

A photograph of two dandelion seed heads against a bright blue sky with soft, wispy clouds. The seed heads are in sharp focus, with their long, thin seeds radiating outwards. The stems are dark and slender. The overall mood is serene and natural.

2021

LEGISLATIVE SUMMARY

ASSEMBLY COMMITTEE ON ELECTIONS

MARC BERMAN, CHAIR



December 2021

Interested Parties:

This booklet summarizes selected legislation approved by the Assembly Committee on Elections during the 2021 legislative year. Those bills that made it through the legislative process and were subsequently signed or vetoed by the Governor are included. Those bills that failed to reach the Governor's desk are not.

Among the most noteworthy measures considered and approved by the Committee were bills to require county elections officials to mail a ballot to every active registered voter for all elections, require limited liability companies that make campaign contributions or expenditures to disclose the source of their funding, streamline the process for voters to correct missing or mismatched signatures on their vote by mail ballot envelopes to ensure that those ballots can be counted, and strengthen state laws prohibiting electioneering and political activities near voting sites to ensure voters waiting in line are protected from intimidation and harassment. These are just some of the important policy changes approved by the Legislature this year. This booklet has a complete listing of these and other measures.

Most of the bills signed into law will take effect on January 1, 2022. Bills noted as urgency measures took effect earlier this year, as detailed in the description of those bills. The full text of legislation summarized in this pamphlet, as well as the committee analysis of those measures, may be viewed on the Internet at the California Legislative Information website (<http://leginfo.legislature.ca.gov/>).

I hope you will find this publication informative and useful as a reference tool. For additional information concerning Committee activities, please contact Committee staff at (916) 319-2094.

Sincerely,

Marc Berman

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Assembly Committee on Elections 2021 Committee Membership

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Assemblymember Steve Bennett, 37th District

Assemblymember Evan Low, 28th District

Assemblymember Chad Mayes, 42nd District

Assemblymember Kevin Mullin, 22nd District

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Key to Abbreviations Used

- 28.8: Bill reported to Senate Floor pursuant to Senate Rule 28.8, which provides that bills referred to the Senate Appropriations Committee that do not have significant state costs shall be reported to the Senate Floor without a hearing by the Appropriations Committee.
- 29.10: Bill referred to policy committee pursuant to Senate Rule 29.10, which provides that a bill that has been substantially amended since approval by a policy committee may be re-referred to a policy committee.
- 77.2: Bill referred to policy committee pursuant to Assembly Rule 77.2, which provides that a bill that has been substantially amended since approval by a policy committee may be re-referred to a policy committee.

Assembly Committee on Elections

2021 Legislative Highlights

Voting by Mail:

For the November 3, 2020, presidential general election, the Legislature adopted a package of bills to ensure that the COVID-19 pandemic would not reduce access to participation in that election. Notably, legislation required that a mail ballot be sent to every active registered voter for that election, and provided voters in all counties with the ability to track their vote by mail (VBM) ballots. According to the Secretary of State, over 17.5 million Californians voted in the November 2020 general election and over 86.5% (15 million) voted on a ballot that was mailed to them. Additionally, more than five million Californians signed-up to track their VBM ballots using California's ballot tracking system. Building on that legislation, the Legislature adopted urgency legislation to continue those provisions for elections held in 2021, and subsequently made those provisions permanent. Legislation also ensured that California voters will continue to have access to VBM ballot drop-off locations. Another bill streamlined the process for verifying the identity of voters who cast VBM ballots, which should help reduce the number of legally-cast ballots that are unable to be counted.

Campaign and Ethics Reform:

The Fair Political Practices Commission (FPPC)—which enforces and administers California's campaign disclosure laws—identified a trend of limited liability companies (LLCs) making large campaign contributions and expenditures without meaningful disclosure about the identity of the individuals involved in those LLCs. To address that trend, a new law will require politically-active LLCs to identify the true source of funds used to make campaign contributions and expenditures. Other new laws will give the FPPC additional tools to enforce prohibitions on campaign contributions and expenditures by foreign governments and foreign principals, and to penalize individuals who egregiously misuse campaign funds for personal purposes.

Protecting and Expanding Access to the Electoral Process:

Continuing the state's efforts to make voting more accessible to all eligible voters, a new law will streamline the implementation of the state's automatic voter registration system. Another new law strengthens prohibitions against electioneering and political activities near voting sites to protect against voter intimidation, and prohibits the use of deceptive unofficial VBM ballot drop boxes. The Legislature also approved a bill that sought to make it easier for new political parties to form and to participate in the state's elections. Multiple bills took steps to make it easier for local governments to come into compliance with state voting rights rules.

Assembly Committee on Elections 2021 Legislative Summary

Assembly Bills

[AB 37 \(Berman, et al.\)](#)

Chapter 312, Statutes of 2021
Elections: vote by mail ballots.

[Amends Sections 3000.5, 3016.7, 3019.7, 3020, and 15101 of, adds Section 3025.5 to, and repeals Section 3016.5 of, the Elections Code]

Due to concerns that conducting in-person voting during the spread of COVID-19 could threaten the health and safety of voters, election workers, and the public generally, last year California made significant changes to the way that it conducted the November 2020 presidential general election. Those changes largely were enacted through two bills—[AB 860 \(Berman\), Chapter 4, Statutes of 2020](#) and [SB 423 \(Umberg\), Chapter 31, Statutes of 2020](#). Notably, those bills required a mail ballot be sent to every active registered voter, provided voters in all counties with the ability to track their ballots, authorized changes to in-person voting requirements, and made other changes to facilitate the expected surge in voting by mail at the November election.

Legislative History

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| Assembly Elections..... | 6-1 |
| Assembly Appropriations | 12-4 |
| Assembly Floor | 59-16 |
| Assembly Concurrence..... | 60-17 |
| Senate Elections..... | 4-1 |
| Senate Appropriations | 5-2 |
| Senate Floor | 30-7 |

Additionally, in January of this year, [SB 29 \(Umberg\), Chapter 3, Statutes of 2021](#), was signed into law which extended the requirement for county elections officials to mail a ballot to every active registered voter, and allows voters to use a vote by mail (VBM) ballot tracking system, for all elections proclaimed or conducted prior to January 1, 2022.

