

Date of Hearing: April 27, 2016

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Shirley Weber, Chair

AB 2010 (Ridley-Thomas) – As Introduced February 16, 2016

**SUBJECT:** Samples ballots and voter pamphlets.

**SUMMARY:** Permits local agencies to allow candidates for local, nonpartisan elective office to submit candidate statements that are electronically distributed, but are not included in the voter's pamphlets that accompany the sample ballots. Specifically, **this bill:**

- 1) Permits the governing body of a local agency to permit each candidate for nonpartisan elective office in the local agency to prepare a candidate's statement for the purpose of electronic distribution. Provides that a statement prepared for electronic distribution shall be posted on the Internet Web site of the elections official, and may be included in a voter's pamphlet that is electronically distributed by the elections official, as specified. Provides that a candidate's statement prepared for the purpose of electronic distribution shall not be included in a voter's pamphlet that is printed and mailed to voters, as specified.
- 2) Requires any candidate's statement submitted by a candidate for nonpartisan elective office in a local agency to be printed in the voter's pamphlets that accompany the sample ballots to be included with any statement that is prepared and electronically distributed pursuant to this bill.
- 3) Requires statements that are electronically distributed pursuant to this bill to be displayed in a type of uniform size and darkness, and with uniform spacing.
- 4) Requires the elections official to provide a Spanish translation of a candidate statement that is prepared for electronic distribution to any candidate who wishes to have a translation, and requires the elections official to select a person to provide that translation as specified.
- 5) Permits a local agency to require each candidate for nonpartisan elective office who submits a candidate's statement for the purpose of electronic distribution to pay in advance to the local agency that candidate's estimated pro rata share of having the statement electronically distributed. Provides that the local agency is not bound by the estimate and may bill candidates for the additional actual expense or refund any excess paid depending on the final actual cost.
- 6) Requires each voter's pamphlet that contains candidate statements from candidates for nonpartisan elective office of a local agency, if the agency has authorized candidates to prepare a statement for the purpose of electronic distribution, to include a statement that additional statements are available on the Internet Web site of the elections official, and requires the statement to include the address of the Web site at which the statements may be viewed.
- 7) Makes corresponding and technical changes.

**EXISTING LAW:**

- 1) Permits each candidate for local nonpartisan elective office to submit a candidate's statement to appear in a voter's pamphlet subject to the following procedures and restrictions:
  - a) Permits the statement to include the name, age, and occupation of the candidate and a brief description, of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself. Permits the governing body of the local agency to authorize an increase in the limitations on the words for the statement from 200 to 400 words.
  - b) Prohibits the statement from including the party affiliation of the candidate, or membership or activity in any partisan political organizations.
  - c) Permits a statement to be withdrawn, but not changed, during the period for filing nomination papers and until 5 p.m. of the next working day after the close of the nomination period.
  - d) Allows, but does not require, a local agency to require each candidate filing a statement to pay for the pro rata share of the total costs of printing, handling, translating, and mailing all the candidate's statements. Requires the local agency to decide whether to charge candidates for the costs of candidate's statements before the nominating period opens for the election.
- 2) Requires the elections official to send each voter a sample ballot and a voter's pamphlet which contains the written statements of each candidate.
- 3) Requires each voter's pamphlet that contains candidate statements, as detailed above, to include the following statement or statements:
  - a) If any candidate is not listed in the pamphlet, that the pamphlet does not contain a complete list of candidates and that a complete list of candidates appears on the sample ballot; and,
  - b) That each candidate's statement in the pamphlet is volunteered by the candidate and (if printed at the candidate's expense) is printed at his or her expense.
- 4) Permits county and city elections officials to establish processes designed to permit a voter to opt out of receiving his or her sample ballot, voter's pamphlet, notice of polling place, and associated materials by mail, and instead obtain them electronically via email or accessing them on the county's or city's Internet Web site, provided that certain conditions are met.
- 5) Allows a candidate for statewide elective office who accepts the voluntary expenditure limits set forth by state law to purchase the space to place a statement that does not exceed 250 words in the state ballot pamphlet. Prohibits any such statement from making reference to any opponent of the candidate. Requires any such statement to be submitted in accordance with timeframes and procedures set forth by the Secretary of State for the preparation of the state ballot pamphlet. Defines "statewide office" for these purposes to include the office of

member of the Board of Equalization.

- 6) Allows a candidate for State Senate or Assembly who accepts the voluntary expenditure limits set forth by state law to purchase the space to place a statement that does not exceed 250 words in the voter information portion of the sample ballot. Prohibits any such statement from making reference to any opponent of the candidate. Requires any such statement to be submitted in accordance with timeframes and procedures set forth in the Elections Code for the preparation of the voter information portion of the sample ballot.
- 7) Permits a candidate for United States Senator to purchase the space to place a candidate's statement in the state ballot pamphlet that does not exceed 250 words, as specified. Permits a candidate for United States Representative to purchase the space to place a statement in the voter information portion of the sample ballot that does not exceed 250 words, as specified.

