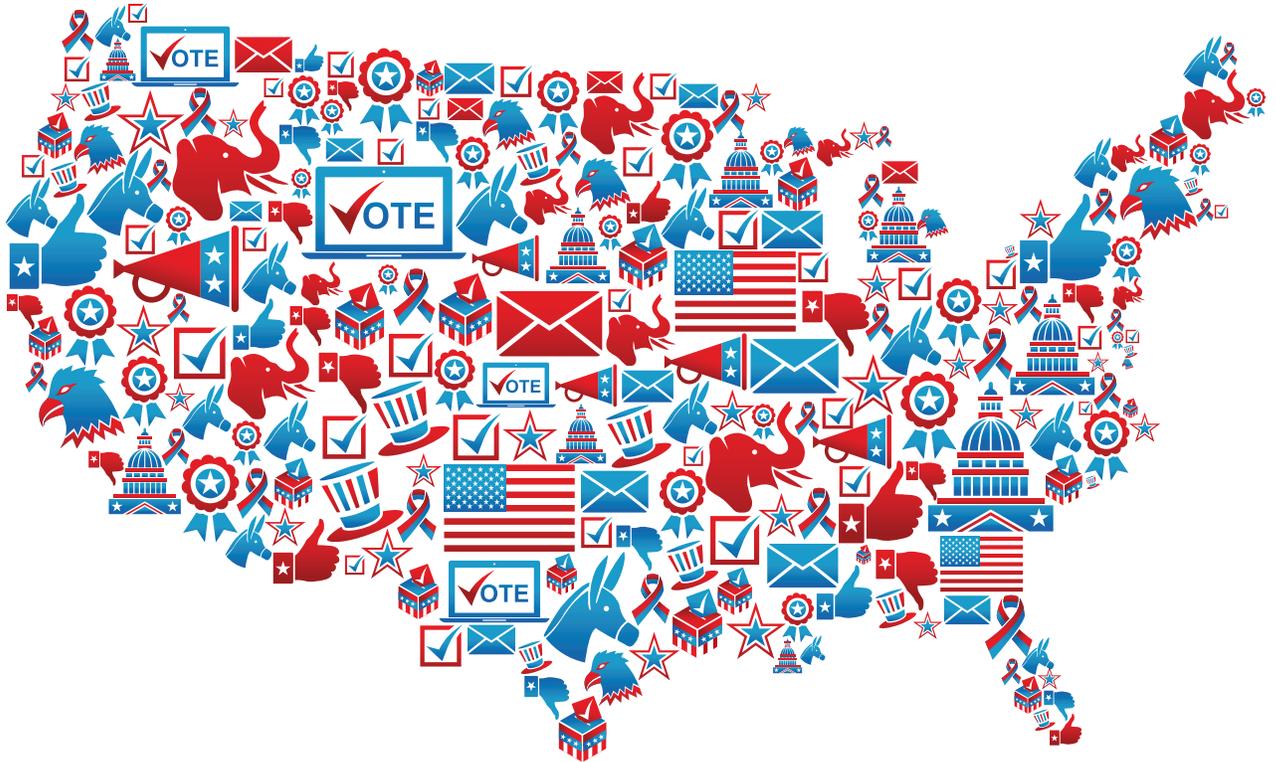

Assembly Committee on Elections and Redistricting

2016 LEGISLATIVE SUMMARY

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November 2016

Interested Parties:

This booklet summarizes selected legislation approved by the Assembly Committee on Elections and Redistricting during the 2016 legislative year. Those bills that made it through the legislative process and were subsequently signed or vetoed by the Governor are included. Those bills that failed to reach the Governor's desk are not.

Among the more noteworthy legislation considered and approved by the Committee were measures to modernize the state's elections by allowing counties to mail ballots to all registered voters and make in-person voting widely available for 10 days leading up to the election; streamline the process for local governments to address voting rights concerns; strengthen laws governing lobbying of procurement and the Coastal Commission, and ensure adequate disclosure of such lobbying; and facilitate the creation and use of independent commissions to redraw the boundaries of districts for cities and counties. 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, 2017. 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 web site (<http://leginfo.legislature.ca.gov/>).

I hope this publication will be informative and useful as a reference tool. For additional copies or other information concerning Committee activities, please contact us at (916) 319-2094.

Sincerely,

A handwritten signature in black ink, appearing to read "Shirley N. Weber", is written over a horizontal line.

Shirley N. Weber, Ph.D.

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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 AND REDISTRICTING LEGISLATIVE HIGHLIGHTS

MODERNIZING CALIFORNIA'S ELECTIONS:

In an effort to improve voter participation and turnout, the Legislature approved and the Governor signed a bill that establishes a new model for conducting elections. Under this process, counties will have the option of mailing every voter a ballot and replacing polling places with vote centers. Vote centers will be open for the 10 day period leading up to the election, and voters will be able to cast a ballot at any vote center in their county instead of being tied to a single polling place. Vote centers will additionally provide benefits to voters that are not available at polling places, including the ability to access same-day voter registration.

PROTECTING VOTING RIGHTS:

The Legislature approved a series of bills to make it easier for local governments to transition from at-large to district-based elections in situations where at-large election methods dilute the voting strength of some communities. One new law will help local governments respond to voting rights concerns that are raised under the California Voting Rights Act in a timelier manner, and should reduce the need for litigation to resolve those concerns. Another bill that was signed by the Governor clarifies state law governing the voting rights of people who have been convicted of low-level felonies.

FACILITATING VOTING BY MAIL:

As the number of California voters who vote by mail continues to rise, the Legislature took additional steps to ensure that properly cast vote by mail ballots are counted. Beginning in 2017, vote by mail voters will have greater flexibility in designating representatives to return their ballots. Another new law provides for the use of remote accessible balloting systems, which will allow voters with disabilities to vote at home independently. The Legislature also approved a bill to require that voters be notified when their vote by mail ballots are not counted, in the hopes that the information would help voters take corrective action and avoid having their ballots rejected.

CAMPAIGN DISCLOSURE AND GOVERNMENTAL TRANSPARENCY:

The Legislature approved and the Governor signed a bill to establish the framework and set a timetable for modernizing and replacing the state's campaign finance and lobbying disclosure system. Another measure streamlines the enforcement of a state law that governs the political activities of nonprofit organizations that receive large amounts of money from governmental entities, in an effort to ensure that public moneys are not being inappropriately diverted to campaign purposes. In an attempt to bring greater transparency to the state's procurement process, the Legislature also approved a bill to make paid advocacy efforts on contracting decisions subject to the state's lobbying laws.

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING LEGISLATIVE SUMMARY

ASSEMBLY BILLS

[AB 278 \(ROGER HERNÁNDEZ\)](#) CHAPTER 736, STATUTES OF 2016 MUNICIPAL ELECTIONS.

[Amends Sections 34872, 34877, 34884, and 34886 of, and adds Sections 34876.5 and 34877.5 to, the Government Code]

[SB 976 \(Polanco\), Chapter 129, Statutes of 2002](#), enacted the California Voting Rights Act of 2001 (CVRA) to address racial block voting in at-large elections for local office in California. In areas where racial block voting occurs, an at-large method of election can dilute the voting rights of minority communities if the majority typically votes to support candidates that differ from the candidates who are preferred by minority communities. In such situations, breaking a jurisdiction up into districts can result in districts in which a minority community can elect the candidate of its choice or otherwise have the ability to influence the outcome of an election. Accordingly, the CVRA prohibits an at-large method of election from being imposed or applied in a political subdivision in a manner that impairs the ability of a protected class of voters to elect the candidate of its choice or to influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters who are members of the protected class.

