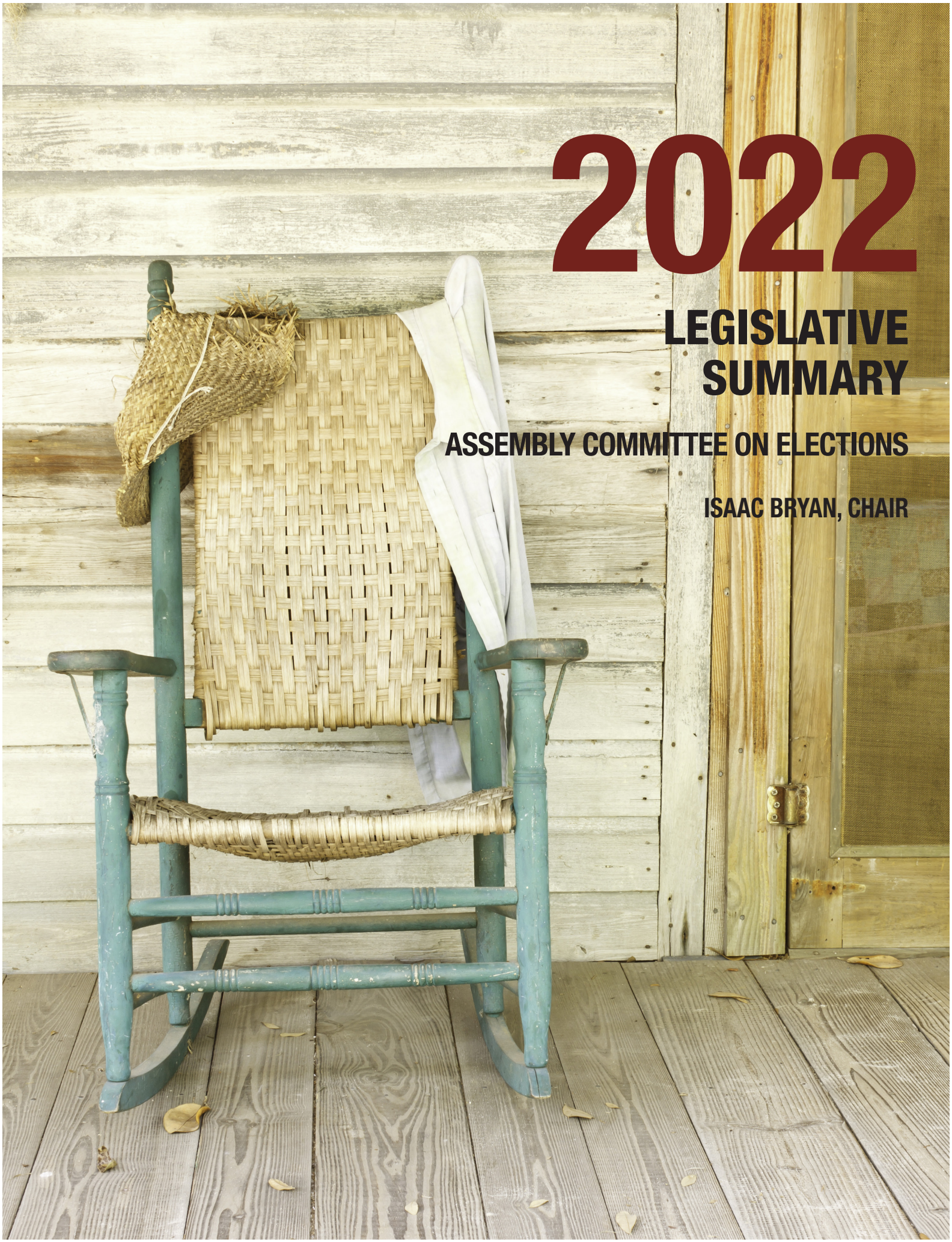

2022

LEGISLATIVE SUMMARY

ASSEMBLY COMMITTEE ON ELECTIONS

ISAAC BRYAN, CHAIR

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0096
(916) 319-2094

Assembly
California Legislature

ASSEMBLY COMMITTEE ON
ELECTIONS
ISAAC G. BRYAN, CHAIR
ASSEMBLYMEMBER, FIFTY-FOURTH DISTRICT

November 2022

Interested Parties:

This booklet summarizes selected legislation approved by the Assembly Committee on Elections during the 2022 legislative year. Those bills that made it through the legislative process and were subsequently signed 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 protect elections officials from threats and harassment, prohibit deceptive political fundraising practices, promote fair and equitable representation through reforms to redistricting laws, and streamline and modernize the process for updating voter registration records to improve the accuracy of the state's voter rolls. 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, 2023. 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,

Isaac G. Bryan

Table of Contents

Assembly Committee on Elections
2022 Committee Membership

Chair

Assemblymember Isaac G. Bryan, 54th District

Members

Assemblymember Kelly Seyarto, Vice Chair, 67th District
Assemblymember Steve Bennett, 37th District
Assemblymember Evan Low, 28th District
Assemblymember Chad Mayes, 42nd District
Assemblymember Kevin Mullin, 22nd District
Assemblymember Blanca E. Rubio, 48th District

Staff

Ethan Jones, Chief Consultant
Nichole Becker, Principal Consultant
Lori Barber, Associate Consultant & Secretary

Contact Information

Legislative Office Building
1020 N Street, Suite 365
Sacramento, CA 95814
(916) 319-2094

https://aelc.assembly.ca.gov/

Key to Abbreviations Used

N/R: Vote is not relevant.

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
2022 Legislative Highlights

Protecting and Expanding Access to the Electoral Process:

Continuing the state's commitment to protecting access to the electoral process, new laws will provide for ballot drop-off locations on public college campuses, modernize the process for maintaining the state's voter registration rolls, and provide voters with more information about assistance that is available to voters in languages other than English. Additionally, the Legislature and Governor took steps to protect election workers from harassment and threats.

Promoting Fair Representation:

Every 10 years following the completion of the Census, state law requires the boundary lines of political districts to be adjusted to ensure that the districts of each political body have equal populations, a process commonly referred to as "redistricting." Drawing upon lessons learned from the 2021 redistricting process, new legislation will require the creation of independent redistricting commissions in Fresno, Kern, and Riverside Counties for future redistricting processes. Other newly-adopted legislation will require incarcerated individuals to be counted at their last known place of residence for all future redistricting processes in an effort to ensure fair and equitable representation.

Improving Political Transparency and Ethics in Government:

The Legislature approved and the Governor signed new laws to improve transparency in connection with lobbying on mergers of insurance companies, and to make campaign disclosure reports of candidates for local office available online. Another new law restricts campaign contributions to local public officials from entities with business before the agency involving a license, permit, or other entitlement for use.

Reforming the Recall Process:

Following the gubernatorial recall election in 2021, the committee held three joint hearings with the Senate Elections & Constitutional Amendments Committee to examine and consider reforms to the recall process. Following those hearings, the Legislature approved a bill to require local recalls to include only the question of whether the elected officer sought to be recalled should be removed from office. If a local officer is successfully recalled, the office is filled in the same manner for filling any other vacancy in that office. Other changes to the recall process seek to make it harder to use that process frivolously, allow courts to police false statements in official materials related to recalls, and increase the possibility that local recall elections will be consolidated with regularly-occurring elections, thereby potentially decreasing costs and increasing participation in recall elections.

Assembly Committee on Elections
2022 Legislative Summary

Assembly Bills

AB 759 (McCarty)
Chapter 743, Statutes of 2022
Elections: county officers.

[Repeals and adds Section 1300 of the Elections Code, and amends Section 24200 of the Government Code]

Legislative History

Assembly Elections	5-1
Assembly Appropriations	12-4
Assembly Floor	51-20
Assembly Concurrence	48-21
Senate Elections	3-2
Senate Gov. & Finance	4-1
Senate Appropriations	5-2
Senate Floor	21-11

The California Constitution requires that each county have at least three countywide elected offices—sheriff, district attorney, and assessor. Other countywide offices may be elected or appointed. Under existing state law, countywide elected officers generally are elected in gubernatorial election years.

In most circumstances, voter participation in presidential elections in California exceeds voter participation in gubernatorial elections. From 1980-2020, voter turnout as a percentage of eligible voters averaged 32.7% in presidential primary elections compared to 26.9% in gubernatorial primary elections (these figures exclude the 2008 primary election, when California held a standalone presidential primary election in February and a separate primary election for all other offices in June). For general elections over the same time period, voter turnout in presidential elections has averaged 57.3% of eligible voters compared to 42.4% of eligible voters in gubernatorial elections.

In an effort to provide for greater voter participation in elections for certain county offices, this bill requires county district attorneys and sheriffs to be elected in presidential election years, instead of gubernatorial election years, beginning with the 2028 presidential primary election, except as specified. To align elections for these offices with the presidential election cycle, this bill provides that district attorneys and sheriffs that are elected in 2022 will serve a six-year term, with the next election for those offices being held in 2028. This bill additionally allows counties to choose to have other countywide officers elected in presidential election years, rather than gubernatorial election years.

AB 775 (Berman)

Chapter 942, Statutes of 2022

Contribution requirements: recurring contributions.

[Adds Section 85701.5 to the Government Code]

Multiple news publications have reported on political campaigns, including campaigns involving candidates for federal office and California state office, using pre-checked boxes in online solicitations to automatically enroll contributors into making recurring contributions. Contributors who did not want to make recurring contributions had to affirmatively opt-out of doing so by unchecking the pre-checked box. These articles include quotes from contributors who allege that they were misled into giving recurring contributions when they did not intend to do so.

