

Date of Hearing: April 15, 2015

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Sebastian Ridley-Thomas, Chair

AB 971 (Chang) – As Introduced February 26, 2015

SUBJECT: Payment of expenses.

SUMMARY: Requires the state to pay for all expenses authorized and incurred in the preparation for and conduct of special elections proclaimed by the Governor to fill a legislative or congressional vacancy. Specifically, **this bill:**

- 1) Provides that the state shall pay the costs of a special election to fill a vacancy in the office of the State Senate or Assembly, or to fill a vacancy in the office of United States Senator or Representative.
- 2) Provides that when an election to fill a vacancy is consolidated with any other election, only those additional expenses directly related to the election to fill the vacancy shall be paid for by the state.
- 3) Provides that this bill applies to any expenses incurred on or after January 1, 2015.

EXISTING LAW provides that all expenses authorized and necessarily incurred in the preparation for and conduct of elections are to be paid from the county treasuries, except that when an election is called by the governing body of a city the expenses shall be paid from the treasury of the city.

FISCAL EFFECT: Unknown

COMMENTS:

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

Existing law requires any vacancy in an Assembly, Senate or Congressional office to be filled by a special primary, and, if needed a special general election. Existing law further requires all expenses incurred to prepare and conduct special elections to be paid by the respective counties.

AB 971 will lift the costly burden of special election costs on counties and shift the funding responsibility of state and federal special elections to the state. From 1993 to 2007, the state reimbursed counties for the costs of special legislative and congressional elections. However, this provision of law expired during the economic downturn.

Special elections are set in motion because of state related actions completely out the control of counties. These elections are difficult if not impossible for local counties to anticipate and plan for -- and they come with a heavy price tag. Imposing these costs only makes it more difficult for counties to provide important services like public safety or foster care.

According to the Secretary of State, over the last 20 years there have been over 120 special primary and general elections to fill vacancies in the Senate, Assembly and Congress in California – and there are more unfolding across the state this year.

AB 971 returns state policy on special election reimbursement to the way it operated for nearly fifteen years by requiring the state to cover costs related to special elections.

- 2) **Vacancy Elections:** From 1993 through 2007, the state reimbursed counties for the costs of special elections to fill vacancies in the State Senate, Assembly and United States Senator or Representative. However the provision of state law that required the state to reimburse counties for the costs of conducting special vacancy elections expired January 1, 2008.

According to records provided by the Secretary of State, since 2008 there have been 45 special elections conducted to fill vacancies in the State Senate, Assembly and United States Senate or House of Representatives.

Following the expiration of reimbursement provisions, counties have been forced to redirect important resources budgeted for critical community services to cover the unanticipated costs of conducting mandated special elections.

- 3) **Arguments in Support:** The Los Angeles County Board of Supervisors writes in support:

AB 971 would require the State to pay for all costs necessary to prepare and to conduct a special election on or after January 1, 2015. It would cover elections proclaimed by the Governor to fill a vacancy for the offices of State Senate, State Assembly, United States Senate, or United States House of Representatives.

Los Angeles County conducts frequent special vacancy elections at a significant cost to the County. According to the County's Registrar Recorder-County Clerk, the costs for the March 2015 special election to fill the vacancy for the 21st Senate District are estimated at \$1.4 million. In 2014, unreimbursed special election costs totaled \$2.3 million and in 2013, the County incurred \$6.2 million in unreimbursed costs. From 2007 to 2012, the County ran 11 special elections at a total unreimbursed cost of approximately \$18 million. AB 971 would allow the County to seek reimbursement from the State for future special election costs.

- 4) **Prioritizing:** Since 2010, there have been nine unsuccessful legislative attempts to restore the requirement for the state to reimburse counties for the cost of legislative and congressional elections, which was originally enacted by AB 37 (Johnson), Chapter 39, Statutes of 1993. In each instance the proposals received unanimous support in both Assembly and Senate election policy committees but died on suspense in either the Assembly or Senate Appropriations Committees.
- 5) **History of State Reimbursement Provisions for Special Election Costs:** AB 37 originally enacted the reimbursement provisions that this bill seeks to restore. The purpose of AB 37 was to provide relief to counties who could not afford the costs associated with special elections. AB 37 was enacted in response to an increasing number of special elections to fill vacancies in the wake of the enactment of term limits. AB 37 contained a sunset date of January 1, 1996.

AB 1709 (McPherson), Chapter 1102, Statutes of 1996, extended the sunset date on AB 37 from January 1, 1996 to January 1, 2000. AB 547 (Longville), Chapter 790, Statutes of 1999, further extended the sunset date to January 1, 2005. AB 183 (Longville) of 2001 would have removed the sunset date altogether, but it was vetoed by Governor Davis, who in his veto stated: "Given the decline of the state economy, there is ample time to make this decision before the 2005 sunset." AB 783 (Jones), Chapter 714, Statutes of 2005, reinstated the reimbursement provision enacted by AB 37 and extended the sunset date from January 1, 2005 to January 1, 2006. AB 1799 (McCarthy), Chapter 727, Statutes of 2006, extended the sunset date from January 1, 2006 until January 1, 2007. AB 119 (Price), Chapter 487, Statutes of 2007, restored the reimbursement provision to apply to any special election held on or after January 1, 2007 and before January 1, 2008.

REGISTERED SUPPORT / OPPOSITION:**Support**

Orange County Board of Supervisors (Sponsor)
California State Association of Counties
County of San Bernardino
Glendale City Employees Association
Los Angeles County Board of Supervisors
Organization of SMUD Employees
Rural County Representatives of California
San Bernardino Public Employees Association
San Luis Obispo County Employees Association
Urban Counties Caucus

Opposition

None on file.

Analysis Prepared by: Lori Barber / E. & R. / (916) 319-2094