Legislative History

Assembly Elections.....	N/R
Assembly Local Government ..	N/R
Assembly Appropriations	N/R
Assembly Floor	N/R
Assembly Elections (77.2).....	5-2
Assembly Concurrence.....	54-21
Senate Elections.....	5-0
Senate Gov. and Finance	7-0
Senate Floor	33-5

Until recently, any city that wished to move from at-large elections to a district-based method of election generally needed voter approval in order to make such a change. This voter approval requirement can make it difficult for jurisdictions to proactively transition to district-based elections in order to address potential liability under the CVRA. In an attempt to address that difficulty, in 2015, the Legislature approved and the Governor signed [SB 493 \(Cannella\), Chapter 735, Statutes of 2015](#), which permitted a city with a population of fewer than 100,000 people to change the method of electing council members to a by-district method of election without receiving voter approval if such a change was made in furtherance of the purposes of the CVRA. SB 493 did not relieve cities with populations of 100,000 or more from the requirement to receive voter approval in order to change from at-large elections to a district-based method of election.

This bill permits any city, regardless of population, to change the method of electing its governing board members from at-large to a by-district method of election without receiving voter approval if such a change is made in furtherance of the purposes of the CVRA. Additionally, this bill provides that if a city seeks voter approval for a change from at-large to district-based elections, the proposed boundaries for the districts are not required to appear on the ballot. Instead, the city council would be responsible for preparing a proposed map describing the boundaries and numbers of the city council districts after such a measure is approved by voters, as specified.

[AB 350 \(ALEJO\)](#)

CHAPTER 737, STATUTES OF 2016

DISTRICT-BASED MUNICIPAL ELECTIONS: PREAPPROVAL HEARINGS.

[Amends Section 10010 of the Elections Code]

[SB 976 \(Polanco\), Chapter 129, Statutes of 2002](#), enacted the California Voting Rights Act of 2001 (CVRA) to address racial block voting in at-large elections for local office in California. In areas where racial block voting occurs, an at-large method of election can dilute the voting rights of minority communities if the majority typically votes to support candidates that differ from the candidates who are preferred by minority communities. In such situations, breaking a jurisdiction up into districts can result in districts in which a minority community can elect the candidate of its choice or otherwise have the ability to influence the outcome of an election. Accordingly, the CVRA prohibits an at-large method of election from being imposed or applied in a political subdivision in a manner that impairs the ability of a protected class of voters to elect the candidate of its choice or to influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters who are members of the protected class.

<u>Legislative History</u>	
Assembly Elections.....	<u>N/R</u>
Assembly Judiciary	<u>N/R</u>
Assembly Floor	<u>N/R</u>
Assembly Judiciary (<u>77.2</u>).....	6-3
Assembly Elections (<u>77.2</u>).....	5-2
Assembly Concurrence.....	57-22
Senate Elections.....	4-1
Senate Appropriations	5-2
Senate Floor	27-12

At least 160 local government bodies have transitioned from at-large to district-based elections since the enactment of the CVRA. While some jurisdictions did so in response to litigation or threats of litigation, other jurisdictions proactively changed election methods because they believed they could be susceptible to a legal challenge under the CVRA, and they wished to avoid the potential expense of litigation.

This bill requires a political subdivision that changes to, or establishes, district-based elections to hold at least two public hearings both before and after drawing a preliminary map or maps of the proposed district boundaries, as specified. Additionally, this bill establishes a procedure for written notice to be provided to a local government before a

lawsuit can be brought for a violation of the CVRA, in order to give the local government an opportunity to address the CVRA concerns without the need for litigation.

[AB 1200 \(GORDON\)](#)

VETOED

POLITICAL REFORM ACT OF 1974: LOBBYING: PROCUREMENT CONTRACTS.
URGENCY.

[Amends, adds, and repeals Sections 82002 and 82039 of, and adds Section 86207 to, the Government Code]

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 (SOS) and to file periodic reports. The term "administrative action" is defined primarily to include rule- and rate-making, the adoption of regulations, and quasi-legislative proceedings. Contracting decisions

<u>Legislative History</u>	
Assembly Elections.....	4-1
Assembly Appropriations	15-0
Assembly Floor	79-0
Assembly Concurrence.....	72-0
Senate Elections.....	4-0
Senate Appropriations	5-0
Senate Floor	38-1

by state agencies are not included within the definition of the term "administrative action," so individuals and entities that attempt to influence state contracting decisions are not required to comply with lobbying rules as a result of their efforts with respect to those decisions. For example, in its Lobbying Information Disclosure Manual, the Fair Political Practices Commission states that an entity bidding on a contract with the Department of Housing and Community Development (Department) to provide low and moderate-income housing units would not be engaged in lobbying as a result of submitting a bid, because although the Department is an administrative agency, the awarding of a contract is not considered an administrative action.

This bill would have added governmental procurement, as defined, to the definition of "administrative action," thereby bringing contracting within the types of governmental decisions that are covered by the state's lobbying rules. For individuals and entities that frequently attempt to influence state agency contracting decisions, but that do not regularly attempt to influence other actions by state agencies, this bill could have required those individuals and entities to comply with the state's lobbying rules, including registering with the SOS and filing periodic disclosure reports.

On May 13, 2016, this bill was vetoed by Governor Brown. In his [veto message](#), the Governor argued that the bill was unnecessary because "the laws regulating state procurement are voluminous and already contain ample opportunity for public scrutiny."

[AB 1494 \(LEVINE\)](#)
 CHAPTER 813, STATUTES OF 2016
 VOTING: MARKED BALLOTS.

[Amends Section 14291 of, and repeals Section 14276 of, the Elections Code]

[Article II, Section 7](#) of the California Constitution provides, "Voting shall be secret." Notably, while this constitutional provision protects the right of a voter to cast a secret ballot, it also reflects distinct state interests in keeping voting secret. Requiring a secret ballot helps protect the integrity of the voting process by making it impossible to verify the votes cast by any single voter, thereby protecting against vote buying schemes and voter intimidation or coercion.

<u>Legislative History</u>	
Assembly Elections.....	4-3
Assembly Appropriations	14-3
Assembly Floor	51-18
Assembly Concurrence.....	63-15
Senate Elections.....	5-0
Senate Floor	31-6

The California Elections Code contains a number of provisions that are intended to protect the secrecy of voting. For example, state law prohibits a voter from showing his or her ballot to any person in such a way as to reveal the ballot's contents after it has been marked. This provision can protect a voter from being coerced or intimidated into showing his or her marked ballot, thereby safeguarding the voter's right to cast a secret ballot. Furthermore, this provision protects against vote buying schemes by prohibiting a voter from providing proof of his or her vote selections.

Two federal court decisions in 2015 questioned the constitutionality of laws that make it illegal for voters to take and share photographs of their marked ballots. In those decisions, the courts concluded that the laws violated the First Amendment rights of voters because they deprived voters of one of the most powerful means of sharing how they voted. In light of those court decisions, the author of this bill sought to protect the First Amendment rights of voters to engage in political speech by voluntarily sharing how they voted.

This bill permits a voter to voluntarily disclose how he or she voted if that voluntary act does not violate any other law.

[AB 1921 \(GONZALEZ\)](#)

CHAPTER 820, STATUTES OF 2016
ELECTIONS: VOTE BY MAIL BALLOTS.

[Amends Section 3017 of the Elections Code]

Under current law, a person who is unable to return his or her vote by mail (VBM) ballot is permitted to designate his or her spouse, child, parent, grandparent, grandchild, sibling, or a person residing in the same household to return the voter's ballot to the elections official from whom it came or to the precinct board at a polling place within the jurisdiction. Additionally, existing law prohibits a VBM ballot from being returned by a paid or volunteer worker of a campaign committee or any other group or organization at whose behest the individual designated to return the ballot is performing a service, as specified.

<u>Legislative History</u>	
Assembly Elections.....	5-2
Assembly Floor	46-29
Assembly Concurrence.....	50-29
Senate Elections.....	4-1
Senate Floor	26-11

This bill permits a person who is unable to return his or her VBM ballot to designate *any* person to return the voter's ballot, as specified. Additionally, this bill prohibits a person designated to return a VBM ballot from receiving any form of compensation, as defined, based on the number of ballots that the person has returned and prohibits an individual, group, or organization from providing compensation on this basis.

[AB 1970 \(LOW\)](#)

CHAPTER 821, STATUTES OF 2016
ELECTIONS: VOTE BY MAIL AND PROVISIONAL BALLOTS.

