

Date of Hearing: May 10, 2017

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

AB 1730 (Committee on Elections and Redistricting) – As Introduced March 23, 2017

SUBJECT: Elections omnibus bill.

SUMMARY: Makes various minor and technical changes to provisions of law governing elections. Specifically, **this bill:**

- 1) Requires a county elections official, if required information is missing from the voter's affidavit of registration, to attempt to contact the affiant and collect the missing information using information provided on the affidavit of registration, instead of requiring an elections official to contact the voter by telephone only.
- 2) Permits a district board or any member or members of the board, a proponent or proponents of the measure, an individual voter who is eligible to vote on the measure, a bona fide association of citizens, or a combination of voters and associations, to file a written argument for or against any district measure, instead of only allowing the proponents of the initiative petition to file an argument in favor and only permitting the district board to submit an argument against the ordinance.
- 3) Clarifies that the residence address required on a notice of intention to recall an elected officer must include the street and number, city, and ZIP Code of each of the proponents of the recall.
- 4) Increases the time period, from 88 to 125 days, for which jurisdictional boundary line changes must be submitted to an elections official before an election for the changes to be in effect for the election.
- 5) Makes other conforming changes.

EXISTING LAW:

- 1) Requires a recall proponent to serve, file, and publish or post a notice of intention to circulate a recall petition.
- 2) Requires the notice of intention to recall an elected officer to contain, among other things, the printed name, signature, and residence address of each of the proponents of the recall, as specified.
- 3) Provides that if a notice of intention to recall an officer does not comply with current law it will be found deficient. Requires the proponents, if a notice of intention is found deficient, to prepare a new notice of intention, including the collection of signatures.
- 4) Permits a proposed ordinance to be submitted to the governing board of a district by an initiative petition filed with the district elections official. Allows the persons filing the initiative petition to file a written argument in favor of the ordinance and permits the district board to submit an argument against the ordinance, as specified.

- 5) Permits a board of supervisors or any member or members of the board, or an individual voter who is eligible to vote on the measure, or a bona fide association of citizens, or a combination of these voters and associations to file a written argument for or against any county measure.
- 6) Requires an election official, if more than one argument for or argument against any county measure is submitted, to select one argument in favor and one argument against, as specified. Requires the elections officials to give preference and priority to the arguments in the following order:
 - a) The board of supervisors or a member or members of the board.
 - b) The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.
 - c) Bona fide associations of citizens.
 - d) Individual voters who are eligible to vote on the measure.
- 7) Requires a county elections official, if an affidavit of registration does not contain all of the information required, to attempt to contact the voter by telephone to collect the missing information, as specified.
- 8) Requires an elections official to divide a jurisdiction into precincts and prepare detailed maps or exterior descriptions of the precincts, as specified. Requires all jurisdictions to submit political boundary line adjustments to the elections official at least 88 days before an election for the changes to be in effect for the election.

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

COMMENTS:

- 1) **Purpose of the Bill:** This is one of the Assembly Elections and Redistricting Committee's omnibus bills, containing minor and technical changes to provisions of the Elections Code. All of the provisions of this bill are changes requested by the California Association of Clerks and Election Officials.
- 2) **Recall Petitions:** In order for recall proceedings to begin against a state officer, current law requires the recall proponents to serve, file, and publish or post a notice of intention to circulate a recall petition. Existing law requires the notice of intention to contain the name and title of the officer sought to be recalled, a statement of the reasons for the proposed recall, and the printed name, signature, and residence address of each of the proponents of the recall, as specified. If the notice of intention does not comply with current law it will be found deficient and the proponents will be required to prepare a new notice of intention, including the collection of signatures.

According to county elections officials, there is confusion on how to properly fill out the recall notice of intention form. Proponents sometimes fail to provide a complete residence address, and as a result, the notices are being found deficient and proponents are forced to start the recall process again. This bill clarifies current law regarding the address

requirement on the recall notice of intention form and ensures proponents understand how to sign and fill out the form properly. Specifically, this bill clarifies that the full address on the notice must include the residential street address, city, and zip code of each of the proponents of the recall.

- 3) **District Ballot Measures:** Current law permits written arguments to be filed for or against any qualified ballot measure (state or local). However, the statute that applies to district ballot measures is ambiguous and inconsistent with current practice. Moreover, a strict reading of the law significantly limits who may submit a ballot argument and does not allow a district board to write a ballot argument in favor of their own ballot measure. This bill clarifies existing law, mirrors the ballot argument requirements in place for county ballot measures, and makes it consistent with current practice.
- 4) **Affidavits of Registration:** If an affidavit of registration is incomplete and does not contain all the information required to process it, current law requires a county elections official to contact the voter by telephone to obtain the missing information. This bill modernizes current law and provides county elections officials with more tools to collect missing information from affidavits of registration. Specifically, this bill deletes provisions of law that require a county elections official to contact a voter by telephone and instead allows an elections official to contact the voter using information provided on the affidavit of registration, such as a telephone number, email, or mailing address.
- 5) **Jurisdictional Boundaries:** Current law requires an elections official to divide a jurisdiction into precincts and prepare detailed maps or exterior descriptions of the precincts. However, if jurisdictional boundary lines change, current law requires all jurisdictions to submit the political boundary line adjustments to the elections official at least 88 days before an election for the changes to be in effect for the election. According to county elections officials, the timeframe is too short and does not provide elections officials with enough time to make the necessary changes to accommodate the boundary changes for the election. This bill lengthens the timeframe from 88 days to 125 days and ensures elections officials have sufficient time to accurately incorporate and implement boundary changes into their election management systems and place every voter in the correct political jurisdiction. Furthermore, this bill mirrors the timeframes in existing law for uniform district elections, making all the deadlines to submit district jurisdictional boundary line changes consistent.
- 6) **Technical Committee Staff Amendment:** Due to concerns raised, committee staff recommends removing the following provisions from the bill until the stakeholders can come to a consensus on the provisions.

On page 3, strike lines 10 through 36.

~~9315. (a) The persons filing an initiative petition pursuant to this article may file a written argument in favor of the ordinance. The district board may submit an argument against the ordinance. Neither argument shall district board or any member or members of the board, the proponent or proponents of the measure, an individual voter who is eligible to vote on the measure, a bona fide association of citizens, or a combination of these voters and associations may file a written argument, not to exceed 300 words in~~

~~length, and both arguments shall be printed and mailed to each voter with the voter information guide for the election, for or against any district measure. The district elections official shall cause an argument for and an argument against the measure, and the analysis of the measure, to be printed, and he or she shall enclose a copy of both arguments preceded by the analysis with each voter information guide. The printed arguments and the analysis are "official matter" within the meaning of Section 13303.~~

~~(b) The following statement shall be printed on the front cover, or if none, on the heading of the first page, of the printed arguments:~~

~~"Arguments in support of or in opposition to the proposed laws are the opinions of the authors."~~

~~(c) Printed arguments submitted to voters in accordance with this section shall be titled either "Argument In Favor Of Measure _____" or "Argument Against Measure _____," accordingly, the blank spaces being filled in only with the letter or number, if any, designating the measure. At the discretion of the district elections official, the word "Proposition" may be substituted for the word "Measure" in the titles. Words used in the title shall not be counted when determining the length of any argument.~~

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Clerks and Election Officials

Opposition

None on file.

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