Legislative History

Assembly Higher Education	N/R
Assembly Appropriations	N/R
Assembly Floor	N/R
Assembly Elections (77.2)	4-0
Assembly Concurrence	80-0
Senate Elections	5-0
Senate Appropriations	(28.8)
Senate Floor	38-0

In particular, an April 2021 *New York Times* article found that, in the 2020 presidential election campaign, one major party candidate's use of pre-checked boxes in campaign solicitations to authorize additional contributions led to a significant increase in contributor refund requests, suggesting that many contributors had not intended to give an additional or recurring contribution. In some cases, a failure by a donor to de-select pre-checked boxes could result in that donor making as many as six campaign contributions in a month. Some contributors had their bank accounts drained and frozen. Others ended up making campaign donations well in excess of the maximum allowable under federal law. The *Times* analysis showed that, after the introduction of pre-checked boxes and other formatting changes, the overall contribution refund rate for the candidate's campaign and that of other political organizations supporting his candidacy grew to over 12% of all funds raised online by the end of 2020, compared with a rate of under 2% before the pre-checked boxes were introduced.

This bill prohibits a candidate or committee from accepting a recurring campaign contribution without receiving the contributor's affirmative consent, as specified.

AB 972 (Berman)

Chapter 745, Statutes of 2022

Elections: deceptive audio or visual media.

[Amends Section 35 of the Code of Civil Procedure and Section 20010 of the Elections Code]

Deepfake technology refers to software capable of producing a realistic looking video of someone saying or doing something that they did not, in fact, say or do. This technology has advanced rapidly in recent years thanks to the use of artificial intelligence to help train the software. Software applications that enable a user to make deepfake videos are now available for easy download.

Legislative History

Assembly Elections	6-0
Assembly Floor	54-3
Senate Elections	3-1
Senate Judiciary	10-1
Senate Floor	33-6

In 2019, in response to concerns that deepfakes could be used to spread misinformation in campaigns, the Legislature approved and Governor Newsom signed AB 730 (Berman), Chapter 493, Statutes of 2019. AB 730 prohibits the distribution of materially deceptive audio or visual media with actual malice with the intent to injure a candidate's reputation or to deceive a voter into voting for or against a candidate, unless the materially deceptive audio or visual media includes a disclosure that it has been manipulated. AB 730 does not apply exclusively to deepfakes, but rather applies to any intentional manipulation of audio or visual images that results in a version that a reasonable observer would believe to be authentic. Nonetheless, the increasing availability and advancing capability of deepfake technology was the immediate impetus for that bill.

AB 730 was designed as an update to California's "Truth in Political Advertising Act," a law enacted in 1998 (through the passage of AB 1233 (Leach), Chapter 718, Statutes of 1998) that prohibited campaign material that contains a picture of a person into which a candidate's image is superimposed, or contains a picture of a candidate into which another person's image is superimposed, except if a specified disclaimer was included. The Truth in Political Advertising Act was introduced in response to the use of photoshopped pictures in campaign materials, and accordingly was designed to target the manipulation of photographs in campaign materials. In the 20 years following its passage, however, it was never amended to update the law to address more modern techniques of manipulating campaign materials in a manner that can mislead voters. AB 730 replaced the Truth in Political Advertising Act with a law that regulates not only altered photographs in campaign materials, but also audio and video media that have been altered in a materially deceptive manner. The changes made thorough the passage of AB 730 were scheduled to sunset on January 1, 2023. If that sunset date was not repealed or extended, the original Truth in Political Advertising Act would go back into effect.

This bill extends the sunset date on the provisions of AB 730 from January 1, 2023 to January 1, 2027.

AB 1307 (Cervantes)
Chapter 403, Statutes of 2022
County of Riverside Citizens Redistricting Commission.

[Adds Chapter 6.4 (commencing with Section 21540) to Division 21 of the Elections Code]

Legislative History

Assembly Elections 6-1
Assembly Local Government 6-2
Assembly Appropriations 12-3
Assembly Floor 53-15
Assembly Concurrence 59-19

Senate Elections 3-1
Senate Gov. & Finance 4-1
Senate Appropriations 5-2
Senate Floor 30-9

Prior to 2017, state law generally permitted a county or a city to create an advisory redistricting commission (described in state law at the time as a "committee" of residents of the jurisdiction), but did not expressly permit local jurisdictions to create commissions that had the authority to establish district boundaries. Instead, the authority to establish district boundaries for a local jurisdiction generally was held by the governing body of that jurisdiction.

In 2016, however, the Legislature passed and the Governor signed SB 1108 (Allen), Chapter 784, Statutes of 2016, which permitted a county or a general law city to establish a redistricting commission, subject to certain conditions. Additionally, the Legislature provided for redistricting commissions in two counties through separate legislation. In 2012, the Legislature passed and Governor signed SB 1331 (Kehoe), Chapter 508, Statutes of 2012, which established a redistricting commission in San Diego County to adjust the boundaries of supervisorial districts after each decennial federal census, as specified. Additionally, SB 958 (Lara), Chapter 781, Statutes of 2016, required the establishment of a Citizens Redistricting Commission in Los Angeles County and charged it with adjusting the boundaries of supervisorial districts after each decennial federal census, as specified.

In 2017 the Legislature approved and Governor Brown signed AB 801 (Weber), Chapter 711, Statutes of 2017, which repealed San Diego County's redistricting commission and instead established an Independent Redistricting Commission and charged it with adjusting the boundaries of supervisorial districts after each decennial federal census, as specified.

AB 1307 creates a redistricting commission in Riverside County that is similar to the ones required in Los Angeles County and San Diego County, and charges that Commission with adjusting the boundaries of county supervisorial districts in future redistricting processes.

AB 1416 (Santiago, et al.)

Chapter 751, Statutes of 2022

Elections: ballot label

[Amends Sections 303, 9050, 9051, 9053, and 13282 of, and adds Section 9170 to, the Elections Code]

Legislative History	
Assembly Elections	6-1
Assembly Appropriations	12-3
Assembly Floor	57-19
Assembly Concurrence	61-17
Senate Elections	3-2
Senate Appropriations	5-2
Senate Floor	23-12

Current law defines a ballot label to mean the portion of the ballot containing a statement of a state or local ballot measure, which includes a true and impartial summary of the measure. Existing law permits ballot arguments in favor or against a ballot measure, and rebuttals to those arguments, to be printed in the voter information guide. State ballot arguments and rebuttals are printed in the state voter information guide prepared by the Secretary of State, and ballot arguments and rebuttals for local ballot measures are printed in the county voter information guide prepared by the local elections official.

AB 1416 requires the ballot label for statewide ballot measures to include a listing of the names of supporters and opponents in the ballot arguments printed in the state voter information guide, and permits the ballot label for local ballot measures to include a listing of the names of ballot argument supporters and opponents that are printed in the local voter information guide. AB 1416 specifies how the names of the supporters and opponents of the ballot measure will appear on the ballot label, the criteria that must be met in order for the name to be listed on the ballot label, and prohibits a supporter or opponent from being listed if they are a political party or are representing a political party.

AB 1619 (Cervantes)

Chapter 102, Statutes of 2022

Elections: voter registration and signature comparison.

[Amends Sections 2157 and 2196 of the Elections Code]

Legislative History	
Assembly Elections	7-0
Assembly Appropriations	15-0
Assembly Floor	61-0
Senate Elections	4-0
Senate Appropriations	(28.8)
Senate Floor	37-0

When a voter casts a vote by mail (VBM) ballot, the completed ballot generally must be sealed in a ballot identification envelope before being returned to the elections official. Upon receiving a completed VBM ballot and before that ballot can be counted, the elections official compares the signature on the identification envelope against the signatures in the voter's registration record as a way of verifying that the ballot was cast by the voter for whom it was issued.

If the signature on a voter's VBM ballot identification envelope does not compare to the signatures in that voter's registration record (i.e., there is a "mismatched signature"), or if the VBM ballot identification envelope is not signed (i.e., there is a "missing signature"), then the elections official must contact the voter pursuant to a specified process to give the voter the opportunity to verify that the voter cast that ballot. Historically, the three most common reasons why VBM ballots are unable to be counted are for mismatched signatures, missing signatures, or missing the VBM ballot return deadline. In all, 58% of VBM ballots that were rejected at the November 2020 election were rejected for a mismatched signature on the VBM ballot identification envelope.

In an effort to educate voters that the signature provided on a voter registration form may be used to validate VBM ballots, this bill requires voter registration applications to include a statement that a person's signature on an identification envelope for the return of a VBM ballot will be compared against signatures in the voter's registration record, which includes the signature from the voter registration application.

AB 1631 (Cervantes)

Chapter 552, Statutes of 2022

Elections: elections officials.

[Amends Section 12303 of the Elections Code]

Legislative History	
Assembly Elections	6-0
Assembly Appropriations	16-0
Assembly Floor	76-0
Senate Elections	4-0
Senate Appropriations	7-0
Senate Floor	40-0

In 1965, Congress passed and President Johnson signed the federal Voting Rights Act (VRA), which provides, among other provisions, that "[n]o voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge that right of any citizen of the United States to vote on account of race or color." In 1975, Congress adopted amendments to the VRA, including provisions that require certain jurisdictions that have significant populations of voting age citizens who belong to a language minority community to provide voting materials in a language other than English. These determinations are based on data from the most recent Census. In accordance with federal law, 28 of California's 58 counties are individually required to provide bilingual voting assistance to Spanish speakers, and nine counties (Alameda, Contra Costa, Los Angeles, Orange, Sacramento, San Diego, San Francisco, San Mateo, and Santa Clara) are required to provide voting materials in at least one language other than English and Spanish.