**FISCAL EFFECT:** None. This bill is keyed non-fiscal by the Legislative Counsel.

**COMMENTS:**

- 1) **Purpose of the Bill:** According to the author:

The cost of candidate statements has a direct impact on the amount of information that voters have about candidates who are running for local office. In the November 2014 election, San Francisco did not charge candidates for local nonpartisan office for placing a candidate statement in the voter's pamphlet. Of the 43 candidates running for local, nonpartisan office, 42 submitted a candidate statement to be included in the voter's pamphlet. By contrast, in jurisdictions where candidates must pay to have their statements included in the voter's pamphlet, it is not uncommon for less than 10 percent of candidates to have a statement appear in the voter's pamphlet.

As people increasingly choose to access information about elections electronically, and as elections officials move to improve efficiency by providing more information to voters in an electronic format, it makes sense to provide a lower cost option for candidates to communicate with voters about their qualifications.

- 2) **Candidate Statements and Costs to Candidates:** As noted above, every candidate for nonpartisan, local elective office has the ability to prepare a candidate's statement to be included in a voter's pamphlet that is sent to voters with the sample ballot. Because sample ballots are sent to all voters except those who register to vote shortly before the election, these statements allow candidates to provide a large segment of the electorate with information about their qualifications.

In order to defray the costs of producing the voter's pamphlet, existing law allows local agencies to charge candidates for the costs of printing, handling, translating, and mailing candidate statements to voters. There is no uniform method that is used to calculate the cost to candidates for having their statements included in the voter's pamphlet; the cost of placing a candidate statement in the voter's pamphlet, however, generally is related to the number of

voters who are eligible to vote for the office that a candidate is seeking. While the cost of a candidate's statement might be less than \$100 for a school board candidate in a small school district, the estimated cost for a candidate for Superior Court Judge in Orange County to provide a 400 word statement is nearly \$29,000. In Los Angeles County, the cost for a candidate for countywide office to place a candidate statement in the voter's pamphlet exceeds \$70,000, and could cost four times that amount if the candidate chose to have the statement printed in Spanish as well as English, and if the statement was long enough that it extended onto a second page in the voter's pamphlet.

While local agencies are allowed to charge candidates for including statements in the voter's pamphlet, they are not required to do so. For at least the last decade, San Francisco has allowed candidates for nonpartisan, local elective office to place a candidate statement in the voter's pamphlet free of charge. Over that time period, 366 of the 369 candidates for nonpartisan, local elective office who have appeared on the ballot in San Francisco have chosen to provide a candidate statement to be included in the voter's pamphlet.

- 3) **Local Office Only:** The provisions of this bill authorizing local jurisdictions to allow candidates to submit candidate statements solely for the purposes of electronic distribution are applicable only to candidates for nonpartisan, local elective office. Statements by candidates for State Assembly, State Senate, and United States House of Representatives, also appear in the voter's pamphlet that is distributed with the sample ballot, but this bill would not explicitly permit local jurisdictions to authorize candidates for those offices to submit candidate statements solely for the purposes of electronic distribution. Statements submitted by candidates for those offices, however, are subject to different restrictions and procedures than statements submitted by candidates for nonpartisan, local elective office. Candidates for state Legislature, for instance, must agree to abide by voluntary expenditure limits in order to be eligible to place a candidate statement in the voter information portion of the sample ballot. Furthermore, while local jurisdictions have the authority to decide whether to charge candidates for nonpartisan, local elective office for including candidate statements in the voter's pamphlet, state law generally requires candidates for the Legislature and Congress to "purchase the space" to place a statement in the voter information portion of the sample ballot.
- 4) **Arguments in Support:** In support of this bill, the California Voter Foundation writes:

This bill, if enacted, will help expand California voters' access to crucial election information by creating an affordable option for local candidates to place candidate statements. Under current law, the only option available to candidates is to submit a statement for inclusion in the printed voter's pamphlet, for which local election officials can and do charge considerable fees in order to defray costs such as staff time, printing and postage. For many local candidates, the price tag for placing an official candidate statement before voters is out of reach, especially for candidates who are running for part-time, volunteer positions and for which they raise little to no campaign funds....

It is our hope that by giving candidates a more affordable option for placing statements, more voters statewide will gain access to the most essential

information needed when deciding how to vote, which is candidates stating in their own words why they are best qualified to represent us. Candidate statements are not only a key tool to help voters make more informed election choices; they are also an important tool for holding politicians accountable once elected to office. As voters increasingly turn to the Internet and their smartphones to access election information, AB 2010 will be an important step to ensure they will find what they need when they look for it.

- 5) **Related Legislation:** AB 2911 (Elections and Redistricting Committee), which is also being heard in this committee today, standardizes terms in the Elections Code that are used to refer to the county and state voter information guides.

**REGISTERED SUPPORT / OPPOSITION:****Support**

American Civil Liberties Union of California  
California Voter Foundation  
Los Angeles County  
Shasta County Clerk/Registrar of Voters Cathy Darling Allen

**Opposition**

None on file.

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