AMENDED IN SENATE JANUARY 11, 2006

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL No. 272

Introduced by Senator Romero

February 16, 2005

An act to amend Section ~~13104~~ *13313* of the Elections Code, relating to candidates.

LEGISLATIVE COUNSEL'S DIGEST

SB 272, as amended, Romero. Candidates: ~~ballots.~~ *statements.*

Existing law requires the elections official administering a county, municipal, district, or school district election, not less than 10 calendar days before specified official election materials are submitted for printing, including the official voter's pamphlet, to make a copy of those election materials available for public examination. It permits any voter, during that 10-calendar-day public examination period, to seek a writ of mandate or an injunction, upon specified grounds, requiring the amendment or deletion of any or all of the materials.

This bill would change the 10-day-calendar periods specified in these provisions to 10 business days and would require an elections official to post the election materials on the county's official Internet Web site, if any, as specified.

~~Existing law establishes the requirements by which candidates are identified on the ballot and provides that, if a candidate changes his or her name within one year of the election, the new name may only appear if it was changed by marriage or by court decree.~~

~~This bill would additionally authorize a candidate to place on the ballot only his or her true full name or initials. The bill would also~~

~~authorize a candidate to place, in quotation marks, a nickname by which he or she is commonly known.~~

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

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

SECTION 1. Section 13313 of the Elections Code is amended to read:

13313. (a) The elections official shall make a copy of the material referred to in Section 13307 available for public examination in the elections official's office for a period of 10 ~~calendar~~ *business* days immediately following the filing deadline for submission of those documents. Any person may obtain a copy of the candidate's statements from the elections official for use outside of the elections official's office. The elections official may charge a fee to any person obtaining a copy of the material, and the fee may not exceed the actual cost incurred by the elections official in providing the copy. *If the county has an official Internet Web site, the elections official shall post the material referred to in Section 13307, if any, and advise the voters of the 10-business-day public examination period.*

(b) (1) During the ~~10-calendar-day~~ *10-business-day* public examination period provided by this section, any voter of the jurisdiction in which the election is being held, or the elections official, himself or herself, may seek a writ of mandate or an injunction requiring any or all of the material in the candidates statements to be amended or deleted. The writ of mandate or injunction request shall be filed no later than the end of the ~~10-calendar-day~~ *10-business-day* public examination period.

(2) A peremptory writ of mandate or an injunction shall issue only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with the requirements of this chapter, and that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law.

(3) The elections official shall be named as respondent and the candidate who authored the material in question shall be named as the real party in interest. In the case of the elections official bringing the mandamus or injunctive action pursuant to this

subdivision, the board of supervisors of the county shall be named as the respondent and the candidate who authored the material in question shall be named as the real party in interest.

~~SECTION 1. Section 13104 of the Elections Code is amended to read:~~

~~13104. (a) If a candidate changes his or her name within one year of any election, the new name may appear upon the ballot only if the change was made by either of the following:~~

~~(1) Marriage.~~

~~(2) Decree of any court of competent jurisdiction.~~

~~(b) A candidate may place on the ballot only his or her true full name or initials. In addition, a candidate may place, in quotation marks, a nickname by which he or she is commonly known.~~

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