In addition, state law requires the Secretary of State, in each gubernatorial election year, to determine the precincts where three percent or more of the voting age residents are members of a single language minority and lack sufficient skills in English to vote without assistance. State

law also requires an elections official to make reasonable efforts to recruit poll workers who are fluent in those languages, and to make available to the public a list of the precincts with officials who are fluent in a non-English language and the language or languages in which they will provide assistance.

AB 1631 seeks to improve the accessibility to the ballot for voters who speak a language other than English by requiring the list of precincts with officials who are fluent in non-English languages to be posted online at the county registrar's website, and requires a county elections official to use the internet in their efforts to recruit multilingual poll workers.

AB 1783 (Levine)

Chapter 456, Statutes of 2022

Lobbying: administrative actions.

[Amends Section 82002 of the Government Code]

Legislative History	
Assembly Elections	6-0
Assembly Appropriations	16-0
Assembly Floor	76-0
Assembly Concurrence	76-0
Senate Elections	4-0
Senate Appropriations	7-0
Senate Floor	40-0

Under existing law, individuals and entities that make or receive specified levels of payments for the purpose of influencing legislative or administrative actions may be required to comply with the state's lobbying rules, including requirements to register with the Secretary of State and to file periodic reports. Not all governmental actions, however, are considered legislative or administrative actions; attempts to influence governmental decisions that are *not* legislative or administrative actions under the Political Reform Act (PRA) do not trigger lobbyist registration and reporting requirements.

The term "administrative action" is defined primarily to include rule- and rate-making, the adoption of regulations, and quasi-legislative proceedings. Regulations adopted by the Fair Political Practices Commission expressly provide that certain types of proceedings before state agencies are not "quasi-legislative proceedings," including proceedings to determine the rights or duties of a person under existing laws, regulations, or policies, and proceedings involving the issuance, amendment or revocation of a permit or license. In light of that definition, proceedings before state governmental bodies related to mergers and acquisitions of domestic insurance companies and health care service plans are not considered "administrative actions," and therefore attempts to influence those proceedings do not trigger lobbyist registration and reporting requirements.

Supporters of this bill point to reporting in the *Sacramento Bee* that two former Assemblymembers allegedly were promised a $2 million contingency fee if they were successful in getting an insurance company acquisition approved by the Department of Insurance. Because attempts to influence such acquisitions are not considered lobbying under the PRA, those former

Assemblymembers were not required to register as lobbyists due to their efforts to get the acquisition approved, nor were they required to publicly disclose the contingency fee arrangement. (The alleged contingency fee agreement became public as a result of litigation related to the payment of that fee.) Furthermore, the PRA generally bans lobbyists from receiving payment that is contingent upon the outcome of a proposed legislative or administrative action—a prohibition that did not apply to the insurance company acquisition since it is not considered a legislative or administrative action.

This bill provides that efforts to influence mergers and acquisitions of domestic insurance companies and health care service plans, as specified, are considered lobbying for the purposes of the PRA, and thus are subject to existing laws governing efforts to influence legislative or administrative actions.

AB 1798 (Bryan)
Chapter 862, Statutes of 2022
Campaign disclosure: advertisements.

[Amends Sections 84504.3, 84504.4, and 84504.6 of the Government Code]

Legislative History	
Assembly Elections	70-0
Assembly Floor	65-0
Assembly Concurrence	75-0
Senate Elections	4-0
Senate Floor	40-0

Under the Political Reform Act (PRA), candidates and political committees must include disclosures on campaign advertisements that identify the committee that paid for or authorized the communication. "Paid for by [committee name]" or "Ad paid for by [committee name]" is the basic disclosure required on campaign communications. Under the PRA, different advertisement disclosure rules apply depending on who pays for the ad and the method of the communication. In general, basic disclosures apply to materials disseminated by a candidate for their own election because it is generally clear to the public that the candidate is sending the communication. However, there are stricter advertisement disclosure requirements for ballot measure and independent expenditure advertisements because it is less clear to the public who is responsible for these ads.

Since 2017, various bills have updated campaign advertisement disclosure rules. Notably, AB 249 (Mullin), Chapter 546, Statutes of 2017, significantly changed the content and format of disclosure statements required on specified campaign advertisements in a manner that generally required such disclosures to be more prominent. Electronic media advertisements—like banner ads on websites—are required to include the text “Who funded this ad?,” “Paid for by,” or “Ad paid for by” with the text being a hyperlink to a separate website that contains more detailed disclosures. Under a strict reading of the PRA, a committee arguably violates the law if it includes the full text of required disclosures in an electronic media advertisement itself, rather than including a link in the advertisement to the more-detailed disclosures.

AB 1798 allows committees to include the full disclaimer directly on a digital advertisement itself, instead of linking to those disclosures on a separate website. This minor change will eliminate penalties for over disclosure on political advertisements, thereby avoiding technical violations that do not result in public harm.

AB 1848 (Bryan)
Chapter 763, Statutes of 2022
Redistricting.

[Amends Sections 21001 and 21003 of the Elections Code]

According to information from the United States Census Bureau (Bureau), planners of the first decennial census in 1790 established the concept of a "usual residence" to determine where people would be counted. A person's usual residence is the place where the person lives and sleeps most of the time. The Bureau's policy for counting people in correctional facilities on census day is that those individuals are to be counted at the facility of incarceration.

Legislative History

Assembly Elections 5-1
Assembly Appropriations 11-4
Assembly Floor 57-19
Assembly Concurrence 59-17

Senate Elections 4-1
Senate Appropriations ..... (28.8)
Senate Floor 31-9

Because the state uses population data from the Bureau for redistricting purposes, until 2021, individuals who were incarcerated in California were counted at the place of incarceration when district lines are drawn for the state Legislature, Congress, and the Board of Equalization (BOE). After the 2010 census, the Legislature approved and Governor Brown signed AB 420 (Davis), Chapter 548, Statutes of 2011. AB 420 requested the Citizens Redistricting Commission (CRC), when adjusting district boundaries for state Legislature, Congress, and the BOE, to deem an incarcerated person as residing at the person's last known residence, rather than the institution of the person's incarceration. AB 420 was intended to end the practice whereby incarcerated individuals are counted, for redistricting purposes, as residing at the prisons where they are incarcerated, rather than at the locations where they last resided prior to incarceration. Critics of that practice argue that it artificially inflates the political influence of districts where prisons are located, at the expense of other voters. Implementing this policy requires that census data be adjusted to reallocate data related to incarcerated individuals away from the census blocks where prison facilities are located, and back to the census blocks where those individuals last resided before being incarcerated.

Propositions 11 (2008) and 20 (2010) established the CRC in the Constitution and gave it the independent authority to draw district lines for Assembly, Senate, Congress, and BOE. Accordingly, AB 420 did not require the CRC to use adjusted census figures, but rather requested that it do so in deference to the CRC's independence. On January 12, 2021, the CRC voted unanimously to comply with that request, and to "deem people incarcerated in a state correctional facility on April 1, 2020, as residing at their last known place of residence, rather

than at the institution of their incarceration," for the purposes of the adoption of district lines for Assembly, Senate, Congress, and BOE following the 2020 Census.

After its adoption of new legislative, congressional, and BOE districts in December 2021, the CRC engaged in a "Lessons Learned" process that was intended to result in actionable recommendations from the CRC to future commissions, and in the development of proposals for legislative and regulatory changes that the CRC supports. At a meeting on March 30, 2022, the CRC voted to move forward with various proposals for legislative changes, including a proposal to require in statute the reallocation of state incarcerated people to their last known place of residence. This bill effectively implements that policy recommendation. Additionally, this bill repeals an obsolete provision of law that relates to district boundaries that are adopted by the Legislature and makes minor changes to the process for the Secretary of State to distribute copies of certified final maps of congressional, state Senate, Assembly, and BOE districts that are adopted by the CRC.

AB 2030 (Arambula)
Chapter 407, Statutes of 2022
County of Fresno Citizens Redistricting Commission.

[Adds Chapter 6.7 (commencing with Section 21560) to Division 21 of the Elections Code]

Prior to 2017, state law generally permitted a county or a city to create an advisory redistricting commission (described in state law at the time as a "committee" of residents of the jurisdiction), but did not expressly permit local jurisdictions to create commissions that had the authority to establish district boundaries. Instead, the authority to establish district boundaries for a local jurisdiction generally was held by the governing body of that jurisdiction.

Legislative History

Assembly Elections	6-1
Assembly Local Gov.	6-0
Assembly Appropriations	12-4
Assembly Floor	56-20
Senate Elections	4-1
Senate Gov. & Finance	4-1
Senate Appropriations	5-2
Senate Floor	29-10

In 2016, however, the Legislature passed and the Governor signed SB 1108 (Allen), Chapter 784, Statutes of 2016, which permitted a county or a general law city to establish a redistricting commission, subject to certain conditions. Additionally, the Legislature provided for redistricting commissions in two counties through separate legislation. In 2012, the Legislature passed and Governor signed SB 1331 (Kehoe), Chapter 508, Statutes of 2012, which established a redistricting commission in San Diego County to adjust the boundaries of supervisorial districts after each decennial federal census, as specified. Additionally, SB 958 (Lara), Chapter 781, Statutes of 2016, required the establishment of a Citizens Redistricting Commission in Los Angeles County and charged it with adjusting the boundaries of supervisorial districts after each decennial federal census, as specified.

