12</sup> Moreover, a peremptory writ of mandate or an injunction will be issued only upon clear and convincing proof that the election material is false, misleading, or inconsistent with the law.<sup>13</sup> In addition, the issuance of the writ must not substantially interfere with the printing or distribution of official election materials.<sup>14</sup> Although the literal wording of this section could lead to the conclusion that an injunction or writ would be unobtainable to stop the dissemination of false, misleading, or illegal information if it substantially interfered with the printing and distribution of official election materials, existing law apparently provides for an injunction or peremptory writ under similar circumstances.<sup>15</sup>

Existing law provides that clerks conducting municipal, county, and district regular elections will fix a reasonable date prior to the election after which no material may be submitted for printing and distribution to the voters.<sup>16</sup> This deadline must reflect both the time reasonably necessary to prepare and print the material and, with the enactment of Chapter 710, the required 20-day public examination period.<sup>17</sup> Deadlines for county and municipal special elections are similarly modified.<sup>18</sup> County special elections are now to be held not less than 80 days after the date of the presentation of a proposed ordinance to a board of supervisors.<sup>19</sup> Deadlines for proposed municipal ordinances raised by initiative petitions and subject to special elections are similarly extended.<sup>20</sup>

With the enactment of Chapter 710, municipal ordinances proposed by initiative petitions that are not subject to special elections apparently are to be submitted to the voters at the next regular municipal election if that election occurs at least 75, but no more than 89, days after the order of the legislative body conducting the election.<sup>21</sup> The specific language used in Chapter 710, however, is potentially contradictory

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12. See *id.* §§3795, 5025.

13. See *id.* §§3795, 5025, 5215.

14. See *id.*

15. See generally 5 B. WITKIN, CALIFORNIA PROCEDURE, *Extraordinary Writs* §69 (2d ed. 1971) (public interest exception for writ of mandate).

16. See CAL. ELEC. CODE §§3784, 5015, 5323.

17. Compare *id.* §§3784, 5015 with CAL. STATS. 1976, c. 248, §3, at 506, 514; compare CAL. ELEC. CODE §5323 with CAL. STATS. 1979, c. 459, §3, at —.

18. Compare CAL. ELEC. CODE §§3710, 4010, 4011, 4020, 4055 with CAL. STATS. 1976, c. 248, §3, at 502, 509-11 (enacting CAL. ELEC. CODE §§3710, 4010, 4011, 4020, 4055).

19. See CAL. ELEC. CODE §3710.

20. Compare *id.* §§4010, 4020, 4055 with CAL. STATS. 1976, c. 248, §3, at 509-11 (enacting CAL. ELEC. CODE §§4010, 4020, 4055).

21. See CAL. ELEC. CODE §§4011, 4055.

since it states that proposed ordinances may be submitted to the voters at the next regular municipal election occurring *not earlier than* the eighty-ninth day *nor later than* the seventy-fifth day after the order of the legislative body.<sup>22</sup> Under similar circumstances, prior law required that the ordinance be submitted to the voters at the next regular municipal election occurring at least 45 days after the order of the legislative body.<sup>23</sup>

Further, Chapter 710 adds the impartial analysis of proposed county measures by county counsel or district attorney to the list of official election materials authorized for single copy mailing to each postal address where two or more registered voters have the same surname.<sup>24</sup> In addition, resolutions required to consolidate district, municipal, or other elections with a statewide election must now be filed by a county clerk within 88 days of the election, extending the previous deadline of 74 days.<sup>25</sup>

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22. *See id.*; Interview with Thomas R. Heuer, Deputy Legislative Counsel, in Sacramento, Cal. (June 24, 1980) (notes of interview on file at *Pacific Law Journal*).

23. *See* CAL. STATS. 1976, c. 248, §3, at 509 (enacting CAL. ELEC. CODE §4011).

24. *See* CAL. ELEC. CODE §3781; CAMPAIGN L. REP., February 1980, at 13. *Compare* CAL. ELEC. CODE §3790 *with* CAL. STATS. 1978, c. 1279, §1, at 4178.

25. *Compare* CAL. ELEC. CODE §23302 *with* CAL. STATS. 1977, c. 166, §2, at 681.

