

Date of Hearing: April 9, 2013

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Paul Fong, Chair

AB 813 (Melendez) – As Amended: March 14, 2013

SUBJECT: Election results.

SUMMARY: Requires elections officials to post election results on the Internet in a downloadable spreadsheet format, as specified. Specifically, this bill:

- 1) Requires each local elections official to post the certified statement of the results of an election on his or her Internet Web site in a downloadable spreadsheet format that may include, but is not limited to, a comma-separated values file or a tab-separated values file and that is compatible with a spreadsheet software application that is widely used at the time of posting.
- 2) Requires the Secretary of State (SOS), after preparing a certified statement of the vote for elections for specified offices, to post that statement on his or her Internet Web site in a downloadable spreadsheet format that may include, but is not limited to, a comma-separated values file or a tab-separated values file and that is compatible with a spreadsheet software application that is widely used at the time of posting.

EXISTING LAW:

- 1) Requires the elections official who conducts an election to prepare a certified statement of the results of the election and submit it to the governing body within 28 days of the election or, in the case of school district, community college district, county board of education, or special district elections conducted on the first Tuesday after the first Monday in November of odd-numbered years, no later than the last Monday before the last Friday of that month.
- 2) Requires the SOS to compile results and prepare, certify, and file a statement of the vote from the compiled results for all of the following:
 - a) All candidates for statewide office;
 - b) All candidates for Assembly, State Senate, Congress, Board of Equalization, Supreme Court, and Court of Appeal; and,
 - c) All statewide measures.
- 3) Requires an elections official to send the SOS, in an electronic format, the results of all of the following:
 - a) All candidates voted for the following offices:
 - i) Statewide office;

- ii) Member of the Assembly;
 - iii) Member of the Senate;
 - iv) Member of the United States House of Representatives;
 - v) Member of the State Board of Equalization;
 - vi) Justice of the Court of Appeal; and,
 - vii) Judge of the superior court;
- b) The persons voted for at the presidential primary;
 - c) The vote given for persons for electors of President and Vice President of the United States;
 - d) All statewide measures; and,
 - e) The total number of ballots cast.

FISCAL EFFECT: Unknown. State-mandated local program; contains reimbursement direction.

COMMENTS:

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

Current California election law requires only one paper copy of the results of an election to be posted where the votes were counted for public inspection. However, modern technology makes this law seem prehistoric and in need of updating. It also does not provide an adequate way for an individual to analyze election data to maintain that the election was done honestly.

Voting is a fundamental right. It is imperative we ensure our elections are carried out with the utmost integrity. Technology has provided greater avenues for ways of transparency like never before. It is important that we utilize them.

- 2) Electronic Results: Existing law already requires elections officials to provide results in an electronic format for certain elections. Specifically, county elections officials are required to provide the SOS with results in an electronic format for elections for state and federal office, and for statewide ballot measures. State law provides for these results to be transmitted electronically to the SOS in the manner requested by the SOS, but does not explicitly state a specific format in which those results must appear.

Most county elections officials already make election results available on their Internet Web sites—57 of 58 county elections officials have results posted on the Internet for the most recent election held in the county, and 52 of 58 county elections officials have results for at least some elections prior to the most recent election. In most cases, however, elections

results are available in HTML or PDF format, and not in a format that can easily be imported into a spreadsheet application. At least seven counties, however, currently provide election results on their Internet Web sites in a format that appears to comply with the requirements of this bill.

- 3) All Elections, All Jurisdictions: The provisions of this bill apply to all public elections held in California, including standalone city, school district, and special district elections. While county elections officials conduct elections on behalf of most school districts and special districts, and on behalf of some cities, there are a number of cities that conduct their own elections. In every instance, this bill would require the elections official to maintain a public website and to post election results in a specified format on that website, regardless of the size of the jurisdiction, of whether the elections official currently maintains a public Web site, and of whether the elections official uses a system that allows for the statement of the results to be easily prepared in a format that is in compliance with the requirements of this bill.

To minimize the burden of this bill, the committee may wish to consider amending this bill to make it applicable only to local jurisdictions that use a system that has the capability to generate results in a format that complies with this bill. Additionally, the committee may wish to consider an amendment to provide that if a jurisdiction has that capability, but does not have a Web site, the official shall not be required to create one for the purposes of posting the information required by this bill, but instead shall provide the election results electronically upon request by any person.

- 4) Duration of Posting: Because this bill does not specify a duration of time for which the election results are required to be posted, it appears that this bill would require election results to be posted on the elections official's Web site permanently. The committee may wish to consider whether it would be appropriate to set a limit on the length of time that an elections official is required to keep election results posted on his or her Web site.
- 5) Concerns Expressed: While not taking a formal position on this bill, the California Association of Clerks and Election Officials (CACEO) expressed a number of concerns with this bill. Specifically, CACEO expressed concerns that some counties may need to have changes made to their voting systems to comply with this bill, requiring a recertification of those systems; that the cost of this bill may be significant and the state may not reimburse local jurisdictions for these costs; that the specified format for the posting of election results is vague; and that the election results may be manipulated by the public and presented in an alternate fashion, thereby putting the integrity of the results in question.
- 6) State Mandates: The 2011-12 and 2012-13 state budgets included the suspension of various state mandates as a mechanism for cost savings. Included on the list of suspensions were all six existing elections-related mandates. All the existing elections-related mandates have been proposed for suspension again by the Governor in his budget for the 2013-14 fiscal year.

This bill would establish a new state-mandated local program by requiring each local elections official to post election results on his or her Internet Web site in a specified format. To the extent that a local elections official does not already have the election results in a

format that is compliant with the requirements of this bill, this bill could also create new state-mandated costs for the elections official to create such a document. The Committee may wish to consider whether it is desirable to establish this new mandates when the Legislature has voted to suspend the existing election mandates.

REGISTERED SUPPORT / OPPOSITION:

Support

Wellstone Democratic Renewal Club
Six individuals

Opposition

None on file.

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