



2020 LEGISLATIVE SUMMARY

ASSEMBLY COMMITTEE ON
ELECTIONS AND REDISTRICTING

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December 2020

Interested Parties:

The 2020 legislative year was unlike any other in recent memory. On March 20, 2020, the California State Legislature recessed in an effort to slow the transmission of the 2019 novel coronavirus (COVID-19). That recess—which occurred at a time in the legislative process when policy committees typically are holding hearings on newly introduced legislation—was originally scheduled to last until April 13, 2020. Instead, the recess extended into May, necessitating significant adjustments to the legislative calendar for the remainder of the year. Furthermore, when the Legislature did reconvene, committee hearings were able to resume only on a limited schedule due to the need to align with recommendations of public health experts.

These changes to the legislative calendar and operations limited the number of bills that the Legislature was able to consider in 2020. Accordingly, the Assembly Committee on Elections and Redistricting substantially reduced the number of bills that it scheduled for a hearing, and prioritized measures that were especially urgent.

Among the most noteworthy measures considered and approved by the Committee were bills that sought to address challenges with conducting the November 3, 2020 Presidential General Election during the middle of a global health pandemic. Notably, the Legislature approved and the Governor signed legislation requiring that all active registered voters receive a ballot in the mail for that election, and authorizing significant changes to in-person voting requirements for that election.

This booklet summarizes legislation in the jurisdiction of the Assembly Committee on Elections and Redistricting that was approved by the Legislature in 2020. Bills that the committee was unable to consider are not included in this booklet.

I hope you will find this publication informative and useful as a reference tool. For additional information concerning Committee activities, please contact Committee staff at (916) 319-2094.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marc Berman', is written over a horizontal line.

Marc Berman

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Assembly Committee on Elections and Redistricting 2020 Committee Membership

Chair

Assemblymember Marc Berman, 24th District

Members

Assemblymember James Gallagher, Vice Chair, 3rd District

Assemblymember Ian C. Calderon, 57th District

Assemblymember Evan Low, 28th District

Assemblymember Chad Mayes, 42nd District

Assemblymember Kevin Mullin, 22nd District

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Key to Abbreviations Used

N/R: Vote is not relevant.

28.8: Bill reported to Senate Floor pursuant to Senate Rule 28.8, which provides that bills referred to the Senate Appropriations Committee that do not have significant state costs shall be reported to the Senate Floor without a hearing by the Appropriations Committee.

29.10: Bill referred to policy committee pursuant to Senate Rule 29.10, which provides that a bill that has been substantially amended since approval by a policy committee may be re-referred to a policy committee.

77.2: Bill referred to policy committee pursuant to Assembly Rule 77.2, which provides that a bill that has been substantially amended since approval by a policy committee may be re-referred to a policy committee.

Assembly Committee on Elections and Redistricting

2020 Legislative Highlights

November 3, 2020 Presidential General Election:

While California's Presidential Primary Election was largely unaffected by COVID-19, the pandemic began to spread throughout the country shortly thereafter, and it quickly became clear that the COVID-19 pandemic could affect the conduct of the November 3, 2020 Presidential General Election. Specifically, elections officials expressed concerns that the COVID-19 pandemic would make voters less willing to vote in person, reduce the number of people willing to serve as poll workers, reduce the number of locations willing to serve as in-person voting locations, and require the use of different types of locations for in-person voting in order to accommodate physical distancing.

To address those concerns, the Legislature adopted a package of bills to ensure that the November election could be conducted effectively and safely. One of the bills in the package required that a ballot be mailed to every active registered voter and made vote by mail ballot tracking available to all California voters, among other provisions designed to facilitate voting by mail. The other key bill in that package provided flexibility for in-person voting requirements to ensure that in-person voting could be conducted in a manner that was consistent with the recommendations of public health officials.

State and Local Redistricting:

In preparation for the once-a-decade process of redrawing political district lines, the Legislature enacted a number of bills designed to improve that process and to address challenges that have arisen as a result of the COVID-19 pandemic. Two bills sought to address problems that may arise if the release of data used for redistricting is delayed by the United States Census Bureau due to challenges with conducting the 2020 Census during the pandemic. Another new law clarified rules governing the formation of the Los Angeles County Citizens Redistricting Commission.

