

ASSEMBLY BILL

No. 882

Introduced by Assembly Member Gordon

February 22, 2013

An act to amend Section 11105 of the Elections Code, relating to recall elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 882, as introduced, Gordon. Recall elections: state officers: signature verification.

(1) Existing provisions of the California Constitution and statute authorize the recall of state officers. Each section of a recall petition is required to be filed with the elections official of the county in which it was circulated. Existing law requires the elections official to report to the Secretary of State, 30 days after a recall has been initiated and every 30 days thereafter, the number of signatures submitted on the recall petition sections, the number of valid signatures, and related information. Upon the submission of a section of a recall petition, if fewer than 500 signatures are submitted to the elections official, the elections official is required to count the number of signatures and submit those results to the Secretary of State. If 500 or more signatures are submitted to the elections official, the elections official may verify, using a random sampling technique, either 3% of the signatures submitted or 500 signatures, whichever is less, and report the results of that verification to the Secretary of State.

This bill would instead provide that if 500 or more signatures are submitted to the elections official, the elections official may verify, using a random sampling technique, either 3% of the signatures submitted or 500 signatures, whichever is greater. By increasing the

duties of local election officials, the bill would impose a state-mandated local program.

(2) 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.

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

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

1 SECTION 1. Section 11105 of the Elections Code is amended
2 to read:

3 11105. Upon each submission, if fewer than 500 signatures
4 are submitted to the elections official, he or she shall count the
5 number of signatures and submit those results to the Secretary of
6 State. If 500 or more signatures are submitted, the elections official
7 may verify, using a random sampling technique, either 3 percent
8 of the signatures submitted, or 500, whichever is ~~less~~ *greater*. The
9 random sample of signatures to be verified shall be drawn in ~~such~~
10 a manner that every signature filed with the elections official shall
11 be given an equal opportunity to be included in the sample. Upon
12 completion of the signature verification, the elections official shall
13 report the results to the Secretary of State pursuant to Section
14 11104.

15 SEC. 2. If the Commission on State Mandates determines that
16 this act contains costs mandated by the state, reimbursement to
17 local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.

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