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December 2023

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This booklet summarizes selected legislation approved by the Assembly Elections Committee during the 2023 legislative year. Measures that were approved by both houses of the Legislature are included. Legislation that did not receive final legislative approval is not.

Among the most noteworthy measures considered and approved by the Committee were bills to ensure that elections officials have the tools needed to produce timely and accurate election results, protect public officials from threats and harassment, promote fair and equitable representation through reforms to redistricting laws, and refine the state's laws for voting by mail to make the process more user friendly. These are just some of the important policy changes approved by the Legislature this year. This booklet has a complete listing of these and other measures.

Most of the bills signed into law will take effect on January 1, 2024. Bills noted as urgency measures took effect earlier this year, as detailed in the description of those bills. The full text of legislation summarized in this pamphlet, as well as the committee analysis of those measures, may be viewed on the Internet at the California Legislative Information website (http://leginfo.legislature.ca.gov/).

I hope you will find this publication informative and useful as a reference tool. For additional information concerning Committee activities, please contact Committee staff at (916) 319-2094.

Sincerely,

Gail Pellerin

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Assembly Committee on Elections 2023 Committee Membership*

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^{*} Reflects Membership as of December 12, 2023

Key to Abbreviations Used

AR 77.2: Bill referred to policy committee pursuant to Assembly Rule 77.2, which provides that a bill that has been substantially amended since approval by a policy committee may be re-referred to a policy committee.

N/R: Vote is not relevant.

SR 28.8: Bill reported to Senate Floor pursuant to Senate Rule 28.8, which provides that bills referred to the Senate Appropriations Committee that do not have significant state costs shall be reported to the Senate Floor without a hearing by the Appropriations Committee.

SR 29.10: Bill referred to policy committee pursuant to Senate Rule 29.10, which provides that a bill that has been substantially amended since approval by a policy committee may be re-referred to a policy committee.

Assembly Committee on Elections 2023 Legislative Highlights

Voting by Mail:

The Legislature continued to take steps to refine vote by mail (VBM) balloting procedures to improve the voter experience and to reduce the number of legally-cast ballots that are unable to be counted. Newly approved legislation improves notifications to voters about how to resolve problems with their VBM ballots and provides additional mechanisms for voters to submit required information so that their ballots can be counted. Other new laws streamline the process for a voter to request and receive a replacement VBM ballot and provide voters with additional options for returning their completed VBM ballots.

Promoting Fair Representation:

Every 10 years following the completion of the Census, state law requires the boundary lines of political districts to be adjusted to ensure that the districts of each political body have equal populations, a process commonly referred to as "redistricting." Drawing upon lessons learned from the 2021 redistricting process, a new law strengthens the public hearing and outreach requirements for local redistricting, and prohibits incumbency protection from being considered when drawing district lines. Other newly adopted legislation requires independent redistricting commissions in Orange and Sacramento counties.

Protecting Effective and Impartial Election Administration:

In response to reports about increasing threats toward and harassment of election workers, newly enacted legislation strengthened state laws that make it a felony to interfere with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their right to vote. Urgency legislation ensures that elections in California will be conducted using voting systems that have been certified by the state to comply with state and federal security, functionality, and accessibility requirements.

Initiative and Referendum Process Reforms:

The Legislature approved and the Governor signed legislation to extend the period during which a state referendum can be withdrawn from the ballot, and to provide voters with additional information about the top funders of state referendum measures. The same legislation also changed the manner in which state referenda are presented to voters on the ballot in an effort to reduce the potential for confusion. Another new law seeks to encourage negotiations over alternatives to state ballot measures by providing measure proponents with additional options for withdrawing their measure if they reach a compromise with the Legislature.

Assembly Committee on Elections 2023 Legislative Summary

Assembly Bills

AB 34 (Valencia)

Chapter 315, Statutes of 2023

Elections: County of Orange Citizens Redistricting Commission.

[Adds Chapter 6.9 (commencing with Section 21580) to Division 21 of the Elections Code]

Prior to 2017, state law generally permitted a county or a city to create an advisory redistricting commission, but did not expressly permit local jurisdictions to create commissions that had the authority to establish district boundaries. Instead, the authority to establish district boundaries for a local jurisdiction generally was held by the governing body of that jurisdiction.

In 2016, however, the Legislature passed and the Governor signed SB 1108 (Allen), Chapter 784, Statutes of 2016, which permitted a county or a general law city to establish a redistricting commission, subject to certain conditions. Additionally, the Legislature provided for redistricting commissions in two counties through separate legislation. SB 958 (Lara), Chapter 781, Statutes of 2016, required the establishment of a Citizens Redistricting Commission in Los Angeles County and charged it with adjusting the boundaries of supervisorial districts after each decennial federal census, as specified. Additionally, AB 801 (Weber), Chapter 711, Statutes of 2017, established an Independent Redistricting Commission in San Diego County and charged it with adjusting the boundaries of supervisorial districts after each decennial federal census, as specified.

This bill creates a redistricting commission in Orange County that is similar to the ones required in Los Angeles and San Diego counties, with some modifications, and charges that Commission with adjusting the boundaries of county supervisorial districts in future redistricting processes.

Assembly Elections 6-0	Senate Elections & Const. Amend 6-0
Assembly Local Government 6-1	Senate Governance & Finance 6-2
Assembly Appropriations11-4	Senate Appropriations 5-2
Assembly Floor61-15	Senate Floor 31-6
Assembly Concurrence	

AB 37 (Bonta)

Vetoed

Political Reform Act of 1974: campaign funds: security expenses.

[Amends Section 89519 of, and repeals and adds Section 89517.5 of, the Government Code]

The Political Reform Act strictly regulates the use of campaign funds by candidates, elected officials, and others who control the expenditure of those funds and generally requires expenditures of campaign funds to be directly or reasonably related to a political, legislative, or governmental purpose. In recognition of the fact that public officials may face threats to their security due to their political, legislative, or governmental activities, current law includes a specific exception to the otherwise generally-applicable rules governing the expenditure of campaign funds. A candidate or elected official may use up to \$5,000 in campaign funds to pay, or reimburse the state, for the costs of installing and monitoring a home or office electronic security system if the following circumstances are met: 1) the candidate or elected officer has received threats to their physical safety, 2) the threats arise from their activities, duties, or status as a candidate or elected officer, and 3) the threats have been reported to and verified by law enforcement.

Unfortunately, there has been an increase in threats and harassment against public officials, their families, and their staff. In an effort to address these concerns, this bill proposed to allow campaign funds to be used for costs related to security expenses for a potential threat to safety that arises from a candidate's or elected officer's activities, duties, or status as a candidate or elected officer to protect a candidate, elected officer, or the immediate family or staff of a candidate or elected officer, as specified. Additionally, this bill would have removed the \$5,000 cap on the amount of campaign funds that can be used by a candidate or elected official for security expenses, as specified.

On October 8, 2023, Governor Newsom vetoed this bill. In his <u>veto message</u>, the Governor stated that "the bill as drafted does not clearly define 'security expenses,'" and that "[w]ithout more guidance on what would or would not be allowed as a legitimate use of campaign funds, this bill could have unintended consequences and could lead to use of political donations for expenditures far beyond what any reasonable donor would expect."

Assembly Elections7-	0	Senate Elections & Const. Amend	7-0
Assembly Appropriations15	0	Senate Appropriations (<u>S</u>	R 28.8)
Assembly Floor70-	0	Senate Floor	35-3
Assembly Concurrence	0		

AB 63 (Cervantes)

Chapter 514, Statutes of 2023 Canvass of the vote: reporting results.

[Adds Sections 15306 and 15504.5 to the Elections Code]

Once the polls close on election day, elections officials begin the semifinal official canvass, which includes tabulating vote by mail (VBM) and precinct ballots and compiling the results. The first batch of results that elections officials release shortly after the polls close on election day primarily are VBM ballots that were received and processed by the elections official before election day. Subsequent updates to election results released on election night and into the next morning primarily are ballots that were cast at in-person voting locations on election day.

Many other ballots, however, are tabulated as part of the official canvass that must begin no later than the Thursday after election day. In particular, VBM ballots that are returned on or very shortly before election day and that cannot be verified before election day will be verified and tabulated in the days and weeks after election day as part of the official canvass. As the percentage of Californians who vote using a VBM ballot has increased, the number of ballots that are unable to be included in the semifinal official canvass (a.k.a., the "election night results") has similarly increased. While state law generally requires elections officials to provide regular updates to the results during the semifinal official canvass, it did not expressly require election results to be updated on any particular schedule during the official canvass.

This bill requires elections officials to update election results at least once a week during the official canvass until the results are complete, except as specified.

California Constitution Article IV, Section 2, provides that "[a] person is ineligible to be a member of the Legislature unless the person is an elector and has been a resident of the legislative district for one year...and a resident of California for 3 years, immediately preceding the election" among other provisions. California courts generally have found that the authority to enforce these durational residency requirements rests exclusively with the respective houses of the Legislature.

