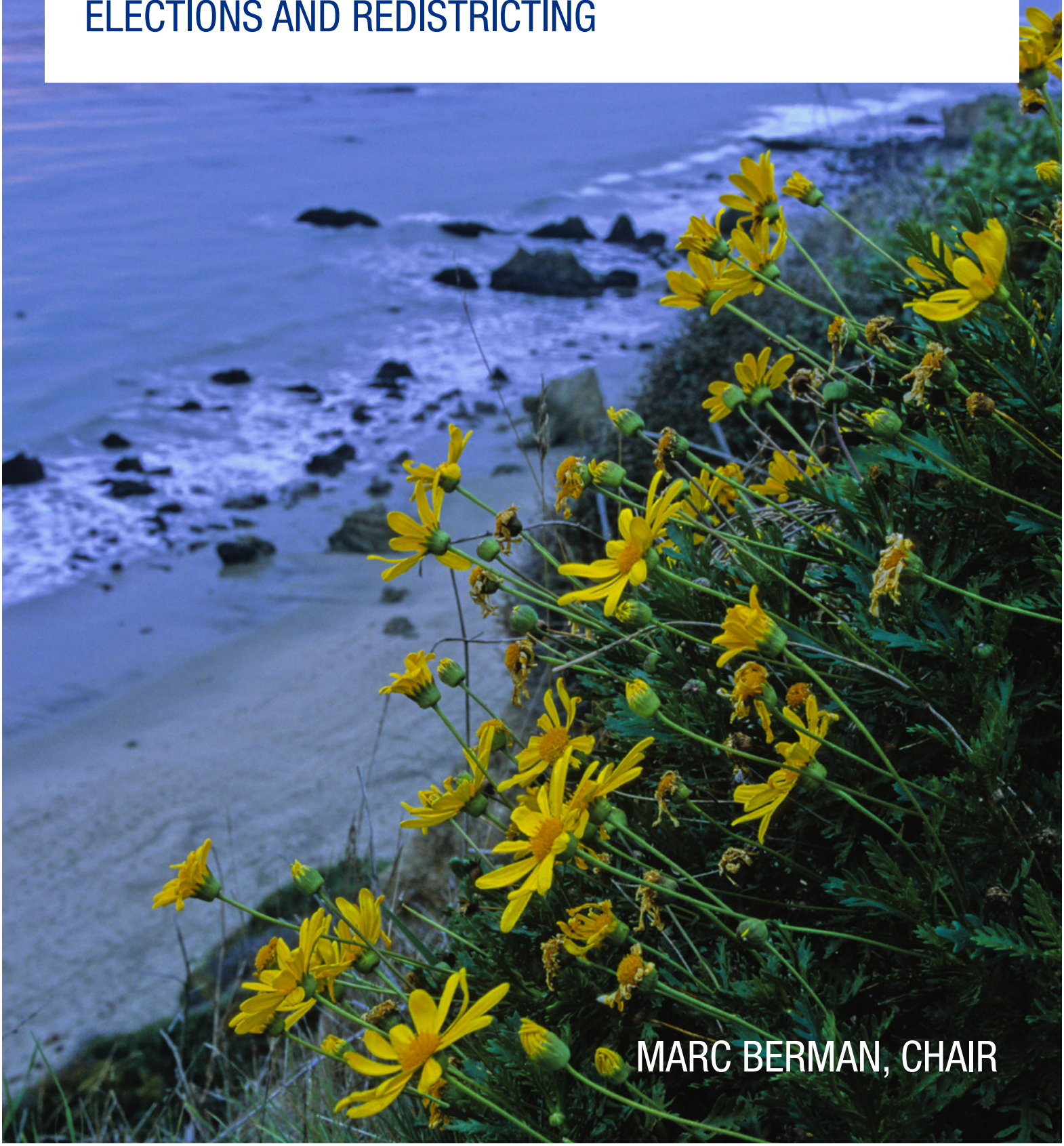
2019 LEGISLATIVE SUMMARY

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING



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Assembly
California Legislature

ASSEMBLY COMMITTEE ON
ELECTIONS AND REDISTRICTING
MARC BERMAN, CHAIR
ASSEMBLYMEMBER, TWENTY-FOURTH DISTRICT

December 2019

Interested Parties:

This booklet summarizes selected legislation approved by the Assembly Committee on Elections and Redistricting during the 2019 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 measures approved by the Committee and signed into law are bills to make same-day voter registration available at every polling place in the state, restrict the distribution of materially deceptive campaign materials sometimes referred to as “deepfakes,” improve opportunities for public participation and input in the local redistricting process, enhance disclosure of the financial supporters of proposed ballot measures, and limit the size of campaign contributions that can be made to candidates for county supervisor or city council. 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, 2020. Bills noted as urgency measures took effect earlier this year, as detailed in the description of those bills. The full text of legislation summarized in this pamphlet, as well as the committee analysis of those measures, may be viewed on the Internet at the California Legislative Information website (http://leginfo.legislature.ca.gov/).

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

Sincerely,

Marc Berman

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Assembly Committee on Elections and Redistricting
2019 Committee Membership

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Assemblymember Ian C. Calderon, 57th District
Assemblymember Evan Low, 28th District
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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
2019 Legislative Highlights

Streamlining Voter Registration Procedures:

California's version of "same-day" voter registration, also known as conditional voter registration (CVR) was in effect for statewide elections for the first time in 2018. In all, more than 57,000 Californians cast ballots using CVR at the November 2018 general election. In most counties, CVR was only available on election day at the office of the county elections official. In counties where CVR was more widely available, however, CVR was much more likely to be used by voters. Building on the successful implementation of CVR, a new law will require that CVR be available at every polling place in the state. To further improve the voter experience with CVR, another new law will allow voters using CVR to cast a non-provisional ballot if certain conditions are met. The state also took steps to make it easier for voters to verify and update their voter registrations.

Improving the Accessibility of Elections:

Continuing the state's efforts to make voting more accessible to all eligible voters, new laws will improve the design of ballots to comply with best practices for readability and usability, and will protect against misleading translations of ballot materials. The Legislature also approved bills that sought to make translated ballot materials more widely available to voters, and to ensure that voters are fully informed about their options for voting in presidential primary elections.

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. One new law streamlines the process for a voter to verify the ballot that the person cast, thereby reducing the number of ballots that are rejected due to a missing or mismatched signature on the vote by mail ballot return envelope. Another new law ensures that voters receive consistent and accurate information about the status of their vote by mail ballot from state and local elections officials. Additionally, the Legislature and the Governor took steps to ensure that vote by mail ballots are received by voters in a timely manner.

Enhancing Campaign Disclosure:

The Legislature approved and the Governor signed a number of bills designed to improve disclosure on campaign advertisements, including bills to require that campaign text messages include a disclosure of the name of the entity that is sending the message and to require prominent disclosures on certain materially deceptive campaign materials. Another new law will require initiative, referendum, and recall petitions to include a disclosure of the top contributors to the committee that is paying for those petitions to be circulated.

Assembly Committee on Elections and Redistricting
2019 Legislative Summary

Assembly Bills

AB 17 (Salas & Gonzalez)
Chapter 223, Statutes of 2019
Elections: vote by mail ballots.

[Amends Section 14002 of, and adds Sections 14004 and 18503 to, the Elections Code]

Legislative History

Assembly Elections 5-1
Assembly Appropriations 13-1
Assembly Floor 58-11
Assembly Concurrence 61-3

Senate Elections 5-0
Senate Judiciary 8-1
Senate Appropriations ..... (28.8)
Senate Floor 35-0

Existing state and federal laws include a variety of safeguards to protect against coercion or intimidation of voters who cast vote by mail (VBM) ballots. Additionally, state law includes extensive penalties for misconduct in connection with VBM ballots. For instance, criminal penalties are possible for coercing or intimidating a voter to vote or refrain from voting in an election, or vote or refraining from voting for a particular person or measure, as specified; for coercing or deceiving elders in casting a vote, as specified; for soliciting the vote of a VBM voter while the person is voting, as specified; and for providing any valuable consideration to a person in exchange for that person voting or refraining from voting for a particular person or measure, as specified.