Protecting and Expanding Access to the Electoral Process:

The Legislature approved a number of measures that furthered the state's efforts to provide for an inclusive and representative electoral process. Constitutional amendments that were approved by the Legislature and appeared on the November 3, 2020 Presidential General Election ballot sought to restore voting rights to people who had been convicted of felonies upon their release from prison, and sought to allow individuals who will be 18 years old by the time of a general election to vote in the preceding primary election. Other legislation that was signed into law seeks to ensure that the state proactively takes steps to address barriers to electoral participation by Native Americans.

Assembly Committee on Elections and Redistricting 2020 Legislative Summary

Assembly Bills

[AB 646 \(McCarty\)](#)

Chapter 320, Statutes of 2020 Elections: voter eligibility.

[Amends Sections 2101, 2105.6, 2105.7, 2106, 2150, 2201, 2212, 2300, and 14240 of the Elections Code]

Article II, Section 4 of the California Constitution states that "[the] Legislature shall prohibit improper practices that affect elections and shall provide for the disqualification of electors while mentally incompetent or imprisoned or on parole for the conviction of a felony." Elections Code Section 2101 is the statute that implements Article II, Section 4 of the California Constitution. Section 2101 states that "[a] person entitled to register to vote shall be a United States citizen, a resident of California, not imprisoned or on parole for the conviction of a felony, and at least 18

years of age at the time of the next election." Moreover, under California law, any person who is imprisoned or on parole for the conviction of a felony is prohibited from voting and an elections official is required to cancel the voter registration of such an individual. However, a person who is on *probation* for conviction of a felony is permitted to vote. Once an individual completes parole, then the right to vote is restored and the person can re-register to vote.

This bill is a companion measure to a constitutional amendment that appeared on the November 3, 2020 General Election ballot as Proposition 17. Proposition 17 proposed to amend the California Constitution to permit a person who is on parole for the conviction of a felony to vote. This bill, which will be operative only if voters approve Proposition 17, provides the necessary statutory changes to implement that measure if it is approved by the voters.

Although the Secretary of State had not certified the results of the November 3, 2020 General Election at the time this summary was prepared, it appears that the voters approved Proposition 17 at that election.

Legislative History

Assembly Elections..... 5-1
Assembly Appropriations 12-5
Assembly Floor 48-20
Assembly Concurrence..... 51-16

Senate Elections..... 4-1
Senate Appropriations 5-2
Senate Floor 29-10

[AB 860 \(Berman, et al.\)](#)
Chapter 4, Statutes of 2020
Elections: vote by mail ballots. Urgency.

[Amends Sections 3019.7, 3020, and 15101 of, and adds Sections 3000.5 and 3016.7 to, the
Elections Code]

At the time California conducted its March 3, 2020 Presidential Primary Election, there were only 43 confirmed cases of COVID-19 in the state. As a result, voting in the primary was largely unaffected by the COVID-19 pandemic (though some county elections officials reported that they had a larger number of poll workers than usual who failed to show up on Election Day). Shortly after that election, however, COVID-19 began to spread rapidly throughout California and the country. In response, the office of the Secretary of State (SOS) established a working group to discuss the conduct of elections during the COVID-19 pandemic, and to develop recommendations for how to conduct the November election in light of the challenges posed by COVID-19. The working group included SOS, legislative, and gubernatorial staff, local elections officials, and representatives from numerous good government and voting rights groups, among others.

Legislative History

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| Assembly Gov. Organization... | <u>N/R</u> |
| Assembly Appropriations | <u>N/R</u> |
| Assembly Floor | <u>N/R</u> |
| Assembly Elections <u>(77.2)</u> | 6-0 |
| Assembly Concurrence | 68-5 |
| Senate Elections | 4-1 |
| Senate Appropriations | 5-2 |
| Senate Floor | 31-7 |

Among the issues that were discussed during the working group meetings were concerns that conducting widespread in-person voting during the COVID-19 pandemic could threaten the health and safety of voters, election workers, and the public generally. Accordingly, the working group discussed expanding the use of vote by mail ballots for the November 3, 2020 Presidential General Election as one way to protect voters' right to vote during the pandemic.

