

Date of Hearing: May 6, 2014

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Paul Fong, Chair

AB 2562 (Fong) – As Amended: April 24, 2014

SUBJECT: Elections.

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

- 1) Clarifies that the number of signatures needed on a petition to require a special election to fill a vacancy in a trustee area on a school or community college district board is based on the number of registered voters in the trustee area, rather than on the number of registered voters in the entire school or community college district.
- 2) Specifies that an incomplete or inaccurate apartment or unit number in the residence address of a signer of an election petition or paper shall not invalidate that person's signature.
- 3) Makes various conforming changes to provisions of law governing the voter registration process to reflect the existence of online voter registration.
- 4) Deletes a requirement for county elections officials to submit an annual report to the Secretary of State (SOS) detailing information about district elections held in the county.
- 5) Corrects various erroneous cross-references in the Elections Code.
- 6) Makes other technical and conforming changes.

EXISTING LAW:

- 1) Permits a school district or community college district board to fill a vacancy on the board by calling a special election or by making a provisional appointment. Provides that if the board makes a provisional appointment, registered voters may petition for a special election to be held to fill the vacancy, and provides that the number of signatures needed on the petition in order to require a special election to be held is based on the number of registered voters in the district.
- 2) Requires a voter who is signing an initiative, referendum, recall, nomination, or other election petition or paper, to personally affix his or her signature, printed name, and place of residence on the petition or paper. Provides that if the residence address on the petition or paper does not match the residence address on the voter's affidavit of registration, the signature on the paper or petition shall not be counted as valid.
- 3) Provides that a person who is qualified to register to vote and who has a valid California driver's license or state identification card may submit an affidavit of voter registration electronically on the SOS's website. Provides that an affidavit submitted on the SOS's website is effective upon receipt of the affidavit by the SOS if the affidavit is received on or

before the last day to register for an election to be held in the precinct of the person submitting the affidavit.

- 4) Requires county elections officials to file a statement containing all of the following information not later than December 31 of each year for each district election in the county held pursuant to specified provisions of law:
 - a) The list of offices to be filled;
 - b) The name of each candidate, including occupational designation, if any;
 - c) The name of each successful candidate;
 - d) The number of voters eligible to vote in the district and, if voting is by division, the number of voters eligible to vote in each division;
 - e) The number of votes for each candidate; and,
 - f) The list of offices for which appointments have been made in lieu of election pursuant to specified provisions of law, together with the names of the persons so appointed.

FISCAL EFFECT: Keyed non-fiscal by the Legislative Counsel.

COMMENTS:

- 1) Purpose of the Bill: According to the author, "This elections omnibus bill contains various minor and technical changes to provisions of the Elections Code. All of the provisions of this bill are either changes requested by the California Association of Clerks and Election Officials (CACEO) or the Secretary of State, or are technical changes identified and suggested by Elections & Redistricting Committee staff."
- 2) School & Community College District Vacancies: Under existing law, when a vacancy occurs on the board of a school district or community college district, the board has two options for filling that vacancy. The board can either call a special election to fill the vacancy, or the board can make a provisional appointment to fill the vacancy. If the board chooses to make a provisional appointment, voters in the district have the ability to require a special election to be held to fill the vacancy by submitting a specified number of signatures on a petition. The number of signatures needed is based on the number of registered voters in the district.

The law concerning the number of signatures needed to force a special election is ambiguous, however, in cases where board members are elected from trustee areas, rather than being elected at-large. In this situation, it is unclear whether the number of signatures needed to force a special election is based on the number of registered voters in the entire school or community college district, or if it is based on the number of registered voters in the trustee area in question. Similarly, it is unclear whether the petition may be signed by any voter in the school or community college district, or whether the petition may be signed only by voters who are registered within the trustee area.

This bill clarifies that the number of signatures needed is based on the number of registered voters in the trustee area, and only registered voters in the trustee area may sign a petition to demand a special election. This provision was requested by CACEO, and is found in Section 1 of the bill (Section 5091 of the Education Code).

- 3) Apartment Numbers on Petitions: When a voter signs an election petition or paper, including nomination papers and initiative, referendum, and recall petitions, the voter is required to provide his or her address. A voter's signature is not counted as valid if the address on the petition or paper does not match the address on the voter's affidavit of registration. Voters who live in apartments often omit their apartment number, or transpose numbers in the apartment number, when writing their address on a petition. Existing law does not explicitly address whether an incorrect or missing apartment number should disqualify a signature on an election paper or petition, but many elections officials count such signatures as valid if the street address for the voter is correct and the voter's signature on the petition or paper matches the signature on the voter's registration record.