This bill makes permanent the following accommodations to help facilitate voting by mail: 1) requires every active registered voter to be mailed a ballot for all future elections, 2) allows counties to begin processing returned VBM ballots earlier, 3) extends the deadline by which a VBM ballot that is voted on or before Election Day must be received by the county elections official in order to be counted from the 3rd day after Election Day to the 7th day after Election Day, 4) requires a county elections official to permit any voter to cast a ballot using a certified remote accessible VBM system for any election, and 5) gives every voter the opportunity to track their ballot as it moves through the mail system and is processed by elections officials. In addition, AB 37 sets minimum VBM ballot drop-off location requirements, ensuring that voters have convenient options for returning their ballots.

[AB 319 \(Valladares\)](#)

Chapter 313, Statutes of 2021

Political Reform Act of 1974: contributions: foreign governments or principals.

[Amends Section 85320 of the Government Code]

Federal law prohibits foreign nationals from making contributions in connection with federal, state, and local elections. Until 2002, this restriction specifically applied to contributions made "in connection with an election to any political office." Because that language was limited to elections for *office*, it was the position of the Federal Election Commission (FEC), which enforces the federal law, that contributions from foreign nationals relating exclusively to ballot measures were not restricted by federal law. In 2002, the restriction on foreign contributions was amended to make it applicable to any contribution made "in connection with a Federal, State, or local election," though it is unclear whether that change was intended to cover ballot measure elections.

Legislative History

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| Assembly Elections..... | 7-0 |
| Assembly Appropriations | 16-0 |
| Assembly Floor | 77-0 |
| Senate Elections..... | 5-0 |
| Senate Appropriations | (28.8) |
| Senate Floor | 39-0 |

In 1997, the Legislature approved and Governor Wilson signed [SB 109 \(Kopp\), Chapter 67, Statutes of 1997](#), to prohibit foreign governments or foreign principals from making contributions, expenditures, or independent expenditures (IEs) in connection with state or local ballot measures. The legislative history suggests that SB 109 did not seek to regulate foreign contributions or expenditures made in connection with elections for office because such spending was already restricted by federal law. Instead, SB 109 was limited to foreign spending in connection with ballot measure elections, thereby restricting foreign spending that was not covered by federal law.

AB 319 prohibits, under state law, contributions, expenditures, and IEs by foreign governments and foreign principals in connection with candidate elections. Although federal law already prohibits foreign governments and foreign principals from making campaign contributions and expenditures in connection with candidate elections, including state and local elections, the author of this bill argued that the FEC has not effectively enforced that law due to a backlog of enforcement cases and frequent deadlocks on enforcement matters. Accordingly, this bill gives the Fair Political Practices Commission the ability to bring enforcement actions for campaign spending by foreign governments and foreign principals in connection with candidate elections in California.

[AB 428 \(Mayes\)](#)

Chapter 462, Statutes of 2021

Local government: board of supervisors.

[Amends Sections 25000 and 25300 of the Government Code]

In general, current law allows the governing bodies of cities, counties, school districts, and special districts to submit to the voters of their district, or have the residents submit by initiative measure, a proposal to limit the terms of members of the governing body of that city, county, or district.

Last year, there were two competing local ballot measures related to the San Bernardino County Board of Supervisors on the November 2020 general election ballot in San Bernardino County. Measure K, which was placed on the ballot by initiative petition, limited the San Bernardino County Board of Supervisors to one four-year term, and set compensation at \$60,000 per year, as specified. Additionally on the ballot was Measure J, which was placed on the ballot by a vote of the Board of Supervisors. Measure J revised the county charter to change county supervisor term limits from a limit of three consecutive four-year-terms to a limit of three total terms, and to set a base salary for the Board of Supervisors, as specified, among other provisions. Approximately 67% of voters approved Measure K, and Measure J passed with 51% of the vote.

This bill establishes a minimum of two terms for the term limits allowed for a member of a county board of supervisors, and specifies that a county board of supervisors is included in the definition of county officers for whom the board prescribes compensation. Additionally, AB 428 specifies that the changes made by this bill shall not affect any term limits that were legally in effect prior to January 1, 2022, in any county.

Legislative History

Assembly Local Government ... 7-1
Assembly Elections..... 6-0
Assembly Floor 48-11
Assembly Concurrence..... 58-11

Senate Gov. & Finance..... 4-1
Senate Elections..... 3-2
Senate Floor 29-8

[AB 446 \(Mayes\)](#)

Vetoed

Elections: political party qualifications.

[Amends Sections 5001, 5003, 5100, and 5151 of the Elections Code]

Existing law permits a political body to use one of two methods to qualify as a political party. The first method is the voter registration method. In order to qualify a new political party by the voter registration method, voters equal in number to at least 0.33% of the total number of registered voters (excluding voters whose party preference is recorded as "unknown") must complete a voter registration affidavit declaring their preference for the political body intending to qualify as a political party by a specified deadline. A political body

that sought to qualify via the voter registration method for the November 2020 presidential general election must have had 68,672 voters registered as disclosing a preference for that political body.

Legislative History

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| Assembly Elections..... | 6-0 |
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| Assembly Floor | 70-4 |
| Assembly Concurrence..... | 65-2 |
| Senate Elections..... | 4-1 |
| Senate Appropriations | 6-0 |
| Senate Floor | 32-1 |

The second method used to qualify as a new political party is by petition. In order to qualify as a new political party by petition, current law requires a political body to collect petition signatures of registered voters equal to 10% of the votes cast at the last gubernatorial election by a specified deadline. A political body that sought to qualify via the petition method for the November 2020 presidential general election must have collected 1,271,255 valid petition signatures of registered voters.

This bill proposed to reduce the number of signatures that a political body needs to qualify by the petition method to a number of registered voters equal to 3% of the votes cast at the last gubernatorial election. For a political body seeking to qualify as a political party via the petition method for the 2022 statewide primary election, that would have meant that the body would need 381,377 valid petition signatures, rather than the 1,271,255 valid signatures that are required under existing law.

Additionally, this bill would have permitted a body that was attempting to form a new political party to request reconsideration if the Secretary of State rejected the proposed party's name, and would have allowed the name of a proposed political party that fails to qualify as a party to be eligible for use by a different political body beginning two years after the party's failure to qualify.

On October 7, 2021, Governor Newsom vetoed this bill. In his [veto message](#), the Governor indicated that he was concerned that AB 446 “creates additional burdens for county elections officials to maintain an ever-changing number of political parties and that this bill could create

confusion among voters due to the constant churn of parties coming onto, and falling off of, the ballot.” The veto message also noted that AB 446 would likely create a reimbursable state mandate with an increase in workload for elections officials.

[AB 796 \(Berman & Lorena Gonzalez\)](#)

Chapter 314, Statutes of 2021

Voter registration: California New Motor Voter Program.

