

Date of Hearing: April 23, 2013

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Paul Fong, Chair

AB 1417 (Elections & Redistricting Committee) – As Introduced: March 20, 2013

SUBJECT: Elections.

SUMMARY: Makes various minor and technical changes to the Elections Code. Specifically, this bill:

- 1) Updates and replaces the term "special absentee voter" with "military and overseas voter."
- 2) Conforms state law to federal law by requiring elections officials to send ballots and ballot materials to all military and overseas voters by the 45th day before the election if they have made a request for a ballot by that day, regardless of whether the 45th day before the election is a weekend or holiday.
- 3) Requires the Secretary of State (SOS), not less than 73 days, and not more than 90 days before a general election, to notify each candidate for partisan and voter nominated office of the names, addresses, offices, ballot designations, and party preferences of all other persons whose names are to appear on the ballot for the same office at the general election.
- 4) Repeals a requirement that county elections officials prepare and post a list of names of candidates for delegates for each political party prior to each presidential primary.
- 5) Repeals a limitation that the SOS, for the purpose of assistance in examining a voting system, may employ not more than three expert electronic technicians at a cost to be set by the SOS, and instead specifies that the SOS may employ expert electronic technicians or technician firms.
- 6) Makes other technical changes.

EXISTING LAW:

- 1) Requires an elections official, not sooner than 60 days but not later than 45 days before the election or, if the 45th day before the election is a weekend or holiday, not later than the business day preceding the 45th day, to transmit a military or overseas ballot and ballot material to each military or overseas voter who by that date submits a valid ballot application in accordance with existing law.
- 2) Requires the SOS, not less than five days prior to sending the county elections official the certified list of candidates for each partisan and voter-nominated office at the primary election, to notify each candidate for partisan and voter-nominated office of the names, addresses, offices, occupations, and party preferences of all other persons who have filed for the same office.

- 3) Requires a county elections official to prepare and post a list of the names of candidates for presidential delegates for each political party prior to each presidential primary election.
- 4) Permits the SOS, for the purpose of assistance in examining a voting system, to employ not more than three expert electronic technicians at a cost to be set by the SOS.
- 5) Requires a local agency, if it requires candidates to pay for candidate statements, to estimate the total costs of that statement, and permits the local agency to require the candidates to pay those estimated costs in advance. Provides an exemption for an indigent candidate from paying the fee in advance. Specifies that nothing prohibits an elections official from billing the candidate his or her pro rata share of the cost after the election.

FISCAL EFFECT: Unknown

COMMENTS:

- 1) Purpose of the Bill: This is one of the Assembly Elections & Redistricting Committee's omnibus bills, containing various minor and technical changes to provisions of the Elections Code. All of the provisions of this bill are either changes requested by the California Association of Clerks and Election Officials (CACEO) or the SOS, or technical changes identified and suggested by committee staff.
- 2) Military and Overseas Voters: Last year, the Legislature approved and Governor Brown signed AB 1805 (Huffman), Chapter 744, Statutes of 2012, which establishes new voting procedures for military and overseas voters, including changing the terminology used to refer to these voters from "special absentee voters" to "military and overseas voters." However, separate legislation that was signed into law last year (AB 1929 (Gorell), Chapter 694, Statutes of 2012), added a new code section that used the now-outdated "special absentee voter" terminology. Additionally, AB 1805 failed to change that terminology and failed to update cross-references elsewhere in the Elections Code.

This bill updates that terminology and those cross-references to reflect the changes made by AB 1805.

Additionally, in an attempt to conform to and comply with federal law, AB 1805 requires ballots for military and overseas voters to be sent out not later than 45 days before the election, except where the 45th day before the election is a weekend or holiday, in which case the ballot is required to be sent out not later than the business day preceding the 45th day. However, this language does not strictly comply with federal law—if an application for a ballot is received from a military or overseas voter on the 45th day before a federal election, federal law requires the ballot to be sent out that day, regardless of whether that day is a weekend or holiday. Because California only holds elections on Tuesdays, the 45th day before an election will always fall on a Saturday.

This bill conforms state law to federal law by requiring ballots to be sent to military and overseas voters no later than 45 days before the election to all voters who have submitted a valid application by that date, regardless of whether the 45th day before the election is a

weekend or holiday. This provision was requested by the SOS.

- 3) Ballot Designations: Existing law requires the SOS to notify each candidate for partisan and voter-nominated office of the other persons who have filed for the same office prior to the primary election. However, while existing law allows a candidate to change his or her ballot designation between the primary and the general election, nothing in state law requires the SOS to notify candidates if another candidate for the same office changes his or her ballot designation between the primary and general election.

This bill would require the SOS to provide such a notification. This provision was requested by the SOS.

- 4) Candidates for Presidential Delegates: Existing law requires county elections officials to prepare and post a list of candidates for presidential delegates for each political party prior to each presidential primary election. However, this procedure is out-of-date, and the delegates who are representing presidential candidates at the party conventions may not be identified until after the primary election. As a result, elections officials no longer prepare this list.

This bill repeals the obsolete requirement for county elections officials to prepare a list of candidates for presidential delegates for each political party, and makes a corresponding change by deleting a cross-reference to Section 13301 of the Elections Code. This provision was requested by the CACEO.

- 5) Candidate Statements: Existing law allows any candidate for local office to submit a candidate's statement, which is printed in the voter information portion of the sample ballot. Local agencies have the option of allowing candidates to have a candidate statement included in the voter information portion of the sample ballot free of charge, or the local agency may bill the candidate for the pro-rated cost of including the statement. If the local agency charges candidates for their statements, the local agency is responsible for providing candidates with an estimate of the total costs, which the candidate must pay to the local agency or to the elections official. If the candidate statements cost less than estimated by the local agency, the candidate is refunded the overpayment, and if the statements cost more than was estimated by the local agency, the candidate is billed for the balance of the cost. In 2009, a committee omnibus bill (AB 1572 (Elections & Redistricting Committee), Chapter 547, Statutes of 2009) shifted the responsibility for billing candidates for underpayments from the elections official to the local agency. However, that omnibus bill did not make a corresponding change to Section 13309 of the Elections Code, which establishes a procedure for indigent candidates to have statements printed free of charge.

This bill makes that corresponding change to Section 13309 of the Elections Code. This provision was requested by the CACEO.

- 6) Voting Systems: Existing law permits the SOS to employ not more than three expert electronic technicians to assist in examining a voting system. However, modern contracting often splits tasks across several technicians or firms with specific expertise.

This bill repeals the limit on the number of technicians that the SOS can employ in examining a voting system, and explicitly allows the SOS to employ technician firms for

such examinations. This provision was requested by the SOS.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Clerks and Election Officials

Opposition

None on file.

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