

Date of Hearing: May 13, 2015

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Sebastian Ridley-Thomas, Chair

AB 562 (Holden) – As Amended May 6, 2015

SUBJECT: Elections: ballots.

SUMMARY: Requires the office of the Superintendent of Public Instruction (SPI) to be listed on the ballot under the heading of STATEWIDE EDUCATION. Requires the office of SPI to appear on the ballot immediately after the races for state Assembly. Makes other technical changes.

EXISTING LAW:

- 1) Requires every ballot to contain the following:
 - a) The title of each office, arranged to conform as nearly as practical in accordance with existing law;
 - b) The names of all qualified candidates, as specified; and,
 - c) The titles and summaries of measures submitted to a vote of the voters.
- 2) Requires the offices on the ballot to be listed in the order detailed below, beginning in the column to the left:
 - a) Under the heading, PRESIDENT AND VICE PRESIDENT (at a Presidential general election): Nominees of the qualified political parties and independent nominees for President and Vice President.
 - b) Under the heading, PRESIDENT OF THE UNITED STATES (at a Presidential primary election): Names of the presidential candidates to whom the delegates are pledged and names of the chairpersons of unpledged delegations.
 - c) Under the heading STATE:
 - i) Governor;
 - ii) Lieutenant Governor;
 - iii) Secretary of State;
 - iv) Controller;
 - v) Treasurer;
 - vi) Attorney General;
 - vii) Insurance Commissioner; and,

viii) Member, State Board of Equalization.

(d) Under the heading, UNITED STATES SENATOR: Candidates or nominees to the United States Senate.

(e) Under the heading, UNITED STATES REPRESENTATIVE: Candidates or nominees to the House of Representatives of the United States.

(f) Under the heading, STATE SENATOR: Candidates or nominees to the State Senate.

(g) Under the heading, MEMBER OF THE STATE ASSEMBLY: Candidates or nominees to the Assembly.

(h) Under the heading, COUNTY COMMITTEE: Members of the County Central Committee.

(i) Under the heading, JUDICIAL:

- (1) Chief Justice of California;
- (2) Associate Justice of the Supreme Court;
- (3) Presiding Justice, Court of Appeal;
- (4) Associate Justice, Court of Appeal;
- (5) Judge of the Superior Court; and,
- (6) Marshal.

(j) Under the heading, SCHOOL:

- (1) SPI;
- (2) County Superintendent of Schools;
- (3) County Board of Education Members;
- (4) College District Governing Board Members;
- (5) Unified District Governing Board Members;
- (6) High School District Governing Board Members; and,
- (7) Elementary District Governing Board Members.

(k) Under the heading, COUNTY:

(1) County Supervisor; and,

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

(l) Under the heading, CITY:

(1) Mayor;

(2) Member, City Council; and,

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

(m) Under the heading, DISTRICT: Directors or trustees for each district in alphabetical order according to the name of the district.

(n) Under the heading, MEASURES SUBMITTED TO THE VOTERS, ballot measures beginning with state measures.

- 3) Permits county elections officials to vary the order of school, county, city, and district offices and measures in order to allow for the most efficient use of space on the ballot provided that the office of SPI always precedes any school, county, or city office and state measures always precede local measures.

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

COMMENTS:

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

Studies show that most voters do not make it to the bottom of a ballot, therefore preventing them from fully participating in the election process. The Superintendent of Public Instruction is the only statewide elected officer that does not appear at the top of the ballot and, as a result, may not receive the entirety of votes cast. Assembly Bill 562 makes a technical change to place the Superintendent of Public Instruction at the top of the ballot alongside other statewide elected officers in order to ensure that voters have the opportunity to select their candidate.

- 2) **Ballot Content and Form:** Current law requires a ballot to comply with a variety of laws that dictate its form and content. For example, existing law requires a ballot to contain the title of each office, the names of all qualified candidates, as specified, ballot designations, as specified, titles and summaries of measures submitted to voters, and instructions to voters, among other things. In addition, current law requires a ballot to follow certain formatting requirements, such as the order offices must appear on the ballot and font size. While existing law does allow for some flexibility in ballot format, such as allowing a county elections official to make ballot formatting changes to accommodate the limitations of a voting system or vote tabulating device, as specified, most requirements are fairly specific.

As described above, current law requires the office of SPI to be listed under the heading SCHOOL, which is listed after candidates for President and Vice President, candidates for statewide offices (such as Governor, Lieutenant Governor, Secretary of State, etc.),

candidates for United States Senator and Representative, candidates for state Senate and Assembly, candidates for county central committees, and finally judicial candidates. As a result, the office of SPI is found further down the ballot usually on the second page.

According to the author's statement, the office of SPI should be moved to the top of the ballot alongside other statewide elected officers in order to ensure that voters have the opportunity to select their candidate. This bill makes technical changes to the placement of the office of SPI on the ballot. Specifically, this bill requires the office of the SPI to be moved up on the ballot and be listed after candidates for the state Assembly under the new heading of STATEWIDE EDUCATION.

- 3) **Ballot Placement:** Many studies discuss the phenomenon of "voter fatigue" or "ballot drop-off" in which the number of votes cast per office drops consistently as a voter moves down the ballot. For instance, the number of votes cast for president is almost always much greater than the number of votes cast for many candidates for lower statewide elected office (such as lieutenant governor, attorney general, secretary of state, etc.) or other local offices (such as state legislators, city councilors, etc.). Other studies discuss the advantage of ballot placement content and contend that there is an advantage to being listed first on the ballot and that offices in the middle and the bottom of the ballot tend to receive less attention. According to a news media article provided by the author's office, approximately 6.7 million ballots were cast in the November 4, 2014 general election, and only 5.4 million of them included a vote for either of the two candidates running for the office of SPI.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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