

Date of Hearing: April 1, 2014

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Paul Fong, Chair

AB 2273 (Ridley-Thomas) – As Introduced: February 21, 2014

SUBJECT: Payment of election expenses.

SUMMARY: Requires the state to pay for all expenses authorized and necessarily incurred in the preparation for and conduct of special elections proclaimed by the Governor to fill a vacancy. Specifically, this bill:

- 1) Provides that the state shall pay the costs of a special election to fill a vacancy in the office of the State Senate or Assembly, or to fill a vacancy in the office of the United States Senator or Representative.
- 2) Provides that when an election to fill such a vacancy is consolidated with any other election, only those additional expenses directly related to the election to fill the vacancy shall be paid for by the state.
- 3) Provides that this bill applies to any special election held on or after January 1, 2013.

EXISTING LAW provides that all expenses authorized and necessarily incurred in the preparation for and conduct of elections are to be paid from the county treasuries, except that when an election is called by the governing body of a city the expenses shall be paid from the treasury of the city.

FISCAL EFFECT: Unknown

COMMENTS:

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

The Los Angeles County Registrar-Recorder/County Clerk administers numerous special vacancy elections a year at the cost of the County. In 2013 alone, the County spent an estimated \$12 million to prepare for and conduct nine special vacancy elections. From 2007 through 2011, the County ran 11 special elections at a total cost of \$16.7 million. This legislation is crucial to recovering the costs to conduct special elections, which left unreimbursed, defer funds from other crucial County services.

- 2) Vacancy Elections: From 1993 through 2007, the state reimbursed counties for the costs of special elections to fill vacancies in the State Senate, Assembly and United States Senator or Representative. However the provision of state law that required the state to reimburse counties for the costs of conducting special vacancy elections expired January 1, 2008.

According to records provided by the Secretary of State, since 2008 there have been 41 special elections conducted to fill vacancies in the State Senate, Assembly and United States Senator or Representatives.

Since 2008, counties have been forced to redirect important resources budgeted for critical community services to cover the unanticipated costs of conducting mandated special elections.

- 3) Arguments in Support: The Los Angeles County Board of Supervisors, who are the sponsors of the bill, write in support:

Current law requires the Governor to call a special election to fill a vacancy in the State Assembly, the State Senate, or in the United States Congress. Subsequent to the gubernatorial proclamation, the affected county or counties are required to hold the election in the timeframe prescribed by law. Counties are not reimbursed for the costs to conduct these special elections. In 2013, Los Angeles County held eight special elections to fill vacancies in the State Assembly and the State Senate at an estimated cost of \$11.2 million.

AB 2273 would allow counties to seek State reimbursement for the costs of a special election, held on or after January 1, 2013, to fill a vacancy in the State Assembly, the State Senate or the United States Congress. If the special election is consolidated with a statewide general election, the State would reimburse the county only for the incremental costs of the special election measures.

- 4) Related Legislation: SB 942 (Vidak) would reimburse counties for special election expenses incurred between January 1, 2008 and December 31, 2014, and SB 963 (Torres) is identical to this bill. Both bills are pending in Senate Appropriations Committee.
- 5) Previous Legislation: SB 519 (Emmerson) of 2013, and SB 106 (Blakeslee) of 2011, were substantially similar to this bill. Both were held on the Senate Appropriations Committee's suspense file. SB 141 (Price) of 2011 and SB 994 (Price) of 2010 would have required all expenses authorized and necessarily incurred in the preparation and conduct of vacancy elections proclaimed by the Governor to be paid by the state. Both bills were held on the suspense file in the Senate Appropriations Committee. AB 496 (Davis) of 2010, which was identical to SB 994 (Price), was held in Senate Appropriations Committee. AB 1769 (Tran) of 2010, which was similar to this bill, was held in Assembly Appropriations Committee.

AB 37 (Johnson), Chapter 39, Statutes of 1993, originally enacted the reimbursement provisions that this bill seeks to restore. The purpose of AB 37 was to provide relief to counties who could not afford the costs associated with special elections. AB 37 was enacted in response to an increasing number of special elections to fill vacancies in the wake of the enactment of term limits. AB 37 contained a sunset date of January 1, 1996.

AB 1709 (McPherson), Chapter 1102, Statutes of 1996, extended the sunset date on AB 37 from January 1, 1996 to January 1, 2000. AB 547 (Longville), Chapter 790, Statutes of 1999, further extended the sunset date to January 1, 2005 and AB 183 (Longville) of 2001 would have removed the sunset date altogether, but it was vetoed by Governor Davis. AB 783 (Jones), Chapter 714, Statutes of 2005, reinstated the reimbursement provision enacted by AB 37 and extended the sunset date from January 1, 2005 to January 1, 2006. AB 1799 (McCarthy), Chapter 727, Statutes of 2006, extended the sunset date from January 1, 2006

until January 1, 2007. AB 119 (Price), Chapter 487, Statutes of 2007, restored the reimbursement provision to apply to any special election held on or after January 1, 2007 and before January 1, 2008.

REGISTERED SUPPORT / OPPOSITION:

Support

Los Angeles County Board of Supervisors (Sponsor)
California State Association of Counties
County of San Bernardino
County of San Diego
Rural County Representatives of California (if amended)
Sacramento County Board of Supervisors
Urban Counties Caucus

Opposition

None on file.

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