[Amends Section 5100 of, amends and renumbers Sections 2263, 2265, 2266, 2267, 2268, 2269, and 2270 of, amends, renumbers, and adds Sections 2262 and 2264 of, adds Sections 2272, 2273, 2274, and 2276 to, and adds and repeals Section 2275 of, the Elections Code]

In 1993, the federal government enacted the National Voter Registration Act (NVRA), commonly referred to as the "motor voter" law, to make it easier for Americans to register to vote and to remain registered to vote. In addition to other methods of voter registration, the NVRA requires states to provide individuals with the opportunity to register to vote at the same time that they apply for or renew a driver's license at the Department of Motor Vehicles (DMV). One provision of the NVRA prohibits the voter registration portion of a driver's license application from requiring any information that duplicates information required in the driver's license portion of the form, other than a second signature or a statement attesting to the person's eligibility to register to vote.

Legislative History

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| Assembly Elections..... | 5-1 |
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| Assembly Floor | 58-18 |
| Assembly Concurrence..... | 59-18 |
| Senate Elections..... | 4-1 |
| Senate Transportation | 12-4 |
| Senate Appropriations | 5-2 |
| Senate Floor | 30-9 |

In the years following the enactment of the NVRA, California was not fully in compliance with the NVRA's prohibition on requiring duplicate information. As a result, in 2015, a non-compliance letter was sent to the Secretary of State (SOS) from the ACLU Foundation of San Diego and Imperial Counties, Dēmos, Morrison & Forester LLP, and Project Vote stating that California is engaging in continuous and ongoing violations of the NVRA.

Subsequent to the non-compliance letter, the Legislature approved and Governor Brown signed into law [AB 1461 \(Gonzalez\), Chapter 729, Statutes of 2015](#), also known as the California New Motor Voter (NMV) program, which provides automatic registration for every person who has a driver's license or state identification card and who is eligible to register to vote at the DMV, unless that person opts out.

There continued to be challenges with modernizing the voter registration process at the DMV and with bringing California into compliance with the NVRA. Consequently, a lawsuit was filed, *League of Women Voters v. Annis*, which was settled in 2018. According to court documents, violations to the initial settlement agreement led to delays in registrations for thousands of

voters. Consequently, the settlement agreement was updated in February 2019 and extended to 2020 and new terms were added. Earlier this year, the settlement agreement was extended again and will expire in early 2022.

The settlement terms have been instrumental in identifying and addressing non-compliance with the NVRA and improving the functionality of the NMV program. Moreover, the oversight mechanisms created by the settlement agreement have allowed the DMV, SOS, and civil rights organizations to work together to identify and resolve systemic issues that were delaying the transmission of voter registration applications.

This bill codifies many of the provisions of the settlement agreement that will expire in early 2022. Specifically, AB 796 codifies voter registration information transmittal requirements in the NVRA, as specified, codifies into state law various provisions from the legal settlement regarding the transmission of voter registration information, as specified, and requires the SOS to establish a taskforce to evaluate the NMV program, as specified.

[AB 1367 \(Low\)](#)

Chapter 315, Statutes of 2021

Political Reform Act of 1974: committee accounts and campaign funds.

[Amends Section 89521 of the Government Code]

California voters passed an initiative, Proposition 9, in 1974 that created the Fair Political Practices Commission and codified significant restrictions and prohibitions on candidates, officeholders and lobbyists. That initiative is commonly known as the Political Reform Act (PRA). In general, the PRA requires expenditures of campaign funds to be either reasonably related to a political, legislative, or governmental purpose, or directly related to a political, legislative, or governmental purpose in situations

where the expenditure confers a substantial personal benefit on any individual with authority to approve the expenditure of campaign funds. The PRA defines "substantial personal benefit" for these purposes to mean an expenditure of campaign funds that results in a direct personal benefit with a value of more than \$200 to a candidate, elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee.

When a public official uses campaign funds for personal purposes, it is a serious violation of the PRA that can erode public confidence in the political process by creating the appearance that lawful campaign contributions are personal gifts to the public official. A violation of the PRA is generally subject to a maximum administrative penalty of \$5,000, as specified, and a violation

Legislative History

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| Assembly Elections..... | 7-0 |
| Assembly Appropriations | 16-0 |
| Assembly Floor | 78-0 |
| Assembly Concurrence..... | 78-0 |
| Senate Elections..... | 5-0 |
| Senate Appropriations | <u>(28.8)</u> |
| Senate Floor | 39-0 |

involving unlawful personal use of campaign funds is subject to this maximum administrative penalty. Existing law, however, authorizes higher penalties for violations of certain provisions.

AB 1367 increases penalties for the personal use of campaign funds resulting in an egregious personal benefit to two times the amount of the unlawful expenditure. For these purposes, "egregious personal benefit" is defined to mean a direct personal benefit with a total value of \$10,000 or more to a candidate, elected officer, or individual or individuals with authority to approve the expenditure of campaign funds held by a committee.

[AB 1495 \(Luz Rivas\)](#)
Chapter 316, Statutes of 2021
Vacancy elections.

[Amends Sections 10720, 13109.7, and 13109.9 of, and adds Section 13109.10 to, the Elections Code]

Under California law, when a vacancy occurs in the United States (US) Senate, the Governor may appoint a person to fill that vacancy. If the term of office for that US Senate seat ends in the January after the next regularly scheduled statewide general election, then the Governor's appointee serves for the remainder of the term, and no election is required. If the term of office for the US Senate seat does not end in the January after the next regularly scheduled statewide general election, however, then the Governor's appointee serves only until an election is held and the successful candidate in that election is sworn-in to the Senate. The election to fill the remainder of the Senate term may either be held at the next regularly scheduled statewide general election, or at a statewide special election.

Legislative History

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| Assembly Elections..... | 6-1 |
| Assembly Appropriations | 11-3 |
| Assembly Floor | 60-16 |
| Assembly Elections <u>(77.2)</u> | 6-1 |
| Assembly Concurrence..... | 58-16 |
| Senate Elections..... | 5-0 |
| Senate Appropriations | <u>(28.8)</u> |
| Senate Floor | 28-8 |

Two recent federal appellate court decisions (*Judge v. Quinn* (7th Cir. 2010), 612 F.3d 537, opinion amended on denial of reh'g., (7th Cir. 2020) 387 Fed.Appx. 629; *Tedards v. Ducey* (9th Cir. 2020) 951 F.2d 1041) have raised questions about whether California's US Senate vacancy procedures are consistent with the Seventeenth Amendment to the US Constitution. In particular, it is unclear whether the provisions of California law that allow an appointee to hold office for the remainder of the term if the term is scheduled to expire following the next general election are consistent with the provisions of the Seventeenth Amendment that allow a Legislature to empower the Governor "to make temporary appointments until the people fill the vacancies by election."