This bill adds another protection for VBM voters by prohibiting an employer from requiring or requesting an employee to bring their VBM ballot to work or to vote their VBM ballot at work. An employer who violates these provisions will be subject to a civil fine of up to $10,000 per election.

AB 49 (Cervantes, et al.)
Chapter 553, Statutes of 2019
California Voter Protection Act of 2019.

[Amends Sections 3001 and 4005 of the Elections Code]

Existing state law does not *explicitly* specify a date on which elections officials are required to start mailing vote by mail (VBM) ballots to voters. Instead, various provisions of state law collectively create an implication that elections officials cannot begin sending VBM ballots to voters (other than military and overseas voters) until the 29th day before the election. (For counties that are conducting elections as part of the California Voter's Choice Act, state law explicitly requires the elections official to begin mailing ballots to voters on the 29th day before the election.)

Legislative History

Assembly Elections 6-0
Assembly Appropriations 18-0
Assembly Floor 76-0
Assembly Concurrence 79-0

Senate Elections 4-1
Senate Appropriations ..... (28.8)
Senate Floor 34-4

Additionally, state law generally does not include a deadline for elections officials to finish sending ballots to VBM voters. While elections officials typically begin mailing ballots to permanent VBM voters starting on the 29th day before the election, those ballots often are sent out over a period of a few days given the large number of ballots to be sent. When requests for VBM ballots are received fewer than 29 days before an election, elections officials typically fulfill those requests as promptly as possible.

To address a concern that the absence of a deadline for elections officials to send out VBM ballots could prevent certain voters from receiving their VBM ballots in a timely manner, this bill requires an elections official to send a VBM ballot to a voter within five days of receiving the request for a VBM ballot, or within five days of the 29th day before the election for voters who requested a VBM ballot by the 29th day before the election. This bill additionally permits county elections officials to begin sending VBM ballots to voters before the 29th day before the election.

AB 57 (Low)
Chapter 82, Statutes of 2019
Elections: names of candidates.

[Adds Section 13211.7 to the Elections Code]

Legislative History	
Assembly Elections	7-0
Assembly Appropriations	13-0
Assembly Floor	72-0
Senate Elections	5-0
Senate Appropriations	(28.8)
Senate Floor	39-0

Existing law requires the translation of ballots and ballot materials into languages other than English under certain circumstances.

This bill requires elections officials, when translating the name of a candidate into a character-based language (such as Mandarin Chinese, Cantonese, Japanese, or Korean) to use a phonetic transliteration of the candidate's name unless the candidate has a character-based name by birth, or demonstrates that the candidate has been known and identified within the public sphere by a particular character-based name over the past two years.

This bill additionally requires, if a jurisdiction is unable to comply with the bill's requirements due to limitations of its existing voting system, that any new voting system purchased after June 1, 2020, be able accommodate this bill's requirements.

AB 59 (Kalra)
Chapter 554, Statutes of 2019
Elections: polling places: college and university campuses.

[Amends Sections 4005 and 12283 of the Elections Code]

Legislative History	
Assembly Elections	5-1
Assembly Appropriations	14-2
Assembly Floor	63-10
Assembly Concurrence	65-11
Senate Elections	4-1
Senate Appropriations	5-1
Senate Floor	31-8

In 2016, the Legislature passed and Governor Brown signed SB 450 (Allen), Chapter 832, Statutes of 2016, which enacted the California Voter's Choice Act (CVCA). The CVCA permits counties to conduct elections in which all voters are mailed ballots, and voters have the opportunity to vote on those ballots or to vote in person at a vote center for a period of 10 days leading up to election day. Five counties (Madera, Napa, Nevada, Sacramento, and San Mateo) conducted elections under this system in 2018. According to the Secretary of State, at least 15 counties (Amador, Butte, Calaveras, El Dorado, Fresno, Los Angeles, Madera, Mariposa, Napa, Nevada, Orange, Sacramento, San Mateo, Santa Clara, and Tuolumne) are expected to conduct elections pursuant to the CVCA in 2020.

The CVCA established detailed criteria for an elections official to consider when developing a plan

for the location of vote centers in the county, such as requiring the vote center to be accessible to voters with disabilities; be located near population centers, public transportation, and low-income and language minority communities; and have access to accessible and free parking, among other considerations. This bill additionally requires an elections official, when developing the draft plan for the administration of elections conducted pursuant to the CVCA, to consider placing a vote center location on a public or private university or college campus.

Last year, the Legislature approved and Governor Brown signed AB 2540 (Mullin), Chapter 343, Statutes of 2018, which requires a governing body with jurisdiction over school buildings or other public buildings to allow those buildings to be used as vote centers beginning up to 10 days prior to an election day. It is unclear, however, whether the provisions of AB 2540 apply to the California State University (CSU) system or to California Community College buildings. This bill clarifies that the definition of a "public building" includes a building owned or controlled by the University of California, the CSU, and a community college district.

AB 201 (Cervantes & Mullin)
Chapter 555, Statutes of 2019
Political Reform Act of 1974: campaign disclosure: text messages.

[Amends Section 84502 of, and adds Section 84504.7 to, the Government Code]

Legislative History
Assembly Elections 7-0
Assembly Appropriations 16-0
Assembly Floor 77-0
Assembly Elections (77.2)..... 7-0
Assembly Concurrence 72-1
Senate Elections 4-1
Senate Appropriations ..... (28.8)
Senate Floor 34-1

Existing law generally requires political advertisements that are distributed through electronic media to include a disclosure identifying the name of the committee that paid for the advertisement and the top contributors to that committee, as specified, except in situations where the advertisement is paid for by a candidate's own controlled committee or a political party committee. The Fair Political Practices Commission has interpreted the term "electronic media advertisement" to include text messages. Accordingly, many campaign text messages that are sent in California are required to include a disclosure of the entity that is paying for the text message to be sent. Typically, this disclosure is accomplished through including the text "Who funded this ad?" as a hyperlink in the text message that links to an internet website with more details about the committee that paid for the advertisement. Electronic media advertisements that are paid for by a candidate's own controlled committee or a political party committee, however, generally are not required to include disclosures. Communications by candidates' own campaigns and political parties traditionally have been subject to different disclosure requirements because the identity of the entity sending the communication generally is clear to the public.

In 2018, the Legislature approved and Governor Brown signed AB 2188 (Mullin), Chapter 754, Statutes of 2018, which made various changes to the required format for disclosures on electronic media ads. AB 2188 contained a delayed operative date, and will not take effect until January 1, 2020. None of the disclosure requirements in AB 2188, however, expressly cover text messages. As a result, when AB 2188 takes effect and its provisions replace the current rules that apply to electronic media advertisements, it is unclear whether political text messages will be required to include disclosures under state law.

This bill ensures that specified political text messages remain subject to a requirement that those text messages include a disclosure about the entity paying for the text message, and expands the disclosure rules to require disclosures to appear on most text messages sent by candidates and political parties. Additionally this bill requires the disclosures on certain text messages to include a listing of the top two contributors of $50,000 or more to the committee that is paying for the text message to be sent.

AB 220 (Bonta, et al.)
Chapter 384, Statutes of 2019
Political Reform Act of 1974: campaign funds: childcare costs.