In light of the Legislature's authority to judge the elections and qualifications of its members, a house of the Legislature could refuse to seat a member who did not meet the qualifications found in the California Constitution. This bill requires the Secretary of State (SOS) to notify the Legislature if a candidate who apparently was elected to the Legislature was not continuously registered to vote in their district from the time the candidate filed for office until the SOS notifies the Legislature that the person apparently was elected. By requiring the SOS to provide information to the Legislature if an apparently successful candidate was not continuously registered to vote in the district from which the person was elected after the candidate filed for office, this bill will provide the houses of the Legislature with information that may be relevant to any effort to judge the qualifications and elections of its Members.

Legislative History:

Assembly Elections	8-0	Senate Elections & Const. Amend	d 7-0
Assembly Appropriations	11-0	Senate Appropriations	7-0
Assembly Floor	75-0	Senate Floor	39-0
Assembly Concurrence	77-0		

AB 292 (Pellerin)

Chapter 646, Statutes of 2023 Primary elections: ballots.

[Amends Section 13502 of, and adds Section 13502.5 to, the Elections Code]

Since January 1, 2001, California has had a "modified" closed primary system for presidential primaries that permits an voter who has declined to disclose a political party preference (commonly referred to as a No Party Preference (NPP) voter) to participate in a party's primary election if authorized by the individual party's rules and duly noticed to the Secretary of State. If authorized by a party, NPP voters are allowed to vote in the primary election for United States President for that party. This is commonly referred to as a "crossover" ballot.

Voters who are registered to vote as NPP voters often do not realize that they cannot vote in a presidential primary without requesting a partisan ballot from a political party which allows crossover voting. Despite current requirements for notices to be sent to NPP voters prior to a presidential primary election, many voters fail to request a party ballot. This bill ensures that NPP voters who wish to crossover vote are not prevented from doing so by the lack of the appropriate ballot. Specifically, this bill requires a nonpartisan ballot provided to an NPP voter for use in voting at a presidential primary election to have specified information that advises how a voter may request and vote a crossover ballot. Additionally, this bill allows an NPP voter to send a text message to request the ballot of a political party that has authorized a NPP voter to vote in its partisan primary election, as specified.

Assembly Elections	6-1	Senate Elections & Const. Ame	end 6-1
Assembly Appropriations	11-4	Senate Appropriations	(<u>SR 28.8</u>
Assembly Floor	59-15	Senate Floor	32-8
Assembly Concurrence	63-14		

AB 334 (Blanca Rubio)

Chapter 263, Statutes of 2023 Public contracts: conflicts of interest.

[Adds Section 1097.6 to the Government Code]

<u>Government Code Section 1090</u> (Section 1090) generally prohibits a public official or employee from making a contract in the person's official capacity in which the person has a financial interest. In addition, a public body or board is prohibited from making a contract in which any member of the body or board has a financial interest, even if the member does not participate in making the contract.

When considering whether a public official is involved in the making of a contract for the purposes of Section 1090, legal opinions generally have broadly construed the "making" of a contract to include governmental actions that go beyond the award of the contract. For example, courts have found that for the purposes of Section 1090, the "making" of a contract includes preliminary discussions, negotiations, compromises, reasoning, planning, drawing of plans and specifications, and solicitation for bids. Furthermore, courts have interpreted Section 1090 to apply to the actions of consultants to and independent contractors of public agencies if the consultant or contractor serves as a trusted advisor to the governmental body and carries out public contracting duties on the government's behalf.

In light of the information outlined above about the broad construction of Section 1090, an entity that is hired by a governmental body to advise it on a project can have a Section 1090 conflict that prohibits the entity from being awarded contracts for subsequent phases of the same project.

Since the Fair Political Practices Commission (FPPC) was given the authority to issue legal advice regarding Section 1090 and related laws through the passage of AB 1090 (Fong), Chapter 650, Statutes of 2013, the FPPC has issued almost 500 advice letters relating to Section 1090. Since the start of 2017, the FPPC has issued more than 40 letters in situations where governmental bodies sought advice about whether a contractor or consultant who performed preliminary work on a project would be eligible to be awarded a contract for subsequent work on the same project. The time and uncertainty associated with needing to get an advice letter from the FPPC before awarding certain contracts for public projects could lengthen the time necessary to complete those projects and reduce the pool of willing bidders for public contracts.

In October 2020, the FPPC issued two documents that summarize Section 1090 and the advice the FPPC has given in interpreting that law. Both documents discuss the situations in which Section 1090 may apply to independent contractors, especially as it relates to questions about whether a public entity that has entered into a contract with an independent contractor to perform one phase of a project may enter into a second contract with the same contractor for a subsequent phase of the project. This bill seeks to codify the FPPC's guidance, and adds safe-harbors for persons who rely on that guidance in good faith.

Legislative History:

Assembly Elections7	-0	Senate Elections & Const. Amend	7-0
Assembly Appropriations16	-0	Senate Judiciary	11-0
Assembly Floor66	-0	Senate Appropriations(<u>S</u>	R 28.8)
Assembly Concurrence75	-0	Senate Floor	38-0

AB 398 (Pellerin)

Chapter 650, Statutes of 2023 Voting: replacement ballots.

[Amends Sections 3014 and 3109 of the Elections Code]

As an accommodation to facilitate voting at the 2020 general election during the height of the COVID-19 pandemic, the Legislature approved and Governor Newsom signed AB 860 (Berman), Chapter 4, Statutes of 2020, which required county elections officials to mail a ballot to every active registered voter for the November 3, 2020 statewide general election, among other provisions. The policy of requiring county elections officials to mail a ballot to all active registered voters ultimately was made permanent through the passage of AB 37 (Berman), Chapter 312, Statutes of 2021.

Last year, the Legislature approved and Governor Newsom signed AB 2608 (Berman), Chapter 161, Statutes of 2022, which made various conforming changes to reflect the fact that state law requires that every active registered voter be mailed a ballot for every election in which the voter is eligible to vote. Among other provisions, AB 2608 repealed provisions of law related to applications for vote by mail (VBM) ballots (including laws that allowed elections officials to offer voters the ability to apply for VBM ballots electronically or by telephone) and consolidated provisions of law that govern the issuance of a second VBM ballot to a voter.

On September 29, 2022, the Secretary of State (SOS) issued a memorandum to county elections officials to address the changes made by AB 2608 and the procedures for requesting a replacement ballot. That memorandum recognized that AB 2608 repealed the law that allowed voters to apply for a VBM ballot by telephone, and noted that "[u]nder amended Elections Code section 3014, a second [VBM] ballot shall be provided to a 'voter upon receipt of a statement under penalty of perjury that the voter has failed to receive, lost, or destroyed their original ballot." The memorandum went on to note that because Elections Code Section 3014 requires a statement to be made under penalty of perjury, "our office is of the opinion that this request for a replacement ballot cannot be made telephonically."

This bill allows an elections official to provide a replacement vote by mail ballot to a voter without the need for the voter to provide a specified statement under penalty of perjury, if specified conditions are met.

Legislative History:

Assembly Elections 5-1	Senate Elections & Const. Amend 6-1
Assembly Appropriations10-3	Senate Appropriations(SR 28.8
Assembly Floor	Senate Floor31-8

AB 421 (Bryan)

Chapter 162, Statutes of 2023 Elections: referendum measures. Urgency.

[Amends Sections 303.5, 9033, 9050, 9051, 9086, 13120, and 13247 of, and adds Section 303.1 to, the Elections Code, and amends Section 88002 of the Government Code]

In 1911, California voters approved three major direct democracy tools—the initiative, the referendum, and the recall. The most commonly used of those tools, the initiative, allows voters to propose statutes and amendments to the Constitution and to adopt or reject them. The referendum process, on the other hand, gives voters the option to reject a law that was passed by the Legislature. If proponents of a referendum submit enough valid signatures of voters for the referendum to qualify for the ballot, the law that is the subject of the referendum generally will not go into effect unless the voters approve that law when it appears on the ballot at a future election.

Because the referendum process gives voters the ability to overturn an action taken by the Legislature, the meaning of a "yes" vote and a "no" vote on a referendum may not be completely clear. Counterintuitively, the *proponents* of a referendum measure are those who are encouraging voters to vote "no," thereby rejecting the statute enacted by the Legislature.

This bill seeks to reduce the potential for confusion when electors vote on a state referendum measure by changing the question that voters are asked so that they are asked whether they want to "keep the law" passed by the Legislature or if they want to "overturn the law" that the Legislature enacted. This bill additionally requires the top campaign funders of an effort to qualify a state referendum to be listed in the state voter information guide.

