

AMENDMENTS TO SENATE BILL NO. 561
AS AMENDED IN SENATE JANUARY 23, 2018

Amendment 1

On page 3, in line 3, strike out “Notwithstanding any” and insert:

The El Dorado County elections official, with the assistance of the Fallen Leaf Lake Community Services District, shall conduct district elections pursuant to the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10 of the Elections Code), except as otherwise provided in this section.

(b) Notwithstanding any

Amendment 2

On page 3, in line 12, strike out “(b)” and insert:

(c)

Amendment 3

On page 3, in line 20, strike out “(c)” and insert:

(d)

Amendment 4

On page 3, in line 20, strike out “Where” and insert:

If

Amendment 5

On page 4, in line 3, strike out “Where” and insert:

If

Amendment 6

On page 4, in line 7, strike out “Where” and insert:

If



Amendment 7

On page 4, in line 22, after “official” insert:

and the secretary of the Fallen Leaf Lake Community Services District

Amendment 8

On page 4, in line 26, strike out “Where” and insert:

If

Amendment 9

On page 4, in line 29, strike out “(d)” and insert:

(e)

Amendment 10

On page 4, in line 29, strike out “Where” and insert:

If

Amendment 11

On page 4, in line 32, after the comma insert:

include the signature of the person so designated,

Amendment 12

On page 4, in line 34, after “official” insert:

and the secretary of the Fallen Leaf Lake Community Services District

Amendment 13

On page 4, in line 34, strike out “shall be”

Amendment 14

On page 4, in line 36, after the period insert:

All designations shall be submitted at least 60 days before the election.

Amendment 15

On page 4, in line 37, strike out “(e)” and insert:

(f)

Amendment 16

On page 5, in line 1, strike out “(f)” and insert:

(g)

Amendment 17

On page 5, in line 12, strike out “(g)” and insert:

(h)

Amendment 18

On page 5, in line 15, strike out “(h)” and insert:

(i)

Amendment 19

On page 5, in line 15, after “official” insert:

, with the assistance of the secretary of the Fallen Leaf Lake Community Services District,

Amendment 20

On page 5, in line 18, after “official” insert:

, with the assistance of the Fallen Leaf Lake Community Services District,

Amendment 21

On page 5, in line 24, strike out “(i)” and insert:

(j)

Amendment 22

On page 5, in line 24, strike out “may” and insert:

shall

Amendment 23

On page 5, between lines 25 and 26, insert:

(k) (1) (A) At least 125 days before a district election, the secretary of the Fallen Leaf Lake Community Services District shall deliver to the El Dorado County elections official, in a form prescribed by the elections official, a preliminary list of eligible voters determined by the district as meeting the requirements of this section, including voters who are residents of the district and designees for voters who are not residents but who own real property.

(B) The secretary of the Fallen Leaf Lake Community Services District shall update the preliminary list of eligible voters at least 45 days before the election.

(C) When a petition for a recall, referendum, or initiative is filed with the El Dorado County elections official, the secretary of the Fallen Leaf Lake Community Services District shall update the preliminary list of eligible voters within 10 days of being notified by the elections official that a petition has been filed.

(2) The El Dorado County Elections Official shall have sole responsibility for certifying the eligibility of voters pursuant to this section and shall make a copy of the official list of eligible voters available to the district.

(3) At least seven days before the district election, the Fallen Leaf Lake Community Services District shall conspicuously post a copy of the official list of eligible voters in the office of the district in a place where the public generally has access and shall make the list available on the district’s Internet Web site.

(l) The election of the Fallen Leaf Lake Community Services District Board of Directors shall be held on the last Tuesday of August of odd numbered years, unless the El Dorado County elections official determines the public interest is best served by holding the election on a different date.