[Amends Section 89513 of the Government Code]

Legislative History	
Assembly Elections	6-0
Assembly Floor	70-0
Assembly Concurrence	72-1
Senate Elections	5-0
Senate Floor	35-4

California law recognizes that ethical concerns may arise when a candidate receives a personal financial benefit from contributions received by the candidate's campaign, and accordingly limits a candidate's use of campaign funds on expenditures that provide a personal financial benefit to the candidate. In general, the Political Reform Act (PRA) requires most campaign expenditures to be *reasonably* related to a political, legislative, or governmental purpose. Expenditures of a candidate's or officer's campaign funds that confer a substantial personal benefit on that candidate or officer, however, must meet a higher standard, and be *directly* related to a political, legislative, or governmental purpose.

Although the PRA does not expressly specify whether campaign funds may be used for childcare expenses, the Fair Political Practices Commission (FPPC) has advised since at least 1990 that campaign funds may permissibly be used for babysitting services under certain circumstances and subject to certain restrictions. In a 1994 advice letter, the FPPC concluded that babysitting expenses incurred by a candidate while engaging in campaign-related activities were *reasonably* related to a political purpose, but stated that it "cannot say" that "baby-sitting expenses incurred during campaign activities are *directly* related to a political purpose" (emphasis added).

Any expenditure of campaign funds that confers a substantial personal benefit on anyone with authority to approve the expenditure must be *directly* related to a political, legislative, or

governmental purpose. Under existing law, an expenditure of campaign funds is deemed to have a substantial personal benefit to a candidate if the expenditure resulted in a direct personal benefit of more than $200 to the candidate.

In light of the FPPC's advice regarding expenses for babysitting services, educational materials produced by the FPPC in the last several years regularly have advised that candidates may use campaign funds to pay a babysitter when they are out campaigning, but only up to $200 per event. Notwithstanding this FPPC advice, the ability of candidates and officeholders to use campaign funds for childcare expenses incurred while engaging in campaign activities is limited, and the applicability of that advice is unclear in certain situations. For example, it is unclear whether the FPPC would distinguish between one-time expenses for babysitting services and ongoing expenses for professional daycare services. Furthermore, because the FPPC's current advice limits the amount of campaign funds that can be spent for babysitting services on a "per event" basis, there may be ambiguity about how those rules would be applied in certain situations where a candidate is engaged in campaign activities for an extended period of time.

This bill amends the PRA to specify that candidates are permitted to use campaign funds for childcare expenses incurred while the candidate is engaging in campaign activities. By expressly permitting campaign funds to be used for childcare expenses under specified circumstances, this bill should eliminate some of the ambiguity that exists in the FPPC's current advice.

AB 299 (Salas)

Chapter 224, Statutes of 2019

Vote by mail ballot tracking.

[Amends Section 3019.5 of the Elections Code]

Legislative History	
Assembly Elections	7-0
Assembly Appropriations	13-0
Assembly Floor	72-0
Senate Elections	5-0
Senate Appropriations	(28.8)
Senate Floor	39-0

When conducting elections, elections officials use an elections management system (EMS) to prepare ballots and programs for use in casting and counting votes, and to consolidate, report, and display election results. Elections officials also use their EMS to register voters and to update voter information.

At the state level, California maintains a statewide voter registration list known as VoteCal that interacts and exchanges information with county EMSs. When California deployed the VoteCal system in September 2016, the Secretary of State (SOS) also launched a "My Voter Status" portal that allows eligible Californians to register to vote, check their voter registration status, and check the status of their vote by mail (VBM) or provisional ballots, among other functions. The "My Voter Status" portal uses information from VoteCal to provide voters with the status of their VBM ballots; VoteCal, in turn, receives information about the status of voters' ballots from the county EMSs.

Some county elections officials maintain online systems that allow a voter who is registered to vote in the county to look up the status of the voter's VBM ballot. Those systems generally rely upon information from the county's EMS. However, if the information from a county's EMS about the status of a voter's VBM ballot is not immediately shared with the VoteCal system, a voter may receive different information about the status of the voter's VBM ballot from the county's system than would be provided through the SOS's My Voter Status portal.

This bill seeks to ensure consistency in the information provided by those two VBM ballot status tools by requiring counties to provide the SOS with updated information about the status of VBM ballots at the same time that the county updates its EMS with that information.

AB 334 (Obernolte)
Chapter 6, Statutes of 2019
California Republican Party: county central committees.

[Amends Section 7441 of the Elections Code]

Legislative History	
Assembly Elections	7-0
Assembly Floor	72-0
Senate Elections	5-0
Senate Floor	37-0

Notwithstanding the fact that political party central committee members are not public officials, the state constitution explicitly recognizes political party central committees and requires the Legislature to provide for partisan elections for those offices.

At the June 2010 statewide primary election, California voters approved Proposition 14, which implemented a "top two" primary election system in California for most elective state and federal offices. With the passage of Proposition 14, the only publicly-conducted partisan elections in the state are presidential primary elections and elections for political party central committees.

In an effort to reduce the complexity and costs of conducting gubernatorial primary elections, SB 1272 (Kehoe), Chapter 507, Statutes of 2012, provided that public elections for a political party county central committee would be held only in presidential election years, instead of at every statewide primary election. SB 1272 also expressly provided that political parties may select central committee members at any time by holding a caucus, convention, or other method approved by the party, and made various conforming changes to provisions of state law governing the timing and conduct of county central committee elections.

One provision of state law governing county central committees of the California Republican Party (CRP), however, requires that central committee members hold office for a two-year term, and imposes requirements for when central committee members shall assume office and hold their first meeting. SB 1272 did not modify or update those requirements, but they generally are inconsistent with the flexibility provided to political parties by that bill. Accordingly, this bill

repeals statutory requirements that members of a county central committee of the CRP assume office and hold their first meeting at a specified time, and hold office for a two-year term.

AB 504 (Berman)
Chapter 262, Statutes of 2019
Voter registration: residency confirmation.

[Amends Sections 2220, 2221, 2222, 2225, and 2227 of, amends and repeals Section 2224 of, and amends, repeals, and adds Section 2226 of, the Elections Code]

Legislative History	
Assembly Elections	7-0
Assembly Appropriations	18-0
Assembly Floor	76-0
Assembly Concurrence	77-0
Senate Elections	5-0
Senate Appropriations	(28.8)
Senate Floor	39-0

State and federal law require elections officials to follow specified procedures to confirm the residency of registered voters periodically. These residency confirmation procedures are designed to keep voter registration rolls up-to-date by ensuring that voters' registrations are updated when voters move. If information from a residency confirmation process indicates that a voter has moved and not left a forwarding address, the voter's registration becomes inactive. A voter whose registration is inactive remains eligible to vote, but their registration eventually may be canceled if the voter does not vote or confirm their address with the elections official. A recent United States (US) Supreme Court decision found that it was mandatory for a voter's registration to be canceled under federal law if certain conditions are met.

This bill clarifies residency confirmation procedures that county elections officials must follow and conforms state law to the recent US Supreme Court decision that interpreted federal law governing voter list maintenance. Additionally, this bill provides that a voter's residency is confirmed for the purposes of the state's residency confirmation processes if the voter verifies their registration record on the internet website of the Secretary of State.

AB 566 (Berman & Mullin)
Chapter 91, Statutes of 2019
Elections: official canvass period.

[Adds Section 15305 to the Elections Code]

Legislative History

Assembly Elections 7-0
Assembly Appropriations 18-0
Assembly Floor 76-0

Senate Elections 5-0
Senate Appropriations ..... (28.8)
Senate Floor 39-0

Under current law, an elections official is required to transmit semifinal official election results to the Secretary of State (SOS) in the manner and according to the schedule prescribed by the SOS. In practice, many elections officials provide updates to the semifinal canvass as well as an estimate of the number of unprocessed ballots that remain. For example, the Orange County Registrar of Voters posts daily estimates of the number of ballots left to be counted on its internet website. These estimates include estimates of the number of vote by mail (VBM) ballots that remain to be processed, the number of provisional ballots left to be processed, the number of election day ballots that remain to be processed, the number of eligible VBM ballots received after election day left to be processed, and an estimate of eligible conditional voter registrations that remain to be processed. Additionally, many counties post on their internet website the date and time the elections results were last updated and the date and time of the next expected results update.

