

Date of Hearing: April 30, 2025

ASSEMBLY COMMITTEE ON ELECTIONS
Gail Pellerin, Chair
AB 1214 (Patterson) – As Amended April 22, 2025

SUBJECT: Elections: official canvass.

SUMMARY: Increases the frequency at which elections officials are required to post updated election results during the official canvass from a minimum of once per week to twice per week. Specifically, **this bill** requires a county elections official, beginning the Thursday following an election, to post updated election results on the elections official's website at least twice per week, instead of once per week as is required under existing law.

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 an elections official, beginning no later than the Thursday following an election, to post updated information regarding the election on their 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)

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

COMMENTS:

- 1) **Prior Committee Consideration of This Bill:** This bill was previously heard in this committee on April 9, 2025. At that time, the bill contained numerous provisions that are not

in the current version of the bill, including a provision that would have reduced 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. The bill failed passage on a 2-4 vote, but was granted reconsideration.

Since the committee's prior consideration of this bill, the author has amended this bill to delete all the provisions of the bill *except* for the provision that would increase the frequency at which elections officials are required to post updated election results during the official canvass from a minimum of once per week to twice per week.

It is unclear whether position letters related to the prior version of the bill are relevant to the current version. Accordingly, this committee analysis does not reflect position letters submitted to the committee that relate to the prior version of the bill.

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

Trust in democracy is inseparable from trust in our election system. Unfortunately, given the length of time it takes to accurately count ballots, a shadow of doubt has been cast onto our process. AB 1214 takes a small step in restoring trust in our election system by simply requiring election officials to update the public and the media at least twice a week on how many votes are left to be counted. This simple change increases transparency allowing Democracy to flourish.

3) **Processing Ballots, Reporting of Election Results, and Previous Legislation:** Under existing law, when a voter casts a VBM ballot, that voter generally must return the completed VBM ballot in a ballot identification envelope that contains information about the voter to whom the ballot was issued. Among other purposes, the identification envelope serves as a way to verify the identity of the voter who cast the ballot. Accordingly, before a VBM ballot identification envelope can be opened and the ballot counted, the elections official must first verify information on the envelope, including comparing the voter's signature on the identification envelope to the signature(s) in the voter's registration record. That verification process means that tabulating VBM ballots generally is more time- and labor-intensive than tabulating ballots that are cast at in-person voting locations. Non-provisional ballots (a.k.a., "live," "regular," or "polling place" ballots) that are cast at in-person voting locations generally are placed into a ballot box without first being put into an identification envelope, and can be counted by the elections official without needing to undergo further verification.

Existing law allows elections officials to begin processing VBM ballots before election day, and allows verified VBM ballots to be run through ballot tabulators before election day, provided that the elections official does not access or release election results before 8 p.m. on the day of the election. By election day, county elections officials generally have processed a substantial majority of VBM ballots that were received by the weekend before the election, and have run those ballots through ballot tabulators.

Once the polls close on election day, elections officials begin the semifinal official canvass, which includes tabulating VBM and precinct ballots and compiling the results. The first

batch of results that elections officials release shortly after the polls close on election day primarily are VBM ballots that were received and processed by the elections official before election day. Subsequent updates to election results released on election night and into the next morning primarily are ballots that were cast at in-person voting locations on election day. Ballots cast at in-person voting locations generally are included in the election results that are released as part of the semifinal official canvass, with some exceptions. (While the description above provides a general overview of the semifinal official canvass, the exact types of ballots tabulated as part of that process varies from county-to-county.)

Many other ballots, however, are tabulated as part of the official canvass that must begin no later than the Thursday after election day. In particular, VBM ballots that are returned on or very shortly before election day and that cannot be verified before election day will be verified and tabulated in the days and weeks after election day as part of the official canvass. Provisional ballots and other ballots that require additional verification or processing also generally are tabulated during the official canvass.

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.

State law requires elections officials to update election results at least every two hours during the semifinal official canvass. Until last year, however, state law did not expressly require election results to be updated on any particular schedule during the official canvass. While many counties provided updated election results multiple times a week during the official canvass, other counties chose not to provide *any* updated election results until they had completed the official canvass. In those counties, election results may not have been updated for four weeks—or longer—between election night and the certification of the election.

Last session, however, the Legislature approved and the Governor signed AB 63 (Cervantes), Chapter 514, Statutes of 2023. Among other provisions, that bill required elections officials to publicly update election results at least once a week during the official canvass, beginning the Thursday after the election. AB 63 was enacted, in part, due to a recognition that there was a stronger public interest in requiring regular updates to election results during the official canvass in light of the fact that a smaller percentage of ballots were being included in the “election night results.” Requiring regular updates can help provide greater certainty in a timely manner about the likely outcome of most elections, even if the exact final vote tallies are not known until the election is certified approximately a month after the election.

Early versions of AB 63 would have required elections officials to update their results not less than three times a week during the official canvass. That requirement was pared back during the legislative process to twice a week, and then to once a week, in response to policy and fiscal concerns. Increasing the required frequency of updates to twice a week, as proposed by this bill, could give the public greater certainty in a timely manner about the likely outcome of some elections, but also could increase costs and create operational inefficiencies for elections officials in some circumstances.

- 4) **Related Legislation:** 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 was scheduled to be heard in the Senate Elections & Constitutional Amendments Committee on April 29, 2025.
- 5) **Arguments in Support:** In support of this bill, Election Integrity Project California writes, “AB 1214 provides consistent transparency of accumulating vote totals throughout the state, an admirable and much needed goal.”

REGISTERED SUPPORT / OPPOSITION:

Support

Election Integrity Project California

Opposition

None on file.

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