This bill required county elections officials to mail a ballot to every registered active voter for the November 3, 2020 Presidential General Election, and made various other accommodations in state law to facilitate voting by mail in that election. Specifically, this bill required county elections officials to provide specified vote by mail ballot tracking services to voters for that election, allowed county elections officials to begin processing returned vote by mail ballots earlier, and extended the deadline by which vote by mail ballots that are mailed by Election Day must be received by the elections official in order to be eligible to be counted, among other provisions.

This bill contains an urgency clause, and took effect on June 18, 2020.

[AB 1276 \(Bonta\)](#)
Chapter 90, Statutes of 2020
Local redistricting.

[Amends Sections 21500, 21500.1, 21501, 21506, 21507, 21508, 21534, 21552, 21600, 21601, 21602, 21605, 21606, 21607, 21608, 21609, 21620, 21621, 21622, 21623, 21625, 21626, 21627, 21627.1, 21628, 21629, and 23000 of, and adds Section 21630 to, the Elections Code]

[AB 849 \(Bonta\), Chapter 557, Statutes of 2019](#), revised and standardized the criteria and process to be used by counties and cities when they adjust the boundaries of the electoral districts that are used to elect members of the jurisdictions' governing bodies, and required counties and cities to comply with substantial public hearing and outreach requirements as part of the process for adjusting the boundaries of electoral districts. Prior to the enactment of AB 849, the rules that govern the redistricting process generally had not been changed in years or even decades.

Legislative History

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|---------------------------|-------|
| Assembly Elections..... | 4-0 |
| Assembly Local Gov. | 6-0 |
| Assembly Floor | 56-0 |
| Assembly Concurrence..... | 58-14 |

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| Senate Elections..... | 4-1 |
| Senate Floor | 29-11 |

AB 849 included slight differences in the rules that apply to a local jurisdiction when adjusting the boundaries of electoral districts depending on whether that jurisdiction is a county, a general law city, or a charter city. Those differences generally reflect the fact that there may be different policy considerations for different types of jurisdictions. For example, AB 849 required counties to consider the geographic integrity of cities when establishing district lines—a requirement that would be nonsensical if applied to cities that are adjusting district boundaries. Similarly, AB 849 included numerous provisions that specified that certain requirements of the bill did not apply to a charter city that adopted conflicting requirements in its city charter. Those provisions recognize the autonomy that the state constitution grants to charter cities over the conduct of city elections and over the election of municipal officers.

This bill makes various minor changes to the provisions of AB 849 to address what the author describes as minor errors in that bill, and to provide clarification on the interpretation of certain provisions of AB 849 and of existing law governing the local redistricting process. Specifically, this bill affirms the constitutional autonomy of charter cities over certain parts of the redistricting process by expressly allowing a charter city to establish its own redistricting criteria in its city charter, and by affirming that charter cities have the authority to create commissions, committees, or advisory bodies to assist in the redistricting process. Additionally, this bill makes other technical corrections to correct drafting errors in AB 849.

Furthermore, in April 2020, the United States Census Bureau sought statutory relief from Congress to delay the deadline for the delivery of redistricting data to the states in 2021 by four months. Such a delay in the delivery of redistricting data would make it difficult—if not impossible—for counties and cities to comply with deadlines in existing law for redrawing district

boundaries to reflect the 2020 federal decennial census. Accordingly, this bill changes the deadline for counties and cities to complete redistricting following the federal decennial census, including for redistricting commissions in Los Angeles and San Diego counties. Additionally, in light of state and local health orders instituted to help curb the spread of COVID-19, this bill provides flexibility to the Los Angeles and San Diego redistricting commissions in the locations of their required public hearings in the event of any health order that prohibits large gatherings.

[AB 2151 \(Gallagher & Gonzalez\)](#)

Chapter 214, Statutes of 2020

Political Reform Act of 1974: online filing and disclosure system.

[Adds Section 84616 to the Government Code]

The Political Reform Act (PRA) requires local and state candidates and committees to file campaign statements by specified deadlines disclosing contributions received and expenditures made. These documents are public documents, as one of the purposes of the PRA is that “receipts and expenditures in election campaigns should be fully and truthfully disclosed in order that the voters may be fully informed and improper practices may be inhibited.”