This practice, however, is not required nor is it standardized. Consequently, election results updates vary across counties. Some county elections officials report election results updates daily or every few days, while others provide very few updates or no updates at all until the final statement of the vote is required to be reported. Critics have argued that the lack of updates available deceases transparency and can cause voter confusion.

This bill helps to standardize this process by requiring a county elections official to send "unprocessed ballot" updates to the SOS, as specified.

AB 571 (Mullin)

Chapter 556, Statutes of 2019

Political Reform Act of 1974: contribution limits.

[Amends and repeals Sections 10003 and 10202 of the Elections Code, and amends Section 85301 of, amends, repeals, and adds Sections 85305, 85306, 85307, 85315, 85316, 85317, and 85318 of, and adds Section 85702.5 to, the Government Code]

Legislative History

Assembly Elections 6-1
Assembly Appropriations 13-5
Assembly Floor 65-13

Senate Elections 4-0
Senate Appropriations 5-2
Senate Floor 32-8

Existing state law limits the size of campaign contributions that a person can make to a candidate for elective state office. State law generally does not, however, limit the amount that a person can contribute to a candidate for elective local office. While local jurisdictions have the authority to adopt their own campaign finance regulations that apply to campaigns for local office, which may include local contribution limits, the majority of counties and cities have not adopted local campaign finance regulations, and less than a third of cities and counties in the state have adopted local campaign contribution limits.

This bill establishes default campaign contribution limits for county and city office at the same level as limits for Senate and Assembly candidates (currently $4,700 per contributor, per election), beginning in 2021. Under this bill, counties and cities still have the authority to establish their own contribution limits, which will prevail over the default limits contained in this bill.

AB 623 (Berman)

Chapter 863, Statutes of 2019

Elections: printing requirements and ballot design.

[Amends Sections 13105, 13118, 13119, 13120, 13202, 13203, 13204, 13205, 13206, 13206.5, 13208, 13209, 13210, 13211, 13212, 13213, 13214, 13215, 13216, 13216.5, 13217, 13219, 13231, and 13315 of, and adds Section 13218 to, the Elections Code]

Legislative History

Assembly Elections 7-0
Assembly Floor 76-0
Assembly Concurrence 77-0

Senate Elections 5-0
Senate Appropriations 7-0
Senate Floor 37-1

Under California state law, ballots must follow certain requirements, such as instructions to voters, font type, font size, margin widths, spacing of contests, voting square size, and write-in spacing, among other prescribed formats and conditions. According to county elections officials, many of these requirements are outdated, and can create barriers for elections officials to design ballots that comply with best practices for readability. Furthermore, these requirements can be incompatible with new voting systems and methods of conducting elections.

This bill requires the Secretary of State to establish a ballot design committee and work with county elections officials and ballot design experts to promulgate regulations for better ballot design and format. Additionally, this bill removes various outdated Elections Code sections related to ballot layouts and font types.

AB 679 (Gonzalez)
Chapter 63, Statutes of 2019
Voter qualifications: residence and domicile.

[Amends Section 2028 of the Elections Code]

California law specifies that a person's "residence" for voting purposes is the person's domicile. A person's domicile is defined as the place in which the person's habitation is fixed, wherein the person has the intention of remaining, and to which, whenever the person is absent, the person has the intention of returning.

Legislative History

Assembly Elections 7-0
Assembly Floor 76-0

Senate Elections 4-1
Senate Floor 26-6

The Elections Code and case law include rules for establishing the domicile for voting purposes of people in nontraditional living situations. For example, Section 2027 of the Elections Code provides that residence in a trailer or vehicle or at any public camp or camping ground may constitute a domicile for voting purposes if the registrant otherwise complies with specified provisions of state law. Additionally, a California Appellate Court ruled that a group of homeless individuals could use a public park as their domicile for voting purposes as long as they actually resided at that park, even though a city ordinance made it illegal to use the park as a residence.

This bill specifies that a person's domicile for voting purposes may be the same place at which the person does business. While nothing in state law explicitly prohibits a person from registering to vote at the place at which the person does business if that address is the person's true domicile, the author of this bill contends that a lack of clarity in state law has resulted in situations where ballots have been disqualified or where elections officials have provided information to voters indicating that a person may not register to vote at a business address.

AB 681 (Gonzalez)

Vetoed

Elections: voter registration: partisan primary elections. Urgency.

[Amends Sections 2152, 3203, 3205, 4100, 13102, 13502, and 18402 of, adds Sections 2119.5, 12100, and 13503 to, adds Chapter 0.5 (commencing with Section 3000) to Division 3 of, and repeals Section 3000 of, the Elections Code]

Under California's presidential primary system, a voter who is registered with a political party receives a ballot for that party's presidential primary election. A voter who has declined to disclose a political party preference (commonly referred to as a No Party Preference voter or an NPP voter) receives a nonpartisan ballot that does not list the candidates for president. An NPP voter, however, may request the ballot of any political party that has notified the Secretary of State that it will allow those voters to participate in its presidential primary election. This is commonly referred to as a "crossover" ballot.

Legislative History

Assembly Elections 6-1
Assembly Appropriations 13-4
Assembly Floor 60-16
Assembly Elections (77.2)..... 7-0
Assembly Concurrence 65-13

Senate Elections 4-1
Senate Appropriations 5-2
Senate Floor 29-11

The process and timing for an NPP voter to request a crossover ballot, however, can be confusing and burdensome for voters. This bill sought to help alleviate these problems by increasing voter awareness and streamlining the process for last minute changes to voters' party registrations or addresses. Specifically, this bill would have required a county elections official, before the presidential primary election, to send specified notifications to registered voters informing them of their political party preference and the ballot they are eligible to cast. Additionally, this bill would have permitted a registered voter to change their party preference or update their residence address during the last 14 days before election day without reregistering to vote.

On October 13, 2019, Governor Newsom vetoed this bill stating, "While I share the Legislature's intent to reduce voter confusion, this bill may create a state-reimbursable mandate with likely significant ongoing General Fund costs to the state, thus it should be considered in the annual budget process."

AB 693 (Berman)

Chapter 99, Statutes of 2019

Conditional voter registration: voting.

[Amends Section 2170 of the Elections Code]

Legislative History	
Assembly Elections	5-0
Assembly Floor	59-16
Senate Elections	4-1
Senate Floor	29-10

AB 1436 (Feuer), Chapter 497, Statutes of 2012, permits conditional voter registration (CVR, also known as "same day" registration), under which a person is allowed to register to vote and vote at the office of the county elections official at any time, including on election day, if certain requirements are met. Voters who register using CVR are required to cast a provisional ballot, which is counted if the county elections official is able to determine before or during the canvass period for the election that the registrant is eligible to register to vote. CVR went into effect in 2017, and was available in statewide elections for the first time last year. According to information from the Secretary of State, 57,275 voters cast ballots using CVR at the November 2018 general election.

This bill allows an elections official to use nonprovisional ballots for CVR if certain conditions are met. Specifically, this bill allows a county elections official to offer a nonprovisional ballot to a voter who is using CVR if the elections official conducts the same voter registration verification procedure using the statewide voter registration database before issuing the ballot that the elections official otherwise would conduct after the election for CVR voters who vote using a provisional ballot. That procedure includes a verification that the voter has not already voted in that county or anywhere else in the state in the same election.

AB 698 (Obernolte)

Chapter 14, Statutes of 2019

Elections: initiative and referendum petitions: signature verification.

