



SB-25 Elections: ballot order. (2017-2018)

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CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

SENATE BILL

No. 25

Introduced by ~~Senators Portantino and Newman~~ **Senator Portantino**
(Coauthor: Senator ~~Mendoza Stern~~)

December 05, 2016

~~An act to amend Section 68075.7 of the Education Code, relating to public postsecondary education, and declaring the urgency thereof, to take effect immediately. An act to repeal and add Section 13109 of the Elections Code, relating to elections.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 25, as amended, Portantino. ~~Public postsecondary education: nonresident tuition exemption.~~ **Elections: ballot order.**

Existing law specifies the order of precedence of offices on the ballot, beginning with nominees for President and Vice President to be listed under the heading, PRESIDENT AND VICE PRESIDENT, and ending with directors or trustees for each district to be listed under the heading, DISTRICT. Measures submitted to the voters appear after district directors or trustees. Existing law authorizes a county elections official to vary the order for certain offices and measures submitted to the voters, in order to allow for the most efficient use of space on the ballot in counties that use a voting system, as defined. Existing law requires that the office of Superintendent of Public Instruction precede any school, county, or city office and that state measures precede local measures.

This bill would repeal the above provisions and establish a revised order of precedence of offices on the ballot requiring that local offices and measures appear first and be listed under the heading, CITY/LOCAL. The bill would require that county offices and measures appear next under the heading, COUNTY, state offices and measures appear under the heading, STATE, and state judicial offices under the heading, STATE JUDICIAL. The bill would require that nominees for federal offices, including President and Vice President, appear last and be listed under the heading, NATIONAL ELECTION.

~~Existing law provides that effective for academic terms beginning after July 1, 2015, a student enrolled at a campus of the California Community Colleges or the California State University who resides in California, meets the definition of "covered individual" under federal law, as it read on July 1, 2015, and is eligible for education~~

~~benefits under either of 2 specified federal "GI Bill" programs, as each read on July 1, 2015, is exempt from paying nonresident tuition and any other fees exclusively applicable to nonresident students at that campus.~~

~~Effective for the academic terms beginning after July 1, 2017, this bill would change the meaning of "covered individual" under these provisions, as specified, to align with federal law, as it read on January 1, 2017, and would require a California Community College or California State University student, as an eligibility requirement for the nonresident tuition exemption, to be eligible for education benefits under either of the 2 federal "GI Bill" programs referenced above, as each read on January 1, 2017. The bill would make conforming changes. To the extent that this bill would impose new duties on community college districts, this bill would impose a state-mandated local program.~~

~~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 the statutory provisions noted above.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: ~~two-thirds~~*majority* Appropriation: no Fiscal Committee: ~~yes~~*no* Local Program: ~~yes~~*no*

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 13109 of the Elections Code is repealed.

~~13109. The order of precedence of offices on the ballot shall be as listed below for those offices and measures that apply to the election for which this ballot is provided. Beginning in the column to the left:~~

~~(a) Under the heading, PRESIDENT AND VICE PRESIDENT:~~

~~Nominees of the qualified political parties and independent nominees for President and Vice President.~~

~~(b) Under the heading, PRESIDENT OF THE UNITED STATES:~~

~~(1) Names of the presidential candidates to whom the delegates are pledged.~~

~~(2) Names of the chairpersons of unpledged delegations.~~

~~(c) Under the heading, STATE:~~

~~(1) Governor.~~

~~(2) Lieutenant Governor.~~

~~(3) Secretary of State.~~

~~(4) Controller.~~

~~(5) Treasurer.~~

~~(6) Attorney General.~~

~~(7) Insurance Commissioner.~~

~~(8) Member, State Board of Equalization.~~

~~(d) Under the heading, UNITED STATES SENATOR:~~

~~Candidates or nominees to the United States Senate.~~

~~(e) Under the heading, UNITED STATES REPRESENTATIVE:~~

~~Candidates or nominees to the House of Representatives of the United States.~~

~~(f) Under the heading, STATE SENATOR:~~

~~Candidates or nominees to the State Senate.~~

~~(g) Under the heading, MEMBER OF THE STATE ASSEMBLY:~~

~~Candidates or nominees to the Assembly.~~

~~(h) Under the heading, COUNTY COMMITTEE:~~

~~Members of the County Central Committee.~~

~~(i) Under the heading, JUDICIAL:~~

~~(1) Chief Justice of California.~~

~~(2) Associate Justice of the Supreme Court.~~

~~(3) Presiding Justice, Court of Appeal.~~

~~(4) Associate Justice, Court of Appeal.~~

~~(5) Judge of the Superior Court.~~

~~(6) Marshal.~~

~~(j) Under the heading, SCHOOL:~~

~~(1) Superintendent of Public Instruction.~~

~~(2) County Superintendent of Schools.~~

~~(3) County Board of Education Members.~~

~~(4) College District Governing Board Members.~~

~~(5) Unified District Governing Board Members.~~

~~(6) High School District Governing Board Members.~~

~~(7) Elementary District Governing Board Members.~~

~~(k) Under the heading, COUNTY:~~

~~(1) County Supervisor.~~

~~(2) Other offices in alphabetical order by the title of the office.~~

~~(l) Under the heading, CITY:~~

~~(1) Mayor.~~

~~(2) Member, City Council.~~

~~(3) Other offices in alphabetical order by the title of the office.~~

~~(m) Under the heading, DISTRICT:~~

~~Directors or trustees for each district in alphabetical order according to the name of the district.~~

