

Date of Hearing: March 29, 2023

ASSEMBLY COMMITTEE ON ELECTIONS  
Isaac G. Bryan, Chair  
AB 773 (Pellerin) – As Introduced February 13, 2023

**SUBJECT:** Elections: filings.

**SUMMARY:** Requires all arguments and rebuttals related to a ballot measure in a district or school district that encompasses more than one county to be submitted to a “lead county,” as specified. Requires a county elections official to post and accept an electronic submission of a form for a candidate to submit a candidate statement for inclusion in the voter information guide. Allows a candidate running in a multicounty district to submit a hard copy of their candidate statement form by mail, instead of in person, as specified. Specifically, **this bill:**

- 1) Establishes a “lead county” if the boundaries of a district or a school district contain more than one county. Defines a “lead county,” for the purposes of this bill, to mean the following:
  - a) For district elections, the county with the most voters within the district bounds.
  - b) For school district elections, the county whose superintendent of schools covers the district.
- 2) Requires the elections official for the lead county to set the deadlines for the submittal of arguments for and against a district or school district ballot measure and for rebuttal arguments. Requires the deadlines to be no later than 81 days before election day for arguments for or against and no later than 74 days before election day for rebuttal arguments.
- 3) Requires authors to submit arguments only to the lead county, and requires the lead county to select which arguments will be printed in the voter information guide in accordance with existing law. Requires the elections official for the lead county to electronically transmit a scanned copy of the selected arguments, along with any accompanying forms, to the elections official of each other county in the district or school district. Requires an elections official who receives arguments selected by the lead county to include the arguments in the printed and electronic versions of their county voter information guide.
- 4) Requires an elections official to post a candidate statement form on the official’s website and to accept the electronic submission of that form by candidates who wish to have a candidate statement in the voter information guide.
- 5) Deletes a provision of law that requires a candidate in a multicounty district to submit a hard copy of the candidate statement form and payment of any fee in person to each county, and instead requires an elections official, if a candidate is running in a multicounty district, to accept the electronic submission of the candidate statement form from the candidate’s county of residence, provided that the candidate transmits a hard copy of the candidate statement form, any accompanying form, and payment of the requisite fee to each county by overnight mail within 72 hours of filing the statement electronically.

**EXISTING LAW:**

- 1) Establishes, pursuant to the Political Reform Act, the following voluntary expenditure limits for candidates for elective state office:
  - a) For a candidate for Assembly, \$727,000 in a primary or special election and \$1,273,000 in a general or special runoff election;
  - b) For a candidate for Senate, \$1,091,000 in a primary or special election and \$1,636,000 in a general or special runoff election;
  - c) For a candidate for Board of Equalization (BOE), \$1,818,000 in a primary or special election and \$2,727,000 in a general or special runoff election;
  - d) For a candidate for Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State (SOS), Superintendent of Public Instruction, or Treasurer, \$7,272,000 in a primary or special election and \$10,908,000 in a general or special runoff election; and,
  - e) For a candidate for Governor, \$10,908,000 in a primary or special election and \$18,181,000 in a general or special runoff election. (Government Code §85400; 2 Code of California Regulations §18545)
- 2) Allows a candidate for elective state office who accepts voluntary expenditure limits detailed above to pay to place a candidate statement in official election materials that are sent to voters, as specified. (Government Code §85601)
- 3) Permits each candidate for local nonpartisan elective office to submit a candidate statement to appear in the county voter information guide, subject to specified procedures and restrictions. (Elections Code §13307)
- 4) Permits each candidate for United State (US) House of Representatives to purchase the space to have a candidate statement appear in the county voter information guide, as specified. (Elections Code §13307.5)
- 5) Requires an elections official, if they post a form to be used by a candidate to submit a candidate statement in accordance with existing law, on the elections official's Internet Web site, to accept the electronic submission of that form if it is submitted in accordance with the times and procedures set forth in the Elections Code for the preparation of the voter information portion of the county voter information guide. (Elections Code §13307.7(a))
- 6) Requires an elections official of each county, if the candidate is running in a multicounty district, to accept the candidate statement form from the candidate's county of residence, and requires the candidate to provide a hard copy of the candidate statement form and payment of the requisite fee to each county. Provides that an elections official shall not require the candidate to submit any additional forms as a means of correcting Internet Web site posting errors made by the elections official. (Elections Code §13307.7(a))

- 7) Allows an elections official, notwithstanding the above, to require a candidate to provide additional information that the official needs to comply with state law and county voter information guide requirements. (Elections Code §13307.7(b))
- 8) Allows a person(s) filing a district 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. Requires both arguments to be printed and mailed to each voter with the voter information guide for the election. (Elections Code §9315)
- 9) Requires the elections official charged with the duty of conducting an election, based on the time reasonably necessary to prepare and print the arguments and voter information guides, to fix and determine a reasonable date before the election for the submission of an argument in favor of and against a district or school district measure, and rebuttal arguments. (Elections Code §§ 9316, 9317, 9502, 9504)

**FISCAL EFFECT:** Unknown. State-mandated local program; contains reimbursement direction.

**COMMENTS:**

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

Multicounty Senate and Assembly Districts can encompass as many as 13 counties and often cover vast expanses of geographic terrain. For individuals filing to run for state office, the current requirement for candidates to file hard copies of their candidate statement of qualification forms in each individual county can impose greater burdens than are necessary, including longer travel time and gas mileage. Additionally, under existing law, the same local measure can have different arguments for and against the measure printed in county voter guides, as well as inconsistent deadlines for filing.