[Adds Sections 3026 and 14314 to the Elections Code]

Current law requires a county elections official, upon receiving a vote by mail (VBM) or a provisional ballot, to compare the signature on the identification envelope with the signature appearing in the voter's registration record. If the signatures compare, current law requires the county elections official to deposit the ballot, still in the identification envelope, in a ballot container in his or her office. If the signatures do not compare, existing law requires the envelope to remain unopened and provides that the ballot shall not be counted.

<u>Legislative History</u>	
Assembly Elections.....	6-1
Assembly Appropriations	14-6
Assembly Floor	52-26
Senate Elections.....	4-1
Senate Appropriations	5-2
Senate Floor	25-13

Because current law lacks specificity when it comes to the criteria that should be used to compare signatures, many counties have written signature verification guidelines. However, recent studies have found that guidelines vary from county to county and as a

result, counties have different processes for handling situations when a voter's signature may not compare. To address this issue, this bill requires the Secretary of State to develop regulations related to the processing of VBM and provisional ballots, as specified.

AB 2010 (RIDLEY-THOMAS)

CHAPTER 128, STATUTES OF 2016

VOTER'S PAMPHLET: ELECTRONIC CANDIDATE STATEMENT.

[Amends Sections 13307, 13308, and 13312 of the Elections Code]

Under existing law, every candidate for nonpartisan, local elective office has the ability to prepare a candidate's statement to be included in a voter's pamphlet that is sent to voters with the sample ballot. Because sample ballots are sent to all voters except those who register to vote shortly before the election, these statements allow candidates to provide a large segment of the electorate with information about their qualifications.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Floor.....	79-0
Assembly Concurrence.....	75-0
Senate Elections.....	5-0
Senate Floor.....	37-0

In order to defray the costs of producing the voter's pamphlet, existing law allows local agencies to charge candidates for the costs of printing, handling, translating, and mailing candidate statements to voters. There is no uniform method that is used to calculate the cost to candidates for having their statements included in the voter's pamphlet; the cost of placing a candidate statement in the voter's pamphlet, however, generally is related to the number of voters who are eligible to vote for the office that a candidate is seeking. While the cost of a candidate's statement might be less than \$100 for a school board candidate in a small school district, the estimated cost for a candidate for Superior Court Judge in Orange County to provide a 400 word statement is nearly \$29,000. In Los Angeles County, the cost for a candidate for countywide office to place a candidate statement in the voter's pamphlet exceeds \$70,000, and could cost four times that amount if the candidate chose to have the statement printed in Spanish as well as English, and if the statement was long enough that it extended onto a second page in the voter's pamphlet.

This bill permits local agencies to allow candidates for local, nonpartisan elective office to submit candidate statements that are electronically distributed, but are not included in the voter's pamphlets that accompany the sample ballots. By allowing candidates for nonpartisan elective office to submit candidate statements that are intended solely for electronic distribution, this bill seeks to provide a lower cost option for candidates to communicate with voters about their qualifications.

[AB 2021 \(RIDLEY-THOMAS\)](#)

CHAPTER 822, STATUTES OF 2016

ELECTION PROCESS: PUBLIC OBSERVATION: INTERNATIONAL ELECTION OBSERVERS.

[Adds Section 2301 to the Elections Code]

In general, current law permits members of the public to observe the election process. For example, existing law requires the precinct board member to conduct certain election day procedures in the presence of all persons assembled at the polling place, requires the semifinal official canvass and the official canvass to be open to the public, and requires the processing of vote by mail (VBM), provisional, and rejected ballots to be open to the public, as specified.

<u>Legislative History</u>	
Assembly Elections.....	5-2
Assembly Floor	55-22
Senate Elections.....	4-1
Senate Floor	26-13

This bill clarifies state law to expressly provide that international election observers, as defined, must be allowed access to all election processes that are open to the public. Specifically, this bill allows an international election observer to be provided uniform and nondiscriminatory access to all stages of the election process that are open to the public, including the public review period for the certification of a ballot marking system, the processing and counting of VBM ballots, the canvassing of ballots, and the recounting of ballots. Additionally, similar to provisions of current law that apply to members of the public who are observing elections, this bill prohibits an international election observer from interfering with a voter in the preparation or casting of the voter's ballot, with a precinct board member or an elections official in the performance of his or her duties, or with the orderly conduct of an election.

[AB 2071 \(HARPER\)](#)

CHAPTER 225, STATUTES OF 2016

VOTE BY MAIL BALLOTS.

[Amends Sections 3020 and 4103 of the Elections Code]

Current law provides that a vote by mail (VBM) ballot is timely cast if it is postmarked or signed and dated by election day, and is received by the voter's elections official via the United States Postal Service or a bona fide private mail delivery company no later than three days after election day, as specified.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Floor	77-0
Assembly Concurrence.....	76-0
Senate Elections.....	5-0
Senate Floor	37-0

This bill defines the term "bona fide private mail delivery company" for the purposes of a VBM ballot received after election day.

Specifically, this bill defines a "bona fide private mail delivery company" to mean a courier service that is in the regular business of accepting a mail item, package, or parcel for the purpose of delivery to a person or entity whose address is specified on the item.

[AB 2089 \(QUIRK\)](#)

VETOED

VOTE BY MAIL BALLOTS: VOTER NOTIFICATION.

[Amends Section 3019.5 of the Elections Code]

Existing law requires every county elections official to have a free access system that allows a vote by mail (VBM) voter to learn whether his or her VBM ballot was counted and, if not, the reason why the ballot was not counted. This system is required to be available to a VBM voter upon the completion of the official canvass and for 30 days thereafter. Counties are not required, however, to proactively notify a voter when his or her VBM ballot is disqualified.

<u>Legislative History</u>	
Assembly Elections.....	4-2
Assembly Appropriations	16-3
Assembly Floor	69-3
Assembly Concurrence.....	71-7
Senate Elections.....	4-1
Senate Appropriations	5-2
Senate Floor	27-11

This bill would have required a county elections official to notify a voter within 30 days after the completion of the official canvass if the voter's VBM ballot is not counted. The notice would have been required to include the reason the ballot was not counted.

On September 29, 2016, this bill was vetoed by Governor Brown. In his [veto message](#), the Governor argued that the bill was unnecessary because current law requires a county elections official to establish a free access system that allows a VBM voter to learn whether his or her ballot was counted, and if not, the reason why the ballot was not counted.

[AB 2220 \(COOPER\)](#)

CHAPTER 751, STATUTES OF 2016

ELECTIONS IN CITIES: BY OR FROM DISTRICT.

[Amends Section 34886 of the Government Code]

[SB 976 \(Polanco\), Chapter 129, Statutes of 2002](#), enacted the California Voting Rights Act of 2001 (CVRA) to address racial block voting in at-large elections for local office in California. In areas where racial block voting occurs, an at-large method of election can dilute the voting rights of minority

<u>Legislative History</u>	
Assembly Elections.....	5-2
Assembly Local Government ...	8-0
Assembly Floor	60-11
Senate Gov. and Finance	7-0
Senate Floor	33-4

communities if the majority typically votes to support candidates that differ from the candidates who are preferred by minority communities. In such situations, breaking a jurisdiction up into districts can result in districts in which a minority community can elect the candidate of its choice or otherwise have the ability to influence the outcome of an election. Accordingly, the CVRA prohibits an at-large method of election from being imposed or applied in a political subdivision in a manner that impairs the ability of a protected class of voters to elect the candidate of its choice or to influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters who are members of the protected class.

Until recently, any city that wished to move from at-large elections to a district-based method of election generally needed voter approval in order to make such a change. This voter approval requirement can make it difficult for jurisdictions to proactively transition to district-based elections in order to address potential liability under the CVRA. In an attempt to address that difficulty, in 2015, the Legislature approved and the Governor signed [SB 493 \(Cannella\), Chapter 735, Statutes of 2015](#), which permitted a city with a population of fewer than 100,000 people to change the method of electing council members to a by-district method of election without receiving voter approval if such a change was made in furtherance of the purposes of the CVRA. SB 493 did not relieve cities with populations of 100,000 or more from the requirement to receive voter approval in order to change from at-large elections to a district-based method of election.

