

Date of Hearing: May 9, 2018

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

AB 3259 (Committee on Elections and Redistricting) – As Introduced March 21, 2018

SUBJECT: Elections.

SUMMARY: Makes various minor, technical, and corresponding changes to the Elections Code. Specifically, **this bill:**

- 1) Deletes provisions of law that require an elections official to return insufficient municipal initiative and referendum petitions, and local recall petitions, to the proponents, and instead requires an elections official to take no further action on petitions with an insufficient number of signatures.
- 2) Deletes the space on the voter notification form for a voter's signature.
- 3) Updates the date blocks on election-related forms from "19__" to "20__".
- 4) Makes clarifying, technical, and corresponding changes.

EXISTING LAW:

- 1) Requires a county elections official, upon receipt of a properly executed affidavit of registration or address correction notice or letter for a voter, to send the voter a voter notification, address correction requested. Requires the voter notification form to include a voter signature line.
- 2) Authorizes a local, special, or consolidated election to be conducted wholly by mail if specified conditions are satisfied.
- 3) Establishes the following dates as mailed ballot election dates:
 - a) The first Tuesday after the first Monday in May of each year;
 - b) The first Tuesday after the first Monday in March of each even-numbered year; and,
 - c) The last Tuesday in August of each year.
- 4) Requires an elections official, if the proponents of a state initiative, referendum, or recall measure or of a county initiative or referendum measure submit petitions that contain an insufficient number of signatures for that measure to qualify for the ballot, to retain the petitions and destroy them after a specified period of time.
- 5) Requires an elections official, if the proponents of a municipal initiative or referendum or a local recall measure submit petitions that contain an insufficient number of signatures for that measure to qualify for the ballot, to return the insufficient petitions to the proponents

FISCAL EFFECT: None. This bill is keyed non-fiscal by the Legislative Counsel.

COMMENTS:

- 1) **Purpose of the Bill:** This is one of the Assembly Elections & Redistricting Committee's annual omnibus bills, containing various minor, technical, and conforming changes to provisions of the Elections Code. This bill includes changes requested by the California Association of Clerks and Election Officials (CACEO) and otherwise identified by committee staff.
- 2) **Election Petitions:** Under existing law, if the proponents of a state initiative, referendum, or recall measure or of a county initiative or referendum measure submit petitions that contain an insufficient number of signatures for that measure to qualify for the ballot, the petitions are retained by the elections official and are destroyed after a specified period of time. If the proponents of a municipal initiative or referendum or a local recall measure submit petitions that contain an insufficient number of signatures for that measure to qualify for the ballot, however, existing law requires the county elections official to return the insufficient petitions to the proponents. Elections officials are concerned that this inconsistency may create confusion, and can result in voters' personal information being unsecured if the proponents do not take appropriate steps to protect the returned petitions.

This bill deletes the requirement that elections officials must return insufficient municipal initiative and referendum petitions, and local recall petitions, to the proponents, and instead mirrors the language used in provisions of law to specify that the elections official shall take no further action on petitions with an insufficient number of signatures. These changes were requested by the CACEO.

- 3) **Election Dates:** Last year, the Legislature approved and the Governor signed SB 568 (Lara), Chapter 335, Statutes of 2017, which moved California's statewide primary elections from June to March, beginning in 2020. SB 568 also made a corresponding change to a provision of law that specifies the "established election dates" in California by including the first Tuesday after the first Monday in March of each even-numbered year as an "established election date." However, that date is already an "established mailed ballot election date" under another provision of law, and SB 568 did not make the corresponding change to that section of law.

This bill deletes the first Tuesday after the first Monday in March of each even-numbered year from the list of "established mailed ballot election dates" to reflect the action taken in SB 568. This change was requested by the CACEO.

- 4) **Voter Notification:** Section 2155 of the Elections Code specifies the format of the notification that is required to be sent to voters when they register to vote or update their voter registration, and requires that the end of the notification include a place for the voter's signature. The purpose of the space for the voter's signature is unclear—the notification is intended to notify the voter of the change to his or her voter registration status, and it is not generally used for other election purposes. Elections officials indicate, however, that because the notification includes a space for the voter's signature, some voters are signing the notification and putting it back in the mail. In some cases, when a voter does this, the notification is returned to the county registrar of voters by the post office as undeliverable mail, which can result in the voter's registration being incorrectly inactivated.

This bill deletes the space on the voter notification form for a voter's signature. This change was requested by the CACEO.

- 5) **Technical and Corresponding Changes:** Various provisions of the Elections Code specify the format for elections-related forms that contain obsolete date blocks that begin with "19__."

This bill updates those date blocks so that they begin with "20__." These changes were identified by committee staff.

- 6) **Amendments Sought:** Disability Rights California, which has a "support if amended" position on this bill, requests that the bill be amended to ensure that the notification card sent to voters when they register to vote or update their voter registration card be made available in the format that the voter requested.

- 7) **Drafting Error Amendment:** The committee staff recommends the following amendment to correct a drafting error.

On page 7, in line 12, after the word "of," insert a ____ (blank).

REGISTERED SUPPORT / OPPOSITION:

Support

Disability Rights California (if amended)
Secretary of State Alex Padilla

Opposition

None on file.

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