SB 1253 (Steinberg), Chapter 697, Statutes of 2014, also known as the "Ballot Initiative Transparency Act," made significant changes to the initiative process, including creating a formal process for the proponents of a statewide initiative measure to withdraw the measure after filing the petition with the elections official. That withdrawal process was designed to encourage negotiations between initiative proponents and the Legislature. SB 1253, however, did not create a similar process for state referenda.

This bill establishes a withdrawal process for state referenda that is similar to the process for state initiatives, with some modifications to account for differences between the initiative and referendum processes. Specifically, this bill extends the period during which a state referendum

can be withdrawn from the ballot by permitting the proponents to withdraw the measure up until the 131st day before the measure appears on the ballot, or until the date it is determined that the referendum petition has a sufficient number of valid signatures, whichever is later.

AB 1416 (Santiago), Chapter 751, Statutes of 2022, requires the ballot label for a statewide ballot measure to include the names of specified supporters and opponents of the measure, among other provisions. AB 1416 went into effect on January 1, 2023, so it has not yet been in effect for a statewide election. This bill delays the implementation of AB 1416 until 2025 for statewide referendum measures.

This bill contains an urgency clause and took effect on September 8, 2023.

Legislative History:

Assembly Elections5-2	Senate Elections & Const. Amend 6-1
Assembly Appropriations11-4	Senate Appropriations(SR 28.8
Assembly Floor60-18	Senate Floor 30-9
Assembly Concurrence 55-17	

AB 507 (Bryan)

Chapter 88, Statutes of 2023
Presidential electors.

[Amends Sections 6904, 6909, 6918, and 16003 of the Elections Code]

In December 2022, Congress approved and President Joe Biden signed the Electoral Count Reform and Presidential Transition Improvement Act of 2022 ("Act") as part of the Consolidated Appropriations Act, 2023 (H.R. 2617). The Act modernized federal laws governing the selection and meeting of presidential electors, the transmission of electoral votes to Congress, and the counting of those votes by Congress.

Most of California law relating to presidential electors was consistent with the changes made by the Act. There are two key areas, however, in which state law had to be amended to conform to changes made by the Act. First, the Act changed the day on which presidential electors meet from the first Monday after the second Wednesday in December to the first Tuesday after the second Wednesday in December following the presidential general election, necessitating corresponding amendments to state law. Second, the Act moved federal rules governing the preparation and transmission of a certificate of ascertainment of appointment of electors from one section of federal law to a different section of law, necessitating a corresponding amendment to state law to update the federal code referenced. This bill makes these changes to conform to the Act.

In preparation for the meeting of California's presidential electors on December 14, 2020, California State Assembly staff ensured that the electors could maintain adequate social

distancing when they met on the Assembly Floor amid a spike in COVID-19 infections. While the COVID-19 pandemic did not prevent the electors from meeting at the State Capitol as required by state law, those preparations drew attention to the fact that state law does not explicitly permit the electors to meet at a different location if it is unsafe or impossible to meet in the State Capitol due to a state of emergency such as a fire or flood.

This bill allows the Governor to designate an alternative location for California's presidential electors to meet if it is unsafe for the electors to meet at the State Capitol due to a state of emergency.

Legislative History:

Assembly Elections8-0	Senate Elections & Const. Amend 7-0
Assembly Appropriations14-0	Senate Appropriations(SR 28.8
Assembly Floor79-0	Senate Floor39-0

AB 545 (Pellerin)

Chapter 658, Statutes of 2023 Elections: access for voters with disabilities.

[Amends Sections 14105 and 14282 of the Elections Code]

Under existing law any voter who cannot reach the voting area at the polling place because of architectural barriers or physical limitations may be allowed to vote "curbside." Voting outside of the polling location (also known as "curbside" voting) enables a voter to have a voting experience outside the voting area when a polling place is not accessible. In practice, voters may use curbside voting from their vehicle or along the path of travel to the voting area. An elections official will qualify the voter, and bring the voter a ballot and any other voting materials the voter may need to cast their ballot privately and independently.

Due to concerns that conducting in-person voting during the spread of COVID-19 could threaten the health and safety of voters, election workers, and the public generally, in 2020 the Legislature approved and Governor Newsom signed bills that made significant changes to the way that the state conducted the November 2020 presidential general election. Those changes largely were enacted through two bills – AB 860 (Berman), Chapter 4, Statutes of 2020, and SB 423 (Umberg), Chapter 31, Statutes of 2020. Notably, those bills required that a mail ballot be sent to every active registered voter, provided voters in all counties with the ability to track their ballot, authorized changes to in-person voting requirements, and urged each county to provide drive-through ballot drop-off or voting locations. In practice, one of the ways that county elections officials complied with the drive-through ballot drop-off provision was by providing curbside voting at all voting locations.

Many counties have continued to make curbside voting available, or will provide it if asked, even though there is no ongoing requirement. This bill expands access to voters with disabilities and allows a voter with a disability to vote a regular ballot outside any polling place, regardless of whether the polling place is inaccessible. Additionally, this bill deletes a requirement that a voter, in order to receive assistance to mark their ballot, must issue a declaration under oath that they are unable to mark their ballot before receiving assistance. This bill also clarifies requirements relating to supplies, services, and procedures at voting locations, as specified.

Legislative History:

Assembly Elections5-0	Senate Elections & Const. Amend 6-0
Assembly Appropriations13-2	Senate Appropriations 5-2
Assembly Floor67-6	Senate Floor 33-3

AB 626 (Pellerin)

Chapter 661, Statutes of 2023 Voting: returning vote by mail ballots in person.

[Adds Section 3016.5 to the Elections Code]

As an accommodation to facilitate voting at the 2020 general election during the height of the COVID-19 pandemic, the Legislature approved and Governor Newsom signed AB 860 (Berman), Chapter 4, Statutes of 2020, which required county elections officials to mail a ballot to every active registered voter for the November 3, 2020 statewide general election, among other provisions. The policy of requiring county elections officials to mail a ballot to all active registered voters ultimately was made permanent through the passage of AB 37 (Berman), Chapter 312, Statutes of 2021.

Even though state law requires county elections officials to mail a ballot to all active registered voters, in-person voting locations (e.g., polling places, vote centers, elections officials' offices) remain available for California voters. Non-provisional ballots (a.k.a., "live," "regular," or "polling place" ballots) that are cast at in-person voting locations generally are placed into a ballot box without first being put into an identification envelope, and can be counted by the elections official without needing to undergo further verification. By contrast, a vote by mail (VBM) voter generally will place their completed VBM ballot into an identification envelope before returning that ballot to the elections official. Before a VBM ballot identification envelope can be opened and the ballot counted, the elections official must first verify certain information on the envelope (including a comparison of the voter's signature on the identification envelope to the signature(s) in the voter's registration record).

While existing law allows a voter to surrender their VBM ballot at an in-person voting location and be issued a non-provisional ballot that can be placed into a ballot box without an identification envelope, that option requires the voter to mark the newly issued ballot at the

voting location. A voter who already marked their VBM ballot at home may not want to take the time to make their selections again on a newly issued ballot.

This bill allows a voter to return their VBM ballot to an in-person voting location, without placing the ballot into a ballot identification envelope, if specified conditions are met.

Legislative History:

Assembly Elections 6-0	Senate Elections & Const. Amend 6-1
Assembly Appropriations12-3	Senate Appropriations 5-2
Assembly Floor69-2	Senate Floor 36-4

AB 764 (Bryan)

Chapter 343, Statutes of 2023 Local redistricting.

[Amends Section 35 of the Code of Civil Procedure, amends Sections 1002, 5019, 5019.5, 5020, 5021, 5023, 5027, and 5028 of, repeals Section 5019.7 of, and repeals and adds Section 1005 of, the Education Code, amends Sections 21500, 21500.1, 21503, 21506, 21534, 21544, 21552, 21564, 21574, 21600, 21601, 21603, 21605, 21606, 21620, 21621, 21623, 21625, 21626, 21630, 22000, 23002, and 23003 of, adds Chapter 2 (commencing with Section 21100) to Division 21 of, repeals Sections 21501, 21507, 21507.1, 21508, 21509, 21602, 21607, 21607.1, 21608, 21609, 21622, 21627, 21627.1, 21628, 21629, and 22002 of, and repeals and adds Section 22001 of, the Elections Code, and amends Sections 34874, 34877.5, 34884, 34886, and 57301 of the Government Code]

AB 849 (Bonta), Chapter 557, Statutes of 2019, also known as the Fair Maps Act (FMA), revised and standardized the criteria and process to be used by counties and cities when they adjust the boundaries of the electoral districts that are used to elect members of the jurisdictions' governing bodies, and required counties and cities to comply with substantial public hearing and outreach requirements as part of the process for adjusting the boundaries of electoral districts. Prior to the enactment of AB 849, the rules that govern the local redistricting process generally had not been changed in decades.