This bill permits any city, regardless of population, to change the method of electing its governing board members from at-large to a by-district method of election without receiving voter approval if such a change is made in furtherance of the purposes of the CVRA.

[AB 2252 \(TING\)](#)

CHAPTER 75, STATUTES OF 2016

ELECTIONS: REMOTE ACCESSIBLE VOTE BY MAIL SYSTEMS.

[Amends Sections 301, 303.3, 362, 19271, 19280, 19281, 19283, 19284, 19285, 19286, 19287, 19288, 19290, 19291, 19292, 19293, 19294, and 19295 of, amends the heading of Chapter 3.5 (commencing with Section 19280) of Division 19 of, adds Section 305.5 to, and repeals Section 19282 of the Elections Code]

In 2012, the Legislature passed and the Governor signed [AB 1929 \(Gorell\), Chapter 694, Statutes of 2012](#), which established processes and procedures for the review and approval of ballot marking systems, as defined, for use in California elections. The intent of AB 1929 was to make voting more accessible and convenient for military and overseas voters.

Ballot marking systems have the potential to significantly reduce the amount of time it takes for a military or overseas voter to cast his or her ballot by allowing a military or

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Floor.....	75-0
Senate Elections.....	5-0
Senate Floor.....	37-0

overseas voter to electronically print and mark his or her ballot and cast it via fax or mail. To protect the security and secrecy of ballots cast using ballot marking systems, AB 1929 prohibited ballot marking systems from having the capability to use a remote server to mark the voter’s selections transmitted to the server from the voter’s computer via the Internet, to store any voter identifiable selections on any remote server, or to tabulate votes.

This bill expands the use of ballot marking systems to voters with disabilities and allows a voter with disabilities to electronically receive his or her vote by mail (VBM) ballot, as specified. Specifically, this bill replaces the term “ballot marking system” with the term “remote accessible VBM system,” as defined, and revises, updates, and establishes processes and procedures for the review and approval of a remote accessible VBM system, as specified.

[AB 2265 \(MARK STONE & DAHLE\)](#)

CHAPTER 104, STATUTES OF 2016

COUNTY BALLOT MEASURES: IMPARTIAL ANALYSIS.

[Amends Section 9160 of the Elections Code]

Under existing state law, the state voter information guide contains a section that provides a concise summary of the general meaning and effect of "yes" and "no" votes on each statewide ballot measure. These summary statements are prepared by the Legislative Analyst, and are not intended to provide comprehensive information on each measure, but instead are intended to serve as a quick-reference about the effect of "yes" and "no" votes on state measures.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Floor	79-0
Senate Elections.....	5-0
Senate Floor	37-0

This bill permits a county counsel or district attorney, at the direction of a county elections official, to prepare brief summaries of the meaning and effect of "yes" and "no" votes on county measures that qualify for the ballot. These summaries, which are limited to not more than 75 words, are in addition to the impartial analysis that is prepared by the county counsel or district attorney. The elections official has the option of including these summaries in the voter information portion of the sample ballot along with other information about the county ballot measures.

[AB 2318 \(Low\)](#)

CHAPTER 825, STATUTES OF 2016

NONPROFIT ORGANIZATIONS: USE OF PUBLIC RESOURCES.

[Amends Section 54964.5 of, adds Section 84222.5 to, and repeals Section 54964.6 of, the Government Code]

[SB 594 \(Hill\), Chapter 773, Statutes of 2013](#), was enacted in response to concerns that public resources were being used indirectly for campaign purposes. In particular, the author of SB 594 indicated that the bill was necessary because there was "credible reason to believe" that nonprofit organizations were making campaign expenditures from accounts that were "financed in whole or in part by public dollars." Specifically, the author of SB 594 expressed concern about the possibility that revenues from a Joint Powers Authority (JPA) that provides tax-exempt bond financing were being used for campaign purposes. The author of SB 594 argued that because the JPA is a public entity, and because the bonds it issues are tax exempt, any profits earned as a result of bond sales belong to the taxpayers, and should not be used for campaign purposes.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Judiciary	10-0
Assembly Appropriations	20-0
Assembly Floor	80-0
Assembly Concurrence.....	79-0
Senate Elections.....	5-0
Senate Appropriations	7-0
Senate Floor	39-0

SB 594 contained two provisions that were targeted at nonprofit organizations that receive more than 20 percent of their revenues from local agencies. One provision required those organizations—to the extent that they engage in campaign activity—to have a separate bank account for all campaign activities. The other provision required the nonprofit organizations to publicly report their campaign activities and the sources of their campaign funds if certain thresholds were met.

Subsequent to the passage of SB 594, [SB 27 \(Correa\), Chapter 16, Statutes of 2014](#), established conditions under which a multipurpose organization that makes campaign contributions or expenditures is required to disclose names of its donors. SB 27 was enacted in response to situations where nonprofit organizations made significant campaign contributions and expenditures, but were not required to disclose the source of their donors. Although SB 594 and SB 27 were intended to address two different situations, both bills regulate political activity by certain nonprofit organizations and, as a result, nonprofit organizations can be required to comply with the requirements of both bills under certain circumstances.

This bill changes the reporting requirements of SB 594 so that the same rules and standards generally apply as to reports filed pursuant to SB 27. By establishing greater consistency in the reporting rules for nonprofit organizations, this bill should help streamline compliance and enforcement of these two laws. Additionally, this bill moves the reporting and separate bank account rules from SB 594 into the Political Reform Act

and gives the Fair Political Practices Commission the authority to enforce and the responsibility to administer those rules.

[AB 2389 \(RIDLEY-THOMAS\)](#)

CHAPTER 754, STATUTES OF 2016

SPECIAL DISTRICTS: DISTRICT-BASED ELECTIONS: REAPPORTIONMENT.

[Amends Section 10508 of, and adds Part 5.5 (commencing with Section 10650) to Division 10 of, the Elections Code]

[SB 976 \(Polanco\), Chapter 129, Statutes of 2002](#), enacted the California Voting Rights Act of 2001 (CVRA) to address racial block voting in at-large elections for local office in California. In areas where racial block voting occurs, an at-large method of election can dilute the voting rights of minority communities if the majority typically votes to support candidates that differ from the candidates who are preferred by minority communities. In such situations, breaking a jurisdiction up into districts can result in districts in which a minority community can elect the candidate of its choice or otherwise have the ability to influence the outcome of an election. Accordingly, the CVRA prohibits an at-large method of election from being imposed or applied in a political subdivision in a manner that impairs the ability of a protected class of voters to elect the candidate of its choice or to influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters who are members of the protected class.

<u>Legislative History</u>	
Assembly Elections.....	5-2
Assembly Local Government ...	8-0
Assembly Floor	59-16
Senate Elections.....	5-0
Senate Gov. and Finance	6-0
Senate Floor	34-5

Until recently, local government bodies generally were required to receive voter approval to move from an at-large method of election to a district-based method of election for selecting governing board members. This voter approval requirement can make it difficult for jurisdictions to proactively transition to district-based elections in order to address potential liability under the CVRA. If a jurisdiction attempts to transition from at-large to district-based elections to address CVRA concerns, but the voters reject the proposal, the jurisdiction nonetheless remains subject to a lawsuit under the CVRA. Furthermore, to the extent that there is racially polarized voting on the question of whether to transition from at-large to district-based elections, the results of the vote on that question could provide further evidence for a lawsuit under the CVRA. As a result, many jurisdictions have sought ways to transition from at-large to district-based elections without having to receive voter approval for such a change.

Current law provides that the principal act of a special district shall govern whether the governing board members are elected by districts or at-large. Moreover, depending on the kind of district and its size, existing law may specify which method of election it is

required to use to elect its governing board members as well as the process for converting from at-large to district-based elections.

In 2015, the Legislature approved and the Governor signed [SB 493 \(Cannella\), Chapter 735, Statutes of 2015](#), which permits a city with a population of fewer than 100,000 people to change the method of electing council members to a by-district method of election without receiving voter approval. This bill mirrors this process and permits the governing body of a special district, as defined, to transition to district-based elections without receiving voter approval. A resolution adopted pursuant to this bill is required to include a declaration that the change in the method of electing members of the governing body is being made in furtherance of the purposes of the CVRA.