AB 773 establishes a series of improvements to streamline the election filing process for both candidates and local measures to be printed on ballots. Specifically, this bill allows remote, electronic filing of candidate statement of qualification forms and establishes a lead county to oversee consistency for arguments and filing deadlines for multicounty local measures.

- 2) **Multi-County Ballot Measures:** As mentioned above, existing law requires a local district or school district to determine a reasonable date before the election for the submission of arguments in favor of and against a local district or school district ballot measure. These filing deadlines can vary from jurisdiction to jurisdiction. For multicounty ballot measures this can cause confusion for ballot measure proponents and opponents and result in missed deadlines. According to the author, establishing a lead county will help address this concern by streamlining the election filing process and ensuring consistent filing deadlines when a district boundary encompasses more than one county. There are instances, however, where having a lead county may be administratively challenging. For example, counties may have different filing deadlines due to various factors, including translation requirements and vendor printing deadlines. In these instances having a lead county may add more

complexity.

Furthermore, under current law, proponents and opponents of multicounty ballot measures may submit different ballot arguments and rebuttals to different jurisdictions. This bill removes that option. The committee may wish to consider whether that is a prudent policy change.

- 3) **Voluntary Spending Limits and Candidate Statements:** As detailed above, existing law establishes voluntary spending limits for candidates for elective state office (ranging from \$727,000 to \$18.181 million, depending on the office and whether the election is a primary or a general election). As an incentive for candidates to accept the voluntary spending limits, candidates for state office who agree to abide by the voluntary spending limits are allowed to pay to place a candidate statement in the state or county voter information guide.

Because state law does not impose voluntary spending limits for campaigns for local office, or for US Senate or US House of Representatives, candidates for those offices generally have the option of submitting a candidate statement that will appear in the state or local voter information guide without the need to agree to abide by such limits. Candidates for US Senate and US House of Representatives must pay to have their candidate statements included in official election materials, while local jurisdictions have the discretion to decide whether or not to require candidates for local elective office to pay to have their candidate statements included in the local voter information guide.

- 4) **Candidate Statements in Multi-County Races and Previous Legislation:** A majority of Assembly Districts and about a third of Senate Districts include only one county, so candidates in those districts only need to submit a candidate statement to a single county elections official in order to have that statement sent to all the voters in the district. Candidates who are running in districts that include multiple counties, however, must work individually with each county if they want their candidate statement to appear in the voter information guide in every county in the district. (A candidate in a multi-county district can choose to submit a candidate statement only in certain counties in the district.)

For instance, according to information provided by the author's office, if a candidate in Assembly District 1 wanted to have a candidate statement that appeared in the voter information guide for all of the voters in the district, that candidate would need to submit candidate statements (and the required payment) to 11 different counties. Similarly, a candidate in Senate District 4 would need to work with 13 different county elections officials to ensure that their candidate statement was sent to all the voters in the district. Because each county may have its own candidate statement form, and because each county sets its own costs for having a candidate statement included in the voter information guide, the process for submitting a candidate statement will vary from county to county.

In an effort to address these concerns and provide greater ease in the candidate filing process for candidates that file in multiple counties, the Legislature approved and Governor Brown signed AB 666 (Aguilar-Curry), Chapter 160, Statutes of 2018, which requires a county elections official, if they post a form on the Internet that candidates may use to submit their candidate statement, to accept that form if it is submitted in accordance with timelines and procedures in state law. Additionally, AB 666 requires an elections official to accept an electronic candidate statement form from a candidate's county of residence for candidates

who are running in multicounty districts. However, under existing law a candidate is still required to provide a hard copy of the candidate statement form and pay the required fee to each county in-person.

This bill requires an elections official to post the form to be used by a candidate to submit a candidate statement on their internet website, and removes a requirement for a candidate to travel in person to each county to provide a hard copy of the candidate statement form and their required payment. This bill instead requires a candidate that submits their candidate filing statement electronically to also transmit a hard copy of the candidate statement form, any accompanying form, and payment of the requisite fee to each county by overnight mail within 72 hours of filing the statement. According to county elections officials, in practice many county elections officials already make the electronic candidate statement forms available on their website. Moreover, receiving an electronic candidate statement form allows an elections official to reduce the potential for unintentional errors when retyping the statement for inclusion in the voter information guide.

- 5) **Related Legislation:** SB 409 (Newman) would require a candidate who is submitting a candidate statement for inclusion in a voter information guide to physically write the statement without reference to any outside materials in a county elections office, and would require elections officials, if a candidate is running in a multicounty contest, to transmit the statement to any other county in which the candidate is running for office, as specified. SB 409 is pending in the Senate Elections & Constitutional Amendments Committee.

SB 632 (Caballero) would require a county elections official to accept any candidate statement from a candidate in a multicounty district if the statement has been preapproved by the Secretary of State without requiring any additional modification or amendment to the statement. SB 632 is pending in the Senate Rules Committee.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

None on file.

##### **Opposition**

None on file.

**Analysis Prepared by:** Nichole Becker / ELECTIONS / (916) 319-2094