

Date of Hearing: April 26, 2017

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

AB 606 (Berman) – As Amended April 5, 2017

SUBJECT: State voter information guides.

SUMMARY: Makes changes to provisions of law that prescribe what is required to be included in the state voter information guide sent to voters. Specifically, **this bill:**

- 1) Deletes provisions of law that require the state voter information guide to contain the complete text of each state measure, as specified, and instead requires the state voter information guide, before each state measure, to have a conspicuous notice identifying the location on the SOS's Internet Web site of the complete text of the state measure.
- 2) Requires to the following legend to be printed immediately below each state measure, in no less than 10-point bold type font, as follows:

"If you desire a copy of the full text of the state measure, please call the Secretary of State at (insert toll-free telephone number) and a copy will be mailed at no cost to you."
- 3) Requires the electronic version of the state voter information guide, for those voters that choose to opt out of receiving the state voter information guide by mail and instead receive the guide in an electronic format or an electronic notification, to include an active hyperlink for each cited Uniform Resource Locator (URL).
- 4) Deletes provisions of law that require the SOS to develop a program to utilize modern communications and information processing technology to enhance the availability and accessibility of information on statewide candidates and ballot initiatives and instead requires the SOS to develop a program to utilize electronic communications to enhance the availability and accessibility of information on statewide candidates and ballot initiatives, including permitting the SOS to electronically send all of the following election information to a voter:
 - a) The date of the election;
 - b) The voter registration deadline;
 - c) Other information that assists the voter in registering to vote or casting a ballot; and,
 - d) Information contained within the state voter information guide pursuant to current law.
- 5) Permits the SOS to send the information above using one or both of the following methods:
 - a) By electronic mail if the SOS has the voter's email address and provides the voter with an opportunity to opt out of receiving communications; or,
 - b) By text message to the voter's electronic device if the voter has consented to receiving text messages.

- 6) Makes conforming and technical changes.

EXISTING LAW:

- 1) Require the state voter information guide to contain the complete text of each state measure. Requires the provisions of the proposed measure differing from the existing laws affected to be distinguished in print, so as to facilitate comparison.
- 2) Requires the SOS to establish a process that allows a voter to choose to opt out of receiving the state voter information guide and receive it by electronic mail, as specified.
- 3) Directs the SOS to develop a program to utilize modern communications and information processing technology to enhance the availability of and accessibility to information on statewide candidate and ballot measures.

FISCAL EFFECT: Unknown

COMMENTS:

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

The state voter information guide is produced with the intent to provide useful information for voters. As the length of the California ballot has grown, so too has the state voter information guide. In fact, this past year, the state voter information guide was 224 pages. The state voter information guide contained over 100 pages of text of statutory law. Rather than assisting voters, the state voter information guide was negatively perceived. AB 606 aims to modernize and make more useful the state election information provided to voters. Specifically, the bill would shorten the mandated state voter information guide, allow active links in the alternative electronic state voter information guide, and direct the Secretary of State to develop a program to electronically communicate with voters, including providing electronic nonpartisan information to voters about upcoming elections.

- 2) **State Voter Information Guide and Suggested Amendments:** Current law requires the state voter information guide to contain the complete text of each state measure. This bill deletes those provisions and instead requires the SOS to place a notification in the state voter information guide informing voters of the location on the SOS's Internet Web site of the complete text of each state measure. Additionally, this bill requires the state voter information guide to inform a voter that they may contact the SOS and receive a copy of the full text of the each state measure mailed at no cost to the voter. This bill, however, does not place a timeline for when the mailing is required to occur. The committee staff suggests amending the bill to require the SOS to mail a copy of the text of the measures within one business day of a request.
- 3) **Receiving Electronic Election Information:** Under current law, a voter may opt out of receiving a paper copy of the state voter information guide and instead receive an electronic version of the guide. This bill ensures the electronic version of the state voter information guide is accessible to voters and requires the electronic version to include active hyperlinks for each cited URL.

Additionally, under current law, the SOS is directed to develop a program to utilize modern communications and information processing technology to enhance the availability of and accessibility to information on statewide candidate and ballot measures. This bill instead directs the SOS to develop a program to electronically communicate to voters, including authorizing the SOS to electronically send certain election information to voters by email or text message, as specified. Specifically, this bill permits the SOS to send election information by email if the SOS has the voter's email address and provides the voter with the opportunity to opt out of receiving communications this way. Moreover, this bill allows the SOS to send election information to the voter by text message if the voter has consented to receiving text messages. This bill however, does not provide an opt out procedure similar to what is provided for email communications. The committee staff recommends amending the bill to require the SOS to establish an opt out process for text messages.

- 4) **New Practice?** This bill deletes provisions of law that require the text of each state measure to be printed in the state voter information guide and instead requires the state voter information guide to include a notification informing voters that the text of each state measure is available on the SOS's Internet Web site, as specified. It would not be an entirely new practice to exclude the text of ballot measures from the official election materials that are mailed to voters, since existing law generally gives local elections officials the discretion to decide whether to print the text of local measures in the voter information guide. If an elections official chooses to exclude the text of a local ballot measure from the voter information guide, existing law requires the text to be made available by other means, including a requirement that elections official mail the text to voters upon request.

REGISTERED SUPPORT / OPPOSITION:

Support

Secretary of State Alex Padilla (Sponsor)
Disability Rights California (if amended)

Opposition

None on file.

Analysis Prepared by: Nichole Becker / E. & R. / (916) 319-2094