In 2017 the Legislature approved and Governor Brown signed AB 801 (Weber), Chapter 711, Statutes of 2017, which repealed San Diego County's redistricting commission and instead established an Independent Redistricting Commission and charged it with adjusting the boundaries of supervisorial districts after each decennial federal census, as specified.

AB 2030 creates a redistricting commission in Fresno County that is similar to the ones required in Los Angeles County and San Diego County, and charges that Commission with adjusting the boundaries of county supervisorial districts in future redistricting processes.

AB 2037 (Flora)
Chapter 155, Statutes of 2022
Polling places: alcoholic beverages.

[Amends Section 12288 of the Elections Code]

Legislative History	
Assembly Elections	7-0
Assembly Gov. Organization	20-0
Assembly Floor	66-2
Assembly Concurrence	74-0
Senate Elections	4-0
Senate Gov. Organization	13-0
Senate Floor	33-0

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, the Legislature approved and Governor Newsom signed bills that made significant changes to the way that the state conducted the November 2020 presidential general election. Notably, SB 423 (Umberg), Chapter 31, Statutes of 2020, authorized changes to in-person voting requirements and allowed flexibility for determining polling locations, among other provisions. Specifically, SB 423 exempted county elections officials from a long-standing provision of existing law that prohibits a county elections official from establishing a polling location at a venue or facility where the primary purpose is the sale and dispensation of alcoholic beverages. A subsequent bill signed into law, SB 152 (Budget Committee), Chapter 34, Statutes of 2021, continued that policy for elections held prior to January 1, 2022, including the September 2021 statewide recall election.

According to data from the county elections officials, approximately 20 counties used this exemption for the 2020 November general election and 20 counties used it for the 2021 September statewide recall election. As a result, there were roughly 169 new in-person voting locations between the two elections. These locations included hotel and casino conference rooms, restaurants, veterans' banquet halls, elks clubs, country clubs, and other social halls.

As voter registration numbers continue to grow statewide, more in-person voting locations are required to conduct safe, secure, and accessible elections for all voters who choose to vote in person or register to vote. AB 2037 will assist in this effort by permanently allowing an elections official to establish a vote center or a polling place in a location where the primary purpose is the sale or dispensation of alcoholic beverages. Additionally, AB 2037 specifies that a polling place is

prohibited from being accessible by a door, window, or other opening with any place where any alcoholic beverage is sold or dispensed while the polls are open.

AB 2172 (Cervantes)
Chapter 328, Statutes of 2022
Political Reform Act of 1974: electronic filings.

[Amends Sections 81004, 84215, and 86100 of the Government Code]

Legislative History	
Assembly Elections	7-0
Assembly Appropriations	12-0
Assembly Floor	74-0
Assembly Concurrence	76-0
Senate Elections	4-0
Senate Appropriations	7-0
Senate Floor	40-0

In 1997, the Legislature passed and Governor Pete Wilson signed SB 49 (Karnette), Chapter 866, Statutes of 1997, which established the Online Disclosure Act of 1997. SB 49 required the Secretary of State (SOS), in consultation with the Fair Political Practices Commission (FPPC), to develop and implement, by the year 2000, an online filing and disclosure system for reports and statements required to be filed under the Political Reform Act, as specified. As a result, the SOS created and deployed a system called the California Automated Lobby Activity and Campaign Contribution and Expenditure Search System, commonly referred to as Cal-Access. SB 49 also required certain candidates, committees, slate mailer organizations, lobbyists, lobbyist employers and lobbying firms to file campaign reports online or electronically.

When SB 49 was enacted, it provided that disclosure reports and statements filed electronically pursuant to its provisions would continue to be filed in paper format, and that the paper form would be considered the official record for audit and legal purposes, until the SOS determined that the online disclosure system developed pursuant to that bill was operating securely and effectively. Once the SOS made that determination, SB 49 provided that filers who were required to file disclosure reports or statements online or electronically would no longer be required to file a paper copy of the filings, nor would they be required to file copies with local filing officers.

In the 25 years since legislation requiring the development of an online campaign disclosure system was enacted, however, the SOS has never made a public determination that the Cal-Access system as a whole is operating securely and effectively. As a result, entities that file disclosure reports online or electronically with the Cal-Access system continue to be required to file paper copies of certain types of reports and statements, and the paper copy of those filings remains the official copy for audit and other legal purposes.

SB 1349 (Hertzberg), Chapter 845, Statutes of 2016, requires the SOS, in consultation with the FPPC, to develop and certify for public use a new online filing and disclosure system for statements and reports that provides public disclosure of campaign finance and lobbying information in a user-friendly, easily understandable format, as specified. This new system is

commonly referred to as the Cal-Access Replacement System (CARS). CARS was scheduled to be available for use on June 30, 2021, but was postponed by the SOS to ensure the project can fully meet its statutory obligations. Although a new project timeline for CARS has not yet been established, a CARS project roadmap that was prepared as part of an independent assessment of the project suggests that it is unlikely that the CARS system will be fully deployed before sometime in 2025 at the earliest.

This bill authorizes a person who is required to file a campaign or lobbying disclosure report with the SOS in a paper format to file that report by email or other digital means instead, subject to specified requirements. Specifically, this bill allows reports that are submitted by email or other digital means to replace the paper filing that is otherwise required by law.

AB 2494 (Salas)
Chapter 411, Statutes of 2022
County of Kern Citizens Redistricting Commission.

[Adds Chapter 6.8 (commencing with Section 21570) to Division 21 of the Elections Code]

Legislative History
Assembly Elections 6-1
Assembly Local Government 5-2
Assembly Appropriations 12-4
Assembly Floor 54-20
Senate Elections 3-1
Senate Gov. & Finance 4-1
Senate Appropriations 5-2
Senate Floor 30-10

Prior to 2017, state law generally permitted a county or a city to create an advisory redistricting commission (described in state law at the time as a "committee" of residents of the jurisdiction), but did not expressly permit local jurisdictions to create commissions that had the authority to establish district boundaries. Instead, the authority to establish district boundaries for a local jurisdiction generally was held by the governing body of that jurisdiction.

In 2016, however, the Legislature passed and the Governor signed SB 1108 (Allen), Chapter 784, Statutes of 2016, which permitted a county or a general law city to establish a redistricting commission, subject to certain conditions. Additionally, the Legislature provided for redistricting commissions in two counties through separate legislation. In 2012, the Legislature passed and Governor signed SB 1331 (Kehoe), Chapter 508, Statutes of 2012, which established a redistricting commission in San Diego County to adjust the boundaries of supervisorial districts after each decennial federal census, as specified. Additionally, SB 958 (Lara), Chapter 781, Statutes of 2016, required the establishment of a Citizens Redistricting Commission in Los Angeles County and charged it with adjusting the boundaries of supervisorial districts after each decennial federal census, as specified.

In 2017 the Legislature approved and Governor Brown signed AB 801 (Weber), Chapter 711, Statutes of 2017, which repealed San Diego County's redistricting commission and instead established an Independent Redistricting Commission and charged it with adjusting the boundaries of supervisorial districts after each decennial federal census, as specified.

AB 2494 creates a redistricting commission in Kern County that is similar to the ones required in Los Angeles County and San Diego County, and charges that Commission with adjusting the boundaries of county supervisorial districts in future redistricting processes.

AB 2528 (Bigelow)

Chapter 500, Statutes of 2022

Political Reform Act of 1974: campaign statements.

[Amends Section 84605 of, and adds Section 84226 to, the Government Code]

The Political Reform Act (PRA) generally requires local and state candidates and committees to file campaign statements by specified deadlines disclosing contributions received and expenditures made. These documents are public documents, meant to be available to the public as one of the purposes of the PRA is that "receipts 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."

Legislative History

Assembly Elections	6-0
Assembly Appropriations	16-0
Assembly Floor	72-0
Assembly Concurrence	75-0
Senate Elections	5-0
Senate Appropriations	6-0
Senate Floor	40-0

Generally, candidates and committees involved in state elections (statewide officers; members of the Board of Equalization, Senate, and Assembly; and statewide ballot measures) file these disclosures with the Secretary of State (SOS), while those involved in county, city, or special district elections file with the local elections official's or clerk's office. On the state level, candidates and committees who raise or spend $25,000 or more are required to file disclosure reports electronically with the SOS, as specified. Local candidates and committees, however, are not subject to the same rules. While current law permits a local government to require disclosure reports to be filed online or electronically for an elected officer, candidate, or committee that raises or spends more than $1,000, many local government agencies do not have this requirement or do not have electronic filing available.

AB 2528 creates a greater level of transparency for local elected officials and those running for local elective office by requiring any local elected officer or candidate with campaign contributions of $15,000 or more to file their campaign disclosure statements and reports electronically with the SOS, in addition to filing with their local filing officer.

In 1997, the Legislature passed and Governor Pete Wilson signed SB 49 (Karnette), Chapter 866, Statutes of 1997, which amended the PRA and established the Online Disclosure Act of 1997. SB 49 required the SOS, in consultation with the Fair Political Practices Commission (FPPC), to develop and implement, by the year 2000, an online filing and disclosure system for reports and statements required to be filed under the PRA, as specified. As a result, the SOS created and

deployed a system called the California Automated Lobby Activity and Campaign Contribution and Expenditure Search System, commonly referred to as Cal-Access.