Legislative History

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|-------------------------------|-------------------------------|
| Assembly Elections..... | 7-0 |
| Assembly Appropriations | 18-0 |
| Assembly Floor | 76-0 |
| Senate Elections..... | 5-0 |
| Senate Appropriations | <u>(28.8)</u> |
| Senate Floor | 39-0 |

Generally, candidates and committees involved in state elections (constitutional officers, Senate, Assembly, statewide ballot measures) file campaign disclosure reports with the Secretary of State (SOS), while those involved in county, city, or special district elections file with the local elections or clerk’s office. On the state level, candidates and committees who raise or spend a certain amount are required to file disclosure reports electronically with the SOS. Local candidates and committees, however, are not subject to the same rules. While current law permits a local government to require disclosure reports to be filed online or electronically, many local government agencies do not have this requirement or do not have electronic filing available. Consequently, many local campaign finance reports are filed only in paper format and are available for review through a public records request or in-person at the local city or county clerk’s office or elections official’s office.

In an effort to increase transparency and provide greater public access to campaign disclosure reports, this bill requires a local governmental agency that receives campaign finance disclosure filings in paper format to post copies of those paper filings, within 72 hours of the filing deadline, on its internet website, as specified.

[AB 2314 \(Ramos\)](#)
Chapter 169, Statutes of 2020
Native American Voting Accessibility Advisory Committee.

[Adds Chapter 9 (commencing with Section 2700) to Division 2 of the Elections Code]

According to a 2019 Brennan Center for Justice analysis, Native American communities still face many roadblocks and challenges to the electoral process. The analysis discusses how many Native Americans, especially those that live on reservations, do not have traditional street addresses, which can result in rejected voter registrations, and states with strict voter identification laws often do not accept tribal identifications as valid forms of identification. Moreover, many Native American communities lack proper allocation of election resources, including a lack of polling sites, infrastructure for early voting, and Election Day resources. For example, limited polling sites and drop boxes tend to be unreasonably far away and require significant travel time to cast a ballot.

Legislative History

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| Assembly Elections..... | 7-0 |
| Assembly Appropriations | 18-0 |
| Assembly Floor | 75-0 |
| Assembly Concurrence..... | 75-0 |
| Senate Elections..... | 5-0 |
| Senate Appropriations | <u>(28.8)</u> |
| Senate Floor | 39-0 |

In an effort to address these challenges, this bill requires the Secretary of State (SOS) to establish a Native American Voting Accessibility Advisory Committee (committee), as specified, and requires the SOS to consult with the committee to consider its recommendations related to improving the accessibility of elections to Native American voters, as specified.

[AB 2400 \(Quirk\)](#)
Chapter 33, Statutes of 2020
Election results: risk-limiting audits. Urgency.

[Amends Sections 15365, 15366, and 15367 of the Elections Code]

Last session, the Legislature approved and Governor Brown signed [AB 2125 \(Quirk\), Chapter 913, Statutes of 2018](#), which created a risk-limiting audit pilot program and permitted an elections official to conduct risk-limiting audits in lieu of conducting an otherwise-required 1% manual tally beginning with the March 3, 2020 Presidential Primary Election.

Legislative History

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|-------------------------------|-------------------------------|
| Assembly Elections..... | 7-0 |
| Assembly Appropriations | 18-0 |
| Assembly Floor | 77-0 |
| Senate Elections..... | 4-1 |
| Senate Appropriations | <u>(28.8)</u> |
| Senate Floor | 40-0 |

A risk-limiting audit is a method to ensure that at the end of the canvass, the hardware, software, and procedures used to tally votes found the real winners. Specifically, a risk-limiting audit involves a manual tally of randomly selected ballots that stops as soon as it is implausible that a full recount would alter the result. As long as it is

statistically plausible that a full recount would overturn the result, the risk-limiting audit continues to examine more ballots. In close elections, a full manual recount may be required.

In January 2019, the Secretary of State (SOS) created a working group and began the process of developing risk-limiting audit regulations, as required. During its work, the working group identified a few issues, and this bill subsequently was introduced to resolve those concerns. Specifically, this bill postpones the start date of the risk-limiting audit pilot program from the March 3, 2020 Presidential Primary Election to the November 3, 2020 Presidential General Election. Additionally, this bill eliminates the requirement for counties participating in the pilot program to conduct risk-limiting audits on *all* contests in the county, and instead permits a county to conduct a risk-limiting audit on one or more contests fully contained in the county. Finally, this bill extends the sunset date of the pilot program from January 1, 2021 to January 1, 2023.