This bill requires the Governor, when a vacancy occurs in California's representation in the US Senate, to schedule an election for the US Senate seat to be held at the next regularly scheduled

statewide primary election that is at least 148 days away, with a general election for the seat being held at the ensuing statewide general election, except as specified. If the next regularly scheduled primary election that is at least 148 days away falls after the term ends, this bill requires the Governor to consult with the Secretary of State about whether it is practical to issue a writ of election to fill the vacancy before the end of the term, and permits the Governor to call special statewide primary and general elections to fill the vacancy if the Governor determines that it is practical.

In 2018, the Legislature passed and Governor Brown signed [SB 25 \(Portantino\), Chapter 927, Statutes of 2018](#). SB 25 required Los Angeles County to conduct a pilot project using an alternate ballot order, as specified, under which local offices generally appear on the ballot before state and federal offices. This alternate ballot order became effective when Los Angeles County declared that their voting system modernization project, underway in 2018, was completed and operational. The alternate ballot order first was used in Los Angeles County for the 2020 election cycle, and will continue to be in effect until at least 2023. After the pilot program ends, Los Angeles County has the option to continue using the alternate ballot order for future elections.

This bill changes the alternate ballot order prescribed by SB 25 when a special election to fill a vacancy in the State Senate, State Assembly, US House of Representatives, or the US Senate is consolidated with a regularly scheduled election for the same office. In such a situation, the regularly scheduled election for the next full term of the office that is vacant would appear first on the ballot, followed by the special election to fill the remainder of the current term for the office. Other offices and measures would then appear on the ballot in the order required in SB 25. According to the author, these changes are intended to help prevent voter confusion in situations where a special vacancy election and a regular election for the same office appear on the same ballot.

[AB 1546 \(Chau\)](#)

Chapter 145, Statutes of 2021

City of Alhambra: charter amendment: Alhambra Unified School District: California Voting Rights Act. Urgency.

[Uncodified Statute]

Existing law authorizes the governing body of a city or city and county to propose an amendment to the charter of the city or city and county, and to submit the proposal to the voters at the next established statewide general election, as specified.

Additionally, the California Voting Rights Act of 2001 (CVRA) prohibits the use of an at-large method of election in a political subdivision if it would impair the

Legislative History

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| Assembly Local Government ... | 7-0 |
| Assembly Elections..... | 7-0 |
| Assembly Floor | 69-6 |
| Senate Elections..... | 4-1 |
| Senate Education..... | 7-0 |
| Senate Floor | 36-0 |

ability of a protected class of voters to elect candidates of its choice or otherwise influence the outcome of an election.

The City of Alhambra's charter governs Alhambra Unified School District (AUSD) elections and requires AUSD to elect their school board members using at-large elections. In an effort to address concerns that AUSD may not be in compliance with the CVRA, last year the Alhambra City Council approved a proposed city charter amendment removing all references to AUSD elections thereby allowing AUSD elections to begin transitioning from at-large to district based elections for their school board members. The charter amendment was submitted to voters at the November 2020 general election as Measure G. The local ballot measure, however, was coded as a city measure rather than a school district measure, and as a result, the measure did not appear on the ballot for voters who lived in the school district but outside the boundaries of the city.

Because existing law generally requires a charter amendment to be submitted to the voters at the next established statewide general election, or at a statewide primary election or regularly scheduled municipal general election, the City of Alhambra would be unable to submit another charter amendment to the voters to remove references to the AUSD from its charter until 2022.

This bill permits the City of Alhambra to submit a city charter amendment to the voters at a special election as early as this year. This bill contains an urgency clause, and took effect on August 18, 2021.

[AB 1590 \(Elections Committee\)](#)
Chapter 317, Statutes of 2021
Political Reform Act of 1974.

[Amends Sections 82047.7 and 84101.5 of the Government Code]

This is an Assembly Elections Committee omnibus bill, containing various minor and technical changes to the Political Reform Act (PRA).

In 1997, the Legislature passed and Governor Pete Wilson signed [SB 49 \(Karnette\), Chapter 866, Statutes of 1997](#), which required the Secretary of State (SOS), in consultation with the Fair Political Practices Commission (FPPC), to develop and implement an online filing and disclosure system for campaign and lobbying disclosure reports and statements required to be filed under the PRA, as specified. The system developed pursuant to SB 49 is called the California Automated Lobby Activity and Campaign Contribution and Expenditure Search System, more commonly referred to as Cal-Access.

Legislative History

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| Assembly Elections..... | 6-0 |
| Assembly Floor | 63-0 |
| Senate Elections..... | 5-0 |
| Senate Floor | 39-0 |

Given the age, instability, and limitations of Cal-Access, the Legislature has taken steps to replace that system. In 2012, the Legislature enacted [SB 1001 \(Yee\), Chapter 506, Statutes of 2012](#), which imposed a \$50 annual fee on political committees that are required to file disclosure reports pursuant to the PRA and increased the fee on lobbying firms and lobbyist employers from \$25 to \$50 per year per lobbyist. The revenue generated by the bill is available to be used to update or replace the Cal-Access system.

SB 1001 provided that a committee that fails to pay the required fee by the deadline is subject to a penalty equal to three times the amount of the fee – or \$150. Although the \$50 fee must be paid to the SOS, SB 1001 required the FPPC to enforce the provision of law requiring that committees pay the fee.

After SB 1001 took effect, the FPPC began bringing administrative enforcement actions against committees that had failed to pay the \$50 fee and the \$150 penalty outlined in SB 1001. In addition to seeking payment of the \$50 fee and the statutorily prescribed \$150 penalty, the FPPC also sought to impose additional monetary penalties against those committees for violating the PRA. Specifically, the FPPC concluded that a failure by a committee to pay the annual fee in a timely manner was itself a violation of the PRA, and that violation was subject to the same penalties that generally are available for violations of the PRA.

At an April 2017 meeting, however, a member of the FPPC questioned whether the FPPC had the authority to levy a fine against a committee for a violation of the PRA if the committee failed to pay the annual fee in a timely manner. Instead, the member suggested that the \$150 statutorily prescribed penalty in SB 1001 was intended to be the exclusive penalty available when a committee failed to pay the \$50 annual fee by the deadline. Since that meeting, the FPPC largely stopped bringing enforcement actions against committees for failing to pay the \$50 annual fee in a timely manner.