SB 1349 (Hertzberg), Chapter 845, Statutes of 2016, requires the SOS, in consultation with the FPPC, to develop and certify for public use a new online filing and disclosure system for statements and reports that provides public disclosure of campaign finance and lobbying information in a user-friendly, easily understandable format, as specified. This new system is commonly referred to as the Cal-Access Replacement System (CARS). CARS was scheduled to be available for use on June 30, 2021, but was postponed by the SOS to ensure the project can fully meet its statutory obligations. Although a new project timeline for CARS has not yet been established, a CARS project roadmap that was prepared as part of an independent assessment of the project suggests that it is unlikely that the CARS system will be fully deployed before sometime in 2025 at the earliest.

AB 2528 requires the SOS, by the first January 1st after the date the SOS certifies the CARS system, to submit a report to the Legislature that specifies the changes to the CARS system that are required to accommodate filings by local officers and candidates pursuant to AB 2528, and requires this bill to become operative on the first January 1st after the date the SOS certifies that the changes to the CARS system to accommodate filings by local officers and candidates specified in the report have been made.

AB 2577 (Bigelow)
Chapter 148, Statutes of 2022
Elections: uniform filing forms.

[Adds Section 8042 to the Elections Code]

Legislative History	
Assembly Elections	6-0
Assembly Appropriations	16-0
Assembly Floor	72-0
Assembly Concurrence	76-0
Senate Elections	4-0
Senate Appropriations	(28.8)
Senate Floor	37-0

A candidate for elective office at a primary election must file a number of different documents in order to qualify to appear on the ballot, including (for most offices) a declaration of candidacy and nomination papers that are signed by voters who are eligible to vote in the election for that office. Existing law sets out the required contents of those declarations of candidacy and nomination papers, and requires those documents to be in substantially the form specified in the Elections Code. Nonetheless, there may be slight variations in the format of these documents from county to county.

In an effort to provide greater uniformity in the candidacy documents filed by candidates for elective office throughout the state, this bill requires the Secretary of State to establish uniform filing forms for a candidate to use when filing a declaration of candidacy and nomination papers, as specified.

AB 2582 (Bennett, et al.)

Chapter 790, Statutes of 2022

Recall elections: local offices.

[Amends Sections 11041, 11322, 11381, 11384, 11385, and 11386 of, and adds Section 11382 to, the Elections Code]

Legislative History	
Assembly Elections	5-1
Assembly Floor	49-15
Assembly Concurrence	54-19
Senate Elections	4-1
Senate Floor	30-10

Article II, Section 13 of the California Constitution defines the recall as "the power of the electors to remove an elective officer," and Section 19 of Article II requires the Legislature to provide for the recall of local officers, with the exception of counties and cities whose charters provide for recall.

Under current law, recall elections ask voters two questions: First, should the targeted elected official be recalled? Second, which candidate should replace the recalled official? On the first question, a majority vote is required in order for the recall to succeed, and for the elected official to be removed from office. For the second question, if the targeted official is recalled, the replacement candidate who receives the most votes (i.e. a plurality, which may be less than a majority) is elected to succeed the recalled official.

AB 2582 significantly modifies the local recall process by removing the second question that asks voters to vote for a replacement candidate. Instead, local recall elections will ask voters only the first question—whether the elected official should be removed from office. If a majority of voters vote to remove the elected official from office, the office becomes vacant and is filled in accordance with existing law. Under current law, vacant local elected offices generally are filled by appointment or a special election.

AB 2584 (Berman, et al.)

Chapter 791, Statutes of 2022

Recall elections.

[Amends Sections 11020, 11022, 11024, 11041, and 11242 of, and adds Section 11042.5 to, the Elections Code]

Article II, Section 13 of the California Constitution defines the recall as "the power of the electors to remove an elective officer," and Section 19 of Article II requires the Legislature to provide for the recall of local officers, with the exception of counties and cities whose charters provide for recall.

Legislative History

Assembly Elections 5-1
Assembly Appropriations 12-4
Assembly Floor..... 54-19
Assembly Concurrence..... 59-15

Senate Elections 4-1
Senate Judiciary..... 9-1
Senate Appropriations..... 4-2
Senate Floor..... 31-9

AB 2584 makes various changes to the state and local recall procedures. First, AB 2584 increases the number of proponent signatures required to be included on a notice of intention to recall a state or local elected officer. For local offices, the number of proponent signatures needed to initiate a recall effort depends on the number of registered voters in the jurisdiction.

Under existing state law, recall proponents are required to include a statement of the reasons for the recall on the recall petition and, if provided, the answer of the officer sought to be recalled to that statement. AB 2584 establishes a process for the public to review the statement of reasons and the answer, and to challenge the statement or answer in court.

Furthermore, AB 2584 lengthens the timeframe for holding a local recall election that has qualified for the ballot in order to allow that election to be consolidated with a regularly scheduled election. Specifically, AB 2584 allows local recall elections to be held up to 180 days after the recall qualifies if doing so allows the recall election to be consolidated with a regularly scheduled election. Finally, AB 2584 requires a petition for the recall of a school board member to contain a fiscal estimate of the cost for conducting the recall election.

AB 2608 (Berman)

Chapter 161, Statutes of 2022

Elections: vote by mail ballots. Urgency.

[Amends Sections 3001, 3002, 3004, 3005, 3011, 3013, 3014, 3021.5, 3025.5, 3101, 3102, 3106, 3110, 3111, 8002.5, 10704, 10734, 13305, 13502, 15105, 15377, and 18403 of, amends and repeals Sections 17504 and 17505 of, repeals Sections 3006, 3007, 3007.5, 3007.7, 3007.8, 3008, 3009, 3021, 18107.5, 18402, and 18576 of, and repeals Chapter 3 (commencing with Section 3200) of Division 3 of, the Elections Code]

Legislative History	
Assembly Elections	6-1
Assembly Appropriations	11-4
Assembly Floor	57-19
Senate Elections	4-1
Senate Appropriations	(28.8)
Senate Floor	29-9

SB 450 (Allen), Chapter 832, Statutes of 2016, also known as the California Voter's Choice Act (CVCA), permits counties to opt-in to conducting elections in which every voter receives a vote by mail (VBM) ballot and vote centers and ballot drop-off locations are available prior to and on election day, in lieu of operating polling places for the elections, subject to certain conditions. Five counties conducted elections under this system in 2018, and 15 counties did so in 2020. More recently, California has taken steps to ensure that *every* voter—including voters who reside in counties that are not conducting elections pursuant to the CVCA—receives a ballot in the mail for each election in which the voter is eligible to participate. That policy was first enacted as an accommodation to facilitate voting in 2020 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. Notably, AB 860 (Berman), Chapter 4, Statutes of 2020, required county elections officials to mail a ballot to every active registered voter for the November 3, 2020, statewide general election, among other provisions. SB 29 (Umberg), Chapter 3, Statutes of 2021, continued that policy for all elections conducted in 2021. AB 37 (Berman), Chapter 312, Statutes of 2021, made that policy permanent for all future elections, and made other changes to VBM processes, procedures, and requirements, including requiring that counties provide VBM ballot drop-off locations for all elections that they conduct.

Because the requirement to mail a ballot to every active registered voter originally was a temporary accommodation for the 2020 general election, corresponding changes were not made to related provisions of California law, such as laws providing for VBM ballot applications. Since AB 37 was based on that prior legislation, it similarly did not make many related conforming or clean-up changes.

This bill repeals various provisions of the Elections Code related to VBM ballot applications, and makes various conforming changes to reflect the fact that state law requires that every active registered voter be mailed a ballot for every election in which the voter is eligible to vote.

This bill contains an urgency clause and took effect on August 22, 2022.

AB 2815 (Berman)

Chapter 553, Statutes of 2022

Elections: vote by mail ballot drop-off locations.

[Adds Section 3025.7 to the Elections Code]

Legislative History

Assembly Elections 6-0
Assembly Appropriations 12-4
Assembly Floor 54-14

Senate Elections 4-1
Senate Appropriations 4-1
Senate Floor 31-8

Since the early 2000s, California voters have increasingly used vote by mail (VBM) ballots to vote in elections. As the number of Californians who were receiving VBM ballots increased, elections officials sought to provide additional options for voters to return their completed VBM ballots. By the early 2010s, an unknown number of California counties were establishing VBM ballot drop-off locations in the days leading up to elections. At the time, state law did not expressly address the issue of VBM ballot drop-off locations, and the policies and procedures for operating those locations, including security and chain-of-custody protocols, varied from county to county.

Accordingly, in 2015, the Legislature approved and Governor Brown signed SB 365 (Pavley), Chapter 733, Statutes of 2015. SB 365 expressly authorized county elections officials to establish VBM ballot drop-off locations and required the Secretary of State to promulgate regulations establishing guidelines based on best practices for security measures and procedures for VBM ballot drop-off locations if the county chose to establish one or more such locations.

Since that time, state law has been amended to require county elections officials to establish VBM ballot drop-off locations for all elections that they conduct. Specifically, SB 450 (Allen), Chapter 832, Statutes of 2016, also known as the California Voter's Choice Act (CVCA), permits counties to opt-in to conducting elections in which every voter receives a VBM ballot and vote centers and VBM ballot drop-off locations are available prior to and on election day, in lieu of operating polling places for the elections, subject to certain conditions. Additionally, AB 37 (Berman), Chapter 312, Statutes of 2021, requires all counties that do not conduct elections pursuant to the CVCA to provide VBM ballot drop-off locations, among other provisions.

