

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: April 15, 2010
POSITION: Neutral, note concerns

BILL NUMBER: AB 2101
AUTHOR: P. Fong

BILL SUMMARY: Elections: Paid Signature Gatherers

This bill would authorize a court, upon finding a person guilty of fraud related to voter registration or petition circulation, to issue an order prohibiting the person (for a period of up to five years) from receiving future compensation for registering voters or circulating petitions. This bill also would provide a process to seek reconsideration of the court's order and would impose civil penalties for violation of the order.

FISCAL SUMMARY

Finance notes that the provisions of this bill are discretionary. However, this measure could create a General Fund cost pressure. The Judicial Branch advises that this measure would create new court proceedings and could increase the courts' caseload (which would contribute to existing backlogs in civil case processing). Increased filings would not only impose additional costs on the courts, they would exacerbate the need for additional courtrooms and judicial officers to manage the expanding caseload.

COMMENTS

The Department of Finance is neutral on this bill. However, we note concerns because, while the bill would be discretionary, it could create a General Fund cost pressure to the extent that the courts utilize its provisions and court filings increase.

Existing law:

- Prohibits various conduct with respect to the registration of voters, including registering a person (including oneself) who is not entitled to register to vote; registering a fictitious person to vote; registering a person to vote under a false name or address; interfering with the return of a completed affidavit of voter registration; refusing to return a completed affidavit of registration; altering the content of an affidavit of registration without the consent of the affiant; and misusing the information from an affidavit of registration.
• Prohibits various conduct with respect to the circulation of an initiative, referendum, or recall petition, including misrepresentation by the circulator of a petition of the contents, purport, or effect of the petition; refusal by the circulator to allow a petition signer to read the petition; obscuring the summary of a measure prepared by the Attorney General from the view of a prospective signer; offering or giving money or other valuable consideration in exchange for a person's signature on a petition; affixing or soliciting false or forged signatures, or fictitious names, on a petition; using the information on a petition that has been signed by voters, including voters' signatures, for any purpose other than the qualification of the measure for the ballot; and making a false affidavit concerning a petition.

This bill would authorize a court to issue an order prohibiting someone who is convicted of initiative fraud or voter registration fraud from being paid to circulate petitions or register voters. This bill also would provide a process to seek reconsideration of the court's order and would impose civil penalties for violation of the order.

Analyst/Principal Date Assistant Program Budget Manager Date
(0222) J. Fitzpatrick Nona Martinez

Department Deputy Director Date

Governor's Office: By: Date: Position Approved
Position Disapproved

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)

AUTHOR

AMENDMENT DATE

BILL NUMBER

P. Fong

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AB 2101

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO	PROP							
	RV	98	FC	2009-2010	FC	2010-2011	FC	2011-2012	
0250/Jud Branch	SO	No		-----	See Fiscal Summary	-----		0001	