

Date of Hearing: April 10, 2024

ASSEMBLY COMMITTEE ON ELECTIONS  
Gail Pellerin, Chair  
AB 3197 (Lackey) – As Amended April 1, 2024

**AS PROPOSED TO BE AMENDED**

**SUBJECT:** Elections.

**SUMMARY:** Allows a county elections official to require the use of a standardized petition form for all elections petitions and papers in the county, as specified. Allows a county elections official that conducts an election for another local agency to permit candidates in that election to submit candidate's statements for the purpose of electronic distribution. Specifically, **this bill:**

- 1) Permits a county elections official who verifies signatures on an initiative, referendum, recall, nominating petition or paper, or any other petition or paper, to establish and require the use of a standardized petition form for distribution within and submission to the county. Provides that this provision does not apply to petitions or papers that are circulated in more than one county, except for petitions or papers that are circulated in a local district with boundaries located in more than one county.
- 2) Repeals a requirement that the governing body of a local agency must authorize candidates for nonpartisan elective office in the agency to prepare candidate's statements for the purpose of electronic distribution, and instead permits candidates to prepare such statements if electronic distribution of the statements are permitted by the elections official who is conducting the election or the county elections official who is conducting a local agency's election, including a local election that is consolidated with the county election.
- 3) Makes technical changes.

**EXISTING LAW:**

- 1) Requires the part of election petitions for the signatures, printed names, and residences addresses of voters, including initiative, referendum, and recall petitions, that are required to be signed by voters, to be formatted substantially in a specified form. (Elections Code §100)
- 2) Permits each candidate for local nonpartisan elective office to submit a candidate's statement to appear in the county voter information guide 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 as expressed by the candidate. 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. (Elections Code §13307)
- 3) Permits each candidate for local nonpartisan elective office, in addition to submitting a candidate's statement to appear in the county voter information guide as described above, to submit a candidate's statement for the purpose of electronic distribution if permitted by the elections official who is conducting the election and by the governing body of the local agency for which the election is being held. Provides that a statement prepared in accordance with these provisions shall be posted on the elections official's website, and may be included in a voter information guide that is electronically distributed by the elections official, but shall not be included in a voter information guide that is printed and mailed to voters. (Elections Code §13307(c))
- 4) Allows, but does not require, a local agency to require each candidate filing a candidate's statement in accordance with either of the provisions detailed above to pay for the pro rata share of the total costs of printing, handling, translating, mailing, and electronically distributing the statements. (Elections Code §13307(d)) 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. (Elections Code §13307(f))
- 5) Permits county and city elections officials to establish processes designed to permit a voter to opt out of receiving the voter information guide, 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 website, provided that certain conditions are met. (Elections Code §13300.7)

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

**COMMENTS:**

- 1) **Author's Amendments:** Based on conversations with committee staff, the author has agreed to accept amendments to ensure that this bill does not create logistical challenges for individuals who are circulating election petitions and papers in multiple counties. The amendments agreed to by the author would amend proposed subdivision (d) of Section 100 of the Elections Code as follows:

(d) A county elections official who verifies signatures on an initiative, referendum, recall, nominating petition or paper, or any other petition or paper, may establish and require the use of a standardized petition form for distribution within and submission to the county. This subdivision does not apply to petitions ~~regarding initiative and referendum measures affecting the Constitution or laws of the state under Article 1 (commencing with Section 9000) of Chapter 1 of Division 9, or papers that are circulated in more than one county, except~~

**for petitions or papers that are circulated in a local district with boundaries located in more than one county.**

This committee analysis reflects these proposed amendments.

2) **Purpose of the Bill:** According to the author:

*(1) Permit Creation of Standardized Petition Forms:*

Providing elections officials the opportunity to standardize the petition forms used in their counties will allow them to create petition review processes that are efficient and cost-effective. Standardizing petitions will also enable counties to utilize available scanning technology to count and verify petition signatures ultimately saving staff resources, reducing review time, and maintaining, if not improving, accuracy.

Overall, as counties adopt standardized petition forms in their jurisdictions, elections officials will deliver more efficient and streamlined petition review processes. This bill would help them reduce the staff time associated with processing petitions by at least one-third, resulting in significant time and cost savings. Such savings could be as much as \$190,000 per petition filing for some larger county petitions. Additionally, it would help county elections officials more reliably and consistently meet the time requirements to certify the necessary number of signatures and complete the statutory three percent random sampling for statewide petitions.

*(2) Authorize Use of Online Candidate Statements:*

This proposal is based on a successful 2022 pilot program in Los Angeles County in which the county's Registrar-Recorder provided online candidate statement services for nonpartisan County offices and judicial positions. If signed into law, AB 3197 will permit a county elections official who makes online candidate statements available for county elections to permit online candidate statements for all local jurisdictions within the county for which the county conducts the local elections without requiring independent affirmative authorization by each local governing body. This includes any local election that is consolidated with a statewide or countywide election, and permits candidates to prepare online candidate statements for electronic distribution.

3) **Electronic Candidate Statements:** Existing law generally permits a candidate for elective office in California to prepare a candidate's statement and submit it to the elections official. Those candidate statements are then distributed by the elections official, who includes the statements with other election materials that are sent to voters, typically by including the statements in the voter information guides that voters receive. Because voter information guides are mailed or made electronically available to most voters, these statements allow candidates to provide a large segment of the electorate with information about their

qualifications. The exact requirements and procedures for submitting a candidate statement vary depending on the office that a candidate is seeking.