This bill requires the SOS, rather than the FPPC, to enforce the requirement that specified campaign committees pay a \$50 annual fee (and requires the SOS to collect the specified penalty for the failure to timely pay the fee), thereby clarifying that a committee's failure to pay the \$50 annual fee in a timely manner is subject to a \$150 penalty, but is not subject to a separate enforcement action for a violation of the PRA.

Additionally, this bill corrects an erroneous cross-reference in the PRA.

[AB 1591 \(Elections Committee\)](#)
Chapter 100, Statutes of 2021
Elections omnibus bill.

[Amends Sections 13204, 13300.7, 14298, 17300, and 17303 of the Elections Code]

This is an elections omnibus bill that makes various minor and technical changes to the Elections Code.

Existing law permits a voter to opt out of receiving voting materials by mail, and instead to obtain those materials electronically. The process for a voter to opt out requires the elections official to confirm the voter's identity either in writing or electronically by comparing specified personal information provided by the voter with the voter's information on file. In practice, many voters make requests by telephone or in person to opt out of receiving voting materials by mail, however there is no explicit verification procedure for processing requests that are received by these methods. AB 1591 permits a voter to opt out and confirm their identity by telephone or in person, and allows an elections official to confirm a voter's identity using a similar confirmation process to the one that exists in current law.

Legislative History

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| Assembly Elections..... | 7-0 |
| Assembly Floor | 77-0 |
| Senate Elections..... | 5-0 |
| Senate Floor | 38-0 |

Existing law requires ballots to comply with certain layout and printing requirements, including specifying font type, font size, margin widths, spacing of contests, voting square size, and write-in spacing, among other formats and conditions. In an effort to update the law, [AB 623 \(Berman\), Chapter 863, Statutes of 2019](#), provided elections administrators with greater flexibility when designing ballot layouts that are user friendly and compatible with new voting systems. Specifically, AB 623 removed outdated Elections Code sections related to ballot layouts, font sizes, and font types. This bill continues that effort and revises ballot instructions found in the Elections Code so that they generally instruct the voter to mark the voting target next to the names of candidates, and next to the words "Yes" or "No," instead of requiring the voter to specifically mark the target "to the right" of the names of candidates or ballot measures.

Current law requires a precinct board to maintain at least one printed copy of the voter list during the time of voting, and to post a notice stating that only a member of the precinct board may mark the list, and that it is a misdemeanor to remove, tear, mark, or otherwise deface the list with the intent to falsify or prevent others from ascertaining specified information about a voter. Current law requires a similar notice to be posted if an electronic poll book is used. Because it is not possible to tear or mark an electronic poll book, this bill revises the notice to more accurately describe the types of actions that are prohibited.

Elections Code section 17300 requires an elections official to preserve all voter rosters or combined rosters and voter lists, if applicable, until five years after the date of the election, after which they may be destroyed by the official. Additionally, in accordance with federal law,

Elections Code section 17303 requires an elections official, for an election for the office of President of the United States, Vice President of the United States, United States Senator, or United States Representative, to preserve, among other items, a copy of the roster used as the voting record or, if an electronic poll book is used, a copy of the electronic data file, for a period of 22 months.

To clarify current law and eliminate ambiguity, this bill eliminates provisions of law that require elections officials to preserve these records for 22 months, and instead requires the records to be preserved for five years. Additionally, this bill provides that if an electronic poll book is used, a copy of the electronic data file may be preserved in lieu of preserving a paper copy of the rosters or combined rosters and voter lists, if applicable.

Senate Bills

[SB 29 \(Umberg\)](#)

Chapter 3, Statutes of 2021

Elections: vote by mail ballots. Urgency.

[Amends Sections 3000.5 and 3019.7 of the Elections Code]

In 2020, California adopted two bills that modified procedures governing the conduct of the November 2020 presidential general election in light of challenges posed by the COVID-19 pandemic. [AB 860 \(Berman\), Chapter 4, Statutes of 2020](#), required county elections

officials to mail ballots to all active registered voters for the November 3, 2020, statewide general election, and required county elections officials to use the vote by

mail (VBM) ballot tracking system developed by the Secretary of State (SOS), or a system that meets or exceeds the level of service provided by the SOS's system, for that election, among other provisions. [SB 423 \(Umberg\), Chapter 31, Statutes of 2020](#), authorized changes to in-person voting requirements for the November 3, 2020, statewide general election, and required the state and counties to conduct voter education and outreach campaigns to notify voters about voting in that election, among other provisions. Both AB 860 and SB 423 were applicable only to the November 2020 presidential general election.

Legislative History

Senate Elections 4-1
Senate Appropriations 4-2
Senate Floor 29-7

Assembly Elections 6-1
Assembly Floor 55-15

This bill extended two of the provisions of AB 860 to elections occurring in California in 2021, given the ongoing effects of the COVID-19 pandemic. Specifically, SB 29 required county elections officials to mail a ballot to every active registered voter for any election proclaimed or conducted prior to January 1, 2022, as specified, and required county elections officials to use the VBM ballot tracking system developed by the SOS, or a system that meets or exceeds the level of service provided by the SOS's system, for any election proclaimed or conducted prior to January 1, 2022.

This bill contains an urgency clause, and took effect on February 19, 2021.

[SB 35 \(Umberg & McGuire\)](#)
Chapter 318, Statutes of 2021
Elections.

[Amends Sections 319.5, 8902, 8903, 18370, 18541, and 18568 of, and adds Sections 18372 and 18504 to, the Elections Code]

Under current law there are restrictions on political activities near polling locations when voting is taking place. Specifically, existing law prohibits a person, on election day, or at any time that a voter may be casting a ballot, within 100 feet of a polling location or an elections official's office, from doing the following activities: electioneering, circulating an initiative petition, soliciting a vote, and speaking about a voter's qualifications, as specified. However, during the November 2020 general election, several instances occurred in which electioneering or political activities happened near voting sites, and in some cases blocked access by voters to voting sites.

Legislative History

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| Senate Elections..... | 4-0 |
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| Senate Elections <u>(29.10)</u> | 4-0 |
| Senate Concurrence | 29-5 |
| Assembly Elections..... | 6-1 |
| Assembly Public Safety..... | 8-0 |
| Assembly Appropriations | 16-0 |
| Assembly Elections <u>(77.2)</u> | 6-0 |
| Assembly Floor | 61-13 |

In addition, there were instances of unauthorized and non-official vote by mail (VBM) drop boxes. According to an October 11, 2020, advisory from the Secretary of State (SOS) to county elections officials, the SOS's office received several complaints regarding the use of unauthorized and non-official VBM drop boxes being used or proposed to be used at local political party offices, candidate headquarters, and churches throughout the state.