[Amends Sections 9030, 9031, 9114, 9115, 9308, and 9309 of, the Elections Code]

Legislative History	
Assembly Elections	7-0
Assembly Floor	76-0
Senate Elections	5-0
Senate Floor	40-0

Existing law requires an elections official to determine the number of qualified voters who have signed a petition for a state or local initiative or referendum, as specified. In practice, there are numerous issues that may come up when an elections official is verifying a voter's signature on a petition, such as a missing signature, a different or missing apartment number, an abbreviated street name, or transposed house numbers. In order to provide clarity and consistency statewide, county elections officials developed guidelines for recommended actions

and best practices to provide guidance to county elections officials when verifying signatures on petitions.

This bill codifies one of the best practices outlined in those guidelines by prohibiting the invalidation of a signature on a state, county, municipal, or district initiative or referendum petition because of a variation of the signature caused by the substitution of initials for the first or middle name, or both, of the person signing the petition.

AB 730 (Berman)
Chapter 493, Statutes of 2019
Elections: deceptive audio or visual media.

[Amends, repeals, and adds Section 35 of the Code of Civil Procedure, and amends, adds, and repeals Section 20010 of the Elections Code]

Legislative History	
Assembly Elections	N/R
Assembly Floor	N/R
Assembly Elections (77.2)	6-0
Assembly Concurrence	67-4
Senate Elections	3-1
Senate Judiciary	6-2
Senate Floor	29-7

AB 1233 (Leach), Chapter 718, Statutes of 1998, enacted the "Truth in Political Advertising Act," which prohibited campaign material that contains a picture of a person into which a candidate's image is superimposed, or contains a picture of a candidate into which another person's image is superimposed, except if a specified disclaimer was included. AB 1233 sought to address concerns surrounding the use of photoshopped pictures in campaign materials. It was introduced in response to a 1997 campaign brochure in a campaign for the Illinois State Legislature in which a candidate superimposed his face over the face of another person in order to make it appear as if the candidate took part in a bill signing ceremony.

Despite the fact that more than 20 years has passed since AB 1233 was enacted, the Truth in Political Advertising Act had never been amended to update the law to address more modern techniques of manipulating campaign materials in a manner that can mislead voters. This bill replaces the Truth in Political Advertising Act with a law that regulates not only altered photographs in campaign materials, but also audio and video media that have been altered in a materially deceptive manner.

Specifically, this bill prohibits the distribution of materially deceptive audio or visual media with actual malice with the intent to injure a candidate's reputation or to deceive a voter into voting for or against a candidate, unless the materially deceptive audio or visual media includes a disclosure that it has been manipulated. The provisions of this bill are scheduled to sunset on January 1, 2023.

AB 773 (Gonzalez)

Vetoed

Voter education: high school pupils.

[Amends Section 49040 of, and adds Section 49042 to, the Education Code]

Existing law requires the Instructional Quality Commission to ensure that voter education information is included in the American government and civics curriculum at the high school level in California, and requires that pupils be provided with information on the voter registration process, as specified. Additionally, state law establishes the last two full weeks in April and the last two full weeks in September as "high school voter education weeks," and permits persons authorized by the county elections official to register students and school personnel on any high school campus during these weeks in designated areas.

Legislative History

Assembly Education 5-1
Assembly Elections..... 6-1
Assembly Appropriations 14-2
Assembly Floor 60-12
Assembly Concurrence..... 66-11

Senate Education..... 7-0
Senate Elections..... 4-0
Senate Appropriations 5-1
Senate Floor 31-7

This bill would have required the Secretary of State, in coordination with the State Superintendent of Public Instruction, to develop educational programming for pupils in grade 12 on voter registration and participation, and would have required each public high school to implement the educational programming for students in grade 12 during a presentation or assembly at the school campus.

This bill was vetoed by Governor Newsom on October 7, 2019. In his veto message, the Governor stated that rather than "impos[ing] a one-size-fits-all requirement on each high school, I would prefer that the Secretary of State and the Superintendent of Public Instruction continue their coordination to help register and preregister young people to vote."

AB 849 (Bonta)

Chapter 557, Statutes of 2019

Elections: city and county redistricting.

[Amends Sections 21500, 21501, 21506, 21507, 21600, 21601, 21606, and 21607 of, adds Sections 21500.1, 21507.1, 21508, 21509, 21605, 21607.1, 21608, 21609, 21622, 21623, 21625, 21626, 21627, 21627.1, 21628, and 21629 to, repeals Sections 21502, 21504, and 21604 of, and repeals and adds Sections 21503, 21602, 21603, 21620, and 21621 of, the Elections Code, and amends Sections 34874, 34877.5, 34884, and 34886 of the Government Code]

Legislative History

Assembly Elections..... 5-2
Assembly Local Government ... 6-2
Assembly Appropriations 13-5
Assembly Floor 55-20
Assembly Concurrence..... 59-18

Senate Elections..... 4-1
Senate Gov. & Finance..... 5-1
Senate Appropriations 5-2
Senate Floor 29-10

State laws governing redistricting for local agencies vary depending on the type of government: for instance, different rules apply to school districts and community college districts than apply to cities. Similarly, different rules apply to counties than to special districts. Notwithstanding these differences, many of the local redistricting rules are similar: the criteria required to be used when drawing district lines is very similar for counties, cities, special districts, and county boards of education, for example. Similarly, most local jurisdictions are required to hold at least two public hearings when adjusting district boundaries. Other local redistricting rules vary more significantly. For example, a variety of different deadlines apply for local jurisdictions to adopt boundaries.

While the Legislature has approved bills in recent years to permit local jurisdictions to create redistricting commissions, the rules that govern the redistricting process itself generally have not been changed in years or even decades. The criteria that must be used for drawing county supervisorial districts, for example, has largely been unchanged since at least 1947 (the only notable change since that time was an update to state law to require that supervisorial districts comply with the federal Voting Rights Act).

This bill revises and standardizes the criteria and process to be used by counties and cities when adjusting the boundaries of the electoral districts that are used to elect members of the jurisdictions' governing bodies. Additionally, this bill requires counties and cities to comply with substantial public hearing and outreach requirements as part of the process for adjusting the boundaries of electoral districts.

AB 864 (Mullin)
Chapter 558, Statutes of 2019
Political Reform Act of 1974: disclosures.

[Amends Sections 84305, 84501, 84502, 84503, 84504.2, 84504.3, 84504.4, 84504.5, 84504.6, 84511, and 85704 of, and repeals Section 84503.5 of, the Government Code]

Legislative History

Assembly Elections 7-0
Assembly Appropriations 18-0
Assembly Floor 76-0
Assembly Concurrence 77-0

Senate Elections 4-0
Senate Appropriations ..... (28.8)
Senate Floor 37-2

In 2017, the Legislature approved and Governor Brown signed AB 249 (Mullin), Chapter 546, Statutes of 2017, which significantly changed the content and format of disclosure statements required on specified campaign advertisements in a manner that generally required such disclosures to be more prominent. AB 249 also established new requirements for determining when contributions are considered to be earmarked, and imposed new disclosure requirements for earmarked contributions to ensure that committees are able to determine which contributors must be listed on campaign advertisements. AB 249 is commonly known as the "Disclose Act." The passage of AB 249 marked the culmination of seven years of debate and negotiation over similar legislation. AB 249 took effect on January 1, 2018.

Last year, the Legislature approved and the Governor signed AB 2155 (Mullin), Chapter 777, Statutes of 2018, which made various changes to the Disclose Act that generally were minor, clarifying, or technical in nature, or otherwise were consistent with disclosure examples that were provided by supporters when AB 249 was being considered by the Legislature. Also enacted last year was AB 2188 (Mullin), Chapter 754, Statutes of 2018, which requires online platforms that sell political ads to make specified information about those political ads available to the public, and makes various changes to the required format for disclosures on electronic media ads that are required by existing law. AB 2188 is known as the "Social Media Disclose Act." Although AB 2188 was signed into law last year, it had a delayed implementation date and does not take effect until January 1, 2020.