This bill specifies that an incomplete or inaccurate apartment or unit number in the residence address of a signer on an election petition or paper shall not invalidate that person's signature. These provisions were requested by CACEO, and are found in Sections 2, 3, 4, and 9 of the bill (Sections 100, 105, and 9020 of the Elections Code).

- 4) Online Voter Registration: In 2012, the SOS launched a system that permits California voters to register to vote on the SOS's website, pursuant to legislation previously approved by the Legislature and Governor (SB 381 (Ron Calderon), Chapter 613, Statutes of 2008 and SB 397 (Yee), Chapter 561, Statutes of 2011). Since the launch of the online voter registration system, it has come to light that sections of the Elections Code that describe processes related to voter registration do not reference the existence of the electronic application. This bill makes various non-substantive changes to provisions of law governing the voter registration process to recognize the existence of online voter registration. These provisions were requested by the SOS, and are found in Sections 5, 6, 7, and 8 of the bill (Sections 2102 and 2107 of the Elections Code).
- 5) District Elections Report: The Uniform District Election Law (UDEL) was first enacted through the passage of AB 1892 (Porter, et al.), Chapter 2019, Statutes of 1965, in an attempt to consolidate and standardize election procedures for various districts in the state. UDEL initially applied only to water districts, but subsequent legislation made UDEL applicable to various other districts in the state, and made changes to the UDEL procedures to address problems and technical difficulties that arose during the first elections conducted under UDEL. One such piece of legislation—AB 605 (Porter), Chapter 268, Statutes of 1968—added a requirement for county elections officials to file an annual report with the SOS detailing certain information about elections held in the county under UDEL. The legislative history available on AB 605 does not indicate the purpose of requiring those reports, though the reports may have been helpful tools after the first few elections conducted using UDEL in determining which districts were conducting elections under that law, and in evaluating whether changes to the law might be warranted.

In any case, regardless of the original purpose of this reporting requirement, elections

officials suggest that the reporting requirement has outlived its usefulness, that the reports take a significant amount of staff time and resources to prepare, and that the completed reports that are submitted to the SOS are filed away by the SOS and are not regularly reviewed or otherwise used for any specific purpose. This bill repeals that reporting requirement. This provision was requested by CACEO, and is found in Section 10 of the bill (Section 10552 of the Elections Code).

- 6) Outdated & Erroneous Cross References: Last year, the Legislature approved and the Governor signed SB 360 (Padilla), Chapter 602, Statutes of 2013, which overhauled and reorganized procedures and criteria for the certification and approval of a voting system. Among other provisions, SB 360 moved the definitions of certain terms from Section 19251 of the Elections Code to Section 19271 of the Elections Code, but that bill failed to update three cross-references in the Elections Code to the section containing those definitions. This bill updates those outdated cross-references. These cross-reference corrections were identified by Assembly Elections & Redistricting Committee staff, and are found in Sections 12, 13, and 14 of the bill (Sections 14300, 17301, and 17302 of the Elections Code).

In 1994, the Legislature reorganized the Elections Code through the passage of SB 1547 (Elections and Reapportionment Committee), Chapter 920, Statutes of 1994. That bill was intended to be non-substantive, rearranging the Elections Code into a more logical and manageable format. The same year, AB 2219 (Horcher), Chapter 79, Statutes of 1994, eliminated certain recall procedures that applied to recalls against city officers, and instead made city recalls subject to the same provisions of law that applied to recalls against all other public officers. Pursuant to the terms of the reorganization bill, the language from AB 2219 took effect and prevailed over the changes proposed to the same code sections in the reorganization bill. However, a cross-reference to the city recall procedures was not updated in AB 2219, and so that cross-reference remained in the law as a part of the reorganization of the Elections Code. This bill updates that erroneous cross-reference. This cross-reference correction was requested by CACEO, and is found in Section 11 of the bill (Section 11302 of the Elections Code).

REGISTERED SUPPORT / OPPOSITION:

Support

Secretary of State Debra Bowen

Opposition

None on file.

Analysis Prepared by: Ethan Jones / E. & R. / (916) 319-2094