In an effort to address these situations, SB 35 expands current prohibited electioneering and political activities near voting sites to ensure voters in line are protected and access to voting locations are not blocked. Additionally, this bill prohibits activities related to deceptive unofficial ballot collection containers, as specified, and requires the SOS to promulgate regulations specifying the manner in which to give required notice to the public on the prohibited activity.

In addition, SB 35 extends an existing deadline for a candidate for Governor to submit tax returns to the SOS in order to have the candidate's name printed on the ballot at a direct primary election, and makes changes to the process for submitting those documents to ensure a candidate may correct insufficient documents, as specified.

[SB 442 \(Newman\)](#)

Chapter 139, Statutes of 2021

School districts and community college districts: governing board elections:
charter cities.

[Amends Sections 5019, 5020, 5021, 5025, and 72036 of the Education Code]

The California Voting Rights Act (CVRA) prohibits an at-large method of election from being imposed or applied in a political subdivision in a manner that impairs the ability of a protected class of voters to elect the candidate of its choice or to influence the outcome of an election, as a result of the dilution or the abridgement of the rights of the voters who are members of the protected class.

Legislative History

| | |
|-------------------------------|------|
| Senate Elections..... | 5-0 |
| Senate Education..... | 6-0 |
| Senate Floor | 34-0 |
| Assembly Elections..... | 7-0 |
| Assembly Higher Education ... | 12-0 |
| Assembly Floor | 70-0 |

Most community college district governing boards are elected using districts (also known as by-trustee area) and most school district governing boards are elected at-large. However, mostly due to lawsuits or the threat of lawsuits brought under the CVRA, a large number of districts that had at-large governing boards have since transitioned or are in the process of transitioning to by-trustee area elections.

There are a number of different ways in which a district can transition to by-trustee area elections, including by a court order or legal settlement resolving a CVRA claim or by a ballot measure. Most transitions, however, are done voluntarily by the governing board without an election. For instance, under current law there is a process that permits community college district governing boards to voluntarily transition to by-trustee area elections without requiring a popular election, by receiving the approval of the Board of Governors of the California Community Colleges, as specified. Additionally, school district governing boards may voluntarily establish trustee areas without requiring an election by receiving the approval of the school district's county committee to change school district organization in the county, and having the State Board of Education waive the traditional requirement that the county committee's approval be subject to a vote of the district's registered voters.

However, under current law, county committees may not approve changes to the organization or election method of a school district governing board that is provided for in the charter of a city or city and county. SB 442 eliminates this prohibition, thereby enabling county committees to approve changes for school district governing boards that are provided for in the charter of a city or city and county, as specified.

[SB 503 \(Becker\)](#)

Chapter 319, Statutes of 2021
Voting: ballots and signature verification.

[Amends Sections 2194, 3019, 3026, and 15104 of, and adds Section 15377 to, the Elections Code]

Current law requires a county elections official, upon receiving a vote by mail (VBM) ballot, to conduct a signature comparison to determine if the voter's signature on the VBM ballot identification envelope compares with the signature in their voter registration record. Existing law includes a cure process for a voter whose signature does not match the signature on file or whose signature is missing from the identification envelope.

Legislative History

| | |
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| Senate Elections..... | 4-1 |
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| Senate Floor | 31-8 |
| Senate Concurrence | 29-8 |
| Assembly Elections..... | 6-1 |
| Assembly Appropriations | 12-4 |
| Assembly Floor | 59-18 |

A recent study published by the Election Law Project at Stanford Law School examined the signature verification process for VBM ballot envelopes and the notification and remedy process for voters whose signatures were being challenged. The team reviewed the practices in 33 of 58 counties and found that counties use a variety of approaches for signature verification, notice, and signature remedy. The study provided a number of recommendations for the Legislature, including requiring the Secretary of State (SOS) to develop and publish more specific signature verification guidelines for use by county elections officials. Additionally, the study recommended requiring counties to send voters with mismatched signatures a second follow up letter if the first letter is not timely returned and requiring counties to include a postage-paid return envelope with the remedy letters.

SB 503 requires all of the following to apply to the comparison of signatures on VBM ballot identification envelopes to the signatures in the voter's registration record: 1) a presumption exists that the signature on the identification envelope is the voter's signature; 2) an exact match is not required for an elections official to determine that a voter's signature is valid; 3) an elections official must consider explanations for discrepancies between signatures that are specified in regulations promulgated by the SOS, such as a variation in signature style over time and the haste with which a signature is written; 4) an elections official is prohibited from reviewing or considering a voter's party preference, race, or ethnicity, and, 5) an elections official may consider characteristics of the written signature that are specified in regulations promulgated by the SOS, such as the slant of the signature, letter formation, and whether the signature is printed or written in cursive.

Additionally, this bill requires the cure notification be sent by first-class mail on or before the next business day following a determination that a voter's signature does not compare; requires the SOS, when promulgating regulations pertaining to signature comparisons, to consult with

elections experts, voter access and advocacy stakeholders, and elections officials; and requires an elections official to provide to the SOS the number of ballots rejected, categorized according to the reason for the rejection, and requires the SOS to post this information on its website for every election.

[SB 590 \(Allen\)](#)

Chapter 107, Statutes of 2021 2022 statewide primary election: terms of office.

[Adds and repeals Section 1305 of the Elections Code]

In 2015, the Legislature approved and Governor Brown signed [SB 415 \(Hueso\), Chapter 235, Statutes of 2015](#), also known as the “California Voter Participation Rights Act.” SB 415 prohibits a local government, beginning January 1, 2018, from holding an election on any date other than a statewide election date if doing so in the past has resulted in turnout that is at least 25% below the average turnout in that jurisdiction in the last four

statewide general elections, as specified. As a transition period, SB 415 additionally allowed local governments to continue holding off-cycle local elections until January 1, 2022 if the governing body adopted a plan not later than January 1, 2018 to consolidate future elections with statewide elections not later than the November 8, 2022 statewide general election.