[AB 2455 \(CHIU & BONTA\)](#)

CHAPTER 417, STATUTES OF 2016

VOTER REGISTRATION: PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTIONS:
CALIFORNIA NEW MOTOR VOTER PROGRAM.

[Amends Section 2265 of, and adds Section 2147 to, the Elections Code]

[SB 854 \(Ridley-Thomas\), Chapter 481, Statutes of 2007](#), required every California Community College (CCC) and California State University (CSU) campus that operates an automated class registration system to permit students, during the class registration process, to receive a voter registration application that is preprinted with personal information relevant to voter registration, as specified. The University of California (UC) system was encouraged to comply with this provision.

<u>Legislative History</u>	
Assembly Elections.....	5-2
Assembly Appropriations	13-5
Assembly Floor	52-23
Assembly Concurrence.....	55-24
Senate Education	7-2
Senate Elections.....	4-1
Senate Appropriations	4-2
Senate Floor	26-12

Following the launch of California's online voter registration system, the provisions of SB 854 were updated by [AB 1446 \(Mullin\), Chapter 593, Statutes of 2014](#), to require that an automated class registration system permit students to apply to register to vote online by submitting an affidavit of voter registration electronically on the Secretary of State's (SOS) Internet Web site. According to an annual report prepared by the SOS, in 2015, 14,669 students at CCC, CSU, and UC campuses completed a voter registration application online using this process.

This bill requires the CCC and the CSU systems, and requests the UC system, to create a similar process to allow a student to submit an electronic voter registration affidavit at the time he or she enrolls online at the higher education institution. Additionally, this bill makes minor changes to existing law to ensure that registered voters' previously-identified voting preferences are not inadvertently removed when they are re-registered to vote at the Department of Motor Vehicles.

[AB 2466 \(WEBER\)](#)
 CHAPTER 757, STATUTES OF 2016
 VOTING: FELONS.

[Amends Sections 2101, 2106, and 2212 of the Elections Code]

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

<u>Legislative History</u>	
Assembly Elections.....	5-2
Assembly Appropriations	13-6
Assembly Floor	41-37
Senate Elections.....	4-1
Senate Appropriations	(28.8)
Senate Floor	23-13

In 2011, California passed a series of bills known as the Criminal Justice Realignment Act (CJRA). Prior to realignment, most felony sentences were served in state prison. Under realignment, however, certain lower-level felony offenders, who would have been sentenced to state prison, are now sentenced to serve their time in custody in county jail. Additionally, after release from custody and depending on the offense and sentence, realignment changed the state's parole system and created the option for an inmate to be released to a term of "post-release community supervision" (PRCS) (under the control of the local probation department) or mandatory supervision. The enactment of the CJRA has caused a great deal of confusion regarding the eligibility to vote for felons who are sentenced to these new programs. Specifically, the question arose as to whether individuals on PRCS and mandatory supervision were considered "on parole," and whether persons serving felony sentences in county jail were considered "imprisoned," for the purposes of Article II, Section 4 of the California Constitution and Section 2101 of the Elections Code.

To provide clarity, the Secretary of State's (SOS) office, at the request of county elections officials, issued a memorandum on December 5, 2011, which analyzed CJRA and its effect on voter eligibility. The SOS's office concluded that realignment "does not change the voting status of offenders convicted of CJRA-defined low-level felonies, either because they serve their felony sentences in county jail instead of state prison or because the mandatory supervision that is a condition of their release from prison is labeled something other than 'parole.' Offenders convicted of CJRA-defined low-level felonies continue to be disqualified from voting while serving a felony sentence in county jail, while at the discretion of the court serving a concluding portion of that term on county-supervised probation, or while they remain under mandatory 'post release community supervision' after release from state prison."

In February of 2014, a lawsuit was filed in the Alameda Superior Court challenging the SOS's memorandum, claiming that individuals on PRCS and mandatory supervision are eligible to vote under California Constitution Article II, Section 4 (*Scott et al. v. Bowen* (2014) No. RG14-712570).

In May of 2014, the Superior Court issued a final judgment rejecting the interpretation of realignment in SOS's memorandum and restoring the voting rights to individuals under PRCS and mandatory supervision. The Superior Court held "as a matter of law that California Constitution Article II, Section 2 and Elections Code [Section] 2101, require the State of California to provide all otherwise eligible persons on [mandatory supervision and PRCS] the same right to register to vote and to vote as all otherwise eligible persons." The Superior Court decision, however, did not address the conclusion in SOS's memorandum that persons convicted of a felony and serving time in county jail under realignment are ineligible to vote.

This bill conforms state law to the Superior Court ruling restoring the voting rights of individuals under PRCS and mandatory supervision. Additionally, this bill provides that a person convicted of a felony and serving time in a county jail under realignment retains his or her voting rights, as specified. In addition, this bill makes corresponding changes to statements required to be included in county program literature designed to encourage registration of electors and statements required to be sent from county superior court clerks to the county elections officials that show the names, addresses, and dates of birth of all persons who have been convicted of felonies, as specified.

[AB 2558 \(STEINORTH\)](#)

CHAPTER 202, STATUTES OF 2016

POLITICAL REFORM ACT OF 1974: SAN BERNARDINO COUNTY.

[Amends Section 83123.5 of the Government Code]

Under existing law, local government agencies have the ability to adopt campaign ordinances that apply to elections within their jurisdictions, though the Political Reform Act (PRA) imposes certain limited restrictions on those local ordinances. Some cities and counties have adopted campaign finance ordinances that extensively regulate campaign spending and reporting. In some cases, those ordinances include campaign contribution limits, reporting and disclosure requirements that supplement the requirements of the PRA, temporal restrictions on when campaign funds may be raised, and voluntary public financing of local campaigns, among other provisions. In many cases, local campaign finance ordinances are enforced by the district attorney of the

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Local Government ...	9-0
Assembly Appropriations	16-0
Assembly Floor	76-0
Senate Elections.....	5-0
Senate Appropriations	<u>(28.8)</u>
Senate Floor	37-0

county or by the city attorney; in at least a few cases, however, local jurisdictions have set up independent boards or commissions to enforce the local campaign finance laws.

In 2012, the Legislature passed and the Governor signed [AB 2146 \(Cook\), Chapter 169, Statutes of 2012](#), which permitted San Bernardino County and the Fair Political Practices Commission (FPPC) to enter into an agreement that provided for the FPPC to enforce the County’s local campaign finance reform ordinance. AB 2146, however, had a January 1, 2018 sunset date, and prohibited any such agreement from extending beyond that date.

This bill removes the January 1, 2018, sunset date from AB 2146 and authorizes the FPPC to enforce San Bernardino County's local campaign finance reform ordinance indefinitely, as specified.

[AB 2686 \(MULLIN & GONZALEZ\)](#)
 CHAPTER 764, STATUTES OF 2016
 ELECTIONS: ALL-MAILED BALLOT ELECTIONS.

[Amends Section 4000.5 of, and adds Section 4001.5 to, the Elections Code]

Two years ago, the Legislature approved and the Governor signed [AB 1873 \(Gonzalez and Mullin\), Chapter 598, Statutes of 2014](#), which allowed special elections in San Diego County to fill vacancies in the Legislature and Congress to be conducted by mailed ballot until 2020, subject to certain conditions. Last year, the Legislature approved and the Governor signed [AB 547 \(Gonzalez\), Chapter 727, Statutes of 2015](#), which modified some of the conditions in the San Diego pilot project, extended the sunset date by a year, and significantly expanded the types of elections that are allowed to be conducted as mailed ballot elections pursuant to the pilot project.