~~(n) Under the heading, MEASURES SUBMITTED TO THE VOTERS and the appropriate heading from subdivisions (a) through (m), above, ballot measures in the order, state through district shown above, and within each jurisdiction, in the order prescribed by the official certifying them for the ballot.~~

~~(o) In order to allow for the most efficient use of space on the ballot in counties that use a voting system, as defined in Section 362, the county elections official may vary the order of subdivisions (j), (k), (l), (m), and (n) as well as the order of offices within these subdivisions. However, the office of Superintendent of Public Instruction shall always precede any school, county, or city office, and state measures shall always precede local measures.~~

SEC. 2. *Section 13109 is added to the Elections Code, to read:*

13109. *The order of precedence of offices on the ballot shall be as listed below for those offices and measures that apply to the election for which this ballot is provided. Beginning in the column to the left:*

(a) Under the heading, CITY/LOCAL:

- (1) Mayor.*
- (2) Member, City Council.*
- (3) Unified School District Board Members.*
- (4) High School District Board Members.*
- (5) Elementary School District Board Members.*
- (6) College District Governing Board Members.*
- (7) Other offices in alphabetical order by the title of the office.*
- (8) City local initiatives and ballot measures.*
- (9) Local school district initiatives and ballot measures.*
- (b) Under the heading, COUNTY:*
 - (1) County Supervisor.*
 - (2) Sheriff.*
 - (3) Assessor.*
 - (4) County Superintendent of Schools.*
 - (5) County Board of Education.*
 - (6) Other offices in alphabetical order by the title of the office.*
 - (7) Judge of the Superior Court.*
 - (8) County Marshall.*
 - (9) Members of the County Central Committee.*
 - (10) County initiatives and ballot measures.*
- (c) Under the heading, STATE:*
 - (1) Governor.*
 - (2) Lieutenant Governor.*
 - (3) Secretary of State.*
 - (4) Controller.*
 - (5) Treasurer.*
 - (6) Attorney General.*
 - (7) Insurance Commissioner.*
 - (8) Member, State Board of Equalization.*
 - (9) Candidates or nominees to the State Senate.*
 - (10) Candidates or nominees to the State Assembly.*
 - (11) Statewide initiatives and ballot measures.*
- (d) Under the heading, STATE JUDICIAL:*
 - (1) Chief Justice of California.*
 - (2) Associate Justice of the Supreme Court.*
 - (3) Presiding Judge, Court of Appeal.*
 - (4) Associate Justice, Court of Appeal.*

(e) Under the heading, NATIONAL ELECTION:

(1) Under the subheading, PRESIDENT and VICE PRESIDENT:

(A) Nominees of the qualified political parties and independent nominees for President and Vice President.

(B) Names of the presidential candidates to whom the delegates are pledged.

(C) Names of the chairperson of unpledged delegations.

(2) Candidates or nominees to the United States Senate.

(3) Candidates or nominees to the House of Representatives of the United States.

~~SECTION 1. Section 68075.7 of the Education Code is amended to read:~~

~~68075.7. Notwithstanding any other law:~~

~~(a) Effective for academic terms beginning after July 1, 2017, a student enrolled at a campus of the California Community Colleges or the California State University who meets all of the following requirements shall be exempt from paying nonresident tuition or any other fee that is exclusively applicable to nonresident students:~~

~~(1) The student resides in California.~~

~~(2) The student meets the definition of "covered individual," as that term is defined in either of the following:~~

~~(A) Section 3679(c)(2)(A) or (B)(ii)(I) of Title 38 of the United States Code, as that provision read on January 1, 2017.~~

~~(B) Section 3769(c)(2)(B)(i) or (ii)(II) of Title 38 of the United States Code, as that provision read on January 1, 2017.~~

~~(3) The student is eligible for education benefits under either the federal Montgomery GI Bill Active Duty program (Chapter 30 (commencing with Section 3001) of Title 38 of the United States Code) or the Post 9/11 GI Bill program (Chapter 33 (commencing with Section 3301) of Title 38 of the United States Code), as each read on January 1, 2017.~~

~~(b) After the expiration of the three-year period following discharge as described in Section 3679(c)(2)(A) or (B)(ii)(I) of Title 38 of the United States Code, a student who qualifies for an exemption from paying nonresident tuition and other applicable fees under subparagraph (A) of paragraph (2) of subdivision (a) shall be deemed to maintain "covered individual" status as long as the student remains continuously enrolled at a campus, even if the student enrolls in multiple programs, and the student shall continue to be exempt from paying nonresident tuition and other fees that are exclusively applicable to nonresident students. As used in this section, "continuously enrolled" means enrolled for at least the fall and spring semesters of an academic year, or for at least three of the quarters in an academic year for an institution using the quarter system.~~

~~(c) The attendance of a community college student who is exempt from paying nonresident tuition and other fees pursuant to this section may be reported by the community college district of attendance for apportionment purposes.~~

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

~~SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:~~

~~In order to ensure that eligible students and their institutions will not lose federal education funding on or after July 1, 2017, it is necessary for this act to take effect immediately.~~