

Date of Hearing: April 9, 2025

ASSEMBLY COMMITTEE ON ELECTIONS

Gail Pellerin, Chair

AB 1214 (Patterson) – As Introduced February 21, 2025

SUBJECT: Elections: official canvass.

SUMMARY: Reduces the amount of time that elections officials have to complete the official canvass of election results and certify the election from 30 days to 21 days. Requires elections officials to count at least 25% of ballots by the 7th day after the election, and at least 67% of ballots by the 14th day after the election. Specifically, **this bill:**

- 1) Shortens, from the 30th day after the election to the 21st day after the election, the deadline for elections officials to complete the official canvass of the election and to certify election results.
- 2) Requires an elections official to count at least 25% of ballots by the 7th calendar day following the election, and at least 67% of ballots by the 14th calendar day following the election.
- 3) Increases the frequency at which elections officials are required to post updated election results from a minimum of once per week to twice per week. Requires the elections official to post the dates on which the updates will be provided on the internet by the close of polls on election day.
- 4) Makes technical, corresponding, and conforming changes.

EXISTING LAW:

- 1) Requires an elections official to conduct a semifinal official canvass of each election by tabulating vote by mail (VBM) and precinct ballots and compiling the results. Requires the semifinal official canvass to begin immediately upon the closing of the polls and to continue without adjournment until all precincts are accounted for. (Elections Code §15150)
- 2) Requires an official canvass of the election to commence no later than the Thursday following the election. Requires the official canvass to be open to the public and, for state elections, to result in a report of results to the Secretary of State (SOS). Requires the official canvass be continued daily (except for Saturdays, Sundays, and holidays) for not less than six hours each day until completed. (Elections Code §15301)
- 3) Requires the official canvass of the election to include the following tasks:
 - a) An inspection of all materials and supplies returned by poll workers.
 - b) A reconciliation of the number of signatures on the roster with the number of ballots recorded on the ballot statement. In the event of any discrepancy in this reconciliation, the number of ballots received from each polling place must be reconciled with the

number of ballots cast, as indicated on the ballot statement.

- c) A reconciliation of the number of ballots counted, spoiled, canceled, or invalidated due to identifying marks, overvotes, or as otherwise provided by statute, with the number of votes recorded, including VBM and provisional ballots, by the vote counting system.
 - d) Processing and counting any valid VBM and provisional ballots not included in the semifinal official canvass.
 - e) Counting any valid write-in votes.
 - f) Reproducing any damaged ballots, if necessary.
 - g) Reporting final results to the governing board and the SOS, as required. (Elections Code §15302)
- 4) Requires the elections official to conduct a public manual tally of ballots tabulated by the voting system during the official canvass of the election, pursuant to either of the following methods:
- i) A manual tally of the ballots canvassed in the semifinal official canvass, including VBM ballots but not including provisional ballots, cast in 1% of the precincts chosen at random by the elections official, along with additional precincts for each race that is not included in the initial group of precincts, as specified; or,
 - ii) A two-part manual tally, which includes both of the following:
 - (1) A manual tally of the ballots canvassed in the semifinal official canvass, not including VBM or provisional ballots, cast in 1% of the precincts chosen at random by the elections official, along with additional precincts for each race that is not included in the initial group of precincts, as specified; and,
 - (2) A manual tally of not less than 1% of the VBM ballots canvassed in the semifinal official canvass, with the batches of VBM ballots chosen for the manual tally selected at random by the elections official, along with additional batches of ballots for each race that is not included in the initial group of batches, as specified. (Elections Code §15360)
- 5) Requires an elections official, beginning no later than the Thursday following an election, to post updated information regarding the election on their internet website at least once per week, except as specified. Requires the update to include the following information:
- a) Updated results for any candidate or measure appearing on the ballot.
 - b) The number of ballots processed and an estimated number of outstanding ballots remaining unprocessed for each of the following categories: ballots voted at a polling

place, VBM ballots received on or before election day, VBM ballots received after election day, provisional ballots, and conditional registration ballots.

- c) The date and time when it is expected that the next results will be posted. (Elections Code §15306)
- 6) Requires the elections official to prepare a certified statement of the results of an election and submit it to the governing body within 30 days of the election, except as specified. (Elections Code §15372)
- 7) Requires a county elections official, upon receiving a VBM ballot, to compare the signature on the VBM ballot identification envelope with signatures that are is part of the voter's registration record, as specified. Requires, in the case of a VBM ballot identification envelope that was not signed by the voter, or in the case of an identification envelope that was signed but where the signature on the envelope did not compare to the signatures that are part of the voter's registration record, that the voter be given the opportunity to verify the ballot so that it may be counted, as specified. (Elections Code §3019)
- 8) Requires a county elections official, if a VBM ballot is returned to the county that was not issued by the official, to forward the ballot to the elections official who issued the ballot no later than eight days after receipt. (Elections Code §3017(a)(3))
- 9) Provides for an elections official to make a duplicate copy of a ballot under any of the following circumstances:
 - a) Where necessary, if the ballot is torn, bent, or otherwise defective such that every vote cast by the voter can be counted by the tabulating equipment. (Elections Code §15210)
 - b) Upon receipt of a ballot returned by a military or overseas voter via facsimile transmission. (Elections Code §3106)
- 10) Permits a voter who is not registered to vote, but who is otherwise qualified to register to vote to complete a conditional voter registration (CVR), as defined, and to cast a ballot during the 14 days immediately preceding an election or on election day. Provides that a CVR shall be deemed effective if the county elections official is able to determine before or during the canvass period for that election that the registrant is eligible to register to vote. (Elections Code §§2170-2173)
- 11) Entitles a voter claiming to be properly registered, but whose qualification or entitlement to vote cannot be immediately established, to vote a provisional ballot. Requires the elections official, during the official canvass, to examine the records with respect to a provisional ballot cast, and provides for the ballot to be counted if the county elections official can verify the eligibility of the provisional voter. (Elections Code §§14310-14314)