In order to defray the costs to the public of producing and distributing these statements, existing law allows local agencies to charge candidates for certain costs related to preparing and distributing candidate statements to voters. There is no uniform method that is used to calculate the cost to candidates for distributing their statements, but the cost 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 \$200 for a city council candidate in a small city, the estimated cost for a candidate for countywide office in Los Angeles to place a 200-word candidate statement in the county voter information guide is almost \$140,000 (the statement 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 into a second column in the voter information guide).

While local agencies are *allowed* to charge candidates for the costs of producing and distributing candidate statements, they are not required to do so. In jurisdictions that do not charge for candidate statements, candidates generally have been much more likely to submit a candidate statement for distribution to voters.

In an effort to provide candidates for local elective office with a lower-cost option for distributing candidate statements to voters, AB 2010 (Ridley-Thomas), Chapter 128, Statutes of 2016, 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 information guides that are mailed to voters. While jurisdictions still have the option of charging candidates for the costs associated with preparing and distributing these electronic candidate statements, the costs to candidates generally is considerably lower than the cost of having a statement included in the printed voter information guide. For example, for the March 5, 2024 statewide primary election, the cost for a candidate for local elective office in Orange County to have a candidate statement included in the printed voter information guide ranged from \$2,372.23 to \$23,437.18, depending on the office sought. By contrast, the cost for the same candidate to have a candidate statement electronically distributed was either \$430.88 (in the case of a 200 word statement) or \$555.88 (in the case of a 400 word statement), regardless of the office that the candidate sought.

AB 2010 provided that the ability for candidates to submit candidate statements for electronic distribution would be available only if the elections official who was conducting the election and the governing body of the local agency for which the election was held permitted such distribution. In many cases, however, local agencies do not conduct their own elections. Instead, it is relatively common for county elections officials to conduct elections on behalf of other local jurisdictions, including cities, school districts, and special districts. The requirement that the governing body of a local agency must first authorize electronic candidate statements before that can be offered to candidates as an option, however, can create inconsistencies when a county elections official conducts elections for multiple other jurisdictions at the same time. In such a situation, candidates for certain offices that are appearing on the ballot may have the option of providing candidate statements for electronic distribution, while candidates for other offices that are appearing on the same ballot do not

have the same option. To create greater consistency and provide greater access by candidates to electronically distributed candidate statements, this bill deletes the requirement that the governing body of a local agency must authorize candidates for nonpartisan elective office in the agency to prepare candidate's statements for the purpose of electronic distribution. As a result, a county elections official would be able to provide the option of electronically-distributed candidate statements to all candidates for offices for which the official is conducting elections.

- 4) **Petition Review:** Existing law requires the gathering of signatures from a specified number of registered voters on election petitions and papers for various reasons, including the nomination of certain candidates, the qualification of ballot measures, and the qualification of political parties. The signatures on those petitions and papers must be verified by the elections official, who compares the signatures on the petitions and papers to the signatures that are part of the voter registration records for the voters who purportedly signed the petition or paper. While petitions related to city elections are submitted to the city elections official (generally the city clerk), *county* elections officials generally perform verification of signatures on election petitions and papers since the county elections officials are responsible for maintaining voter registration rolls, and thus are the keeper of the records needed to verify signatures. By allowing county elections officials that are responsible for verifying signatures on election petitions and papers to establish standardized forms for use in the county, this bill could help those elections officials use technology to automate some of the signature verification tasks, thereby potentially reducing costs and increasing the speed of signature verification.
- 5) **Arguments in Support:** The sponsor of this bill, the Los Angeles County Board of Supervisors, writes in support:

*There is a Need for Standardized Petition Forms:*

Petition review is challenging for local election officials due to the various document sizes and formats they receive from petitioners throughout the County. As such, the petition review process is largely manual and non-standardized. The lack of standardization slows down the democratic process, creating a lack of efficiency within county election systems... Allowing election officials the opportunity to standardize the petition forms used in their counties would enable them to create review processes that are efficient and cost-effective. Standardizing petitions will also allow counties to utilize available scanning technology to count and verify petition signatures, utilizing fewer staff resources and with increased accuracy... For counties that adopt a standardized approach, this bill would help them reduce staff time processing petitions by at least one-third, resulting in significant time and cost savings, estimated at as much as \$190,000 per petition filing for some larger county petitions...

*Permitting Online Candidate Statements can be Confusing:*

The costs to candidates for including their statements in printed election materials can be cost-prohibitive. Moreover, current law permits online candidate statements only when the local jurisdiction affirmatively permits candidates to prepare online candidate statements, even when the County (not the local

jurisdiction) is running the election. This adds a burden to making online candidate statements available while creating a significant administrative and logistical challenge for larger counties, which must track the cities, school districts, community college boards, and special districts that may or may not have approved online candidate statements. Based on a successful 2022 pilot program in Los Angeles County in which the County's Registrar Recorder provided online candidate statement services for nonpartisan County offices and judicial positions, this bill would permit a county elections official that makes online candidate statements available to permit online candidate statements for all local jurisdictions within the County without requiring the affirmative authorization by each local governing body.

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

Los Angeles County Board of Supervisors (Sponsor)  
California Association of Clerks & Election Officials

**Opposition**

None on file.

**Analysis Prepared by:** Ethan Jones / ELECTIONS / (916) 319-2094