This bill makes various changes to California's local redistricting laws to address what the author describes as ambiguities, loopholes, and deficiencies in the FMA. Specifically, this bill makes county boards of education and special, school, and community college districts subject to redistricting criteria and process requirements similar to those that apply to counties and cities when adjusting the boundaries of the districts used to elect governing body members. Additionally, this bill increases public hearing and outreach requirements that apply to local jurisdictions when adjusting district boundaries.

Legislative History:

Assembly Elections 5-1	Senate Elections & Const. Amend 6-1
Assembly Local Government 6-2	Senate Governance & Finance 6-2
Assembly Appropriations11-4	Senate Appropriations 5-2
Assembly Floor62-17	Senate Floor 30-7
Assembly Concurrence 62-18	

AB 773 (Pellerin)

Chapter 664, Statutes of 2023 Elections: filings. Urgency

[Amends Section 13307.7 of, and adds Section 9611 to, the Elections Code]

Existing law requires a local district or school district to determine a reasonable date before an election for the submission of arguments in favor of and against a local district or school district ballot measure that will appear on the ballot at that election. These filing deadlines can vary from jurisdiction to jurisdiction. For multicounty ballot measures, this can cause confusion for ballot measure proponents and opponents and result in missed deadlines. In an effort to address this concern, this bill requires all arguments and rebuttals related to a ballot measure in a district or school district that encompasses more than one county to be submitted to a "lead county," and requires the elections official for the lead county to work with the other counties within the district to establish deadlines for receipt of arguments.

Candidates who are running in districts that include multiple counties must work individually with each county if they want their candidate statement to appear in the voter information guide in every county in the district. Because each county may have its own candidate statement form, and because each county sets its own costs for having a candidate statement included in the voter information guide, the process for submitting a candidate statement will vary from county to county. In an effort to streamline the candidate filing process, this bill requires a county elections official to post and accept an electronic submission of a form for a candidate to submit a candidate statement for inclusion in the voter information guide, and allows a candidate running in a multicounty district to submit a hard copy of their candidate statement form by mail, instead of in person, as specified.

This bill contains an urgency clause and took effect on October 10, 2023.

Assembly Elections8-0	Senate Elections & Const. Amend 7-0	
Assembly Appropriations14-1	Senate Appropriations(SR 28.8)	
Assembly Floor70-0	Senate Floor 39-0	
Assembly Concurrence		

AB 969 (Pellerin)

Chapter 300, Statutes of 2023 Elections: voting systems. Urgency.

[Adds Sections 15270.1, 15270.2, 15270.3, and 19207.5 to, the Elections Code]

On January 24, 2023, the Shasta County Board of Supervisors (Board) voted to cancel the county's voting system lease agreement with Dominion Voting Systems effective after Shasta County's March 7, 2023, special election. At the time that decision was made, the Board did not provide a plan or describe how they would conduct future elections. On March 28, 2023, the Board voted to direct staff to: 1) establish a procedure for the manual tally of ballots; 2) select another vendor to provide voting equipment and associated software to satisfy all state and federal laws relating to voting access for persons with disabilities; and, 3) submit the plan to the Secretary of State (SOS) for approval for use at the county's next election. In April, the Board voted unanimously to pick Hart as their new provider of voting equipment and services in the county.

Existing federal and state law contain requirements that cannot be satisfied without the use of voting technology that includes a voting system and other voting equipment. For instance, existing federal and state law require elections to be accessible for individuals with disabilities in a manner that provides the opportunity to vote privately and independently. This bill ensures elections are conducted in a manner that is consistent with those accessibility requirements by requiring an elections official or any jurisdiction that administers elections to use a certified voting system for accessible voting and to tabulate votes. Furthermore, this bill prohibits a jurisdiction from terminating a contract for an existing certified voting system unless the jurisdiction has a plan to transition to a new voting system and has signed a new contract for a certified voting system.

Additionally, this bill prohibits an elections official from performing a manual vote count in an election held on an established election date if there are more than 1,000 eligible registered voters, or an election held on a date other than an established election date if there are more than 5,000 eligible registered voters, as specified. This bill also requires the SOS to adopt manual vote count regulations and requires an elections official to submit for approval by the SOS a manual vote count plan that is consistent with the regulations. This bill contains an urgency clause and took effect on October 4, 2023.

Assembly Elections 6-1	Senate Elections & Const. Amend 6-1
Assembly Floor62-9	Senate Governance & Finance 6-2
Assembly Elections (AR 77.2)6-2	Senate Appropriations(<u>SR 28.8</u>)
Assembly Concurrence	Senate Floor 31-6

AB 1037 (Berman)

Chapter 673, Statutes of 2023 Vote by mail ballots: signature verification.

[Amends Section 3019 of the Elections Code]

In an effort to reduce the number of rejected vote by mail (VBM) ballots, the Legislature has taken a number of steps to modify the signature verification process for those ballots. <u>AB 477 (Mullin), Chapter 726, Statutes of 2015</u>, allows a voter who failed to sign their VBM ballot identification envelope to complete, sign, and return by mail or facsimile an unsigned ballot statement up to eight days after the election, as specified, in order to have their ballot counted. <u>AB 840 (Quirk), Chapter 820, Statutes of 2017</u>, authorizes a voter to submit their completed unsigned ballot statement to the local elections official by email.

SB 759 (McGuire), Chapter 446, Statutes of 2018, created a cure process for a voter whose signature on their VBM ballot identification envelope does not match the signature on file in the voter's registration record, as specified. SB 523 (McGuire), Chapter 568, Statutes of 2019, requires counties to notify a voter whose signature was missing on a VBM ballot identification envelope, and aligns the processes for handling unsigned VBM ballot envelopes with the processes for handling VBM ballot envelopes with signatures that do not match the signatures on file in the voter's registration record. Additionally, SB 503 (Becker), Chapter 319, Statutes of 2021, codifies various provisions of the Secretary of State's signature verification emergency regulations and provides clear and uniform statewide signature verification standards.

This bill provides voters with another method to return their completed unsigned identification envelope statement or signature verification statement by allowing those completed statements to be submitted by other electronic means made available by the local elections official.

Legislative History:

Assembly Elections	6-2	Senate Elections & Const. Ame	end 6-1
Assembly Appropriations	12-3	Senate Appropriations	(<u>SR 28.8</u>
Assembly Floor	61-16	Senate Floor	31-8
Assembly Concurrence	62-18		

AB 1219 (Berman)

Chapter 676, Statutes of 2023

Elections: ballots.

[Amends Sections 302, 303.3, 305, 6821, 10704, 11320, 11322, 11323, 13105, 13200, 13202, 13203, 13206.5, 13208, 13209, 13210, 13211, 13211.5, 13212, 13213, 13214, 13233, 14286, 14443, 15210, and 15360 of, adds Section 11322.5 to, repeals Sections 13216.5, 13260, 13261,

13262, 13263, 13264, 13265, 13266, 13267, and 15211 of, and repeals and adds Sections 301, 303, 13204, 13206, 13216, 14284, and 14285 of, the Elections Code

Previous legislation, AB 623 (Berman), Chapter 863, Statutes of 2019, made numerous changes to the way ballots are formatted. AB 623's goal was to update outdated ballot design requirements and allow county election officials the flexibility to create a ballot that contains all the required contests in a manner that is accessible and easy to read, allowing voters to have a better voting experience.

Additionally, AB 623 required the Secretary of State (SOS) to establish a ballot design advisory committee (BDAC) to assist with promulgating regulations that prescribe ballot design and format. The BDAC is required to consist of staff from the Office of the SOS and appointed committee members who have demonstrated experience in ballot design and knowledge of presenting voters with elections materials in plain language.

The SOS established the BDAC in April 2021, and held its first public meeting on July 8, 2021. BDAC committee members consisted of local elections officials, voting system vendors, and experts from the nonprofit sector. The BDAC engaged the Center for Civic Design and included representatives from 18 county elections offices. It held nine public meetings in 2021 and 2022, culminating with the issuance of an August 2022 report making numerous recommendations for changes to the Elections Code.

The BDAC's report provided three central recommendations: 1) increase readability and usability of ballots, and provide elections officials with the flexibility needed to meet voter needs; 2) eliminate obsolete sections of the Elections Code affecting ballot design; and, 3) promulgate regulations and/or resources that provide elections officials and voting system vendors with guidance and best practices on ballot design.

This bill continues efforts to enhance voters' experience by simplifying instructions and providing elections officials more flexibility when designing ballot layouts that are user friendly. Accordingly, this bill implements recommendations from the BDAC and deletes, revises, and recasts ballot design requirements, as specified.

Assembly Elections8-0	Senate Elections & Const. Amend 7-0	
Assembly Appropriations16-0	Senate Appropriations (SR 28.8)	
Assembly Floor75-0	Senate Floor 40-0	
Assembly Concurrence 80-0		

AB 1227 (Low)

Chapter 362, Statutes of 2023 Elections: County of Santa Clara.