This bill contains an urgency clause, and took effect on August 27, 2020.

[AB 3370 \(Elections & Redistricting Committee\)](#)

Chapter 106, Statutes of 2020

Elections omnibus bill.

[Amends Sections 7201.1, 8001, 9144, 15101, and 18104 of the Elections Code]

The Assembly Elections and Redistricting Committee typically authors one or more committee omnibus bills each year that seek to make various minor, technical, and non-controversial changes to provisions of state law that fall within the committee's jurisdiction.

Section 7201.1 of the Elections Code establishes rules governing the election of county central committee members for the Democratic Party in Sacramento County. Subdivision (b) of that section established a special procedure that was in effect only for the June 2012 statewide primary election. Accordingly, that procedure is now obsolete. This bill repeals that obsolete language.

Section 8001 of the Elections Code specifies that a person may not file a declaration of candidacy for a partisan office or for membership on a county central committee unless certain conditions are met. That provision, however, applies only to candidates for membership on a county central committee; the reference to a candidacy for partisan office is unnecessary and obsolete. This bill streamlines and clarifies the provisions of section 8001 to make it clear that the section applies only to elections for membership on a political party central committee.

Existing law governing a referendum of a county ordinance requires the county board of supervisors (board) to suspend and reconsider an ordinance if a petition protesting its adoption that is signed by a specified number of voters in the county is presented to the board before the

Legislative History

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| Assembly Elections..... | 7-0 |
| Assembly Floor | 75-0 |
| Assembly Concurrence..... | 75-0 |

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| Senate Elections..... | 5-0 |
| Senate Floor | 39-0 |

effective date of the ordinance. Although existing law requires the proponents to submit the referendum petition directly to the board, the county elections official has the responsibility of validating the signatures on the petition, so petitions typically are submitted to the elections official. This bill codifies this practice by requiring the proponents of a referendum to submit the referendum petition to the county elections official, instead of the board.

Elections Code section 15101 authorizes any jurisdiction having the necessary computer capability to start processing vote by mail (VBM) ballots ten business days before the election. Processing VBM ballots includes opening ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, provided that no vote count may be accessed or released until 8 p.m. on the day of the election. This bill allows an elections official to begin processing VBM ballots 15 business days before the election, instead of ten business days before the election. With the increase in VBM balloting, elections officials believe that allowing them to begin processing VBM ballots earlier will help minimize overtime that otherwise would be needed for staff to process VBM ballots.

This bill additionally corrects an erroneous cross-reference in the Elections Code.

[ACA 4 \(Mullin & Low\)](#)

Resolution Chapter 30, Statutes of 2020

Elections: voting age.

[Proposes an amendment to Section 2 of Article II of the California Constitution]

Article II, Section 2 of the California Constitution provides “A United States citizen 18 years of age and resident in this State may vote.” State law further permits a person who is a United States citizen, a resident of California, not in prison or on parole for the conviction of a felony, and is at least 18 years of age at the time of the next election to register to vote in any local, state, or federal election.

According to information from the National Conference of State Legislatures, at least 17 states (Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Mississippi, Nebraska, New Mexico, North Carolina, Ohio, South Carolina, Utah, Vermont, Virginia, and West Virginia) and the District of Columbia permit a 17-year-old to vote in a primary election if the voter will turn 18 by the time of the general election. In some other states, 17-year-olds are allowed to participate in presidential caucuses if they will be 18 by the date of the general election, though the eligibility requirements for participating in a presidential caucus generally is determined by the political party that is conducting the caucus.

Legislative History

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| Assembly Elections..... | 4-0 |
| Assembly Appropriations | 13-4 |
| Assembly Floor | 58-13 |
| Assembly Concurrence..... | 56-13 |
| Senate Elections..... | 4-1 |
| Senate Appropriations | 5-1 |
| Senate Floor | 31-7 |

This constitutional amendment proposes to allow a 17 year old who will be 18 by the time of the next general election to vote at any primary or special election that occurs before that general election. As a constitutional amendment, this measure requires the approval of the voters in order to take effect.

This measure appeared on the ballot at the November 3, 2020 Presidential General Election as Proposition 18. Although the Secretary of State had not certified the results of the November 3, 2020 Presidential General Election at the time this summary was prepared, it appears that the voters defeated Proposition 18 at that election.