Legislative History

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| Senate Elections..... | 5-0 |
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| Senate Concurrence | 40-0 |
| Assembly Elections..... | 7-0 |
| Assembly Floor | 77-0 |

When SB 415 became law, most local government bodies already held their regularly scheduled elections at the same time as the statewide primary or general election. Of those jurisdictions that held off-cycle elections, many held their regularly scheduled elections to elect governing board members in November of odd-numbered years. A smaller number of local government bodies—primarily cities—held their regularly scheduled elections in March or April of odd-numbered years, and an even smaller number held their regularly scheduled elections on various other dates. Due in part to SB 415, most local jurisdictions that historically held off-cycle elections have taken steps to move their regular elections to be held at the same time as the statewide primary or general election. According to a February 2021 report prepared by California Common Cause, 54 cities switched from off-cycle to on-cycle elections between 2016 and 2020.

At the time SB 415 was signed into law, California’s statewide primary elections were held in June of even-numbered years. In 2017, however, the Legislature approved and Governor Brown signed [SB 568 \(Lara\), Chapter 335, Statutes of 2017](#), which moved California’s primary elections from June to March, beginning with the 2020 election. Therefore, in the months leading up to the January 1, 2018, deadline for local jurisdictions to adopt a plan to come into compliance with SB 415, the statewide primary election for 2022 was scheduled to be held in March. Local government bodies that held their regular elections in March or April of odd-numbered years therefore were able to come into compliance with SB 415 by moving the election that otherwise

was scheduled for 2021 to be consolidated with the 2022 primary election, and could extend the terms of their governing board members accordingly.

Since that time, however, the Legislature approved and Governor Newsom signed [SB 970 \(Umberg\), Chapter 111, Statutes of 2020](#), which changed the date of the primary election in gubernatorial election years (even-numbered years that are not evenly divisible by four, such as 2022) from the first Tuesday after the first Monday in March to the first Tuesday after the first Monday in June. The state law that allows a city to adjust the terms of its existing officeholders when the city changes the date of its election generally prohibits any term of office from being increased or decreased by more than 12 months as a result of such a change, as specified. Accordingly, cities that already moved their regular elections from March or April 2021 to March 2022—and that extended the terms of incumbent officeholders accordingly—were not able to further extend the terms of city officeholders, since doing so would result in those officeholders receiving an extension to their terms that was longer than the 12-month maximum.

This bill provides that any term of office set to expire in March or April 2022, where the next scheduled regular election for that office has been consolidated with the 2022 statewide primary election, will be extended to expire following the certification of election results from that election and the administration of the oath of office to the newly elected officeholder.

[SB 594 \(Glazer\)](#)

Chapter 320, Statutes of 2021 Elections: redistricting. Urgency.

[Amends Sections 21500, 21601, and 21621 of, adds Section 22002 to, and adds and repeals Section 22000.1 of, and Chapter 1.5 (commencing with Section 8160) to Part 1 of Division 8 of, the Elections Code]

Article I, Section 2 of the United States (US) Constitution requires an enumeration, or head count, be conducted of everyone living in the country every ten years. Under federal law, the decennial census counts the US population as of April 1 in every year ending in the number zero, although the US Census Bureau's (Bureau's) data collection efforts extend beyond that date. Data from the decennial census are used by state and local governments for the purposes of redrawing the boundaries of political districts so that districts of the same type have similar populations. Federal law generally requires the census block-level population and demographic data that is used for redistricting to be delivered to states no later than one year after the census date.

Legislative History

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| Assembly Floor | 73-0 |

Due to the COVID-19 pandemic, the Bureau adjusted its 2020 census operations, including extending the field data collection period for the 2020 census. Block-level redistricting data from the 2020 Census ultimately were not released to states until August 12, 2021, more than four months later than generally required under federal law. Furthermore, the data that were released on August 12 were released in a “legacy format” that required additional processing before the data could be used for redistricting.

In light of the delays in the release of redistricting data from the 2020 census, the California State Legislature filed an emergency petition with the California Supreme Court (Court) on June 4, 2020, seeking to extend two deadlines applicable to the California Citizens Redistricting Commission (CRC) for the 2021 redistricting process (*Legislature of the State of California v. Padilla* (2020), 9 Cal.5th 867). At the time the petition was filed, it was anticipated that redistricting data from the 2020 census would not be released to the state until July 31, 2021, a date that falls after a July 1, 2021, statutory deadline for the CRC to release first preliminary statewide maps of congressional, State Senatorial, Assembly, and Board of Equalization (BOE) districts to the public. Furthermore, in light of the time needed to prepare the state’s official redistricting database after census data is released, a July 31, 2021, delivery of redistricting data from the 2020 census would not have allowed the CRC to prepare and approve final maps detailing the district boundary lines for congressional, legislative, and BOE districts by the August 15, 2021, deadline set by the California Constitution. Accordingly, the Legislature requested an order extending these deadlines by four months—an extension equal to the anticipated delay in the Bureau’s release of redistricting data from the 2020 census.

On July 17, 2020, the Court granted the Legislature’s petition and issued a peremptory writ of mandate adjusting the relevant deadlines in accordance with the forecasted delay in the Bureau’s release of the federal census data necessary to draw the new district maps. Specifically, the Court directed the CRC “to release the first preliminary statewide maps for the congressional, State Senatorial, Assembly, and [BOE] districts for public display and comment no later than November 1, 2021,” and “to approve and certify the final statewide maps to the Secretary of State by no later than December 15, 2021.”

The Court’s decision recognized, however, that “the dynamic nature of the global pandemic may lead the federal government to further postpone its delivery of the census data.” For that reason, the Court also provided for these deadlines to be extended automatically to account for any additional federal delay “[i]f the federal government transmits the census data to the state later than July 31, 2021.”

After the Court issued its ruling in *Padilla*, the Bureau made additional adjustments to its 2020 census operations. Subsequently, the CRC unanimously approved a motion to seek an order from the Court to clarify its decision in the *Padilla* case, and to further extend the commission’s deadline to adopt district maps. On September 22, 2021, the Court directed the CRC “to approve and certify final statewide maps to the Secretary of State by no later than December 27, 2021.”

The delay in the adoption of new district lines based on 2020 census data created conflicts with the elections calendar for the June 7, 2022, statewide primary election. For example, state law

generally requires petitions for candidates to collect signatures in-lieu of paying a filing fee to be made available beginning 173 days before the election, or December 16, 2021. That requirement is impossible to meet if district boundaries have not been finalized by that date. The elections calendar also needed to be adjusted to ensure that elections officials have sufficient time to complete various administrative tasks in advance of the primary election. One important task—county elections officials’ redrawing of precinct boundary lines to reflect the new district boundaries—should be complete before the start of the candidate nomination period to facilitate the candidate filing process. The candidate nomination period is scheduled to begin 113 days before the primary election, or February 14, 2022.