[Adds Section 24206 to the Government Code]

Ranked choice voting (RCV) is an election method in which voters rank the candidates for office in order of preference, and the ballots are counted in rounds. In the case of a single-winner election, these rounds simulate a series of runoffs until only two candidates remain with the candidate having the greater number of votes being declared the winner.

Existing state law does not expressly permit or contemplate the use of RCV for elections in California. Notwithstanding that fact, at least six California cities have conducted local elections using RCV. San Francisco has been using RCV for local elections since 2004, while the cities of Berkeley, Oakland, and San Leandro all began using RCV in 2010. The cities of Albany and Palm Desert first used RCV in 2022.

All six cities that have conducted local elections using RCV are charter cities. The California Constitution gives cities and counties the ability to adopt charters, which give those jurisdictions greater autonomy over local affairs. Charter cities, in particular, are granted a great deal of autonomy over the rules governing the election of municipal officers. The autonomy that the California Constitution grants to charter cities is what allowed those six cities to use RCV for local elections, notwithstanding the lack of authorization for using RCV in state law.

It is less clear whether charter counties similarly can use RCV to conduct local elections in the absence of authorization under state law. The autonomy granted to charter counties over the election of county officers is considerably narrower than is granted to charter cities over municipal elections.

This bill allows Santa Clara County to use RCV to elect county officers.

Assembly Elections5-0	Senate Elections & Const. Amend 6-0
Assembly Floor67-0	Senate Floor 31-7
Assembly Concurrence	

AB 1248 (Bryan)

Vetoed

Local redistricting: independent redistricting commissions.

[Adds Section 8545.7 to the Government Code, and amends Sections 23000, 23001, 23003, and 23004 of, and adds Sections 23000.5, 23001.5, 23003.5, 23005, and 23006 to, the Elections Code]

"Redistricting" is the process by which the boundaries of districts of a governmental body are adjusted. Redistricting generally occurs at the beginning of each decade following the decennial federal census, when new district lines are adopted based on the census data so that the populations of each district of a governmental body are roughly equal.

The authority to establish district boundaries for a local jurisdiction generally is held by the governing body. Prior to 2017, state law generally permitted a county or a city to create an advisory redistricting commission, but did not expressly permit local jurisdictions to create commissions that had the authority to establish district boundaries. In 2016, the Legislature passed and the Governor signed SB 1108 (Allen), Chapter 784, Statutes of 2016, which permits a county or a general law city to establish a redistricting commission, subject to certain conditions. SB 1018 (Allen), Chapter 462, Statutes of 2018, built upon SB 1108 by allowing all local governmental entities to establish redistricting commissions.

Prior to 2023, the Legislature also enacted bills to require five specified counties (Fresno, Kern, Los Angeles, Riverside, and San Diego) to establish independent redistricting commissions (IRCs). This year, the Legislature passed additional legislation to require IRCs in two more counties (Orange and Sacramento) and one city (Los Angeles).

This bill would have required a county or city with more than 300,000 residents, or a school or community college district with more than 500,000 residents, to establish an IRC to adopt district boundaries after each federal decennial census.

On October 7, 2023, Governor Newsom vetoed this bill. In his <u>veto message</u>, the Governor wrote, "While I share the author's goal of ensuring community control over the redistricting process, this bill creates a state-reimbursable mandate in the tens of millions and should therefore be considered in the annual budget process."

Assembly Elections	5-1	Senate Elections & Const. Amend	6-1
Assembly Local Government	6-2	Senate Governance & Finance	5-2
Assembly Appropriations	11-4	Senate Appropriations	5-2
Assembly Floor	61-17	Senate Floor	30-7
Assembly Concurrence	62-16		

AB 1539 (Berman)

Chapter 692, Statutes of 2023 Elections: double voting.

[Adds Section 18560.1 to the Elections Code]

While it is a felony under California law for a person to vote more than once or to attempt to vote more than once in an election, it appears that this law does not cover a situation where a person votes in California and in another state in elections held on the same day. California law defines the term "election" as "any election…provided for under the Elections Code." Accordingly, an election held in another state likely would not be considered an "election" under state law, and a person who voted in California and another state on the same day likely would not be considered to have voted more than once in an election for the purpose of California law. Other states, on the other hand, expressly prohibit a person from voting or attempting to vote in more than one state in elections held on the same date.

This bill prohibits a person from voting in an election in California and in an election in another state on the same date.

Legislative History:

Assembly Elections	7-0	Senate Elections & Const. Amend	. 7-0
Assembly Appropriations	16-0	Senate Public Safety	. 4-0
Assembly Floor	66-0	Senate Appropriations	. 7-0
		Senate Floor	39-0

AB 1761 (Committee on Elections)

Chapter 146, Statutes of 2023 Citizens Redistricting Commission: governance.

[Amends Sections 8251 and 8253 of the Government Code]

Proposition 11, which was approved by the voters at the 2008 statewide general election, created the California Citizens Redistricting Commission (Commission), and gave it the responsibility for establishing district lines for Assembly, Senate, and the Board of Equalization. Proposition 20, which was approved by the voters at the 2010 statewide general election, gave the Commission the responsibility for establishing lines for California's congressional districts, and made other changes to the procedures and criteria to be used by the Commission.

During the 2021 redistricting process, members of the Commission expressed concern that there could be differing interpretations of how a "day" should be calculated for the purpose of the Commission's actions. This bill specifies that for the purpose of state law governing the

operations of the Commission, a "day" is calculated as the period of elapsed time that begins at midnight and ends 24 hours later at the next midnight, as specified.

Both the 2010 and 2020 commissions chose to rotate commissioners through the role of Chair and Vice Chair. To eliminate any ambiguity about whether such a rotation is permitted, this bill expressly authorizes the Commission to rotate members through the positions of Chair and Vice Chair.

Legislative History:

Assembly Elections 8-0	Senate Elections & Const. Amend 7-0
Assembly Floor79-0	Senate Appropriations(SR 28.8)
Assembly Concurrence	Senate Floor

AB 1762 (Committee on Elections)

Chapter 479, Statutes of 2023 Elections omnibus bill.

[Amends Sections 9, 357.5, 2170, 3025.5, 3025.7, 4005, 4005.6, 13107, 14212, 15621, 15646, 16401, and 16421 of, and repeals Section 4007 of, the Elections Code]

This is one of the Assembly Elections Committee's annual omnibus bills, containing various minor, technical, and conforming changes to provisions of the Elections Code.

Elections Code Section 9 establishes rules that govern how words are counted for the purpose of the Elections Code, and provides that "[h]yphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word." Similar rules apply to candidates' ballot designations, as set forth in Section 13107 of the Elections Code. As producers of reference materials have transitioned to digital distribution, many have stopped publishing new printed versions of their dictionaries. Even producers that continue to publish new printed versions of their dictionaries – such as Merriam-Webster – update their online dictionaries more regularly than the print version. This bill specifies that a generally available standard reference dictionary published online may be used by an elections official when determining whether a hyphenated word counts as a single word for the purpose of the Elections Code.

Section 13107 of the Elections Code specifies the requirements for candidates' ballot designations, and allows a candidate to use the word "incumbent" as a ballot designation if the candidate is a candidate for the same office the person holds at the time of filing of nomination papers, and the person was elected to that office by a vote of the people. In the last several years, many local governments in California have transitioned from at-large to district-based elections to elect governing board members. In such a situation, it is unclear whether existing law allows

an official who was elected in an at-large election to use the ballot designation "incumbent" when that person is running for a district-based seat on the same governing body after the body transitions from at-large to district-based elections. This bill clarifies that a candidate who was elected in an at-large election is not permitted to use the word "incumbent" as a ballot designation if the person is a candidate in a district-based election for a seat on the same governing body.

This bill also makes other minor and technical changes to provisions of the Elections Code.

Legislative History:

Assembly Elections	8-0	Senate Elections & Const. An	nend 7-0
Assembly Floor	79-0	Senate Floor	40-0
Assembly Concurrence	79-0		

ACA 13 (Ward)

Resolution Chapter 176, Statutes of 2023 Voting thresholds.

[Proposes an amendment to the Constitution of the State, by amending Section 10 of, and adding Section 10.5 to, Article II thereof, and adding Section 7.8 to Article XI thereof]

Under existing law, any *state* ballot measure can be approved by a simple majority vote of the electorate, regardless of the changes to state law made by the measure. By contrast, some *local* ballot measures are subject to higher vote requirements. For instance, a local measure that is placed on the ballot by a local governing body and that proposes a special tax (a tax for which the proceeds will be used for a specific purpose) requires a two-thirds vote of the electorate.

On February 1, 2023, the Secretary of State (SOS) certified that initiative #1935—a measure that would amend the California Constitution to change the rules for how the state and local governments can impose taxes, fees, and other charges—was eligible to appear on the ballot at the November 5, 2024, statewide general election. Among other provisions, initiative #1935 requires that *any* local special tax be approved by a two-thirds vote of the electorate to take effect. Additionally, initiative #1935 prohibits an advisory measure from appearing on the same ballot as a local measure that proposes a general tax if the advisory measure would indicate that the revenue from the general tax will, could, or should be used for a specific purpose.

