Date of Hearing:  May 13, 2020

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING
Marc Berman, Chair
AB 3370 (Committee on Elections and Redistricting) – As Introduced March 11, 2020

**SUBJECT**:  Elections omnibus bill.

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

1)  Repeals obsolete provisions of law that governed the conduct of political party central committee elections for the Democratic Party in Sacramento County at the June 5, 2012 statewide primary election.

2)  Revises provisions of law governing the filing of declarations of candidacy for partisan office at a primary election to clarify that those provisions apply only to candidates for political party central committee.

3)  Requires the proponents of a referendum protesting the adoption of a county ordinance to submit the referendum petition to the county elections official, instead of to the county board of supervisors.

4)  Allows county elections officials in jurisdictions having the necessary computer capability to begin processing vote by mail (VBM) ballots on the 15th business day before the election, instead of on the 10th business day before the election, provided that a vote count is not accessed or released until 8 p.m. on the day of the election.

5)  Corrects an erroneous cross-reference.

**EXISTING LAW**:

1)  Provides, for the purpose of electing county central committee members for the Democratic Party of California in Sacramento County for the June 5, 2012 statewide primary election, that signers of nomination papers for candidates for the county central committee shall be voters who disclosed a preference for the Democratic Party, as specified, and who are residents of Sacramento County, regardless of whether they are residents of the district in which the candidate is to be voted on.

2)  Prohibits a declaration of candidacy for a partisan office or for membership on a county central committee from being filed by a candidate unless (1) at the time of presentation of the declaration and continuously for not less than three months immediately prior to that time, or for as long as the candidate has been eligible to register to vote in the state, the candidate is shown by the candidate's affidavit of registration to be affiliated with the political party the nomination of which the candidate seeks, and (2) the candidate has not been registered as affiliated with a qualified political party other than that political party the nomination of which the candidate seeks, except as specified. Provides that this provision does not apply to the presidential primary election. Defines "partisan office" to mean President of the United States, Vice President of the United States, and the delegates therefor, and elected member of a party committee.

3) Provides that if a referendum petition protesting the adoption of a county ordinance and containing a specified number of signatures of voters in the county is presented to the county board of supervisors before the effective date of the ordinance, the ordinance shall be suspended and the board of supervisors shall reconsider the ordinance.

4) Permits any jurisdiction having the necessary computer capability to start processing VBM ballots on the 10th business day before the election. Provides, for these purposes, that processing VBM ballots includes opening VBM ballot return envelopes, removing ballots, duplicating damaged ballots, and preparing ballots to be machine read, or machine reading them, including processing write-in votes so that they can be tallied by the machine. Prohibits any vote count from being accessed or released until 8 p.m. on the day of the election.

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

**COMMENTS**:

1) **Purpose of the Bill**: This is an Assembly Elections & Redistricting Committee omnibus bill, containing various minor and technical changes to 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) **Obsolete Sacramento Democratic Central Committee Candidate Filing Rules**: 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. Since that primary election has occurred, subdivision (b) of section 7201.1 is now obsolete. This proposal, which was identified by committee staff, repeals that obsolete language, and is found in section 1 of this bill.

3) **Declaration of Candidacy for Partisan Office**: Section 8001 of the Elections Code establishes rules for a candidate who seeks to file a declaration of candidacy for a partisan office or for membership on a county central committee. Prior to the enactment of the "top two" primary election system, these rules applied to candidates for numerous offices, including candidates for the Legislature and Congress. Many offices that were "partisan offices" prior to the passage of the "top two" primary election system, however, are now classified as "voter-nominated offices." Accordingly, section 8001 of the Elections Code is no longer applicable to those offices.

Pursuant to section 337 of the Elections Code, the only partisan offices in California are an elected member of a party committee and President of the United States, Vice President of the United States, and the delegates therefor. Section 8000 of the Elections Code, however, provides that the requirements of section 8001 do not apply to the presidential primary election, and the candidates for President and Vice President that appear on the ballot for a presidential general election do not file declarations of candidacy. Accordingly, the requirements found in section 8001 apply only to candidates for membership on a county central committee. Nonetheless, the unnecessary references to "partisan office" in section 8001 have caused confusion since many people do not realize that voter-nominated offices are no longer classified as partisan offices. This proposal, which was identified by committee

staff, 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. This proposal is found in section 2 of this bill.

4) **County Referendum Petition Submission**: 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 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. This proposal was requested by CACEO and is found in section 3 of this bill.

5) **Vote by Mail Ballot Processing**: Elections Code section 15101 permits elections officials to begin processing VBM ballot return envelopes 29 days before the election, and authorizes any jurisdiction having the necessary computer capability to start processing VBM ballots 10 business days before the election.

This bill allows an elections official to begin processing VBM ballots 15 business days before the election, instead of 10 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 proposal was requested by CACEO and is found in section 4 of this bill.

6) **Outdated Cross-Reference**: Section 18104 of the Elections Code includes an outdated cross-reference to another section of the Elections Code. This proposal, which was identified by committee staff, corrects that cross reference, and is found in section 5 of this bill.

7) **Arguments in Support**: In support of this bill, the California Association of Clerks and Election Officials writes:

> Current law states that proponents of a referendum petition must submit the petition to the board of supervisors who then must deliver it to the county elections official to review. The time to review the signatures begins when the petition is filed, not when the petition is delivered to the county elections official. Changing the law to reflect that the petition is filed with the county elections official allows for the process to be done timely, will lessen confusion for the proponents and eliminate possible lawsuits due to unclear instructions and timelines.

> Current [law] states that counties can begin to process vote by mail ballot return envelopes 10 business days prior to the election…With the increase of vote by mail rates across the state, counties are having to stretch their resources and incur

greater staffing costs to prepare these ballots to be tallied on election night. Changing the code will allow the counties to process the vote by mail ballots timelier and in a more cost-effective way.

**REGISTERED SUPPORT / OPPOSITION**:

**Support**

California Association of Clerks and Election Officials

**Opposition**

None on file.

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