

Date of Hearing: April 19, 2023

ASSEMBLY COMMITTEE ON ELECTIONS

Isaac G. Bryan, Chair

AB 1762 (Committee on Elections) – As Introduced March 13, 2023

**SUBJECT:** Elections omnibus bill.

**SUMMARY:** Makes various minor and technical changes to the Elections Code. Specifically, **this bill:**

- 1) Specifies, for the purposes of the Elections Code, that hyphenated words that appear in a reputable online dictionary are considered as one word, just as is the case for hyphenated words that appear in a standard reference dictionary published in the last 10 calendar years.
- 2) Clarifies that a candidate who was elected in an at-large election is not permitted to use the word “incumbent” as a ballot designation if the person is a candidate in a district-based election for a seat on the same governing body.
- 3) Repeals the now-obsolete provisions of law that created a variation of the California Voter’s Choice Act (CVCA) that was available only to Los Angeles County.
- 4) Deletes obsolete references to a postcanvass risk-limiting audit pilot program.
- 5) Makes technical, corresponding, and conforming changes.

**EXISTING LAW:**

- 1) Establishes rules that govern how words are counted for the purpose of the Elections Code. Provides that hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Requires each part of all other hyphenated words to be counted as a separate word. (Elections Code §9)
- 2) Specifies requirements for candidates’ ballot designations and allows a candidate to use the word “incumbent” as a ballot designation if the candidate is a candidate for the same office the person holds at the time of filing of nomination papers, and the person was elected to that office by a vote of the people. (Elections Code §13107 et seq.)
- 3) Authorizes any county, pursuant to the CVCA, to conduct elections in which every registered voter is mailed a ballot and vote centers and ballot drop-off locations are available prior to and on election day, in lieu of operating polling places for the election, subject to certain conditions. (Elections Code §4005)
- 4) Permits Los Angeles County, beginning in 2020 and for a period of not more than four years, to conduct elections in which vote centers and ballot drop-off locations are available prior to and on election day, in lieu of operating polling places for the election, subject to certain conditions. (Elections Code §4007)

**FISCAL EFFECT:** None. This bill is keyed nonfiscal by the Legislative Counsel.

**COMMENTS:**

- 1) **Purpose of the Bill:** This is one of the Assembly Elections Committee's annual omnibus bills, containing various minor, technical, and conforming changes to provisions of the Elections Code. This bill includes changes requested by the California Association of Clerks and Election Officials (CACEO) and technical changes identified by committee staff.
- 2) **Dictionary:** Section 9 of the Elections Code establishes rules that govern how words are counted for the purpose of the Elections Code, and provides that “[h]yphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word.” Similar rules apply to candidates’ ballot designations, as set forth in Section 13107 of the Elections Code. As producers of reference materials have transitioned to digital distribution, many have stopped publishing new printed versions of their dictionaries. Even producers that continue to publish new printed versions of their dictionaries—such as Merriam-Webster—update their online dictionaries more regularly than the print version.

This bill specifies, for the purposes of the Elections Code, that hyphenated words that appear in a reputable online dictionary are considered as one word, just as is the case for hyphenated words that appear in a standard reference dictionary published in the last 10 calendar years.

This provision was requested by the CACEO, and is found in Sections 1 and 9 of the bill.

- 3) **Candidate Ballot Designation:** Section 13107 of the Elections Code specifies the requirements for candidates’ ballot designations, and allows a candidate to use the word “incumbent” as a ballot designation if the candidate is a candidate for the same office the person holds at the time of filing of nomination papers, and the person was elected to that office by a vote of the people.

In the last several years, many local governments in California have transitioned from at-large to district-based elections to elect governing board members. In such a situation, it is unclear whether existing law allows an official who was elected in an at-large election to use the ballot designation “incumbent” when that person is running for a district-based seat on the same governing body after the body transitions from at-large to district-based elections.

This bill clarifies that a candidate who was elected in an at-large election is not permitted to use the word “incumbent” as a ballot designation if the person is a candidate in a district-based election for a seat on the same governing body.

This provision was requested by the CACEO, and is found in Section 9 of the bill.

- 4) **Obsolete Provisions:** SB 450 (Allen), Chapter 832, Statutes of 2016, enacted the CVCA, which permits counties to conduct elections in which all voters are mailed ballots, and voters have the opportunity to vote on those ballots or to vote in person at a vote center for a period

of 10 days leading up to election day. SB 450 contained a different option for conducting elections that was only available to Los Angeles County, due to the unique circumstances in that county. After four years of conducting elections under the “Los Angeles option,” SB 450 required Los Angeles County to transition to the election model that was applicable to all other counties.

Los Angeles County conducted its March 3, 2020 election using the “Los Angeles option” that was established by SB 450. After that election, however, Los Angeles transitioned to conducting its elections using the election model that applied to all other counties.

These provisions repeal the now-obsolete section of the law that created the variation of the CVCA that was available only to Los Angeles County, and makes corresponding changes to other provisions of the Elections Code. These provisions were identified by committee staff, and are found in Sections 2, 3, 4, 5, 6, 7, 8, and 10 of the bill.

- 5) **Obsolete Code References to Post Canvass Audit:** AB 2023 (Saldaña), Chapter 122, Statutes of 2010, authorized the Secretary of State (SOS) to establish a postcanvass risk-limiting audit pilot program for the purpose of verifying the accuracy of election results. AB 2125 (Quirk), Chapter 913, Statutes of 2018, repealed the statutory language that authorized that pilot program, among other provisions. AB 2125 did not, however, repeal language in various other provisions of the Elections Code that referred to the postcanvass risk-limiting audit pilot program.

This bill repeals obsolete references to the pilot program that are found in Sections 15621, 16401, and 16421 of the Elections Code. These provisions were identified by committee staff, and are found in Sections 11, 13, and 14 of the bill.

- 6) **Correcting a Cross Reference:** Section 15646 of the Elections Code outlines a procedure for the conduct of a state-funded recount of election results if certain conditions are met. Paragraph (1) of subdivision (c) of that section specifies that such a recount in a primary election must be completed by three business days before the SOS issues the certified list of candidates for the associated general election. That provision of law, however, includes a cross reference to an incorrect section of state law.

This bill corrects that erroneous cross-reference. This provision was identified by committee staff, and is found in Section 12 of the bill.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Association of Clerks and Election Officials

### **Opposition**

None on file.

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