Date of Hearing: April 25, 2018

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING
Marc Berman, Chair
AB 3258 (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) Requires county elections officials, when notifying the Secretary of State (SOS) that specified information is available about the number of registered voters in the county pursuant to a specified provision of existing law, that the notification prior to a presidential general election include voters who are registered *on* the 123rd day before the election, instead of including voters who are registered *before* the 123rd day before the election as is currently required.

2) Repeals provisions of law that require county elections officials to mail state voter information guides (VIGs) to voters in certain circumstances, and instead requires the SOS to mail all state VIGs directly to postal addresses at which one or more persons are registered to vote as of the 29th day before a statewide election.

3) Makes clarifying, technical, and corresponding changes.

EXISTING LAW:

1) Requires county elections officials to provide notice to the SOS that specified information is available about the number of registered voters in the county, including the number of voters registered as preferring each qualified political party and the number registered as preferring nonqualified parties. Requires this notice to be provided at specified times, including not less than 102 days prior to each presidential general election, with respect to all voters registered before the 123rd day before the presidential general election.

2) Provides that a political party is qualified to participate in a presidential general election if the SOS determines that the number of voters registered as preferring that political party on the 123rd day before the presidential general election equals at least 0.33 percent of the total number of registered voters excluding those whose party preference is designated as "Unknown," as specified.

3) Requires that a state VIG be mailed to every postal address at which one or more persons are registered to vote as of the 29th day before a statewide election. Requires, for counties that use data processing equipment to store voter registration information, that the SOS mail the state VIG directly to voters who are registered on or before the 60th day before the election. Requires the SOS to furnish the guides to counties that do not use data processing equipment to store voter registration information and requires those counties to mail the guides to voters, as specified. Permits the SOS, for voters who register after the 60th day before the election but before the 28th day before the election, to mail the guides directly to voters, or to provide the guides to counites for the counties to mail to the voters.

4) Requires the county elections official to prepare a county VIG for each election that it conducts. Requires the county VIG to contain specified information, including an application for a vote by mail (VBM) ballot and a notice that a VBM ballot application is enclosed. Requires a county VIG to be mailed to every voter who is registered at least 29 days before the election, except as specified.

5) Permits a county elections official to choose not to mail a county VIG to permanent VBM voters, voters in all-mailed ballot elections, and voters in all-mailed ballot precincts if the county mails that voter all the information that is required to be included in the county VIG except for the application for the VBM ballot and the notice that a VBM ballot application is enclosed.

FISCAL EFFECT: Unknown

COMMENTS:

1) **Purpose of the Bill**: This is one of the Assembly Elections and 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 SOS and San Diego County, and otherwise identified by committee staff.

2) **Reports of Voter Registration**: Existing law requires the SOS to prepare periodic reports of voter registration. These reports show the number of voters, by party preference, registered in the state and in each county, city, supervisorial district, Assembly district, Senate district, and congressional district in the state. Among other things, reports of voter registration are used to determine which political parties are eligible to participate in statewide primary elections and in presidential general elections.

   Among other tests, state law provides that a political party is eligible to participate in a presidential general election if the number of voters registered as preferring that political party is equal in number to at least 0.33 percent of the total number of voters registered *on* the 123rd day before the presidential general election, as specified. The report of voter registration that the SOS uses to make that determination, however, is required to identify the number of voters who are registered with each political party *before* the 123rd day before the presidential general election. This bill amends Section 2187 to align these two dates by requiring the report of voter registration to identify the number of voters who are registered with each political party *on* the 123rd day before the presidential general election. Additionally, this bill makes various clarifying changes to standardize the language used to describe the dates that reports of voter registration are to cover. These changes were requested by the SOS.

3) **State Voter Information Guides**: Existing law generally requires the SOS to mail state VIGs to voters but provides that county elections officials may be required to mail the guides to voters if the county does not use data processing equipment to store voter registration information. Additionally, for voters who register to vote after the 60th day before an election but before the 28th day before the election, state law provides that the SOS may mail the VIG to voters or may require the county elections official to mail the guide to voters.

   All counties have been using data processing equipment to store voter registration

information for many years. Additionally, earlier this year, the SOS office told counties that due to the functionality included in the state's new voter registration database, the SOS would be mailing state VIGs directly to voters who register after the 60th day before an election but before the 28th day before the election.

Consistent with this new practice, this bill specifies that the SOS is responsible for mailing VIGs directly to voters. These changes were identified by committee staff.

4) **Standardized Terminology**: AB 2911 (Elections & Redistricting Committee), Chapter 422, Statutes of 2016, standardized the terms in the Elections Code used to refer to county and state VIGs. This bill further updates terminology used in Section 11325 of the Elections Code, and corrects an error made by AB 2911 in Section 13305 of the Elections Code. These changes were requested by the SOS.

Additionally, this bill updates Elections Code Section 13305 to make it clear that a county is not required to send a VBM ballot application or a notice that such an application is enclosed on the guide that is sent to permanent VBM voters, voters in all-mailed ballot elections, and voters in all-mailed ballot precincts. This change was requested by San Diego County.

REGISTERED SUPPORT / OPPOSITION:

Support

San Diego County
Secretary of State Alex Padilla

Opposition

None on file.

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