This bill makes various adjustments to the candidate nomination and filing process for the 2022 primary election to accommodate a later state redistricting deadline, and makes various changes to state law governing redistricting in special districts following the 2020 census, and districting and redistricting for local governments.

This bill contains an urgency clause, and took effect on September 27, 2021.

[SB 660 \(Newman\)](#)

Vetoed

Initiative, referendum, and recall petitions: compensation for signatures.

[Adds Section 102.5 to the Elections Code]

Existing law permits any person who is 18 years of age or older to circulate an initiative, referendum, or recall petition. In 1988, the United States Supreme Court ruled that a Colorado prohibition against the use of paid circulators for initiative petitions violated the First Amendment's right of free speech. Writing for a unanimous court, Justice Stevens noted that "[t]he State's interest in protecting the integrity of the initiative process does not justify the prohibition because the State has failed to demonstrate that it is necessary to burden appellees' ability to communicate their message in order to meet its concerns." *Meyer v. Grant* (1988), 486 U.S. 414. The *Meyer* court, however, did not address the issue of whether a state may regulate the manner in which circulators are paid.

This bill would have prohibited a person who is paid to gather signatures on an initiative, referendum, or recall petition from being paid on a per-signature basis. Violations of this provision would have been punishable by a civil penalty equal to the greater of \$25,000 or \$50 times the number of signatures gathered in exchange for compensation.

Legislative History

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| Senate Elections..... | 3-2 |
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| Senate Appropriations | 5-2 |
| Senate Floor | 28-11 |
| Senate Concurrence | 26-11 |
| Assembly Elections..... | 5-1 |
| Assembly Judiciary | 8-3 |
| Assembly Appropriations | 12-4 |
| Assembly Floor | 51-18 |

On October 5, 2021, Governor Newsom vetoed this bill. In his [veto message](#), he wrote that “payment per signature remains one of the most economical methods to qualify [measures] for the ballot,” and that this bill “could therefore make the qualification of many initiatives cost-prohibitive for all but the wealthiest interests.”

[SB 686 \(Glazer\)](#)

Chapter 321, Statutes of 2021 Campaign disclosure: limited liability companies.

[Adds Section 84109 to the Government Code]

A limited liability company (LLC) is a legal entity that generally offers liability protection similar to that of a corporation, but is taxed differently. To form an LLC in California, the organizers of the LLC must file articles of organization with the Secretary of State (SOS). In those articles, the LLC must designate an agent and a manager, and list the name and address of both. An LLC must also indicate whether it is member-managed (i.e. managed by its investors) or manager-managed (i.e. professionally managed by an outsider). Many LLCs remain anonymous by appointing a professional agent and manager, such as an attorney or accountant, thereby never having to reveal their members or the sources of capital contributions (i.e., funding).

Legislative History

| | |
|-------------------------------|-------|
| Senate Elections | 4-1 |
| Senate Appropriations | 5-2 |
| Senate Floor | 32-6 |
| Senate Concurrence | 28-6 |
| Assembly Elections | 6-1 |
| Assembly Appropriations | 12-4 |
| Assembly Floor | 59-17 |

One of the purposes of the Political Reform Act (PRA) is that “[r]eceipts and expenditures in election campaigns should be fully and truthfully disclosed in order that the voters may be fully informed and improper practices may be inhibited.” Consistent with that purpose, California previously enacted disclosure rules to ensure that voters have information about the true source of funds that nonprofit organizations use to make campaign contributions or expenditures. But under state law, LLCs can make large contributions and expenditures while disclosing only the LLC’s name and the identity of a person who approves the LLC’s political activity, and without disclosing any information about the source of the funds expended by the LLC.

This bill requires an LLC that qualifies as a committee or a sponsor of a committee pursuant to the PRA, as specified, to file a statement of members with the SOS that contains information about specified members of the LLC, including each person who has a membership interest in the LLC equal to or greater than 10% of the total outstanding membership interests, and each person who made a cumulative capital contribution of \$10,000 or more to the LLC after it qualified as a committee or committee sponsor, or within the preceding 12 months before it qualified.

[SB 714 \(Caballero\)](#)

Chapter 299, Statutes of 2021

Democratic Party: county central committees: appointment and election.

[Amends Section 7209 of the Elections Code]

In *Eu v. San Francisco County Democratic Central Committee* (1989), 489 U.S. 214, the United States (US) Supreme Court examined the right of a state to impose laws relating to the internal affairs of political parties. The Court found that laws burdening the associational rights of political parties and their members must serve a compelling state interest. Therefore, because a state has a compelling interest in preserving the integrity of its election process, it may properly enact laws that interfere with a political party's internal affairs when necessary to ensure that elections are fair and honest. However, a state cannot justify regulating a party's internal affairs without showing that such regulation is necessary to ensure an election that is fair and orderly.

Legislative History

| | |
|-------------------------------|-------------------------------|
| Senate Elections | 4-0 |
| Senate Appropriations | <u>(28.8)</u> |
| Senate Floor | 27-1 |
| Senate Concurrence | 30-6 |
| Assembly Elections | 5-0 |
| Assembly Appropriations | 12-4 |
| Assembly Floor | 57-11 |

In light of the constitutionally protected rights of political parties, the Legislature frequently has changed provisions of the Elections Code at the request of political parties to reflect their desired methods of electing members to central committees, and generally has removed unnecessary provisions of state law that could interfere with the internal structure of political parties.

State law requires a person to be registered with a political party in order for that person to be eligible to be elected to the party's central committee. While this requirement has the potential to interfere with the county central committee's determination of the structure which best allows it to pursue its political goals, having statutory eligibility requirements for being elected to a county central committee also serves a necessary purpose. Specifically, county central committees typically do not run their own elections to elect central committee members; instead, they generally choose to have those elections conducted by county elections officials. That being the case, elections officials need a mechanism to determine whether a candidate for an office that will appear on the ballot is eligible to be elected. Furthermore, since central committee elections are consolidated with elections for public office, the elections officials need to be able to conduct the election in a manner that protects the integrity of those elections.

The requirements that currently exist under state law for a person to run as a candidate for a political party's county central committee make it relatively easy for the elections official to determine whether a person is eligible to be a candidate for central committee. This bill is intended to make it equally easy for county elections officials to determine eligibility for candidates for election to a Democratic Party county central committee in the event that a committee chooses to allow certain individuals who are not eligible to register to vote to be candidates for the committee.

This bill permits a person who is not a US citizen, and thus who is not eligible to register to vote under state law, to be eligible for election to a Democratic county central committee if certain conditions are met, including that the bylaws of the central committee permit such a person to serve as a member of the central committee.

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