<u>Legislative History</u>	
Assembly Elections.....	5-2
Assembly Floor	57-20
Assembly Concurrence.....	61-16
Senate Elections.....	4-1
Senate Floor	27-11

In addition to the San Diego pilot project that was authorized by AB 1873, there is another ongoing pilot project authorized by the Legislature and the Governor to examine the use of mailed ballot elections for local elections. That pilot project was originally authorized by [AB 413 \(Yamada\), Chapter 187, Statutes of 2011](#), which allows Yolo County to conduct local elections on not more than three dates as mailed ballot elections. In 2014, legislation was enacted to allow San Mateo County to join Yolo County in participating in that ongoing pilot project ([AB 2028 \(Mullin\), Chapter 209, Statutes of 2014](#)), and last year, the pilot project was further expanded to include Monterey and Sacramento Counties ([AB 1504 \(Alejo\), Chapter 730, Statutes of 2015](#)).

This bill creates a new pilot project under which a county could conduct a special election to fill a vacancy in the Legislature or Congress as a mailed ballot election, but only if at least 50 percent of the voters in the county were signed-up as permanent vote by mail voters as of the most recent statewide general election. Furthermore, this bill

broadens the scope of the ongoing mailed ballot election pilot project in San Diego County in order to allow local recall elections and elections that are occurring in local government agencies that include territory outside of San Diego County to be conducted as mailed ballot elections.

AB 2911 (COMMITTEE ON ELECTIONS AND REDISTRICTING)

CHAPTER 422, STATUTES OF 2016

VOTING: VOTER INFORMATION GUIDES.

[Amends Sections 303.5, 2052, 2053, 2155.3, 2157.2, 2223, 2224, 2300, 3007, 3019.5, 3021.5, 3022, 3023, 4101, 9050, 9054, 9067, 9068, 9069, 9081, 9082, 9082.5, 9082.7, 9083, 9083.5, 9084, 9085, 9086, 9087, 9088, 9089, 9090, 9092, 9093, 9094, 9094.5, 9095, 9096, 9160, 9162, 9163, 9280, 9282, 9285, 9286, 9312, 9313, 9314, 9315, 9316, 9402, 9501, 10531, 11324, 11325, 11327, 13118, 13244, 13263, 13300, 13300.5, 13300.7, 13302, 13303, 13305, 13306, 13307, 13307.5, 13312, 13314, 13315, 13316, 13317, 14219, 18301, 18390, 19202, 19321, 19323, and 20009 of, amends the heading of Article 7 (commencing with Section 9080) of Chapter 1 of Division 9 of, and amends the heading of Chapter 4 (commencing with Section 13300) of Division 13 of, the Elections Code]

This is an elections omnibus bill that makes various minor and technical changes to provisions of the law governing elections.

Throughout the Elections Code there are a variety of terms used to refer to state or county voter information guides. For example, various provisions of the Elections Code use the terms "ballot pamphlet," "state ballot pamphlet," and "statewide voter pamphlet" when describing the state voter information guide. Moreover, the terms "sample ballot" and "voter pamphlet" are used throughout the Elections Code when referring to the county voter information guide.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Floor	79-0
Assembly Concurrence.....	80-0
Senate Elections.....	5-0
Senate Floor	39-0

This bill cleans-up the Elections Code and standardizes these terms. Specifically, this bill deletes the terms "sample ballot," "ballot pamphlet," "voter's pamphlet," "voter pamphlet," "state ballot pamphlet," and "statewide voter pamphlet" and replaces them with "state voter information guide" or "county voter information guide," as appropriate.

In 2013, the Legislature approved and the Governor signed [SB 360 \(Padilla\), Chapter 602, Statutes of 2013](#), which overhauled and reorganized procedures and criteria for the certification and approval of a voting system. This bill moves the date under which a voting system had to be submitted for federal qualification in order for that system to be subject to the pre-SB 360 testing requirements from September 1, 2013, to April 28, 2016.

SENATE BILLS

[SB 49 \(RUNNER\)](#)

VETOED

ELECTIONS: SPECIAL ELECTIONS.

[Amends Section 10705 of the Elections Code]

[Article V, Section 5](#) of the California Constitution vests the Governor with appointing authority to fill vacancies in specified offices. Specifically, Section 5 requires the Governor, whenever there is a vacancy in the office of the Superintendent of Public Instruction, Lieutenant Governor, Secretary of State, Controller, Treasurer, or Attorney General, or on the State Board of Equalization, to nominate a person to fill the vacancy who shall take office upon confirmation by a majority of the membership of the Senate and a majority of the membership of the Assembly, as specified. However, if there is a congressional or legislative vacancy, state law requires a special election to be held to fill that vacancy.

Legislative History

Senate Elections.....	5-0
Senate Appropriations	(28.8)
Senate Floor	38-0
Assembly Elections.....	4-2
Assembly Appropriations	20-0
Assembly Floor	70-4

This bill would have provided the Governor with new authority to declare a candidate for legislative office elected to fill a legislative vacancy. Specifically, this bill would have authorized the Governor to declare a candidate elected to fill a legislative vacancy if only one candidate qualifies to have his or her name appear on the special primary election ballot. If the Governor took advantage of this authority to declare a candidate elected, the special primary election and special general election would not be held.

On July 25, 2016, this bill was vetoed by Governor Brown. In his [veto message](#), the Governor stated that, "[in] the situation envisioned by this bill, potential write-in candidates would be excluded from participating in the election. This doesn't seem consistent with democratic principles that call for choice and robust debate."

[SB 254 \(ALLEN & LENO\)](#)
CHAPTER 20, STATUTES OF 2016
CAMPAIGN FINANCE: VOTER INSTRUCTION.

[Uncodified Statute]

In January 2010, the United States Supreme Court issued its ruling in *Citizens United v. Federal Election Commission* (2010) 558 U.S. 310, a case involving a nonprofit corporation (Citizens United) that sought to run television commercials promoting a film it produced that was critical of then-Senator and presidential candidate Hillary Clinton. Because federal law prohibited corporations and unions from using general treasury funds to make expenditures for "electioneering communications" or for communications that expressly advocated the election or defeat of a candidate, Citizens United was concerned that the television commercials promoting its film could subject the corporation to criminal and civil penalties. In its decision, the Supreme Court struck down the 63-year old law that prohibited corporations and unions from using their general treasury funds to make independent expenditures in federal elections, finding that the law unconstitutionally abridged the freedom of speech.

<u>Legislative History</u>	
Senate Trans. and Housing	N/R
Senate Appropriations	N/R
Senate Floor	N/R
Senate Elections (29.10).....	4-1
Senate Concurrence.....	26-12
Assembly Elections.....	5-2
Assembly Appropriations	14-6
Assembly Floor	51-26

In 2014, the Legislature approved [SB 1272 \(Lieu\), Chapter 175, Statutes of 2014](#), which proposed to place an advisory question on the ballot at the November 2014 general election asking voters whether Congress should propose and the Legislature should ratify a federal constitutional amendment to overturn the *Citizens United* decision and other related precedents in order to allow the full regulation or limitation of campaign contributions and spending.

SB 1272 became law without the Governor's signature, and the advisory question was scheduled to appear on the ballot in November 2014, and was designated as Proposition 49. In August 2014, however, the California Supreme Court ordered that Proposition 49 be removed from the ballot while it considered the question of whether the California Legislature had the authority to place advisory questions on the ballot. In January 2016, the Supreme Court ruled in *Howard Jarvis Taxpayers Association v. Padilla* (2016) 62 Cal. 4th 486, that the Legislature had the authority to place Proposition 49 on the ballot. The majority opinion found that Proposition 49 was "a reasonable and lawful means of assisting the Legislature in the discharge" of its powers under Article V of the United States Constitution in connection with federal constitutional amendments.

Although the Supreme Court's decision concluded that the Legislature had the authority to place Proposition 49 on the ballot, the decision also noted that SB 1272 expressly provided for that question to be placed on the November 2014 ballot. Since that election

has already occurred, the Court decided that the Legislature would need to pass another bill if it wanted the advisory question to be considered by the voters at a different election. In light of that decision, this bill placed an advisory question on the ballot that is similar to the advisory question that would have appeared on the ballot as Proposition 49 in 2014. Specifically, this bill placed the following question on the November 8, 2016, statewide general election ballot:

Shall California’s elected officials use all of their constitutional authority, including, but not limited to, proposing and ratifying one or more amendments to the United States Constitution, to overturn *Citizens United v. Federal Election Commission* (2010) 558 U.S. 310, and other applicable judicial precedents, to allow the full regulation or limitation of campaign contributions and spending, to ensure that all citizens, regardless of wealth, may express their views to one another, and to make clear that corporations should not have the same constitutional rights as human beings?