This measure would require an initiative constitutional amendment to comply with any increased voter approval threshold that it seeks to impose on future ballot measures. Additionally, this measure would guarantee in the state constitution the ability of local governments to submit advisory questions to voters. If this measure applied to the voter's consideration of initiative #1935, it appears that initiative #1935 would need to be approved by two-thirds of the voters in order to take effect.

As a constitutional amendment, this measure requires the approval of the voters in order to take effect. According to the SOS, this measure is qualified to appear on the ballot at the November 5, 2024, statewide general election.

Assembly Elections5-2	Senate Elections & Const. Amend 6-1
Assembly Appropriations9-4	Senate Appropriations 5-2
Assembly Floor57-19	Senate Floor28-9
Assembly Concurrence 55-19	

Senate Bills

SB 25 (Skinner)

Chapter 26, Statutes of 2023 Declaration of candidacy: notary.

[Amends Section 8040 of the Elections Code]

Existing law requires all candidates for office at a primary election to obtain nomination documents from the county elections official of the candidate's county of residence. Nomination documents include nomination papers for collecting signatures and a declaration of candidacy that must be executed by the candidate. A declaration of candidacy is a document on which a person declares themselves a candidate for a particular office, and is required to be submitted for all elective offices. When completing the form, the filer provides specified contact information, and certifies their party preference and that they meet the statutory and constitutional qualifications for the office being sought. In order for a declaration of candidacy to be valid, existing law requires an elections deputy to witness the candidate sign the declaration of candidacy form. However, if a candidate is unable to come in person to the elections office to sign and submit their form during the candidate filing period, existing law requires the declaration of candidacy to be witnessed by a notary public.

While requiring candidates for statewide office to file their declaration of candidacy physically in California is generally not a problem, however, unavoidable circumstances sometimes arise, such as a family emergency or a significant medical event, which require candidates to be temporarily located outside of California during the time period they are required to declare their candidacy. SB 25 provides flexibility in these situations by allowing a candidate who will not be within California during the candidate nomination period, and thus will be unable to appear before a California notary public or elections official to sign their declaration of candidacy form, to appear before a notary public in another state to complete their form instead, as specified.

Legislative History:

Senate Elections & Const. Amend 7-0	Assembly Elections8-0
Senate Floor 37-0	Assembly Floor74-0

SB 29 (Glazer)

Chapter 696, Statutes of 2023

The Political Reform Act of 1974: Fair Political Practices Commission: political reform education program. Urgency.

[Amends Section 91013 of, and adds Section 83116.7 to, the Government Code]

Violations of the Political Reform Act (PRA) generally are subject to administrative, civil, and criminal penalties. Civil and criminal enforcement actions are rare, however, and the Fair Political Practices Commission (FPPC) typically brings enforcement actions for violations of the PRA through its administrative enforcement process.

To prioritize its resources for cases that involve greater public harm and to align the penalties it imposes with the seriousness of violations of the PRA, the FPPC has multiple ways to close an enforcement case in which it found a violation without the need for an administrative enforcement hearing. Between 2018 and 2022, in about 64% of cases that were closed where the FPPC found that the PRA was violated, the case was closed with a warning letter. Over that same period, in cases where the FPPC imposed a monetary fine for a PRA violation, 78% were handled through a streamlined process for violations involving a lesser degree of public harm. That process generally features reduced monetary fines and a more abbreviated and standardized process for resolving the case.

In January 2021, the FPPC approved regulations to expand and adjust its streamlined settlement and warning letter programs. As part of that action, the FPPC also adopted regulatory language that required the FPPC to "develop a diversion program as soon as feasible to allow for education of respondents who have little or no experience with the [PRA] and commit minor violations, in lieu of monetary penalties." The state budget for the 2023-24 fiscal year included a \$455,000 general fund appropriation to continue to develop, administer, and expand this diversion program.

This bill expressly permits the FPPC to develop an educational program that may be completed by persons who commit low-level violations of the PRA, in lieu of being subject to an enforcement proceeding, and allows the FPPC to charge a fee for participating in such a program. Additionally, this bill establishes a process for the waiver of a \$10 per day penalty that applies to persons who file statements or reports required by the PRA after the relevant deadline if the person completes the diversion program for the late filing violation or if the late filing was due to serious illness or hospitalization.

This bill contains an urgency clause and took effect on October 10, 2023.

Senate Elections & Const. Amend	7-0	Assembly Elections	8-0
Senate Appropriations	7-0	Assembly Appropriations	16-0
Senate Floor	40-0	Assembly Floor	79-0
Senate Concurrence	30-0		

SB 52 (Durazo)

Vetoed

Redistricting: large charter cities.

[Adds Article 3 (commencing with Section 21700) to Chapter 7 of Division 21 of the Elections Code]

Prior to 2017, state law generally permitted a county or a city to create an advisory redistricting commission, but did not expressly permit local jurisdictions to create commissions that had the authority to establish district boundaries. Instead, the authority to establish district boundaries for a local jurisdiction generally was held by the governing body of that jurisdiction. Charter cities, however, likely had the ability to create redistricting commissions even prior to 2017 given that the California Constitution gives charter cities a great deal of autonomy over the rules governing the election of municipal officers.

In 2016, the Legislature passed and the Governor signed <u>SB 1108 (Allen)</u>, <u>Chapter 784, Statutes of 2016</u>, which permitted a county or a general law city to establish a redistricting commission, subject to certain conditions. <u>SB 1018 (Allen)</u>, <u>Chapter 462, Statutes of 2018</u>, built upon SB 1108 by allowing all local governmental entities to establish redistricting commissions, and by modifying some of the rules governing local redistricting commissions. Prior to 2023, the Legislature also enacted bills to require five specified counties (Fresno, Kern, Los Angeles, Riverside, and San Diego) to establish independent redistricting commissions (IRCs).

This bill would have required a charter city with a population of 2.5 million or more to establish an IRC to adopt district boundaries after each decennial census. With approximately 3.8 million residents, the City of Los Angeles was the only jurisdiction that was likely to be affected by this bill in the foreseeable future.

On October 7, 2023, Governor Newsom vetoed this bill. In his <u>veto message</u>, the Governor stated "While I agree with the goal of the author's proposal, this bill is contingent on the enactment of Assembly Bill 1248, which I have vetoed. For this reason, I cannot sign this bill."

Senate Elections & Const. Amend 6-	Assembly Elections 6-1
Senate Governance & Finance6-	Assembly Local Government 6-2
Senate Appropriations 5-	Assembly Appropriations11-4
Senate Floor 32-	Assembly Floor58-15
Senate Concurrence32-	

SB 77 (Umberg)

Chapter 701, Statutes of 2023 Voting: signature verification: notice.

[Amends Sections 3019 and 3026 of the Elections Code]

In an effort to reduce the number of rejected vote by mail (VBM) ballots, the Legislature has taken a number of steps to modify the signature verification process for those ballots. <u>AB 477 (Mullin), Chapter 726, Statutes of 2015</u>, allows a voter who failed to sign their VBM ballot identification envelope to complete, sign, and return by mail or facsimile an unsigned ballot statement up to eight days after the election, as specified, in order to have their ballot counted. <u>AB 840 (Quirk), Chapter 820, Statutes of 2017</u>, authorizes a voter to submit their completed unsigned ballot statement to the local elections official by email.

SB 759 (McGuire), Chapter 446, Statutes of 2018, created a cure process for a voter whose signature on their VBM ballot identification envelope does not match the signature on file in the voter's registration record, as specified. SB 523 (McGuire), Chapter 568, Statutes of 2019, requires counties to notify a voter whose signature was missing on a VBM ballot identification envelope, and aligns the processes for handling unsigned VBM ballot envelopes with the processes for handling VBM ballot envelopes with signatures that do not match the signatures on file in the voter's registration record. SB 503 (Becker), Chapter 319, Statutes of 2021, provides clear and uniform statewide signature verification standards to ensure voters' signatures are evaluated consistently across all counties.

California has shifted to sending every voter a mail ballot, thus greatly increasing the potential number of mail ballots with signature verification issues. This bill allows elections officials to reach voters electronically rather than solely through traditional mail to fix a problem with the voter's signature. Specifically, this bill requires an election official, if they have the telephone number or email address on file for a voter whose signature on a VBM ballot identification envelope does not compare with the signatures in the voter's registration record, or who failed to sign their VBM ballot identification envelope, to notify the voter by telephone, a text message, or email of the opportunity to verify their signature or provide a signature, as specified. Additionally this bill clarifies that an elections official is authorized to use contact information provided on a voter's affidavit of registration to notify the voter of the opportunity to fix a problem with the voter's signature on the VBM ballot identification envelope.