This bill makes numerous minor, clarifying, and technical changes to the Disclose Act and other provisions of state law governing the content and format of disclosure statements that are required to appear on communications from candidates and committees.

AB 902 (Levine)

Chapter 312, Statutes of 2019

Political Reform Act of 1974: Fair Political Practices Commission: regulations.

[Amends Section 84100 of, adds Sections 81005, 81010.5, 82015.5, 82038.3, 82048.8, 87206.5, and 89503.5 to, repeals Section 85311 of, and repeals and adds Sections 82007, 84105, 84223, 86100, 86105, and 90002 of, the Government Code]

While both regulations and statutes have the force of law, regulatory agencies—including the Fair Political Practices Commission (FPPC)—only may adopt regulations that are consistent with statute. While regulations often are necessary to implement, interpret, or otherwise carry out the provisions of a statute, regulations cannot override or otherwise conflict with the statute that those regulations are designed to implement or interpret.

Legislative History

Assembly Elections 7-0
Assembly Appropriations 17-0
Assembly Floor 76-0
Assembly Concurrence 75-0

Senate Elections 5-0
Senate Appropriations ..... (28.8)
Senate Floor 39-0

This bill codifies several longstanding regulations that were adopted by the FPPC to interpret the Political Reform Act (PRA). By codifying those regulations, this bill may improve the clarity of how various provisions of the PRA have long been interpreted and enforced.

AB 903 (Levine)

Chapter 102, Statutes of 2019

Political Reform Act of 1974.

[Amends Sections 82025, 84200.5, 84202.3, and 87207 of the Government Code]

The definitions of the terms "contribution" and "expenditure" that are found in the Political Reform Act (PRA)—and in related regulations adopted by the Fair Political Practices Commission (FPPC)—contain a "media exemption" that generally allows entities that routinely carry news and commentary of general interest to report on candidates and ballot measures without having that reporting considered to be a reportable contribution or expenditure under the PRA. The media exemption is designed to protect constitutionally-protected activity by the press from the otherwise generally-applicable campaign finance regulation of the PRA.

Legislative History

Assembly Elections 7-0
Assembly Appropriations 17-0
Assembly Floor 72-0

Senate Elections 5-0
Senate Appropriations ..... (28.8)
Senate Floor 39-0

This bill specifies that a communication paid for with public money by a state or local government agency is not entitled to the "media exemption" that applies in the definition of the term "expenditure" that is found in the PRA. This provision is intended to ensure that government

agencies do not attempt to circumvent existing restrictions on the use of public funds for campaign purposes by claiming that the use of public funds falls into this media exemption, and is not an "expenditure" under the PRA.

In addition to requiring candidates and committees to file semiannual campaign disclosure reports, the PRA also requires candidates and committees to file pre-election campaign disclosure reports under specified circumstances. The language governing the circumstances under which pre-election reports must be filed, however, is susceptible to multiple interpretations. This bill clarifies the pre-election reporting language to conform to the FPPC's interpretation and to the legislative intent of that language.

In situations where an address is required to be disclosed on a report or statement that is filed pursuant to the PRA, the PRA generally requires that a street address be disclosed. One of the instances where the PRA requires the disclosure of an address, but does not specify that it must be a street address, is when a public official or employee must disclose the address of a source of income on a statement of economic interests (SEI).

One of the primary purposes of requiring public officials and employees to file SEIs is to identify situations where an official or employee may have a conflict of interest in connection with a governmental decision. To identify whether a conflict of interest exists, it may be necessary to consider the physical location of entities that are a source of income for the official or employee. Accordingly, this bill requires that public officials and employees provide the street address of a source of income when disclosing that source of income on an SEI.

This bill also makes other technical and conforming changes to the PRA.

AB 909 (Gallagher)

Chapter 313, Statutes of 2019

Political Reform Act of 1974: statements of acknowledgment.

[Amends Sections 84102 and 84103 of the Government Code]

The Political Reform Act (PRA) requires every committee to have a treasurer, and prohibits a contribution or expenditure from being accepted or made by or on behalf of a committee at a time when there is a vacancy in the office of the treasurer. Fair Political Practices Commission (FPPC) regulations provide that a treasurer may be liable for a violation of the PRA for failing to abide by their duties specified in the PRA and FPPC regulations.

Legislative History

Assembly Elections 7-0
Assembly Appropriations 17-0
Assembly Floor 76-0
Assembly Concurrence 79-0

Senate Elections 5-0
Senate Appropriations ..... (28.8)
Senate Floor 39-0

FPPC regulations require a committee treasurer to sign and verify all reports and statements filed.

The verification is signed under penalty of perjury and indicates that the signer has used all reasonable diligence in preparing the statement and to the best of their knowledge, the statement is both true and complete.

While many committees use professional treasurers who understand FPPC requirements and the liabilities inherent to the position, other committees, especially at the local level, have volunteer treasurers who may be less familiar with laws governing the duties of a treasurer and the liabilities assigned to treasurers.

In an effort to ensure that treasurers understand the liability that they assume by serving as a treasurer of a committee, this bill requires a person identified as a treasurer or assistant treasurer on a statement of organization filed in accordance with the PRA to sign a statement acknowledging they must comply with the duties stated in the PRA and in FPPC regulations.

AB 946 (Elections & Redistricting Committee)

Chapter 315, Statutes of 2019
Political Reform Act of 1974.

[Amends Sections 83123.5, 84202.7, 84252, 84305, 84602, and 87500.2 of, and repeals Sections 81016, 82009, 83123, and 84200.6 of, the Government Code]

This is a Political Reform Act (PRA) omnibus bill that makes various minor and technical changes to provisions of the PRA.

Legislative History	
Assembly Elections	7-0
Assembly Floor	75-0
Assembly Concurrence	79-0
Senate Elections	5-0
Senate Floor	40-0

The PRA contains various operative dates that have passed, and various reporting requirements that have been met. Accordingly, this bill deletes various obsolete operative dates and reporting requirements. Additionally, various provisions of the PRA include cross-references to other sections of law that are outdated or unnecessary. This bill updates or repeals those outdated or unnecessary cross-references, as appropriate. Furthermore, this bill repeals a section of the PRA that defines the term “civil service employee” since that term is not used in the PRA.

A provision of the PRA requires the Fair Political Practices Commission (FPPC) to establish a division of local enforcement to administer and enforce provisions of the PRA that relate to local government agencies. The FPPC long ago consolidated into a single enforcement division with the authority to enforce the provisions of the PRA relating to local government agencies, however, so this bill repeals that obsolete requirement.

This bill additionally makes other technical and conforming changes to the PRA.

AB 1036 (Aguiar-Curry)

Vetoed

Elections: civic outreach and voter engagement.

[Amends Sections 2105 and 2131 of, and adds Chapter 5 (commencing with Section 370) to Division 0.5 of, the Elections Code]

Legislative History

Assembly Elections 5-1
Assembly Appropriations 14-4
Assembly Floor 59-16
Assembly Concurrence 61-15

Senate Elections 4-1
Senate Education 7-0
Senate Appropriations 5-1
Senate Floor 31-9

AB 822 (Keysor), Chapter 704, Statutes of 1975, first permitted completed voter registration affidavits to be submitted by mail. Among other provisions, AB 822 required the Secretary of State (SOS) to adopt regulations requiring counties to design and implement programs to identify qualified electors who are not registered to vote, and to register them to vote. In 1976, the SOS adopted emergency regulations that require counties to submit voter outreach plans for review by the SOS. The emergency regulations, however, have not been updated and county voter registration and outreach programs have been not been consistently updated either. This bill would have revised and codified the regulations governing voter outreach plans, and would have required updated plans to be submitted to the SOS.

Additionally, this bill would have authorized the Yolo County Elections Office, in partnership with the Yolo County Office of Education, to conduct a mock election pilot program to elect members of the school's student government.