On June 9, 2016, Governor Brown [announced](#) that he was allowing this bill to become law without his signature. The advisory question presented by this bill appeared on the ballot at the November 8, 2016, statewide general election as Proposition 59, and was approved by the voters.

[SB 450 \(ALLEN & HERTZBERG\)](#)

CHAPTER 832, STATUTES OF 2016

ELECTIONS: VOTE BY MAIL VOTING AND MAIL BALLOT ELECTIONS.

[Amends Sections 3017 and 15320 of, adds Sections 4005, 4006, and 4007 to, and adds and repeals Section 4008 of, the Elections Code]

California saw historically low voter turnout in 2014. Only 25 percent of registered California voters cast a ballot in the June primary and only 42 percent participated in the November general election. In 2015, this committee held multiple joint informational hearings with the Senate Elections & Constitutional Amendments Committee to investigate and discuss the causes and ramifications of the low voter turnout at the 2014 Primary and General Elections, and to consider changes that California might make to its election system to improve voter participation and turnout.

<u>Legislative History</u>	
Senate Elections.....	N/R
Senate Appropriations	N/R
Senate Floor	N/R
Senate Elections (29.10).....	4-1
Senate Concurrence	27-11
Assembly Elections.....	5-2
Assembly Appropriations	14-6
Assembly Floor	47-31

One common suggestion made by witnesses at these hearings was to examine election reforms that were enacted in Colorado in 2013, and that were used in federal elections for the first time in 2014. The essence of Colorado's elections system is that voters may

choose to vote at home using a ballot that is mailed to them, or may visit any of the several vote centers within their home county on election day, or on the days leading up to election day, including weekends. The key elements of Colorado's system are as follows:

- Every registered voter is mailed a ballot.
- Voters may mail the voted ballot back to elections officials, or may return it in person to the elections official's office, a vote center, or a designated drop-off location.
- Instead of traditional neighborhood polling places, Colorado provides vote centers which are open eight to 14 days prior to election day, depending on the type of election. Vote centers provide all of the following services:
 - Voter registration through election day;
 - Voting;
 - Provisional voting for anyone who lost their ballot, or who otherwise needs a replacement ballot; and,
 - Accessible voting machines for disabled voters.

This bill, which is loosely based on the Colorado model of conducting elections, permits counties to conduct elections in which every voter is mailed a 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 election, subject to certain conditions. Fourteen specified counties are permitted to start conducting elections pursuant to this bill in 2018, while the remaining counties may begin conducting elections pursuant to this bill in 2020. Counties that conduct elections under this bill are required to follow a specified public process for developing an election administration plan that includes specific proposals for voter education and outreach.

[SB 927 \(ANDERSON\)](#)

CHAPTER 168, STATUTES OF 2016

PUBLIC UTILITY DISTRICT ACT: ELECTION OF DIRECTORS. URGENCY.

[Adds Section 15961.6 to the Public Utilities Code]

[SB 976 \(Polanco\), Chapter 129, Statutes of 2002](#), enacted the California Voting Rights Act of 2001 (CVRA) to address racial block voting in at-large elections for local office in California. In areas where racial block voting occurs, an at-large method of election can dilute the voting rights of minority communities if the majority typically votes to support candidates that differ from the candidates who are preferred by minority communities. In such situations, breaking a jurisdiction up into districts can result in districts in which a minority community can elect the candidate of its choice or otherwise have the ability to influence the outcome of an election. Accordingly, the CVRA prohibits an at-large method of election from being imposed or applied in a political subdivision in a manner that impairs the ability of a protected class of voters to elect the candidate of its choice or to influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters who are members of the protected class.

<u>Legislative History</u>	
Senate Gov. and Finance	7-0
Senate Elections.....	5-0
Senate Floor	38-0
Assembly Local Government ...	9-0
Assembly Elections.....	7-0
Assembly Floor	77-0

Current law provides that the principal act of a special district shall govern whether the governing board members are elected by districts or at-large. Depending on the kind of district and its size, existing law may specify which method of election it is required to use to elect its governing board members as well as the process for converting from at-large to district-based elections.

Under existing law, a public utility district (PUD) that is entirely located within one county is required to be governed by a board of directors that is elected at-large. As a result, if a district desired to change its composition in response to an agency reorganization or voting rights concerns, a PUD would need to pursue district-specific legislation.

This bill authorizes a PUD, partially or wholly within San Diego County, to adopt a resolution or ordinance to elect directors by subdistricts, instead of at-large.

SB 958 (LARA & HALL)

CHAPTER 781, STATUTES OF 2016

COUNTY OF LOS ANGELES CITIZENS REDISTRICTING COMMISSION.

[Adds Chapter 6.3 (commencing with Section 21530) to Division 21 of the Elections Code]

Existing law permits a county to create an advisory redistricting commission (described in state law as a "committee" of residents of the jurisdiction), but state law does not expressly permit local jurisdictions to create commissions that have the authority to establish district boundaries. Instead, the authority to establish district boundaries for a local jurisdiction generally is held by the governing body of that jurisdiction. Charter cities are able to establish redistricting commissions that have the authority to establish district boundaries because the state Constitution gives charter cities broad authority over the conduct of city elections and over the manner in which, method by which, times at which, and terms for which municipal officers are elected. As a result, a number of California cities have established redistricting commissions to adjust city council districts following each decennial census.

<u>Legislative History</u>	
Senate Elections.....	4-1
Senate Gov. and Finance	5-2
Senate Appropriations	5-2
Senate Floor	26-11
Senate Concurrence.....	26-12
Assembly Elections.....	5-2
Assembly Local Government ...	6-3
Assembly Appropriations	14-6
Assembly Floor	47-29

Charter counties, on the other hand, are not granted the same level of authority over the conduct of county elections, and in fact, the state Constitution expressly provides that "[c]harter counties are subject to statutes that relate to apportioning population of governing body districts." In light of this provision of the state Constitution, charter counties are unable to provide for the creation of a redistricting commission that has the authority to establish district boundaries unless statutory authority is provided to allow a county to have such a commission.

This bill establishes a 14-member Citizens Redistricting Commission in Los Angeles County, and gives it the responsibility for adjusting the boundaries of the county's supervisorial districts after each decennial federal census, as specified.

SB 1094 (HERNANDEZ)

VETOED

INITIATIVES: PETITION CIRCULATORS.

[Amends Sections 9008, 9030, and 9031 of, and adds Sections 9009.5, 9009.6, 9009.7, 9022.5, 9036, and 9037 to, the Elections Code]

In 1911, as part of the Progressive movement, California voters amended the state Constitution to reserve for themselves the power of the initiative due to concerns that special interests exercised a corrupting influence over state politics. The initiative power allows electors to propose statutes and amendments to the Constitution and to adopt or reject them.

Legislative History

Senate Elections.....	4-1
Senate Appropriations	5-2
Senate Floor	25-14
Senate Concurrence.....	25-13
Assembly Elections.....	5-2
Assembly Appropriations	14-6
Assembly Floor	52-28

This bill would have required at least five percent of the signatures collected to qualify a state initiative for the ballot to be collected by individuals who did not receive money or valuable consideration exclusively or primarily for the specific purpose of soliciting signatures of electors on the petition, and would have made various corresponding changes. Additionally, this bill would have provided that the signatures on a state initiative petition section were invalid if they were solicited and submitted by a person who engages in intentional fraud, misrepresentation, or other illegal conduct concerning the circulation of the petition.

On September 29, 2016, this bill was vetoed by Governor Brown. In his [veto message](#), the Governor stated that "[this] bill is virtually identical to AB 857, which I vetoed in 2013. Lowering the percentage from 10 percent to 5 percent does not change my view that this measure will not keep out special interests or favor volunteer signature gathering."

[SB 1107 \(ALLEN\)](#)
CHAPTER 837, STATUTES OF 2016
POLITICAL REFORM ACT OF 1974.