Amendment 24

On page 5, in line 27, strike out “(j)” and insert:

(m)

Amendment 25

On page 5, in line 27, strike out “shall be” and insert:

is

Amendment 26

On page 5, in line 30, strike out “(k)” and insert:

(n)

Amendment 27

On page 5, in line 30, strike out “shall be” and insert:

are

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PROPOSED AMENDMENTS TO SENATE BILL NO. 561

AMENDED IN SENATE JANUARY 23, 2018

AMENDED IN SENATE JULY 20, 2017

SENATE BILL

No. 561

Introduced by Senators Gaines and Hill

February 17, 2017



RN1812165

An act to add Sections 61049 and 61108 to the Government Code, relating to community services districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 561, as amended, Gaines. Fallen Leaf Lake Community Services District: elections.

Existing law, the Community Services District Law, specifies the procedures for district formation and the selection of district governing board members. That law also requires a person to be a voter of the district in order to serve on its board of directors.

Existing law, the Uniform District Election Law, provides for landowner voting districts, in which each voter is required to be an owner of land located within the district. Existing law also provides for resident voting districts, which are districts other than landowner voting districts.

Under existing law, the Fallen Leaf Lake Community Services District is a resident voting district.

This bill would require the El Dorado County elections official, with the assistance of the Fallen Leaf Lake Community Services District, to conduct district elections pursuant to the Uniform District Election Law, except as otherwise provided in the bill. The bill, notwithstanding existing law, would provide that voters who are residents of the district,

and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services District. ~~The bill, where~~ *If the real property interest is owned in joint tenancy, tenancy in common, or any other multiple ownership, the bill* would require the owners of that real property interest to designate the person qualifying as the voter. ~~The bill also, where~~ *If the real property interest is held in the name of a trust, the bill* would require the trustee to designate which trustee or beneficiary is the voter. This bill would allow the legal representative of a corporation, company, or estate holding a real property interest within the district to vote on its behalf or to designate another person to be the voter. ~~The bill, where~~ *If the real property interest is held in the name of an individual, the bill* would designate that person as the voter unless that person designates another person. The bill would require the designations of voters and authority of legal representatives to be filed with the El Dorado County elections official *and the secretary of the Fallen Leaf Lake Community Services District* and maintained with the list of qualified voters of the district.

This bill also would authorize a voter who is not a resident of the district but owns a real property interest in the district to designate only one voter to vote on his or her behalf, regardless of the number of parcels in the district owned by the nonresident voter. The bill would prohibit a parcel from simultaneously having a designated voter and a resident voter or voters, as specified. The bill would prohibit the district and any entity the district controls from designating a voter for itself and would prohibit a voter who is a resident of the district from designating a voter. The bill would require the El Dorado County elections official, *with the assistance of the secretary of the Fallen Leaf Lake Community Services District*, to notify each parcel owner regarding the right to designate a person to cast a vote at district elections, as provided. By mandating a higher level of service on local government, this bill would impose a state-mandated local program.

This bill would provide that a person qualified to vote pursuant to these provisions ~~shall be~~ *is* qualified to be a candidate for, and serve on, the Fallen Leaf Lake Community Services District Board of Directors.

The bill would require the secretary of the Fallen Leaf Lake Community Services District to deliver to the El Dorado County elections official, in a form prescribed by the elections official, a

preliminary list of eligible voters determined by the district as meeting the requirements of the bill. The bill would require the election of the Fallen Leaf Lake Community Services District Board of Directors to be held on the last Tuesday of August of odd numbered years, unless the El Dorado County elections official determines the public interest is best served by holding the election on a different date.

Existing law provides penalties for prohibited acts relating to statewide and local elections.

This bill would subject violations of its provisions relating to voting and elections to those penal provisions. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The bill also would prohibit the district from providing any services or facilities except fire protection, including medical response and emergency services, and parks and recreation services or facilities.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Fallen Leaf Lake Community Services District.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

Page 3

1 SECTION 1. Section 61049 is added to the Government Code,
2 immediately following Section 61048, to read:
3 61049. (a) ~~Notwithstanding any~~ *The El Dorado County*
+ *elections official, with the assistance of the Fallen Leaf Lake*
+ *Community Services District, shall conduct district elections*
+ *pursuant to the Uniform District Election Law (Part 4*
+ *(commencing with Section 10500) of Division 10 of the Elections*
+ *Code), except as otherwise provided in this section.*

Amendment 1

PROPOSED AMENDMENTS

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Page 3

4 (b) Notwithstanding any other law, qualified voters at district
5 elections in the Fallen Leaf Lake Community Services District
+ shall be any of the following:

6 (1) Voters who are residents of the district.

