

Date of Hearing: January 10, 2018

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

AB 666 (Aguiar-Curry) – As Introduced February 14, 2017

SUBJECT: Elections: voter information guides: candidate statements.

SUMMARY: Requires a county elections official, if he or she posts a form on the Internet that candidates for State Senate and Assembly may use to submit candidate statements, to accept that form if it is submitted in accordance with timelines and procedures in state law. Specifically, **this bill:**

- 1) Requires, if a county elections official posts a form on his or her Internet website to be used by candidates for State Senate or Assembly to submit candidate statements, as specified, that the official accept that form if it is submitted in accordance with the times and procedures set forth in the Elections Code for the preparation of the voter information guide.
- 2) Prohibits the county elections official from requiring a candidate to submit any additional forms as a means of correcting Internet website posting errors made by the elections official.

EXISTING LAW:

- 1) Establishes, pursuant to the Political Reform Act (PRA), the following voluntary expenditure limits for candidates for elective state office:
 - a) For a candidate for Assembly, \$584,000 in a primary or special election and \$1,021,000 in a general or special runoff election;
 - b) For a candidate for Senate, \$875,000 in a primary or special election and \$1,313,000 in a general or special runoff election;
 - c) For a candidate for Board of Equalization (BOE), \$1,459,000 in a primary or special election and \$2,188,000 in a general or special runoff election;
 - d) For a candidate for Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State (SOS), Superintendent of Public Instruction, or Treasurer, \$5,835,000 in a primary or special election and \$8,753,000 in a general or special runoff election; and,
 - e) For a candidate for Governor, \$8,753,000 in a primary or special election and \$14,588,000 in a general or special runoff election.
- 2) Allows a candidate for elective state office who accepts voluntary expenditure limits detailed above to pay to place a candidate statement in official election materials that are sent to voters, as follows:

- a) Candidates for statewide elective office may purchase the space to place a statement of not more than 250 words in the state ballot pamphlet. Any such statement must be submitted in accordance with timeframes and procedures set forth by the SOS for the preparation of the state ballot pamphlets. Defines "statewide office" for these purposes to include member of the BOE.
- b) Candidates for State Senate or Assembly may purchase the space to place a statement of not more than 250 words in the voter information portion of the county voter information guide. Any such statement must be submitted in accordance with timeframes and procedures set forth in the Elections Code for the preparation of the voter information portion of the county voter information guide.
- 3) Permits each candidate for local nonpartisan elective office to submit a candidate statement to appear in the county voter information guide, subject to specified procedures and restrictions.
- 4) Permits each candidate for United States Senate to purchase the space to have a candidate statement appear in the state ballot pamphlet, as specified. Permits each candidate for United States House of Representatives to purchase the space to have a candidate statement appear in the county voter information guide, as specified.

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

COMMENTS:

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

For state legislative districts that encompass multiple counties, filing for each election as a candidate can be quite daunting. Each county elections office has distinct requirements, timeframes, procedures, and paperwork in the filing process. In particular, the requirements for a candidate's 250-word statement can vary widely. Not only is this filing process a challenge for incumbent, more-experienced candidates, but it can be an even more significant barrier to first-time candidates. For those who are interested in seeking an elected office, learning how to work the system may be a barrier to candidacy.

AB 666 will allow for greater ease in the candidate filing process for State Senate and Assembly candidates. This bill will help smooth the process of filing for election in multiple counties at once, which can be daunting for candidates who have to consider the different rules and regulations in each county within their district.

- 2) **Voluntary Spending Limits and Candidate Statements:** As detailed above, existing law establishes voluntary spending limits for candidates for elective state office (ranging from \$584,000 to \$14.588 million, depending on the office and whether the election is a primary or a general election). As an incentive for candidates to accept the voluntary spending limits, candidates for state office who agree to abide by the voluntary spending limits are allowed to

pay to place a candidate statement in the state or county voter information guide.

Because state law does not impose voluntary spending limits for campaigns for local office, or for United States Senate or United States House of Representatives, candidates for those offices generally have the option of submitting a candidate statement that will appear in the state ballot pamphlet or in the local voter information guide without the need to agree to abide by such limits. Candidates for United States Senate and United States House of Representatives must pay to have their candidate statements included in official election materials, while local jurisdictions have the discretion to decide whether or not to require candidates for local elective office to pay to have their candidate statements included in the local voter information guide.

- 3) **Candidate Statements in Multi-County Races:** A majority of Assembly Districts and about a third of Senate Districts include only one county, so candidates in those districts only need to submit a candidate statement to a single county elections official in order to have that statement sent to all the voters in the district. Candidates who are running in districts that include multiple counties, however, must work individually with each county if they want their candidate statement to appear in the voter information guide in every county in the district. (A candidate in a multi-county district can choose to submit a candidate statement only in certain counties in the district.)

For instance, if a candidate in Assembly District 1 wanted to have a candidate statement that appeared in the voter information guide for all of the voters in the district, that candidate would need to submit candidate statements (and the required payment) to nine different counties. Similarly, a candidate in Senate District 8 would need to work with 11 different county elections officials to ensure that his or her candidate statement was sent to all the voters in the district. Because each county may have its own candidate statement form, and because each county sets its own costs for having a candidate statement included in the voter information guide, the process for submitting a candidate statement will vary from county to county.

- 4) **Legislative Campaigns Only and Potential Amendment:** While candidates for most elective offices in the state have the ability to submit a candidate statement to be included in official elections publications that are sent to voters, the provisions of this bill apply only to candidate statements that are submitted by candidates for State Senate and State Assembly. If it is desirable to require county elections officials to accept candidate statement forms that they have posted on their websites, it is unclear why such a policy should be limited only to elections for certain offices. The author and the committee may wish to consider an amendment to make the provisions of this bill applicable to any candidate statement form that a county elections official posts on his or her website, regardless of the office that the candidate is seeking.
- 5) **Enforcement of State Law and Potential Amendment:** Although candidates have a reasonable expectation of being able to rely on the accuracy of forms that have been made available by elections officials, errors are sometimes made. If such an error does not interfere with the elections official's ability to comply with state law, it may be reasonable to expect the elections official to accept the form notwithstanding a minor or technical defect. On the

other hand, if an error on a form prevents the elections official from collecting information needed to comply with state law, prohibiting the elections official from requiring a candidate to submit additional information could frustrate the enforcement of existing law. In light of that fact, the author and the committee may wish to consider an amendment limiting the application of this bill to situations where the error in the candidate statement form does not deprive the elections official of information needed to comply with state law.

- 6) **Unintended Consequences?** Elections officials are not required by law to post candidate statement forms on their Internet websites. Nonetheless, some county elections officials post that information online in an effort to make the candidate filing process more accessible to potential candidates. By imposing new constraints in connection with candidate statement forms that are posted online, this bill could result in the candidate filing process becoming *less* accessible to candidates if elections officials respond by deciding not to post these forms online in the future.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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