

Date of Hearing: May 10, 2017

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

AB 1154 (Nazarian) – As Introduced February 17, 2017

SUBJECT: Official canvass: one-percent manual tally.

SUMMARY: Prohibits elections officials from randomly choosing the initial precincts or selecting an additional precinct for the one-percent manual tally, which is required by existing law, until after the close of the polls on election day.

EXISTING LAW:

- 1) Requires the elections official who conducts an election, during the official canvass of every election in which a voting system is used, to conduct a public manual tally of the ballots tabulated by those devices, including vote by mail (VBM) ballots, using either of the following methods:
 - a) A public manual tally of the ballots, including VBM ballots, cast in one-percent of the precincts chosen at random by the elections official. Requires that if one-percent is less than one whole precinct, the tally is to be conducted in one precinct chosen at random by the elections official. Requires the elections official, for each race not included in the initial group of precincts, to count one additional precinct. Provides that the manual tally of this additional precinct shall apply only to the race not previously counted; or,
 - b) A two-part public manual tally that includes both of the following:
 - i) A public manual tally of the ballots, not including VBM ballots, cast in one-percent of the precincts chosen at random by the elections official; and,
 - ii) A public manual tally of not less than one-percent of the VBM ballots cast in the election.
- 2) Requires, for purposes of conducting the public manual tally of VBM ballots as part of the two-part process, that the elections official choose batches of VBM ballots at random as specified.
- 3) Requires the elections official who conducts the manual tally using the two-part procedure as specified, in addition to tallying not less than one-percent of VBM ballots, to count at least one additional batch of VBM ballots for each race not included in the initial manual tally of VBM ballots. Provides that this additional manual tally shall apply only to the race not previously counted. Permits the elections official to select additional batches to be manually tallied at his or her discretion.
- 4) Requires the elections official to provide at least a five-day public notice of the time and place of the manual tally and of the time and place of the selection of precincts or batches of ballots subject to the manual tally

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

COMMENTS:

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

A robust electoral process serves as the foundation of our state's democracy. Despite recent, unfounded claims of large scale voter fraud, California has led the way when it comes to ensuring a safe and secure election process. The one-percent manual tally is one of the many checks used to maintain the integrity of our elections. While it has been the best practice of most county elections officials to not determine the precincts subject to the one-percent manual tally until the close of the polls, last year it was reported that at least one county determined the precincts weeks in advance of the election. This bill clarifies a practice already adopted by nearly all 58 counties that the precincts subject to the one-percent manual tally will not be determined until after the polls have closed.

2) **One Percent Manual Tally:** To help ensure that ballots are counted accurately, state law requires the elections official who conducts an election where a voting system is used to conduct a public manual tally of ballots cast in one-percent of precincts chosen at random in that election. In addition to the one-percent manual tally, existing law requires the elections official, for each race not included in the initial group of precincts, to count one additional precinct and authorizes the elections official to select additional precincts for the manual tally at his or her discretion. The results of this manual tally are compared against the tally of ballots in those precincts that was generated by the voting system. Before the election results can be certified, the elections official must reconcile any discrepancies between the machine count and the manual tally, and must report on how those discrepancies were resolved.

This bill prohibits the elections official from randomly choosing the initial precincts or selecting an additional precinct for the manual tally until after the close of the polls on election day.

3) **Prior Legislation:** AB 985 (Williams), Chapter 52, Statutes of 2011, permits elections officials to conduct a two-part public manual tally of ballots as part of the official canvass of an election in which a voting system is used, in lieu of conducting a manual tally of the ballots cast in one-percent of the precincts.

SB 1235 (Bowen), Chapter 893, Statutes of 2006, requires county elections officials to include VBM ballots in the manual tally of votes cast in one-percent of precincts, among other provisions. Prior to the adoption of SB 1235, some counties did not believe that VBM ballots were required to be included in the required manual tally of ballots cast in one-percent of precincts, and so were not including those ballots.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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