

Date of Hearing: July 2, 2025

ASSEMBLY COMMITTEE ON ELECTIONS

Gail Pellerin, Chair

SB 851 (Committee on Elections and Constitutional Amendments)

As Introduced February 27, 2025

**SENATE VOTE:** 38-0

**SUBJECT:** Elections.

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

- 1) Allows a local district, city, or other local political subdivision to file their resolution requesting that their election be consolidated with a statewide election with *only* the elections official, instead of the board of supervisors and a copy to the county elections official, if at least 88 days before the date of the election, either of the following requirements are met:
  - a) The elections official provides the resolution to the board of supervisors.
  - b) The board of supervisors authorizes the elections official to receive resolutions and consolidate elections without seeking new approval by the board of supervisors for each election.
- 2) Provides that a local jurisdiction's governing body may authorize the county elections official, rather than the board of supervisors, to canvass the returns of an election for the jurisdiction that is consolidated with an election held in the county.
- 3) Deletes provisions of law that limit an elections official to provide not more than 12 instruction cards to each polling place.
- 4) Makes technical changes.

**EXISTING LAW:**

- 1) Requires local districts, cities, or other political subdivisions to file a resolution with the board of supervisors and a copy with the county elections official containing information about the local jurisdiction's election at least 88 days prior to the date of the election. Requires the resolution to include a request that the district, city, or other political subdivision election be consolidated with the statewide election. (Elections Code §10403)
- 2) Allows the governing body of a city, district, or other political subdivision with an election that has been consolidated with an election held in the county or counties in which the political subdivision is situated to authorize the county board of supervisors to canvass the returns of the election. (Elections Code §10411)
- 3) Requires the canvass of an election to be conducted by the elections official and requires the elections official, upon the completion of the canvass, to certify the results to the governing body. (Elections Code §10262)

- 4) Requires an elections official, for every election, to conduct a semifinal official canvass by tabulating vote by mail (VBM) and precinct ballots and compiling the results. (Elections Code §15702)
- 5) Requires the official canvass to include a report of the final results to the governing board and the Secretary of State (SOS), among other tasks. (Elections Code §15302)
- 6) Defines the “official canvass” to mean a public process of processing and tallying all ballots received in an election, including, but not limited to, provisional ballots and VBM ballots not included in the semifinal official canvass. Provides that the official canvass also includes the process of reconciling ballots, attempting to prohibit duplicate voting by VBM and provisional voters, and performance of the manual tally of 1 percent of all precincts. (Elections Code §335.5)
- 7) Requires a county elections official to provide not fewer than six and not more than 12 instruction cards to each polling location for the guidance of voters in obtaining and marking their ballots. (Elections Code §14105)
- 8) Defines a “precinct board” to mean the board appointed by the elections official to serve at a single precinct or a consolidated precinct or vote center. Defines a “precinct board member” to mean a member of the precinct board and includes an election officer. (Elections Code §339) Requires a precinct board to proclaim aloud that the polls have opened and closed, as specified. (Elections Code §§14213, 14401)

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

**COMMENTS:**

- 1) **Purpose of the Bill:** According to the author “This bill is a Senate Committee on Elections and Constitutional Amendments’ omnibus bill. This bill contains changes requested by the California Association of Clerks and Election Officials and by committee staff. The bill contains noncontroversial, but needed, changes to the Elections Code.”
- 2) **Filing Resolutions:** Current law requires a local political subdivision to file a resolution with the county board of supervisors and a copy the county elections official to request that its election be consolidated with a statewide election. According to county elections officials, while jurisdictions may only deliver one resolution to one of the two locations, delivering to both may be a burden and confusing to jurisdictions as the entities may exist in separate buildings. As a result, a jurisdiction delivering a resolution to only one of the two entities could be legally challenged even if accepted by an elections official. This bill streamlines this process by allowing a local jurisdiction to file the resolution only with an elections official, as specified.
- 3) **Elections Canvass:** Existing law allows a local governing body with an election that has been consolidated with an election held in the county or counties in which the political subdivision is situated to authorize the county board of supervisors to canvass the returns of the election. These provisions, however, are in conflict with other provisions of the Elections Code that give the responsibility for canvassing elections to the county elections official. Accordingly, this bill makes conforming changes and permits the governing body of a

political subdivision to authorize the elections official, rather than the board of supervisors, to canvass the returns of a consolidated election.

- 4) **Polling Place Materials:** Existing law requires an elections official and the SOS to provide specified informational and administrative materials to each polling location. For instance, materials required to be available at each polling place include an accessible copy of the voter list, an American flag, a ballot container, a sufficient number of cards on how to obtain information about a voter's polling place, name badges, ballots, facsimile copies of the ballot, translated materials for voters, a roster, and various notices relating to election and voting procedures.

Each instruction card is required to have specified instructions and provisions of the Elections Code related to obtaining and marking a voter's ballot. Current law requires an elections official to provide at least six and not more than 12 instruction cards. These provisions were implemented in 1945 pursuant to AB 586 (Robertson), Chapter 580, Statutes of 1945 and the number of instruction cards required to be provided has not changed since its implementation. This bill removes the 12 instruction card limit, thereby allowing an elections official to provide as many instruction cards as appropriate.

- 5) **Arguments in Support:** In support of this bill, the California Association of Clerks and Election Officials, writes:

Current law requires a local political subdivision, at least 88 days before an election, to file a resolution with the county board of supervisors and a copy [to] the county elections official to request that its election be consolidated with a statewide election. SB 851 would allow the political subdivision to file the resolution with only the elections official if, at least 88 days before the election, the elections official provides the resolution to the board of supervisors, or the board of supervisors has authorized the elections official to receive resolutions and consolidate elections without seeking new approval by the board of supervisors for each election.

Additionally, SB 851 would require that the governing body of the political subdivision authorize the county elections official, rather than the county board of supervisors, to canvass the returns of the consolidated election.

- 6) **Related Legislation:** AB 331 (Pellerin) clarifies that the duty to certify election results is a ministerial duty of the elections official, among other provisions. AB 331 passed out of this committee on a 7-0 vote, passed the Committee on Public Safety on a 9-0, passed the Assembly floor on a 71-1 vote, and is pending the Senate Elections and Constitutional Amendments Committee.
- 7) **Previous Legislation:** SB 729 (Glazer) of 2021 would have removed the limitation of 12 instruction cards. SB 729 passed the Senate, but was not heard by the Assembly.

## REGISTERED SUPPORT / OPPOSITION:

### Support

California Association of Clerks and Election Officials

**Opposition**

None on file.

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