[Amends Section 85300 of, and adds Section 89519.5 to, the Government Code]

In 1988, voters approved two separate campaign finance reform initiatives, Proposition 68 and Proposition 73. Proposition 68 proposed a system of public funding and expenditure limits for state legislative races, and passed with 53% of the vote. Proposition 73 prohibited public funding of campaigns and set contribution limits for state and local elections, and passed with 58% of the vote. The California State Supreme Court subsequently ruled in *Taxpayers to Limit Campaign Spending v. FPPC* (1990) 51 Cal. 3d 744, that because the two measures contained conflicting comprehensive regulatory schemes, they could not be merged and only one could be implemented. As such, since Proposition 73 received more affirmative votes than Proposition 68, the Court ordered the implementation of Proposition 73 and proclaimed all provisions of Proposition 68 invalid.

<u>Legislative History</u>	
Senate Elections.....	4-1
Senate Appropriations	5-2
Senate Floor	26-12
Senate Concurrence.....	27-12
Assembly Elections.....	5-2
Assembly Appropriations	14-6
Assembly Floor	55-22

In 1990, all state and local elections were conducted under the provisions of Proposition 73. Many of the provisions of Proposition 73 were ultimately ruled unconstitutional by the federal courts. The only provisions of Proposition 73 to survive legal challenge were contribution limits for special elections, restrictions on certain mass mailings by officeholders, and the prohibition on the use of public money for campaign purposes. The contribution limits for special elections that were included in Proposition 73 subsequently were repealed and replaced in another ballot measure.

Because of the public funding ban contained in Proposition 73, the state and most local governments in California do not have the option to offer public financing programs for electoral campaigns. While the California Supreme Court ruled that the public financing ban does not apply to charter cities (*Johnson v. Bradley* (1992) 4 Cal. 4th 389), a state appellate court has held that the public financing ban *does* apply to charter counties (*County of Sacramento v. Fair Political Practices Commission* (1990) 222 Cal. App. 3d 687). As a result, while charter cities in California can enact public campaign financing programs, general law cities, all counties, all districts, and the state government are covered by the current ban.

This bill permits state and local governmental entities to establish public campaign financing programs for candidates for elective office if certain conditions are met, including a requirement that public moneys be available to all qualified, voluntarily participating candidates of the same office without regard to incumbency or political party.

Existing law prohibits a person from being a candidate for, or being elected to, an elective office if the person has been convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes.

This bill provides that an officeholder who is convicted of any of these felonies may use funds held by the officeholder's candidate controlled committee only to pay outstanding campaign debts and expenses, and for returning contributions, as specified.

SB 1108 (ALLEN)

CHAPTER 784, STATUTES OF 2016

ELECTIONS: STATE AND LOCAL REAPPORTIONMENT.

[Adds Chapter 9 (commencing with Section 23000) to Division 21 of, and repeals Sections 21505 and 21605 of, the Elections Code]

Existing law permits a county or a city to create an advisory redistricting commission (described in state law as a "committee" of residents of the jurisdiction), but state law does not expressly permit local jurisdictions to create commissions that have the authority to establish district boundaries. Instead, the authority to establish district boundaries for a local jurisdiction generally is held by the governing body of that jurisdiction. Charter cities are able to establish redistricting commissions that have the authority to establish district boundaries because the state Constitution gives charter cities broad authority over the conduct of city elections and over the manner in which, method by which, times at which, and terms for which municipal officers are elected. As a result, a number of California cities have established redistricting commissions to adjust city council districts following each decennial census.

<u>Legislative History</u>	
Senate Elections.....	5-0
Senate Gov. and Finance	5-0
Senate Floor	34-0
Senate Concurrence	35-3
Assembly Elections.....	5-2
Assembly Local Government ...	6-1
Assembly Floor	62-14

Charter counties, on the other hand, are not granted the same level of authority over the conduct of county elections, and in fact, the state Constitution expressly provides that "[c]harter counties are subject to statutes that relate to apportioning population of governing body districts." In light of this provision of the state Constitution, charter counties are unable to provide for the creation of a redistricting commission that has the authority to establish district boundaries unless statutory authority is provided to allow a county to have such a commission.

This bill permits a county or a general law city to establish a commission charged with adjusting the boundaries of supervisorial districts or city council districts after each decennial federal census, subject to certain conditions.

[SB 1288 \(LENO\)](#)

VETOED

ELECTIONS: LOCAL VOTING METHODS.

[Amends Sections 5013, 5020, 5027, and 5028 of, and adds Sections 1018, 1019, 1020, 5010, 5032, and 5096 to, the Education Code, amends and renumbers Sections 22000 and 22001 of, adds Sections 8141.3 and 10005 to, and adds Division 22 (commencing with Section 22000) to, the Elections Code, amends Sections 25040, 25041, and 25061 of, adds Section 25001 to, and adds Article 4 (commencing with Section 34910) to Chapter 4 of Part 1 of Division 2 of Title 4 of, the Government Code]

Plurality voting, also known as "winner-take-all," gives all representation to the candidate finishing first. In plurality voting, each voter selects one candidate, and the candidate with the largest number of votes is the winner regardless of whether the winner receives a majority of the vote. A plurality voting method may be used for a single candidate election or for electing a group of candidates, such as a council or committee. In a majority vote method, a voter votes for one candidate and the candidate with the majority of the votes wins.

<u>Legislative History</u>	
Senate Elections.....	3-1
Senate Appropriations	(28.8)
Senate Floor	24-12
Senate Concurrence	26-12
Assembly Elections.....	5-2
Assembly Appropriations	14-6
Assembly Floor	48-26

Commonly used majority vote methods include traditional run-off and ranked choice voting (RCV). Under existing law, a traditional run-off method is generally used to elect county officials, while plurality voting is generally used to elect city and district officials, though there are certain exceptions in jurisdictions that are governed by a county charter or a city charter.

This bill would have permitted general law cities, general law counties, and specified educational jurisdictions to use RCV to elect officials. Additionally, this bill would have permitted general law cities, school districts, and special districts to use a traditional run-off system to elect officials. In both cases, voters in the jurisdiction would have been required to approve a ballot measure authorizing the change in the type of election method used to elect officials.

On September 29, 2016, this bill was vetoed by Governor Brown. In his [veto message](#), the Governor stated that, "[in] a time when we want to encourage more voter participation, we need to keep voting simple. Ranked choice voting is overly complicated and confusing. I believe it deprives voters of genuinely informed choice."

[SB 1349 \(HERTZBERG\)](#)

CHAPTER 845, STATUTES OF 2016

POLITICAL REFORM ACT OF 1974: SECRETARY OF STATE: ONLINE FILING AND DISCLOSURE SYSTEM.

[Amends Sections 84601 and 84602 of the Government Code]

In 1974, California voters approved Proposition 9, also known as the Political Reform Act of 1974 (PRA), which among other things, requires the disclosure of campaign contributions and expenditures and state lobbying activities. The requirements are intended to ensure that "Receipts and expenditures in election campaigns [are] fully and truthfully disclosed in order that the voters may be fully informed and improper practices may be inhibited," and that "The activities of lobbyists [are] regulated and their finances disclosed in order that improper influences will not be directed at public officials."

<u>Legislative History</u>	
Senate Elections.....	4-0
Senate Appropriations	7-0
Senate Floor	38-0
Senate Concurrence	38-0
Assembly Elections.....	7-0
Assembly Appropriations	20-0
Assembly Floor	80-0

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 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 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.

Cal-Access is a database and filing system the SOS has used to make much of the lobbying and campaign finance information available online at no cost to users. According to the SOS, the Cal-Access system is fueled by a complex array of computer applications written in 14 different programming languages including hardware, firmware, and software – some no longer supported by their vendor – that are beyond their useful age. As a result, the Cal-Access system has denied public access, gone offline, and put strain on SOS staff resources. In November 2011, the Cal-Access system went down, and the system was unavailable for most of the month of December.

In an effort to modernize the Cal-Access system, this bill 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 provide public disclosure of campaign finance and lobbying information in a user-friendly, easily understandable format, as specified.

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