Senate Elections & Const. Amend.	6-0	Assembly Elections	7-0
Senate Appropriations	6-0	Assembly Appropriations	11-0
Senate Floor	37-0	Assembly Floor	77-0
Senate Concurrence	39-0		

SB 297 (Allen)

Chapter 483, Statutes of 2023

Elections: initiatives and referenda: withdrawal.

[Amends Section 9604 of the Elections Code]

SB 1253 (Steinberg), Chapter 697, Statutes of 2014, also known as the "Ballot Initiative Transparency Act," made significant changes to the initiative process, including creating a formal process for the proponents of a statewide initiative measure to withdraw the measure after filing the petition with the elections official. That withdrawal process was designed to allow a proponent to remove a measure from the ballot if the proponent reached a compromise with the Legislature over the measure after the proponent submitted petition signatures. Under that process, the withdrawal of a state initiative measure is effective upon receipt by the Secretary of State (SOS) of a written notice of withdrawal, signed by all proponents of the measure.

SB 1253 did not expressly permit initiative proponents to attach conditions to a notice of withdrawal that they submit to the SOS. Nonetheless, on at least one occasion, the SOS accepted a statement of withdrawal that was submitted by the proponent of an initiative in which the proponent indicated that he was consenting to the withdrawal of the measure only if specified conditions were met. Notwithstanding the SOS's acceptance of a conditional withdrawal in that case, it is unclear whether existing law allows a proponent to place conditions on the withdrawal of an initiative measure that must be satisfied in order for the SOS to recognize that withdrawal.

This bill expressly allows the proponents of a statewide initiative or referendum to withdraw the measure contingent on the enactment of a particular legislative measure. Additionally, this bill reduces, from *all* to a *majority* of the proponents, the number of proponents of a statewide initiative or referendum who must agree to withdraw the measure after the petitions for that measure have been filed.

Legislative History:

Senate Elections & Const. Amend	6-1	Assembly Elections	6-2
Senate Appropriations(<u>SR</u>		•	
Senate Floor	30-8	Assembly Floor	62-18
Senate Concurrence	31-8		

SB 314 (Ashby)

Chapter 389, Statutes of 2023 County of Sacramento Redistricting Commission.

[Adds Chapter 6.10 (commencing with Section 21590) to Division 21 of the Elections Code]

Prior to 2017, state law generally permitted a county or a city to create an advisory redistricting commission, but did not expressly permit local jurisdictions to create commissions that had the authority to establish district boundaries. Instead, the authority to establish district boundaries for a local jurisdiction generally was held by the governing body of that jurisdiction.

In 2016, however, the Legislature passed and the Governor signed SB 1108 (Allen), Chapter 784, Statutes of 2016, which permitted a county or a general law city to establish a redistricting commission, subject to certain conditions. Additionally, the Legislature provided for redistricting commissions in two counties through separate legislation. SB 958 (Lara), Chapter 781, Statutes of 2016, required the establishment of a Citizens Redistricting Commission in Los Angeles County and charged it with adjusting the boundaries of supervisorial districts after each decennial federal census, as specified. Additionally, AB 801 (Weber), Chapter 711, Statutes of 2017, established an Independent Redistricting Commission in San Diego County and charged it with adjusting the boundaries of supervisorial districts after each decennial federal census, as specified.

This bill creates a redistricting commission in Sacramento County that is similar to the ones required in Los Angeles County and San Diego County, with some modifications, and charges that Commission with adjusting the boundaries of county supervisorial districts in future redistricting processes.

Legislative History:

Senate Elections & Const. Amend 6-0	Assembly Elections	6-2
Senate Governance & Finance 6-2	Assembly Local Government	6-1
Senate Appropriations 5-2	Assembly Appropriations	12-4
Senate Floor 32-7	Assembly Floor	62-18
Senate Concurrence 31-7		

SB 386 (Newman)

Chapter 870, Statutes of 2023 Elections.

[Amends Sections 9031, 9115, 9309, 11106, and 11225 of, adds Section 10224.5 to, and repeals Section 13205 of, the Elections Code]

Under existing law, an elections official has a certain number of days to verify petition signatures and determine whether the state or local petition has been signed by the number of voters necessary to qualify the ballot measure. County elections officials report that they are required to continue to verify state and local petition signatures while simultaneously processing vote by mail (VBM) ballots during the early voting period and canvass period of an election. In practice, this can lead to extreme staffing challenges as the election staff managing the signature verification process for petitions are usually the same experts tasked with verifying signatures on VBM ballots.

In an effort to make this process more efficient, this bill modifies and increases the time period an elections official has to conduct signature verification for state and local petitions in situations where the elections official is required to conduct a full check of signatures filed on the petition. Specifically, SB 386 extends the period of time an elections official has to complete signature verification and determine the number of qualified signatures on state and local petitions by 30 working days in situations where the official must do a "full check" of every signature on the petition, as specified. This extended verification period does not apply to the verification of signatures on a state or local recall petition if the Secretary of State (SOS) determines that the time reasonably needed to complete the 60-day signature verification process could cause the recall election to be ineligible for consolidation with the next regularly scheduled election.

Additionally, this bill requires a city elections official to post online or publish, no later than three days prior to the deadline for submitting nomination papers, specified information regarding open elective offices and how to file nomination papers. This bill also repeals obsolete ballot instructions printed on presidential election ballots.

Legislative History:

Senate Elections & Const. Amend	6-1	Assembly Elections	6-1
Senate Appropriations		•	
Senate Floor	32-8	Assembly Floor	62-17
Senate Concurrence	32-8		

SB 437 (Dodd)

Chapter 72, Statutes of 2023 Presidential elections: candidates.

[Amends Section 13104 of, and adds Section 6901.5 to, the Elections Code]

Existing law requires the Secretary of State (SOS) to notify each candidate for partisan office—which includes President and Vice President—of all other persons whose names are to appear on the ballot for the same office at the general election by the 73rd day prior to the election. State law, however, does not specify a deadline for the political parties to transmit the names of their nominees for President and Vice President to the SOS.

In order to ensure that the office of the SOS has the information it needs to comply with its statutory obligations related to presidential general elections, this bill requires each political party to notify the SOS of its nominees for President and Vice President by the 75th day before the election. If a political party has not held its national convention by the 75th day before the election, this bill requires that party to notify the SOS of its apparent nominees for President and Vice President by the 75th day before the election.

Legislative History:

Senate Elections & Const. Amend 7-0	Assembly Elections 8-0
Senate Appropriations(<u>SR 28.8</u>)	Assembly Appropriations13-0
Senate Floor 36-0	Assembly Floor78-0

SB 485 (Becker)

Chapter 611, Statutes of 2023 Elections: election worker protections.

[Amends Sections 18502 and 18540 of the Elections Code]

Many provisions of existing law seek to protect election workers and voters from bad actors. However, recent surges in election misinformation have created unprecedented attention on elections and election officials and fueled alarming instances of threatening and violent behavior toward election workers. Because election workers play an integral role in our democracy, this bill seeks to provide for the safety and wellbeing of election officials and other key election workers by expanding the definition of an "election officer" to all individuals involved in election proceedings.

Specifically, current law makes it a felony for a person to interfere with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, as to prevent the election or canvass from being fairly held and lawfully conducted. However, the applicability of the term "officers holding an election" and the phrase "holding an election or conducting a canvass" is unclear. Consequently, this bill clarifies who encompasses an "officer" by clearly stating that the term includes the elections official and their permanent staff, temporary workers, and volunteers who conduct certain tasks during the election and canvass. Additionally, this bill defines what it means to "hold an election or conduct a canvass" and what the phrase "voting in an election" includes. Expanding an existing crime that makes it a felony to interfere with officers holding an election or conducting a canvas and providing more specificity will allow law enforcement to engage and address menacing, threatening, and obstructive behavior of individuals towards elections officials.

Senate Environmental Quality(N/R)	Assembly Elections 6-0
Senate Agriculture(<u>N/R</u>)	Assembly Public Safety 6-1
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Senate Concurrence	

SB 658 (McGuire)

Chapter 880, Statutes of 2023

Nominations: tax return disclosures: candidates for Governor.

[Amends Sections 8901, 8902, and 8903 of the Elections Code]

Previous legislation, <u>SB 27 (McGuire)</u>, <u>Chapter 121</u>, <u>Statutes of 2019</u>, requires a candidate for Governor, as a precondition for appearing on a California primary election ballot, to file copies of their income tax returns with the Secretary of State (SOS). Specifically, SB 27 requires a candidate for Governor to submit to the SOS two copies of each tax return filed with the Internal Revenue Service in the five most recent taxable years, as specified.