[ACA 6 \(McCarty, et al.\)](#)
Resolution Chapter 24, Statutes of 2020
Elections: disqualification of electors.

[Proposes an amendment to Sections 2 and 4 of Article II of the California Constitution]

Article II, Section 4 of the California Constitution states that "[the] Legislature shall prohibit improper practices that affect elections and shall provide for the disqualification of electors while mentally incompetent or imprisoned or on parole for the conviction of a felony." Elections Code Section 2101 is the statute that implements Article II, Section 4 of the California Constitution. Section 2101 states that "[a] person entitled to register to vote shall be a United States

citizen, a resident of California, not imprisoned or on parole for the conviction of a felony, and at least 18 years of age at the time of the next election." Moreover, under California law, any person who is imprisoned or on parole for the conviction of a felony is prohibited from voting and elections officials are required to cancel the voter registrations of such individuals. However, a person who is on *probation* for conviction of a felony is permitted to vote. Once an individual completes parole, then the right to vote is restored and the person can re-register to vote.

Legislative History

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| Assembly Elections..... | 6-1 |
| Assembly Appropriations | 12-3 |
| Assembly Floor | 54-19 |
| Senate Elections..... | 4-1 |
| Senate Appropriations | 5-1 |
| Senate Floor | 28-9 |

This constitutional amendment proposes to permit a person who is on parole for the conviction of a felony to register to vote and to vote. As a constitutional amendment, this measure requires the approval of the voters in order to take effect.

This measure appeared on the ballot at the November 3, 2020 Presidential General Election as Proposition 17. Although the Secretary of State had not certified the results of the November 3, 2020 Presidential General Election at the time this summary was prepared, it appears that the voters approved Proposition 17 at that election.

Senate Bills

[SB 158 \(Allen\)](#)

Chapter 107, Statutes of 2020

County of Los Angeles Citizens Redistricting Commission: membership. Urgency.

[Amends Section 21532 of the Elections Code]

In 2016, the Legislature approved and Governor Brown signed [SB 958 \(Lara\), Chapter 781, Statutes of 2016](#), which established the Los Angeles County Citizens Redistricting Commission (commission) and charged it with adjusting the boundaries of supervisorial districts after each decennial federal census, as specified. In February 2017, the Los Angeles County Board of Supervisors filed a lawsuit in the Los Angeles County Superior Court challenging the provisions of SB 958 (*County of Los Angeles v. State of California et al.* (2017), Case Number BS168212). After briefing and oral argument, the Superior Court ruled against the challenge and upheld the provisions of SB 958. The Los Angeles County Board of Supervisors subsequently appealed the Superior Court's ruling, but its appeals were unsuccessful.

Legislative History

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| Senate Education..... | N/R |
| Senate Floor | N/R |
| Senate Concurrence | 35-3 |

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| Assembly Elections..... | 7-0 |
| Assembly Floor | 65-0 |

In its lawsuit challenging SB 958, the Los Angeles County Board of Supervisors argued that SB 958 prohibited voters who are registered as having no party preference from serving as members of the redistricting commission. That reading was inconsistent with the legislative intent and history.

This bill clarifies that a provision of SB 958 that requires the political party preferences of commission members to be as proportional as possible to the total number of voters who are registered with each political party in Los Angeles County includes voters who decline to state or do not indicate a party preference, and makes technical and corresponding changes.

This bill contains an urgency clause, and took effect on September 18, 2020.

[SB 207 \(Hurtado\)](#)

Chapter 1, Statutes of 2020

Elections: voter registration: partisan primary elections. Urgency.

[Amends Section 2152 of, and adds Section 2119.5 to, the Elections Code]

Prior to the effective date of this bill, California law permitted a voter to change or update the residence address at which the voter is registered to vote by reregistering to vote or by submitting a notice or letter of the change of address to the elections official, as specified. Additionally, California law permitted a voter to change or update their political party preference only by reregistering to vote.

This bill streamlines these processes by permitting a voter to change their residence address within the same county, or to update their political party preference, by submitting a written request to their county elections official, instead of requiring the voter to execute a new affidavit of registration, as specified.