This bill requires county elections officials to make efforts to locate VBM ballot drop-off locations on public college and university campuses, as specified. Specifically, this bill requires that drop-off locations be established on the main campus of each California State University at statewide primary and general elections, and requires elections officials to request to place a drop-off location at each University of California campus at those elections. This bill additionally requires an elections official, when selecting VBM ballot drop-off locations required pursuant to specified provisions of existing law for a statewide primary or general election, to give preference to locations on California community college campuses with an annual enrollment of at least 10,000 students.

AB 2841 (Low)

Chapter 807, Statutes of 2022

Disqualification from voting.

[Amends, repeals, and adds Sections 2201, 2208, 2209, 2210, and 2211 of, and adds Sections 2211.5 and 2214 to, the Elections Code, and amends, repeals, and adds Sections 5358.3 and 5364 of the Welfare and Institutions Code]

In California, if an adult is unable to manage their medical and personal decisions, a conservator of the person may be appointed. While a conservator of the person has charge of the care, custody and control of the conservatee, that power is not absolute. When a person becomes a conservatee, they do not necessarily lose the right to take part in important decisions affecting their property and way of life, including the right to vote, unless the court has limited or taken that right away.

Legislative History

Assembly Elections 6-1
Assembly Appropriations 12-4
Assembly Floor..... 56-17
Assembly Concurrence 59-18

Senate Elections 4-1
Senate Judiciary..... 9-1
Senate Appropriations..... 5-2
Senate Floor 29-9

In 2014, the Legislature approved and the Governor signed AB 1311 (Bradford), Chapter 591, Statutes of 2014, which clarified the voting protections for conservatees and prohibited a person, including a conservatee, from being disqualified from voting on the basis that they sign the affidavit of voter registration with mark or a cross, sign the affidavit of voter registration with a signature stamp, or complete the affidavit of registration with the assistance of another person.

While AB 1311 clarified current law to explicitly permit certain accommodations in completing a voter registration affidavit, it did not modify the standard for determining when a disabled, conserved individual is not competent to participate in the voting process. Accordingly, in 2015, SB 589 (Block), Chapter 736, Statutes of 2015, was signed into law and prohibited a conservatee from being disqualified from voting if the conservatee is able to complete an affidavit of voter registration with reasonable accommodations, and required a court, in order to deem a person mentally incompetent and disqualified from voting, to make a finding of clear and convincing evidence that the person cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process.

According to the author and sponsors of AB 2841, in the years following the enactment of SB 589, it was found that conservatorship voting rights disqualification and restoration practices vary widely across counties and data is inconsistently tracked and reported to the Secretary of State (SOS). AB 2841 seeks to improve transparency and oversight, thereby improving statewide compliance with SB 589. Specifically, AB 2841 creates and codifies best practices to ensure data is uniformly tracked and reported, and requires the SOS to post monthly data showing the number of conservatorship voting rights disqualifications and restorations by county, and ensure relevant county agencies receive adequate training and support.

State and federal law require county elections officials to periodically confirm the residence addresses of registered voters. If the county receives information from that procedure indicating that a voter has either moved out of state, or has moved and did not leave a forwarding address, the registration of the person may be made inactive and the elections official must then send the voter a forwardable postcard asking the voter to confirm their residence address. If the voter does not respond to this subsequent address verification mailing, does not offer to vote or vote at any election between the date of the mailing and two federal general elections after the date of the that mailing, and does not otherwise notify a county elections official of continued residency within California, the voter's registration is cancelled. Current law does not require elections officials to provide voters with any form of notice at the time their registration is cancelled; incorrectly flagged voters usually do not know that they have been removed from the voter rolls until they attempt to vote at an election.

AB 2841 adds a new notification and requires a county elections official, before canceling a voter's registration for the reasons of mental incompetency, imprisonment for a conviction for a felony, death, or a change in residence, to send a forwardable notice by first class mail to the person, to notify the voter and provide the voter with an opportunity to correct information that may otherwise lead to an erroneous cancellation of the voter's registration, as specified.

AB 2967 (Elections Committee)

Chapter 166, Statutes of 2022

Elections: petition records and requests: vote-by-mail ballot.

[Amends Sections 103, 3019, 9602, 11303, and 17400 of the Elections Code]

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

Legislative History

Assembly Elections	6-0
Assembly Appropriations	15-0
Assembly Floor	73-0
Senate Elections	5-0
Senate Appropriations	(28.8)
Senate Floor	36-0

Existing law authorizes a voter who signed an initiative, referendum, or recall petition to remove the voter's name from the petition by filing a written request with the appropriate elections official prior to the day the petition is filed. The voter's request must include the voter's name, residence address, and signature. County elections officials report that they receive petitions for multiple ballot measures at the same time, so when an elections official receives a request from a voter to withdraw the voter's signature from a petition, it can be challenging to determine which petition that request applies to without additional information from the voter. Accordingly, AB 2967 requires a voter's written request to remove their name from a petition to include the name or title of the petition.

Current law requires local elections officials to retain and preserve petitions for local recall measures. For recalls of state officers, state law requires the Secretary of State (SOS) to preserve

the recall petitions. State recall petitions are filed with county elections officials, and county officials are responsible for verifying signatures on those petitions. Because of that fact, the SOS does not receive petitions for recalls of state officers, and the SOS generally does not have an administrative need to access or maintain those petitions. Accordingly, county elections officials indicate that in practice, recall petitions for state officers are preserved and retained at the county elections officials' office and not at the SOS's office. AB 2967 conforms state law to that practice by deleting requirements that the SOS preserve state recall petitions, and instead requires local elections officials to preserve those petitions.

Existing law requires an elections official, upon receiving a vote by mail (VBM) ballot, to verify the signature on the identification envelope by comparing it with signatures in the voter's registration records. If the voter fails to sign the VBM ballot identification envelope, existing law requires the elections official to notify the voter and allow the voter to provide their signature by signing and returning a specified form. That form is referred to in state law as an "unsigned ballot statement." County elections officials indicate that the term "unsigned ballot statement" has created voter confusion because a voter who votes by mail signs their VBM ballot identification envelope, rather than the ballot itself. In an effort to address this confusion, this bill makes clarifying changes by replacing the term "unsigned ballot statement" with "unsigned identification envelope statement."

Senate Bills

SB 103 (Dodd)
Chapter 216, Statutes of 2022
Uniform Faithful Presidential Electors Act.

[Amends Sections 6864, 6901, 6906, 6909, 7100, 7300, 7578, 7843, 8550, 8651, and 18002 of, adds Chapter 1.2 (commencing with Section 6911) of Part 2 of Division 6 to, and repeals Sections 6905, 6907, and 6908 of, the Elections Code]

Legislative History

Senate Elections 5-0
Senate Appropriations..... (28.8)
Senate Floor 38-0

Assembly Elections 7-0
Assembly Appropriations 15-0
Assembly Floor 76-0

When Californians mark their ballots for President and Vice President, they actually are casting their votes for a slate of presidential elector candidates selected by the political party that nominated that presidential ticket (or, in the case of an independent presidential ticket not affiliated with a political party, for a slate of elector candidates that has pledged to vote for that ticket). This is because the voters do not directly elect the President and Vice President; instead, the United States Constitution requires each state to appoint electors who have the responsibility of choosing the President and Vice President. Each state is allocated a number of electors equal to the number of Senators and Representatives that the state is entitled to in Congress. As a body, the electors chosen by each state are referred to as the "Electoral College."

Electors convene by state, vote for President and Vice President on separate ballots, then submit their votes to Congress, where the votes are counted in a joint session of Congress. If a candidate for President or Vice President receives a majority of the Electoral College vote, that person is elected. Currently, there are 538 electors, so a minimum of 270 votes is required to elect a President and Vice President.

There is no federal requirement that presidential electors vote according to their party's (or their state's voters') wishes. Because parties have a strong incentive to vet their elector nominees, however, so-called "faithless electors" who abstain or vote for someone other than their party's presidential ticket have been a rarity in American history. Over 59 presidential elections, with more than 24,000 electoral votes cast, only 90 electors did not vote for their party's presidential nominee and 75 electors (often the same electors) did not vote for their party's vice presidential nominee. While faithless votes therefore represent a tiny percentage of overall electoral votes, in a particularly close contest even a small number of elector defections could undo the will of millions of voters.

To address the risk posed by faithless electors, and to protect the effectiveness of their citizens' votes for President, a majority of states have passed laws requiring presidential electors to vote for their party's presidential ticket. In California, a faithless elector theoretically could be charged

with a crime under a law that makes it a felony for a person to willfully neglect or refuse to perform a duty imposed upon them by a state law relating to elections.

This bill enacts the Uniform Faithful Presidential Electors Act (Act), which provides for the automatic replacement of any presidential elector who does not cast their electoral vote for the candidates for President and Vice President that the elector is pledged to support. Effectively, the Act prevents an elector from successfully casting an electoral vote for a candidate other than those that the elector is pledged to support. Because this bill eliminates the potential of a faithless elector in California, this bill additionally specifies that criminal penalties that apply under existing law for a person who fails to perform a duty relating to elections do not apply to the provisions of state law relating to the meeting of electors and elector voting.

SB 459 (Allen)

Chapter 873, Statutes of 2022

Political Reform Act of 1974: lobbying.