According to the SOS's office, during the process of implementing the provisions of SB 27, and subsequent legal challenges and rulings pertaining to the September 14, 2021, gubernatorial recall election, various implementation issues were discovered. In order to address these concerns before candidate filing for the June 7, 2022, statewide gubernatorial primary election, the SOS requested statutory changes. Accordingly, SB 35 (Umberg), Chapter 318, Statutes of 2021, extended the deadline for a candidate for Governor to submit tax returns to the SOS to have the candidate's name printed on the direct primary ballot, from 98 days before the direct primary election to 88 days before the direct primary election, and aligned the submission of those documents with the deadline for a candidate to file a declaration of candidacy and nomination papers.

Additionally, SB 35 modified the procedure that applies when a candidate improperly redacts tax returns that are provided to the SOS, requires the SOS to notify a candidate for Governor of any deficiencies in their tax return submissions, as specified, and requires a candidate to submit corrected copies of their tax return no later than 5 p.m. on the 78th day before the direct primary election. SB 35 further clarified that a candidate is not qualified to appear on the direct primary ballot if the corrected copies are not timely submitted.

This bill makes further improvements and minor modifications to the process for a candidate for Governor to submit their tax returns. Notably, this bill requires tax return disclosure requirements to be applicable to general elections and recall elections, expands the list of mandatory and discretionary redactions, and requires the tax returns to be made public at the time the SOS issues the certified list of candidates that will appear on the ballot.

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Senate Judiciary 9-0	Assembly Appropriations	15-0
Senate Appropriations(<u>SR 28.8</u>)	Assembly Floor	79-0
Senate Floor 40-0		
Senate Concurrence 40-0		

SB 678 (Umberg)

Chapter 156, Statutes of 2023 Elections: disclosures.

[Adds Section 84513 to the Government Code]

Under state and federal law, campaign committees must put disclosures on certain campaign advertising that identifies the committee that paid for the communication, including on campaign mailers, radio and television ads, telephone robocalls, and electronic media ads. Under certain circumstances, campaign advertisements must also include a disclosure that identifies certain top contributors of \$50,000 or more to the committee that is paying for the advertisement.

Six years ago, the Legislature approved and Governor Brown signed AB 249 (Mullin), Chapter 546, Statutes of 2017, which significantly changed the content and format of disclosure statements required on specified campaign advertisements in a manner that generally required such disclosures to be more prominent. Since the enactment of AB 249, there have been several other bills that have modified the content and format of the disclosure statements created by that bill.

One of the provisions of AB 249 specified that advertisements made via a form of electronic media that allows users to engage in discourse and post content, or any other type of social media, are not required to include disclosures on each post, comment, or similar communication if the required disclosures are made on the committee's profile, landing page, or similar location. This provision was designed to ensure that disclosure requirements were not overly burdensome, and did not interfere with the use of social media and similar types of communication where the nature of the communication limits the amount of information that can be conveyed in an individual post or comment. After AB 249 was enacted, however, it became clear that this exception to the disclosure rules for social media posts was broader than intended. Because of this exception, it was possible that a social media post that was made by a third party, but paid for by a committee, was not required to include any disclosures about the committee that paid for the post or even the fact that the third party had been paid to make the post. Last year, SB 1360 (Umberg), Chapter 887, Statutes of 2022, narrowed the exception so that it applies only when a communication is posted directly by the social media page or account of the committee that paid for the advertisement.

Notwithstanding that change, it is unclear whether state law required a disclosure in all circumstances on content that supports or opposes a candidate or ballot measure where a committee pays a third-party person, such as a social media "influencer," to post that content on the internet, web application, or digital application. This bill requires online political content to include a disclaimer if the person posting the content is being paid by a political committee to do so, as specified.

Legislative History:

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Senate Appropriations(<u>SR 28.8</u>)	Assembly Appropriations14-0
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Sanata Concurrance 38-0	

SB 681 (Allen)

Chapter 499, Statutes of 2023 Political Reform Act of 1974: amendments.

[Amends Section 81012 of, and adds Section 81012.5 to, the Government Code]

An initiative statute that is enacted into law by California voters generally can be amended or repealed only by another statute that becomes effective when approved by the electors, unless the initiative provides otherwise. Initiative measures, however, often include provisions that allow the Legislature to amend those initiatives without voter approval, subject to certain conditions.

For instance, in June 1974, California voters passed Proposition 9, an initiative measure that created the Political Reform Act (PRA) and established the Fair Political Practices Commission (FPPC). The PRA codified significant restrictions and prohibitions on candidates, officeholders, and lobbyists. When it was enacted, the PRA provided two procedures by which it could be amended. First, the PRA can be amended or repealed through a statute that takes effect only when approved by the voters. Alternately, Proposition 9 allowed amendments without voter approval if 1) the amendments furthered the purposes of the initiative, 2) the bill amending the PRA was approved by a two-thirds vote of each house of the Legislature and was signed by the Governor, and 3) the bill in its final form was delivered to the FPPC for distribution to the news media and interested persons at least 40 days prior to passage in each house.

Since that time, the Legislature has twice enacted legislation reducing the number of days prior to final passage that such bills must be delivered to the FPPC for distribution. Specifically, AB 2607 (Keysor), Chapter 883, Statutes of 1976, reduced the period from 40 days to 20 days, and AB 869 (Lancaster), Chapter 1200, Statutes of 1985, further reduced the period to 12 days, among other provisions.

This bill reduces, from 12 to eight days, the amount of time that a bill amending the PRA must be in print before it can be taken up for final passage, except when the previous form of the bill did not amend the PRA. This bill additionally requires the Legislative Counsel to make available to the public the option to sign up to receive an email alert any time specified legislative actions occur for bills that would amend the PRA.

Legislative History:

Senate Elections & Const. Amen	d 6-1	Assembly Elections	6-1
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Senate Floor	32-8	Assembly Floor	61-18
Senate Concurrence	32-8		

SB 789 (Allen & Wiener)

Chapter 787, Statutes of 2023

Elections: Senate Constitutional Amendment 2 of the 2021-2022 Regular Session and Assembly Constitutional Amendment 5 of the 2023–24 Regular Session.

[Uncodified Statute]

During the 2021-22 legislative session, the Legislature adopted SCA 2 (Allen), Resolution Chapter 182, Statutes of 2022, which, if approved by the voters, repeals Article 34 of the California Constitution that requires majority approval by the voters of a city or county for the development, construction, or acquisition of a publicly funded affordable housing project. Because existing law requires every constitutional amendment, bond measure, or other legislative measure submitted to the people by the Legislature to appear on the ballot of the first statewide election occurring at least 131 days after the adoption of the proposal by the Legislature, SCA 2 was set to appear on the ballot at the statewide presidential primary on March 5, 2024.

Historical election data, however, shows that a smaller subset of voters participates in primary elections than in general elections. In an effort to allow a larger portion of the electorate the opportunity to vote on this measure, this bill moves SCA 2 of 2022 from the March 2024 primary election ballot to the November 2024 general election. Additionally, this bill requires the Secretary of State (SOS) to submit two additional Constitutional Amendments to the voters for their approval at the November 5, 2024, statewide general election. Specifically, this bill also requires the SOS to submit ACA 5 (Low), Resolution Chapter 125, Statutes of 2023, and ACA 1 (Aguiar-Curry), Resolution Chapter 173, Statutes of 2023, of the 2023-24 Legislative Session to the voters for their approval at the November 5, 2024, statewide general election. As a bill calling an election within the meaning of Article IV of the California Constitution, this bill took effect immediately when it was signed by the Governor on October 11, 2023.

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Senate Appropriations	(<u>SR 28.8</u>)	Assembly Appropriations	13-0
Senate Floor	39-0	Assembly Floor	59-14
Senate Concurrence	32-7		

SB 798 (Glazer)

Chapter 720, Statutes of 2023

Elections: local bond measures: tax rate statement.

[Amends Section 9401 of the Elections Code]

Existing law requires a local government agency, when submitting bond measures that will be secured by an ad valorem tax for voter approval, to mail a statement to voters with the sample ballot for the bond election that includes the best estimate of the average annual tax rate, highest tax rate, and total debt service, as specified, and defines the term tax rate to mean the tax rate per \$100 of assessed valuation on all property to be taxed to fund a bond. Existing law defines the term "tax rate" to mean the tax rate per \$100 of assessed property value. When local agencies prepare official election materials in addition to the sample ballot, including voter information guides, state law requires them to include this tax rate information.

Given the increase in the median value of housing in California over the past 50 years, using \$100 increments has become a less understood point of reference for voters with homes now valued in the hundreds of thousands of dollars. Expressing the estimated tax rate on a voter's ballot statement as the rate per \$100,000 of assessed value on all property to be taxed to fund a bond measure may provide a more relatable dollar amount for voters when deciding to approve or reject a bond measure. This bill seeks to modernize a ballot's tax rate statement so that voters could more easily understand what they are voting on by changing the definition of tax rate to mean the tax rate per \$100,000 of assessed value, instead of per \$100 of assessed value.

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