While this bill was not heard in the Assembly Elections and Redistricting Committee, its provisions are substantively identical to provisions that were included in [AB 681 \(Gonzalez\) of 2019](#), which was approved by both houses of the Legislature but was vetoed by Governor Newsom. (In his [veto message](#) of AB 681, Governor Newsom indicated that he was vetoing that bill due to concerns with other provisions that were not included in SB 207.) Accordingly, the Assembly Elections and Redistricting Committee had an opportunity to consider the policy changes that were proposed in this bill when it heard AB 681 during the current legislative session.

This bill contains an urgency clause, and took effect on February 13, 2020.

Legislative History

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| Senate Health | <u>N/R</u> |
| Senate Appropriations | <u>N/R</u> |
| Senate Floor | <u>N/R</u> |
| Senate Concurrence | 28-9 |
| Assembly Health | <u>N/R</u> |
| Assembly Appropriations | 13-5 |
| Assembly Floor | 60-12 |

[SB 300 \(Umberg\)](#)
Chapter 26, Statutes of 2020
Elections: ballot measures.

[Uncodified Statute]

Existing law requires every constitutional amendment, bond measure, or other legislative measure that the Legislature submits to the people to appear on the ballot of the first statewide election occurring at least 131 days after the adoption of the proposal by the Legislature. For the purposes of the November 3, 2020, Presidential General Election, the statutory deadline for legislative measures to qualify for the ballot was June 25, 2020.

Legislative History

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| Senate Elections..... | <u>N/R</u> |
| Senate Appropriations | <u>N/R</u> |
| Senate Floor | <u>N/R</u> |
| Senate Concurrence | 29-8 |
| Assembly Floor | 57-16 |

Because that deadline is set in statute, it can be waived or adjusted through the enactment of a new statute. The Legislature and Governor occasionally have enacted legislation to permit one or more legislative measures to appear on the ballot at an election even though they qualified after the deadline imposed by existing law.

This bill called a special election to be consolidated with the Presidential General Election scheduled for November 3, 2020, and waived various deadlines and other provisions of the Elections Code so that the following measures, which were approved by the Legislature after June 25, 2020 but on or before July 1, 2020, were able to appear on ballot at the November 3, 2020 Presidential General Election: [ACA 4 \(Mullin and Low\)](#) and [ACA 11 \(Mullin, et al.\)](#).

Although this bill was not heard in the Assembly Elections and Redistricting Committee, it has been included in this legislative summary due to its relevance to issues in the committee's jurisdiction. As a bill calling a special election, this bill took effect immediately upon being signed by the Governor on June 30, 2020.

[SB 423 \(Umberg & Berman\)](#)

Chapter 31, Statutes of 2020

November 3, 2020, statewide general election. Urgency.

[Adds and repeals Chapter 7 (commencing with Section 1600) of Division 1 of the Elections Code]

At the time California conducted its March 3, 2020 Presidential Primary Election, there were only 43 confirmed cases of COVID-19 in the state. As a result, voting in the primary was largely unaffected by the COVID-19 pandemic (though some county elections officials reported that they had a larger number of poll workers than usual who failed to show up on Election Day). Shortly after that primary election, however, COVID-19 began to spread rapidly throughout California and the country. In response, the office of

the Secretary of State (SOS) established a working group to discuss the conduct of elections during the COVID-19 pandemic, and to develop recommendations for how to conduct the November election in light of the challenges posed by COVID-19. The working group included SOS, legislative, and gubernatorial staff, local elections officials, and representatives from numerous good government and voting rights groups, among others.

Legislative History

| | |
|---|----------------------------|
| Senate Elections | <u>N/R</u> |
| Senate Appropriations | <u>N/R</u> |
| Senate Floor | <u>N/R</u> |
| Senate Elections (<u>29.10</u>) | 4-1 |
| Senate Concurrence | 29-4 |
| Assembly Elections | 5-1 |
| Assembly Floor | 57-12 |

Among the issues that were discussed during the working group meetings were concerns that the COVID-19 pandemic would make voters less willing to vote in person, reduce the number of people willing to serve as poll workers, reduce the number of locations willing to serve as in-person voting locations, and require the use of different types of locations for in-person voting given the potential need to be able to accommodate physical distancing during in-person voting.