On October 13, 2019, Governor Newsom vetoed this bill noting that Yolo County had already conducted a mock election pilot program without state funding, and stating that the other provisions of the bill "may also create an election-related reimbursable mandate of potentially significant costs to the state."

AB 1043 (Irwin)

Chapter 46, Statutes of 2019

Political Reform Act of 1974: campaign funds: cybersecurity.

[Adds Section 89517.6 to the Government Code]

Existing law generally requires expenditures of campaign funds to be either *reasonably* related to a political, legislative, or governmental purpose, or *directly* related to such a purpose in situations where the expenditure confers a substantial personal benefit on any individual with authority to approve the expenditure of campaign funds.

Legislative History

Assembly Elections 7-0
Assembly Privacy & Con. Pro. 11-0
Assembly Floor 76-0

Senate Elections 5-0
Senate Floor 40-0

The Fair Political Practices Commission (FPPC) does not appear to have directly opined on the question of whether campaign funds may be used for cybersecurity hardware, software, and services. Nonetheless, the purchase of such services and products to protect a candidate's personal electronic device could confer a substantial personal benefit on the candidate. If that were the case, existing law would require that the expenditure of funds on cybersecurity products or services be *directly* related to a political, legislative, or governmental purpose. Furthermore, to the extent that cybersecurity-related *equipment* is purchased using campaign funds, existing law provides that such an expenditure is directly related to a political, legislative, or governmental purpose if its use for other purposes is only incidental to its use for political, legislative, or governmental purposes. By regulation, the FPPC has specified that the use of appliances and equipment for personal purposes is incidental if the use occurs in conjunction with its use for political, legislative, or governmental purposes and constitutes only five percent or less of the total use of the item in any one calendar month with a value of less than $100.

Increasingly, individuals (including candidates) use electronic devices such as smartphones, personal computers, and tablets both for personal purposes and for business purposes. Elected officials and candidates often use their personal electronic devices for personal use, campaign use, and for business purposes (including official governmental business). Accordingly, any expenditure of funds relating to the cybersecurity of those devices may have more than an incidental use for purposes other than political, legislative, or governmental purposes. In such a case, the FPPC could conclude that the expenditure of campaign funds for cybersecurity products or services is not permitted under existing law.

This bill expressly permits campaign funds to be used for costs related to the cybersecurity of electronic devices of a candidate, elected officer, or campaign worker.

AB 1044 (Irwin)
Chapter 106, Statutes of 2019
Elections: Secretary of State.

[Amends Section 2188.2 of the Elections Code, and amends Section 12172.5 of the Government Code]

Legislative History

Assembly Elections 7-0
Assembly Appropriations 18-0
Assembly Floor 76-0

Senate Elections 5-0
Senate Appropriations ..... (28.8)
Senate Floor 39-0

Over the last two years, there were media reports of various instances in which the security of California voter registration information that was held by third parties was compromised. Last year, in an effort to better protect and secure the voter registration information obtained and held by third parties, the Legislature passed and Governor Brown signed AB 1678 (Berman), Chapter 96, Statutes of 2018, which requires the Secretary of State (SOS) to adopt regulations that describe the best practices for storage and security of voter registration information that is requested and received by a candidate or committee, or by a person for election, scholarly, journalistic, political, or governmental purposes. Additionally, AB 1678 requires a person or entity who has received voter registration information to disclose any breach in the security of the storage of the information to the SOS.

This bill authorizes the SOS to require an applicant for voter registration information to complete an online cybersecurity training course regarding data security as a condition for the receipt of the voter registration information.

Additionally, existing law requires the SOS to see that elections are efficiently conducted and that state election laws are enforced, and permits the SOS to require elections officials to make reports concerning elections in their jurisdictions. Consistent with that authority, this bill clarifies that these reports may include information about the identity of and contact information for the elections official who is responsible for conducting elections in the jurisdiction.

AB 1150 (Gloria)

Chapter 624, Statutes of 2019

Community college districts: governing board elections: San Diego Community College District: Grossmont-Cuyamaca Community College District.

[Amends Sections 72035 and 72036.5 of the Education Code]

Legislative History
Assembly Higher Education ... 10-0
Assembly Elections 6-1
Assembly Appropriations 13-4
Assembly Floor 61-13
Assembly Concurrence 63-11
Senate Education 6-0
Senate Elections 4-1
Senate Appropriations ..... (28.8)
Senate Floor 31-6

The requirements under California law for a candidate to qualify to appear on the ballot vary depending on the office sought. Candidates generally must comply with various procedural requirements, which may include requirements to file a declaration of candidacy, to file nomination papers containing the signatures of specified numbers of voters, or to pay a filing fee.

The procedural requirements that candidates must meet in order to appear on the ballot serve, in part, as a means of limiting the number of candidates who appear on the ballot. Restricting the number of candidates who appear on the ballot can help reduce voter confusion, protect against overwhelming voting systems, and allow the electorate to focus attention on a smaller number of candidates in order that elections may better reflect the will of the majority.

This bill requires candidates for the governing boards of the San Diego Community College District (SDCCD) and the Grossmont-Cuyamaca Community College District (GCCCD) to collect at least 40 signatures on nomination papers in order to qualify to appear on the ballot. According to the author, this requirement will help ensure that candidates for those governing boards are required to demonstrate that they have community support. Additionally, this bill changes the date that terms begin for governing board members of the SDCCD and the GCCCD to conform to recent adjustments in the deadlines for elections officials to finalize election results.

AB 1391 (Bonta)

Vetoed

Elections: voter language preference.

[Amends Sections 2155, 3006, 3007.5, 3007.7, 3022, and 3201 of the Elections Code]

Various provisions of state and federal law require elections officials to provide assistance to voters in languages other than English in areas of the state where specified numbers or percentages of the voting-age population have limited English skills. Among other forms of assistance, elections officials may be required to provide election materials in languages other than English.

Legislative History

Assembly Elections 7-0
Assembly Appropriations 18-0
Assembly Floor 76-0
Assembly Concurrence 78-0

Senate Elections 5-0
Senate Appropriations 7-0
Senate Floor 39-0

Based on applicable provisions of the federal Voting Rights Act (VRA), voting materials in California must be provided in Spanish as well as English for each federal election. Additionally, 27 counties are required to translate ballots into languages other than English.

This bill would have required vote by mail ballot applications to provide a means for the applicant to specify the preferred language in which the applicant would like to receive future election materials. Additionally, this bill would have required notifications that are sent to voters who register to vote or who update their registration to include a statement of the voter's language preference, and instructions for how the voter may receive election materials in the voter's preferred language pursuant to specified provisions of the VRA.

On October 13, 2019, Governor Newsom vetoed this bill. In his veto message, the Governor said that he was vetoing the bill "because of the new obligations it imposes on county elections officials and the state-reimbursable mandate it creates."

AB 1451 (Low)

Vetoed

Petition circulators.

[Amends Sections 101, 9030, and 9031 of, and adds Sections 102.5, 9009.5, 9022.5, 9036, and 9037 to, the Elections Code]

Legislative History
Assembly Elections 5-2
Assembly Appropriations 13-5
Assembly Floor 56-19
Assembly Concurrence 58-18
Senate Elections 4-1
Senate Public Safety 4-1
Senate Appropriations 5-2
Senate Floor 24-12

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

This bill would have prohibited a person or organization from paying or receiving money or any other thing of value based on the number of signatures obtained on a state or local initiative, referendum, or recall petition. Additionally, this bill would have required 10% of the signatures on a state initiative petition to be collected by either unpaid circulators or employees or members of nonprofit organizations, as specified.