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

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

Despite the fact California knows exactly when every election is going to occur, the vote counting process is horrifically slow. To make matters worse, it creates doubt in the results. Right or wrong, [there] is absolutely no reason it can't be done sooner to protect the faith in the integrity of the process. AB 1214 will modestly move up the date for completion while also ensuring transparency in results as they are updated.

2) Processing Ballots and Reporting of Election Results: The speed at which California finalizes election results and certifies elections garnered increased attention following the 2024 statewide general election. That attention was due, at least in part, to the fact that California had the two closest Congressional races in the nation, which meant that the winners in those two races were not apparent until weeks after the election.

Ultimately, election results are official only once they have been certified and the winning candidates have been declared elected by relevant government officials. However, news organizations frequently declare winners in election contests long before the results are final and official. In some cases, media organizations will declare a winner before *any* ballot counts have been released for a contest, based on a variety of factors including exit polls and other election data. These “calls” by the media, however, have no legal significance, and they are not always correct.

The desire to know the outcomes of elections sooner is understandable, and is part of the reason why media organizations declare the winners of elections before ballot counting is complete. The government officials who are responsible for running elections, however, do not have the ability to declare a winner before all ballots are counted. Instead, they are tasked with ensuring that all legally-cast ballots are tabulated accurately and in accordance with state laws, using a process that is open to public scrutiny, and that contains many safeguards to protect against the release of incorrect results due to errors, fraud, or other factors.

As detailed above, the author of this bill argues that the speed at which California finalizes election results and certifies elections harms voter confidence, which can undermine faith in the integrity of the electoral process. The committee should consider whether there is an actual problem, rather than a perceived problem, with the current time frame to finalize election results. Furthermore, while trust and faith in the electoral process are important, the committee should consider whether making significant changes to state election laws in response to a *perceived* problem, rather than an *actual* problem, is wise, especially in circumstances where those changes to state election laws would interfere with other policy priorities.

Ultimately, the judgement of how quickly state law should require election results to be finalized is a subjective one. To the extent that the committee believes that the speed at which election results are finalized by California elections officials is an actual problem that is in need of a policy solution, there are a variety of potential approaches to speeding the rate

at which election results are finalized. Each of those approaches, however, would involve policy and/or budgetary tradeoffs. For example, significant additional funding for staff, ballot processing equipment, and processing facilities could help expedite election results, but would mean that fewer resources would be available for other policy priorities. Modifying the state's robust procedures for verifying ballots prior to counting could speed the processing of ballots, but could harm the integrity of elections and the accuracy of results. Limiting the circumstances under which voters can vote by mail likely would speed up election results, but also undoubtedly would reduce access for many voters, and could negatively impact voter participation.

This bill proposes shortening the amount of time that elections officials have to complete the official canvass of an election by 30% (from 30 days to 21 days), but does not grapple with the policy tradeoffs that would be necessary for elections officials to meet that shortened deadline. There are many tasks that county elections officials must complete as part of the official canvass of an election, which are described in more detail below. Some of those tasks are ones that elections officials in other states are not necessarily required to complete as part of their certification of election results. This bill does not, however, propose to relieve elections officials of any of those required tasks, nor does it propose other adjustments to state law to streamline elections officials' workload or to make their operations more efficient.

Furthermore, the amount of time that elections officials have to certify election results has changed only minimally in the last several decades, even as changes in election policies have increased the workload of elections officials during the official canvass. The SOS's certification of the November 2024 presidential general election came 38 days after the election – the same as SOS certifications for statewide general elections dating back to 2010. Prior to 2010, the SOS had one day longer to certify elections, and often (though not always) took that additional day. Legislation in 2014 extended the deadline for county elections officials to certify results from the 28th to the 30th day after the election in conjunction with other changes to state law that had the potential to increase elections officials' workload in the days following elections. Before that change, the deadline for county elections officials to certify election results had been the 28th day after the election dating back to at least 1975.

In short, even though election certification dates have changed very little in California in the last 50 years, multiple legislative proposals have been introduced in the Legislature this year that are aimed at speeding up the release and certification of election results. As currently in print, however, this bill does not present committee members with the ability to determine whether the policy benefits of releasing election results sooner outweigh any drawbacks from the changes that would be needed to implement such a change.