This bill authorized changes to in-person voting requirements for the November 3, 2020 Presidential General Election. Specifically, for counties that conduct elections pursuant to the California Voter's Choice Act (CVCA), this bill provided that those counties were not required to have vote centers open before the third day prior to the election. Additionally, this bill permitted counties that do not conduct elections pursuant to the CVCA to conduct the November election using consolidated polling locations. Counties that took advantage of this option were required to have a least one consolidated polling location per 10,000 registered voters, as specified, and those locations were required to be open for at least the three days prior to the election as well as on Election Day. Those counties also were required to provide at least two ballot drop-off locations within the county or at least one location for every 15,000 registered voters, whichever results in more locations, as specified.

This bill further required the state and counties to conduct voter education and outreach campaigns to notify voters about options for voting in the 2020 Presidential General Election, as

specified. Finally, this bill required the SOS to establish a process to consider requests from counties to adjust or partially waive the minimally required number, location, or operational duration, of vote centers, consolidated polling places, or ballot drop-off locations required by this bill or by the CVCA.

This bill contains an urgency clause, and took effect on August 6, 2020.

[SB 739 \(Stern\)](#)

Chapter 109, Statutes of 2020

Elections: vote by mail ballots and false or misleading information. Urgency.

[Amends Section 18302, and amends, adds, and repeals Section 3022, of the Elections Code]

Last session, the Legislature approved and Governor Brown signed [AB 1678 \(Berman\), Chapter 96, Statutes of 2018](#), which expanded current laws on voter misinformation to encompass the intentional distribution of incorrect information regarding voting times, locations, and qualifications, and modernized the law to address the intentional distribution of such misinformation via the Internet or other electronic means, as specified. Additionally, [AB 3075 \(Berman\), Chapter 241, Statutes of 2018](#), created the Office of

Elections Cybersecurity (OEC) within the Office of the Secretary of State and requires the OEC to monitor and counteract false or misleading information regarding the electoral process that may suppress voter participation or cause confusion and disruption of the orderly and secure administration of elections, as specified.

This bill makes it a misdemeanor to distribute specified false or misleading information regarding the qualifications to apply for, receive, or return a vote by mail (VBM) ballot with actual knowledge and intent to deceive. Additionally, this bill eliminated the requirement that elections officials must include VBM applications with county voter information guides for the November 3, 2020 Presidential General Election since all active registered voters received a VBM ballot for that election.

This bill contains an urgency clause, and took effect on September 18, 2020.

Legislative History

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|-------------------------------|---------------------|
| Senate Nat. Resources | N/R |
| Senate Appropriations | N/R |
| Senate Floor | N/R |
| Senate Concurrence | 32-0 |
| Assembly Elections | 7-0 |
| Assembly Appropriations | 16-0 |
| Assembly Floor | 72-1 |

[SB 970 \(Umberg & Berman\)](#)
Chapter 111, Statutes of 2020
Primary election date.

[Amends Sections 316, 340, 1000, 1001, 1201, and 1202 of the Elections Code]

From 1946 through 1994, California's primary elections were held in June of every even-numbered year. Additionally, since 1946, the only statewide primary election in a non-presidential election year that did not take place in June occurred in March of 2002.

In 2017, the Legislature passed and Governor Brown signed [SB 568 \(Lara\), Chapter 335, Statutes of 2017](#), which changed the date of the statewide primary election to the first Tuesday after the first Monday in March with an operative date of January 1, 2019. As a result, the first primary election following the provisions of SB 568 was the Presidential Primary Election held on March 3, 2020. Under the provisions of SB 568, the next statewide primary election was scheduled to take place on March 8, 2022.

However, due to the ongoing effects of the COVID-19 pandemic, the United States Census Bureau sought Congressional approval to add four additional months to deliver the census data needed to reapportion Congress and to redraw congressional, state legislative, and local districts in 2021 as required by law. The delay, however, would leave the Citizens Redistricting Commission and local redistricting commissions and governing bodies without sufficient time to complete their work after receiving the necessary census data.

SB 970 helps resolve this issue by moving all of California's statewide gubernatorial primary elections from March to June, including moving the next statewide primary election to June 2022.

Legislative History

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|-------------------------------|-------------------------------|
| Senate Elections..... | 5-0 |
| Senate Appropriations | <u>(28.8)</u> |
| Senate Floor | 39-0 |
| | |
| Assembly Elections..... | 6-1 |
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