7 (2) Voters who are not residents of the district, but meet either
8 of the following:

9 (A) Own a real property interest within the district.

10 (B) Have been designated by the owner of a real property
11 interest to cast the vote for that property.

12 ~~(b)~~

+ (c) (1) A real property interest shall include both of the
13 following:

14 (A) Ownership within the district of a fee simple interest in real
15 property.

16 (B) Ownership of a United States Forest Service Recreation
17 Permit for land within the district.

18 (2) The last equalized county assessment roll shall be conclusive
19 evidence of ownership of a real property interest within the district.

20 ~~(e)~~

+ (d) (1) ~~Where~~ If the real property interest is owned in joint
21 tenancy, tenancy in common, or any other multiple ownership, the
2 owners of the real property interest shall designate in writing the
3 person qualifying as a voter.

4 (2) ~~Where~~ If the real property interest is held in the name of a
5 trust, the trustee shall designate in writing which trustee or
6 beneficiary shall be the owner of the real property interest for
7 purposes of qualifying as a voter.

8 (3) (A) ~~Where~~ If the real property interest is held in the name
9 of a corporation, company, or an estate, the legal representative
10 may vote on behalf of the corporation, company, or estate or may
11 designate another person to be the voter.

12 (B) As used in this section, legal representative means an official
13 of a corporation or company owning the real property interest or
14 a guardian, executor, or administrator of the estate of the holder
15 of title to the real property who is:

16 (i) Appointed under the laws of this state.

17 (ii) Entitled to the possession of the estate's real property
18 interest.

19 (iii) Authorized by the appointing court to exercise the particular
right, privilege, or immunity which he or she seeks to exercise.

Page 4

Amendment 2

Amendments 3 & 4

Amendment 5

Amendment 6

Page 4 20 (iv) Before a legal representative votes at a district election, he
21 or she shall present to the El Dorado County elections official *and*
22 *the secretary of the Fallen Leaf Lake Community Services District*
23 a certified copy of his or her authority which shall be maintained
24 with the list of voters qualified to vote in elections of the Fallen
25 Leaf Lake Community Services District.

Amendment 7

26 (4) ~~Where~~ *If* the real property interest is held in the name of an
27 individual, that person will be the voter, unless that person
28 designates another person in writing to be the voter.

Amendment 8

29 (d)
+ (e) ~~Where~~ *If* a person other than a legal representative or a
30 person or entity listed on the last equalized county assessment roll
31 is to be the voter, the designation of that person by the person or
32 entity listed on the assessor’s roll shall be in writing, *include the*
34 *signature of the person so designated*, filed with the El Dorado
+ County elections official *and the secretary of the Fallen Leaf Lake*
35 *Community Services District*, and ~~shall be~~ maintained with the list
36 of voters qualified to vote in elections of the Fallen Leaf Lake
+ Community Services District. *All designations shall be submitted*
+ *at least 60 days before the election.*

Amendments 9 & 10

Amendment 11
Amendments 12 & 13

Amendment 14

37 (e)
38 (f) Regardless of the number of parcels owned by a voter who
39 is not a resident of the district but owns a real property interest in
40 the district, that voter may designate only one person to vote on
+ his or her behalf at district elections.

Amendment 15

Page 5 1 (f)
+ (g) (1) A parcel shall not simultaneously have a designated
2 voter and a resident voter or voters.

Amendment 16

3 (2) If a voter registers as a resident voter at a parcel, the El
4 Dorado County elections official shall immediately disqualify and
5 remove from the list of voters qualified to vote at district elections
6 any designated voter for that parcel.