[Amends Sections 86114, 86116, 86117, and 86118 of, and adds Section 86119 to, the Government Code]

Legislative History	
Senate Elections	4-0
Senate Appropriations	5-1
Senate Floor	34-3
Senate Concurrence	33-4
Assembly Elections	6-0
Assembly Appropriations	13-3
Assembly Floor	62-8

Since its enactment in 1974, the Political Reform Act (PRA) has required periodic reports to be filed disclosing payments made in connection with efforts to influence legislative or administrative action, as defined. In addition to disclosing the amounts of payments made for lobbying efforts, these periodic lobbying disclosure reports also are required to include information about the legislative and administrative actions that were lobbied during the period covered by the report. Generally, lobbying firms and interest groups that hire them are required to file quarterly reports on their lobbying activity. The third quarter lobbying report covers the most significant legislative quarter of the year: July through September. This period includes the Legislature's final committee and floor votes and Governor's bill-signing period in even-numbered years. However, because of the quarterly reporting schedule, the third quarter lobbying actions are not disclosed until after the Legislature has decided which bills to pass or defeat, and the Governor has decided which bills to sign or veto.

SB 459 requires lobbying disclosure reports to include additional information about the legislative and administrative actions that the filers sought to influence and about the issue lobbying advertisements that they funded. Additionally, this bill requires lobbyist employers to file a report within 48 hours of retaining a lobbyist during the final 60 days of the Legislative session, as specified, and requires the report to be made publically available by the Secretary of State (SOS) within 24 hours.

Existing law also requires certain payments made for issue advocacy advertisements to be disclosed on lobbying disclosure reports under certain circumstances. Lobbyist employers and persons who do not employ an in-house lobbyist or contract with a lobbying firm, but who directly or indirectly make payments of $5,000 or more in any calendar quarter to attempt to influence legislative or administrative action, must file periodic lobbying disclosure reports. Among the types of expenditures that count toward the $5,000 filing threshold are payments for or in connection with soliciting or urging other persons to enter into direct communication with state officials, including payments made for advertisements that urge voters to communicate with elected officials on pending legislation.

However, the information that must be disclosed with respect to payments made for issue advocacy communications is limited. These reports must include a disclosure of the total amount of all payments to influence legislative or administrative action, and must provide information about the recipients of payments of $2,500 or more made to influence legislative or administrative action, including the primary purpose of such payments. SB 459 increases transparency and requires an issue lobbying advertisement, as defined, to include a disclosure of the person who authorized and paid for the advertisement, as specified.

SB 459 provides that its provisions will be operative one year after the date the SOS certifies a new online filing and disclosure system for reports and statements required to be filed under the PRA, as specified (also known as the Cal-Access Replacement System or CARS).

SB 504 (Becker)
Chapter 14, Statutes of 2022
Elections: voter registration. Urgency.

[Amends Sections 2150 and 2170 of, repeals Sections 3022 and 13315 of, and repeals and adds Section 2212 of, the Elections Code]

Article II, Section 4 of the California Constitution states that "[the] Legislature shall prohibit improper practices that affect elections and shall provide for the disqualification of electors while mentally incompetent or imprisoned for the conviction of a felony." Elections Code Section 2101 is the statute that implements Article II, Section 4. Section 2101 states that "[a] person entitled to register to vote shall be a United States citizen, a resident of California, not imprisoned for the conviction of a felony, and at least 18 years of age at the time of the next election."

Legislative History

Senate Elections	5-0
Senate Public Safety	5-0
Senate Appropriations	7-0
Senate Floor	39-0
Senate Elections (29.10)	5-0
Senate Concurrence	39-0
Assembly Elections	7-0
Assembly Public Safety	8-0
Assembly Appropriations	16-0
Assembly Floor	62-0

Under existing law, an elections official is required to cancel the voter registrations of individuals who are imprisoned for the conviction of a felony. To

facilitate this process, current law requires the clerk of the superior court of each county to provide the Secretary of State (SOS) and county elections officials with specified information regarding persons who have been imprisoned for a felony conviction. SB 504 improves these voter file maintenance procedures and ensures voter file data is uniformly tracked and reported. Specifically, this bill requires the California Department of Corrections and Rehabilitation to provide to the SOS, in a prescribed form, specific personal identifying information of individuals imprisoned for the conviction of a felony or on parole or probation for the conviction of a felony. This information will help ensure accurate, high-quality data matches are determined through the statewide voter database (also known as VoteCal), and will assist county elections officials when canceling or restoring a person's voting rights.

Additionally, SB 504 clarifies that a military and overseas voter and a voter with a disability may complete a conditional voter registration (CVR) and cast a provisional ballot or a nonprovisional ballot. Under existing law, CVR (also known as "same day registration") is safety net for Californians who miss the deadline to register to vote or update their voter registration information for an election. Eligible citizens who need to register or re-register to vote within 14 days of an election can complete this process to register and vote at their county elections office, polling place, or vote center. This bill permits the SOS to adopt emergency regulations to implement and clarify provisions related to CVR that will ensure a military and overseas voter and a voter with a disability may complete a CVR and cast a ballot remotely.

Finally, this bill repeals provisions of existing law that require a voter registration affidavit to contain a space to permit an affiant to apply for permanent vote by mail (VBM) status, require the county voter information guide to include an application for a VBM ballot, and require the exterior of the county voter information guide to contain a notification that the guide includes a VBM ballot application. These provisions of law are obsolete now that California mails a VBM ballot to every active registered voter for each election in which the voter is eligible to participate.

This bill contains an urgency clause, and took effect on March 31, 2022.

SB 746 (Skinner)

Chapter 876, Statutes of 2022

Political Reform Act of 1974: business entities: online advocacy and advertisements.

[Adds Section 84512 to the Government Code]

Legislative History	
Senate Judiciary	N/R
Senate Appropriations	N/R
Senate Floor	N/R
Senate Concurrence	36-0
Assembly Elections	N/R
Assembly Appropriations	N/R
Assembly Elections (77.2)	6-0
Assembly Floor	78-0

Under existing law, if a business entity uses its products or services to alter search results or to target online advertisements in a manner that is designed to influence voters to support or oppose candidates or ballot measures, the actions of the business entity in making those changes to its products or services could be considered an in-kind contribution or an independent expenditure under the Political Reform Act (PRA) that must be reported. In such a situation, state law may require public disclosure of the entity that made that contribution or expenditure, the value of the business entity's actions, and an identification of the candidate or measure that the entity's actions supported or opposed.

In at least some circumstances, however, state law may not require disclosure of a business entity's use of its products or services for political purposes. For example, if the value of the business entity's actions are less than the relevant reporting threshold in the PRA, those actions likely would not need to be disclosed. Additionally, an existing Fair Political Practices Commission regulation permits an employer's payment of salary or other compensation to an employee to go unreported as a contribution or expenditure if 10% or less of the employee's compensated time in a month is spent rendering services for political purposes. This exception, which can serve as a safe harbor for employers that do not engage in significant political activities, could relieve a business entity of any obligation to report the value of compensated staff time devoted to altering search results or targeting online advertisements for political purposes.

This bill requires a business entity that, for political purposes, uses its online products or services to target information to its users, to disclose that targeting on a public report that is filed with the Secretary of State, beginning on January 1, 2024, as specified.

SB 794 (Glazer)
Chapter 816, Statutes of 2022
Political Reform Act of 1974: contribution limits.

[Adds Section 85319.5 to the Government Code]

In November 2000, California voters approved Proposition 34, which established limits on the size of campaign contributions made to candidates for elective state office, among other provisions. Additionally, AB 571 (Mullin), Chapter 556, Statutes of 2019, established default campaign contribution limits for county and city office at the same level as the limit on contributions from individuals to candidates for Senate and Assembly.

Legislative History

Senate Elections	N/R
Senate Floor	N/R
Senate Elections (29.10)	5-0
Senate Concurrence	40-0
Assembly Elections	7-0
Assembly Floor	77-0

Until recently, a Fair Political Practices Commission (FPPC) regulation provided that a monetary contribution that exceeded the contribution limits would not be deemed to have been accepted if the committee returned the contribution within 14 days of receipt and prior to depositing the contribution in the committee's bank account. In a December 2019 letter to the FPPC, the California Political Attorneys Association (CPAA) requested that the FPPC consider regulatory changes to permit candidates and committees to remedy excess contributions by refunding the excess amount within a reasonable time. In its letter, CPAA argued that "[i]n most instances, excess contributions are the result of human error and are inadvertent in nature, rather than bad actors intentionally contributing over the legal contribution limit."

In response to those comments, the FPPC amended that regulation in April 2020 to permit a committee to return contributions that exceed the contribution limits, and that have already been deposited by the committee, without violating the contribution limits if the excess amount is returned within 14 days of receipt and if certain other conditions are met. The FPPC staff memo prepared as part of the consideration of that regulatory change noted that an increasing number of donors were choosing to make recurring contributions that are automatically deposited into a committee's bank account. As a result, committees could be unaware of the receipt of a contribution that caused a donor to exceed the contribution limits until after that contribution was deposited by a third-party vendor into the committee's account. At that point, because the excess contribution had been deposited, the FPPC regulation in effect at the time would not have allowed the committee to avoid a violation of the contribution limits by returning the excess contribution.

Because the regulatory change allowed a committee, for the first time, to avoid a violation of the contribution limits by returning an over-the-limit contribution after it had been deposited into the committee's account, the amended regulation included additional limitations to ensure that the purpose of contribution limits was not undermined. Specifically, the regulation allowed an

over-limit contribution that had been deposited by the committee to be returned without a violation of the contribution limits only if (1) the committee did not have actual knowledge that the contribution exceeded the limit at the time it was deposited, and (2) the committee did not make use of the contribution prior to returning it.