- 3) **Vote by Mail Ballots and Processing Time:** In recent elections, California voters have increasingly used VBM ballots to vote in elections, particularly since state law was amended to require elections officials to mail a ballot to all active registered voters starting with the 2020 statewide general election. At every statewide election held since California began mailing a ballot to every active registered voter, more than 80% of Californians who voted did so using a VBM ballot.

As the percentage of Californians who vote using a VBM ballot has increased, the number of ballots that are unable to be included in the semifinal official canvass (a.k.a., the “election night results”) has similarly increased. For the November 2024 statewide general election, nearly 39% of all ballots cast were not included in the semifinal official canvass, but instead were tabulated in the days and weeks after election day as part of the official canvass of the election.

Unlike ballots that are included in the semifinal official canvass, which are either in-person ballots that generally do not require additional processing before they can be counted or VBM ballots where such processing has already been completed, ballots that are tabulated after the semifinal official canvass is complete generally are ballots that require additional processing before they can be tallied. The bulk of those additional ballots are VBM ballots that were returned on or very shortly before election day, and therefore the elections official could not verify the signatures on those ballots before election day. For example, a spokesperson for the Los Angeles County Registrar of Voters’ office told the *New York Times* that voters dropped off 1 million VBM ballots on election day in the county at the November 2024 statewide general election. Due to other tasks that election workers had to perform on election day, the county was not able to begin the processing of those VBM ballot envelopes and ballots until after election day.

Notwithstanding this fact, the overwhelming majority of ballots in California generally are counted by the end of the week after election day. At the November 2024 election, for example, 94.72% of ballots cast statewide were counted with results reported by the 10th day after the election (the Friday of the week after the election). In November 2022, 88.07% of ballots were counted by that point.

- 4) **Election Canvass Tasks:** Under existing state law, county elections officials must begin the official canvass of the election by the Thursday after the election, and must complete it by the 30th day after the election. During the canvass period, county elections officials inspect all materials and supplies returned from polling places and vote centers; reconcile of the number of voters recorded as having voted with the number of ballots cast; reconcile the number of ballots counted, spoiled, canceled, or invalidated due to identifying marks, overvotes, or as otherwise provided by state law; process and count any VBM and provisional ballots that have not already been counted; count any valid write-in votes; duplicate any damaged ballots; conduct a public manual tally of portion of the ballots cast in the election as a check against the tally from the voting system; and report final results to the county board of supervisors and the SOS. While this bill reduces the amount of time that elections officials have to finish the canvass by 9 days, it does not change the workload that elections officials must complete during that time.
- 5) **Compliance Issues:** In addition to shortening the deadline for elections officials to complete the canvass, this bill also requires elections officials to count at least 25% of ballots by the 7th day after the election, and at least 67% of ballots by the 14th day after the election. Most counties easily exceed these benchmarks now. For the November 2024 statewide general election, for example, all 58 counties had counted more than 25% of ballots by the 7th day after the election, and more than 82% of ballots statewide had been counted by that point. By the 14th day after the election, more than 96% of ballots had been counted statewide, though

two counties had counted less than 67% of their ballots at that point.

Even though these metrics seem to be achievable for most counties, it is somewhat unclear how a county would know whether it had complied with those requirements until after the election was certified. An elections official does not know the total number of valid ballots cast in an election—and thus cannot know what figures would represent 25% and 67% of that number, respectively—until the end of the canvass process, once they have completed the process of verifying every ballot cast in the election, including determining whether provisional and VBM ballots that were submitted by voters are eligible to be counted.

6) **Arguments in Support:** In support of this bill, Election Integrity Project, California, writes:

There are several proposed bills this session aimed at obtaining earlier results for California elections. There are many laws that stand in the way of moving the timeline up significantly, such as the late ballot arrival allowance and the curing process timeline. But AB 1214 is a start to obtaining results at least 8 days earlier, which is very doable. In addition, AB 1214 provides consistent transparency of accumulating vote totals throughout the state, another admirable goal.

7) **Related Legislation:** AB 5 (Berman), which is also being heard in this committee today, requires county elections officials to report election results for all ballots, except ballots requiring special processing, by the 10th day after the election.

AB 16 (Alanis), which is also being heard in this committee today, removes discretion from county elections officials on whether to process VBM ballot return envelopes and ballots prior to the election, and instead requires elections officials to process those materials before election day.

AB 25 (DeMaio), which is also being heard in this committee today, requires an elections official to count all ballots, except provisional ballots and VBM ballots for which the voter has the opportunity either to verify their signature or to provide a signature, by no later than 72 hours after the election, among other provisions.

SB 3 (Cervantes) requires a county elections official, beginning the Thursday after an election, to post updated election results on their website at least twice a week, rather than once a week as is required under existing law, among other provisions. SB 3 is pending in the Senate Elections & Constitutional Amendments Committee.

SB 407 (Choi) requires elections officials to certify results within 10 days of an election, among other provisions. SB 407 is pending in the Senate Elections & Constitutional Amendments Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Disability Rights California (if amended)
Election Integrity Project, California

Opposition

None on file.

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