7 (3) If more than one parcel is owned by a voter registered as a
8 resident voter, the El Dorado County elections official shall
9 immediately disqualify and remove from the list of voters qualified
10 to vote at district elections any designated voter for any of those
11 parcels.

Amendment 17

12 (g)

Page 5

+ (h) The Fallen Leaf Lake Community Services District and any
13 entity the district controls shall not be permitted to designate a
14 voter for itself if it is a property owner.

15 ~~(h)~~

+ (i) The El Dorado County elections official, *with the assistance*
+ *of the secretary of the Fallen Leaf Lake Community Services*
16 *District*, shall notify each parcel owner regarding the parcel
17 owner’s right to designate a person to cast a vote at district
18 elections. When the ownership of parcels changes, the El Dorado
+ County elections official, *with the assistance of the Fallen Leaf*
19 *Lake Community Services District*, shall notify new parcel owners
20 regarding the right to designate a person to vote at district elections.
+ Notification may be made either:

21 (1) Individually, at the time each parcel changes ownership.

22 (2) Together, all parcel owners that are new since the last
23 notification, once every two years.

24 ~~(i)~~

+ (j) A voter who is a resident of the district ~~may~~ shall not
25 designate anyone else to vote at district elections.

+ (k) (1) (A) *At least 125 days before a district election, the*
+ *secretary of the Fallen Leaf Lake Community Services District*
+ *shall deliver to the El Dorado County elections official, in a form*
+ *prescribed by the elections official, a preliminary list of eligible*
+ *voters determined by the district as meeting the requirements of*
+ *this section, including voters who are residents of the district and*
+ *designees for voters who are not residents but who own real*
+ *property.*

+ (B) *The secretary of the Fallen Leaf Lake Community Services*
+ *District shall update the preliminary list of eligible voters at least*
+ *45 days before the election.*

+ (C) *When a petition for a recall, referendum, or initiative is*
+ *filed with the El Dorado County elections official, the secretary*
+ *of the Fallen Leaf Lake Community Services District shall update*
+ *the preliminary list of eligible voters within 10 days of being*
+ *notified by the elections official that a petition has been filed.*

+ (2) *The El Dorado County Elections Official shall have sole*
+ *responsibility for certifying the eligibility of voters pursuant to*
+ *this section and shall make a copy of the official list of eligible*
+ *voters available to the district.*

Amendments 18 & 19

Amendment 20

Amendments 21 & 22

Amendment 23

+ (3) *At least seven days before the district election, the Fallen Leaf Lake Community Services District shall conspicuously post a copy of the official list of eligible voters in the office of the district in a place where the public generally has access and shall make the list available on the district’s Internet Web site.*

+ (l) *The election of the Fallen Leaf Lake Community Services District Board of Directors shall be held on the last Tuesday of August of odd numbered years, unless the El Dorado County elections official determines the public interest is best served by holding the election on a different date.*

Page 5 27 (j)
+ (m) *A person qualified to vote pursuant to this section shall be is qualified to be a candidate for, and serve on, the Fallen Leaf Lake Community Services District Board of Directors.*

Amendments 24 & 25

Amendments 26 & 27

30 (k)
+ (n) *Violations of this section shall be are subject to the penal provisions of Division 18 (commencing with Section 18000) of the Elections Code.*

33 SEC. 2. Section 61108 is added to the Government Code, immediately following Section 61107, to read:

35 61108. The Fallen Leaf Lake Community Services District shall not provide any of the services or facilities set forth in this chapter except fire protection, including medical response and emergency services, and parks and recreation services or facilities.

Page 6 39 SEC. 3. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique need to ensure that property owners have an equal opportunity to vote in Fallen Leaf Lake Community Services District elections and serve as members of the district’s board.

6 SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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Page 6 15 However, if the Commission on State Mandates determines that
16 this act contains other costs mandated by the state, reimbursement
17 to 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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