As a result of the limitations established by the FPPC regulation, a committee was still prohibited from depositing a check from a campaign contributor if the committee knew that depositing the check would result in the contributor exceeding the contribution limit. For instance, if the contribution limit for a particular office was $5,000 per contributor per election, and a committee previously received a $500 contribution from a contributor, that same committee would be unable to deposit a check from the same contributor of $4,600 for the same election because it would result in the total amount contributed exceeding the contribution limit.

This bill allows a political committee that receives a contribution that exceeds a contribution limit to accept the contribution without violating the contribution limit by returning the amount in excess of the limit or by attributing the excess amount to a different election, as specified, and subject to certain conditions.

SB 1061 (Laird)

Chapter 831, Statutes of 2022

School district and community college district elections: special elections: petition requirements: election timing.

[Amends Section 5091 of the Education Code]

Legislative History	
Senate Elections	4-1
Senate Appropriations	(28.8)
Senate Floor	28-9
Senate Concurrence	27-9
Assembly Elections	5-1
Assembly Appropriations	11-4
Assembly Floor	59-18

Generally, when a vacancy occurs on a school district or community college district governing board, existing law permits the board to immediately call an election to fill the vacancy or to make a provisional appointment. If the district's governing board chooses to appoint an individual to the vacant position, existing law provides registered voters of the jurisdiction an opportunity to challenge the appointment by collecting signatures on a petition calling for a special election to fill the vacancy. If the petition contains the required number of signatures, a special election is required to be held no later than the 130th day after that determination is made. If an established election date occurs between the 130th day and the 150th day following the determination that the petition contains sufficient signatures, however, existing law permits the special election to be conducted on that established election date.

SB 1061 changes the timing for holding a special election to fill a vacancy on a school district or community college district governing board when the board makes a provisional appointment to

fill that vacancy and the voters of the district submit sufficient signatures on a petition to terminate the appointment and order a special election. Specifically, this bill requires a special election to fill a vacancy on a school district governing board to be held not less than 88 days, nor more than 125 days, following the order of the election, and permits the election to be conducted within 180 days after the issuance of the order so that the election may be consolidated with a regularly scheduled election. In addition, SB 1061 requires the special election petition to contain the election official's estimate of the cost of conducting the special election, and requires that cost to be expressed on a per-pupil or per-student basis.

SB 1131 (Newman)

Chapter 554, Statutes of 2022

Address confidentiality: public entity employees and contractors. Urgency.

[Amends Sections 2166.5, 12105.5, and 12108 of, and adds Section 2166.8 to, the Elections Code, and amends Sections 6215 and 6215.2 of, and amends the heading of Chapter 3.2 (commencing with Section 6215) of Division 7 of Title 1 of, the Government Code]

Legislative History	
Senate Elections	4-0
Senate Judiciary	9-2
Senate Appropriations	5-2
Senate Floor	30-8
Senate Judiciary (29.10)	9-0
Senate Concurrence	30-3
Assembly Elections	5-1
Assembly Judiciary	9-0
Assembly Appropriations	12-2
Assembly Floor	62-0

Under existing California law, there are two separate address confidentiality programs for individuals who fear for their safety or the safety of their families. The Address Confidentiality for Victims of Domestic Violence program was created by SB 489 (Alpert), Chapter 1005, Statutes of 1998, modeled after a program in the state of Washington that was intended to allow an individual who experienced or who feared domestic violence to keep the person's residential address confidential and to provide a substitute address for use by state and local agencies in public records. A participant in the program uses a substitute address provided by the Secretary of State, who forwards the participant's mail to their actual address. State and local agencies are required to accept the substitute address, except in certain limited cases, when presented proof that a person is participating in the program. Additionally, participants are allowed to have their voter registration information kept entirely confidential from campaigns, pollsters, and the media by completing a confidential voter registration affidavit. That program has since been expanded to allow participation by victims of stalking, sexual assault, human trafficking, and elder or dependent adult abuse. Separately, AB 797 (Shelley), Chapter 380, Statutes of 2002, created a related program for reproductive health care services providers and their employees, volunteers, and patients. While the provisions of the two programs are very similar, participants in the program created by AB 797, other than reproductive health care services patients, are required to pay an application fee and an annual fee to participate in the program. Although the two programs are identified separately in state law they are frequently referred to collectively as the "Safe at Home" program.

According to information provided by the author and co-sponsors of this bill, election officials across the country have increasingly been subject to harassment, intimidation, and threats, including death threats, particularly leading up to and since the 2020 presidential election. Furthermore, many other individuals have faced harassment, threats, and acts of violence because of their public service, and such incidents have become more frequent and serious since the start of the COVID-19 pandemic.

This bill allows individuals who face threats or acts of violence or harassment because of their work for public entities (including election workers) to participate in the Safe at Home program. Additionally, this bill allows employees and contractors of state or local election officials who face life-threatening circumstances to have their voter registration information made confidential through a separate process without enrolling in the full address confidentiality program. Finally, this bill repeals an existing requirement that elections officials include the *names* of precinct board members assigned to a precinct in lists that the official is required to post and distribute, and instead requires that the list include the political party preferences of precinct board members.

This bill contains an urgency clause, and took effect on September 26, 2022.

SB 1360 (Umberg & Allen)
Chapter 887, Statutes of 2022
Elections: disclosure of contributors.

[Amends Sections 101, 107, 9008, 9020, 9105, 9203, and 11043 of the Elections Code, and amends Sections 84502, 84503, 84504.1, 84504.2, 84504.3, and 84505 of, and adds Section 84504.8 to, the Government Code]

Legislative History

Senate Elections	4-1
Senate Appropriations	5-2
Senate Floor	34-3
Senate Concurrence	33-4
Assembly Elections	6-0
Assembly Appropriations	13-3
Assembly Floor	62-10

Five years ago, the Legislature approved and Governor Brown signed AB 249 (Mullin), Chapter 546, Statutes of 2017, which significantly changed the content and format of disclosure statements required on specified campaign advertisements in a manner that generally required such disclosures to be more prominent. AB 249 also established new requirements for determining when contributions are considered to be earmarked, and imposed new disclosure requirements for earmarked contributions to ensure that committees are able to determine which contributors must be listed on campaign advertisements. AB 249 is commonly known as the "Disclose Act."

Since the enactment of AB 249, there have been several other bills that have modified the content and format of the disclosure statements created by that bill. Notably, AB 2188 (Mullin),

Chapter 754, Statutes of 2018, required online platforms that sell political ads to make specified information about those political ads available to the public, and made various changes to the required format for disclosures on electronic media ads. AB 201 (Cervantes), Chapter 555, Statutes of 2019, required a text message that supports or opposes a candidate or ballot measure to disclose the name of the candidate or committee that paid for the text message and, in certain circumstances, the top contributors to the committee.

Last session, the Disclose Act's approach was extended to apply to initiative, referendum, and recall petitions with the passage of SB 47 (Allen), Chapter 563, Statutes of 2019. SB 47 generally requires that individuals who are asked to sign state or local initiative, referendum, or recall petitions be provided with information about the committee that is paying for the petition to be circulated, if any, and the top campaign contributors to that committee, as specified.

This bill makes various, mostly minor, changes to the text and formatting of required disclosures on petitions and electronic media and video campaign advertisements.

SB 1439 (Glazer)
Chapter 848, Statutes of 2022
Campaign contributions: agency officers.

[Amends Section 84308 of the Government Code]

Legislative History

Senate Elections	5-0
Senate Appropriations	5-0
Senate Floor	34-0
Senate Concurrence	32-0
Assembly Elections	5-0
Assembly Appropriations	13-0
Assembly Floor	66-0

The Levine Act, named after former-Assemblymember Mel Levine, restricts campaign contributions made to officers of most state and local agencies by parties to a proceeding pending before those agencies. Enacted in 1982, the Levine Act was a response to reports that members of a state agency sought to raise money from individuals and entities that had permit requests pending before the agency. The Levine Act is unique among the provisions of the Political Reform Act (PRA) in that it is the only area in which a campaign contribution can be the basis for a disqualifying conflict of interest. The PRA otherwise does not treat campaign contributions as a potential basis for conflicts of interest.

The Levine Act is narrowly drafted to apply only to decisions made by agencies with membership that is not directly elected by voters, and only to proceedings involving licenses, permits, or other entitlements for use. Proceedings of a more general nature and with broader applicability are not covered by the Levine Act.

The Levine Act generally does not apply to the judicial branch, local governmental bodies whose members are elected directly by the voters, members of the Legislature and the Board of Equalization, or constitutional officers. However, when an officer who is otherwise exempted

serves as a voting member of an agency that is subject to the Levine Act, then the contribution restrictions of the Levine Act do apply to that officer. For example, someone elected to a county board of supervisors is not subject to the Levine Act simply for sitting on the board of supervisors; but, if that official also sits on a regional transit agency, which is subject to the Levine Act, then the officer would be required to comply with the contribution restrictions with respect to proceedings before the regional transit agency.

This bill makes *all* local government agencies—including bodies whose members are elected directly by the voters—subject to the Levine Act. Additionally, this bill extends, from three months to 12 months, the period of time following the date that an agency renders a final decision in a matter involving a license, permit, or other entitlement for use during which the Levine Act's restrictions apply to campaign contributions to an officer from a party or participant in the matter. Finally, this bill permits an officer who is subject to the Levine Act, and who accepts, solicits, or directs an otherwise prohibited contribution after the date a final decision is rendered in a covered proceeding, to cure the violation by returning the contribution or the portion exceeding the limit within 14 days of accepting, soliciting, or directing the contribution, as specified.

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