On October 7, 2019, Governor Newsom vetoed this bill, stating, "While I appreciate the intent of this legislation to incentivize grassroots support for the initiative process, I believe this measure could make the qualification of many initiatives cost-prohibitive, thereby having the opposite effect. I am a strong supporter of California's system of direct democracy and am reluctant to sign any bill that erects barriers to citizen participation in the electoral process."

AB 1666 (Reyes)

Chapter 560, Statutes of 2019

The California Complete Count: local educational agencies. Urgency.

[Adds Section 65040.17 to the Government Code]

Legislative History

Assembly Elections 7-0
Assembly Appropriations 18-0
Assembly Floor 74-0
Assembly Concurrence 78-0

Senate Education 7-0
Senate Appropriations ..... (28.8)
Senate Floor 38-0

Article I, Section 2 of the United States (U.S.) Constitution mandates that the federal government conduct a survey of everyone living in the country every ten years. The data collected by the decennial census determines the number of seats each state has in the U.S. House of Representatives, guides redistricting, and is used to distribute billions of dollars in federal funding for healthcare, education, and infrastructure. Moreover, the census provides a social, demographic, and economic profile of the country's residents, informing decisions by policymakers and businesses across the country.

According to research from the National Conference of State Legislatures (NCSL), hard-to-count (HTC) populations are groups that historically have been less likely to respond to the census. HTCs are in both rural and urban areas and include young children, racial and ethnic minorities, persons with limited English proficiency, low-income, the homeless, undocumented immigrants, mobile individuals such as college students, LGBTQ persons, and individuals who are angry at or distrustful of the government. Children aged zero to four years old tend to comprise the most undercounted age category.

In an effort to help make sure everyone is counted in California in the 2020 Census, the Governor issued an executive order establishing a California Complete Count California - 2020 Census Office (also known as the California Census Office), which oversees and coordinates California's education and outreach program for the 2020 Census. This bill requires the California Complete Count – Census 2020 Office to partner with local contracted educational agencies to make specified information about the 2020 federal decennial census available to students and their parents or guardians at schools, as specified.

AB 1707 (Berman)
Chapter 561, Statutes of 2019
Polling places: handheld devices.

[Adds Section 2302 to the Elections Code]

Legislative History	
Assembly Elections	6-0
Assembly Floor	66-2
Senate Elections	4-1
Senate Floor	36-3

At several elections (including, most recently, the November 2018 statewide general election), the Secretary of State (SOS) has sent a memo to county elections officials outlining the office's position on the use of cameras or video equipment at polling places and has historically taken the position that the use of cameras or video equipment at polling places is prohibited. In 2016, however, the Legislature passed and the Governor signed AB 1494 (Levine), Chapter 813, Statutes of 2016, which allows a voter to voluntarily disclose how they voted if that voluntary act does not violate any other law. Accordingly, the SOS's memo states that a voter may take a photograph of their ballot (sometimes referred to as a "ballot selfie") and share it on social media.

Moreover, the memo states that the use of cameras in and outside of the polling place should remain limited, and certain uses of cameras in the polling place should continue to require the consent of the elections official, such as the use of cameras at the polls by a credentialed media organization wants to photograph or film a candidate voting at a polling place. The memo states that this is something that an elections official may permit, provided that such an activity does not interfere with voting, is not intimidating to any voters or election workers, and that the privacy of voters is not compromised.

In light of this guidance, some elections officials and poll workers have questioned the permissibility of voters and other individuals using their smartphones and similar electronic devices that have cameras at polling places. This bill clarifies that a voter or any other person may use an electronic device at a polling place provided that the use of the device does not result in a violation of existing law, as specified.

AB 1829 (Elections & Redistricting Committee)

Chapter 562, Statutes of 2019

Elections.

[Amends Sections 1000, 8020, 8061, 8106, 8406, 9030, 10512, 10703, and 15620 of the Elections Code]

Legislative History	
Assembly Elections	7-0
Assembly Floor	76-0
Assembly Concurrence	74-0
Senate Elections	5-0
Senate Floor	39-0

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

While existing law generally allows authorized representatives to submit candidacy documents on behalf of a candidate, state law is silent on whether in-lieu petitions may be filed by a representative of the candidate. This bill permits a person authorized by the candidate to return in-lieu petitions to the elections official.

Under current law, in order to have signatures on an in-lieu petition count toward the nomination paper requirements, the candidate must request that the elections official use the signatures on the in-lieu petition for that purpose. This bill deletes the requirement that a candidate must request the elections official to accept the signatures on the in-lieu petition for this purpose.

Elections Code Section 10512 requires candidates for specified offices to take an oath of office when filing their declaration of candidacy. Additionally, Government Code Section 1360 generally requires a public officer to take an oath of office following the election or appointment of that officer, and before the officer enters into the duties of office. This bill aligns these procedures and clarifies who is authorized to administer the oath of office after an election or appointment.

Existing law permits any voter, within five days of completion of the official canvass of election results, to file a written request for a recount with the elections official responsible for conducting the election. This bill requires a recount request to be filed by 5 p.m. on the fifth day after the official canvass, and makes other conforming changes.

Current law provides procedures for the circulation of elections-related documents and petitions (including nomination documents and initiative and referendum petitions) for signatures, and requires those documents and petitions to be filed with the elections official. This bill clarifies that election-related nomination papers and petitions must be filed with the elections official of the jurisdiction *for* which the documents or petitions were circulated, rather than with the elections official of the jurisdiction *in* which the documents or petitions were circulated.

This bill makes other minor, technical, and clarifying changes to various provisions of the Elections Code.

Senate Bills

SB 27 (McGuire & Wiener)
Chapter 121, Statutes of 2019
Primary elections: ballot access: tax returns. Urgency.

[Adds Chapter 7 (commencing with Section 6880) to Part 1 of Division 6 of, and adds Part 5 (commencing with Section 8900) to Division 8 of, the Elections Code]

Candidates for United States President and Vice President are required to file personal financial disclosure statements with the Federal Election Commission (FEC). In these statements, candidates must disclose certain financial interests and describe the values of those interests. Additionally over the last 40 years, almost every major party nominee for President has voluntarily released a copy of their recent tax returns. A candidate's tax returns can provide additional financial information that is not required in the FEC filing, including information about charitable giving, investments, and the tax rate paid.

Legislative History

Senate Elections 3-1
Senate Judiciary 7-1
Senate Appropriations ..... (28.8)
Senate Floor 27-10
Senate Concurrence 29-10

Assembly Elections 5-0
Assembly Appropriations 11-4
Assembly Floor 57-14

This bill requires a candidate for President, or a candidate for California Governor, as a precondition for appearing on a California primary election ballot, to file copies of their income tax returns with the Secretary of State (SOS), as specified. Additionally, this bill requires the SOS to review and post on its website copies of the tax returns submitted.

On November 21, 2019, the California Supreme Court ruled that the provisions of this bill that sought to require candidates for President to file copies of their income tax returns with the SOS were invalid under the California Constitution, and directed the SOS to refrain from enforcing those provisions with respect to candidates for President. The court's ruling did not affect the provisions of this bill as they apply to candidates for Governor.

SB 47 (Allen)

Chapter 563, Statutes of 2019

Initiative, referendum, and recall petitions: disclosures.

[Amends Sections 101, 104, 9008, 9105, 9203, and 18600 of, and adds Sections 107 and 108 to, the Elections Code]

Legislative History

Senate Elections 4-0
Senate Public Safety 5-1
Senate Appropriations ..... (28.8)
Senate Floor 31-5
Senate Concurrence 32-8

Assembly Elections 5-0
Assembly Appropriations 14-3
Assembly Floor 64-11

Existing law requires campaign committees to file periodic reports disclosing contributions received and expenditures made to support or oppose the qualification or passage of an initiative, referendum, or recall measure. In most cases, those campaign disclosure reports are available online if the measure is a state measure. As a result, voters who wish to learn more information about the financial supporters of a proposed measure typically are able to get that information from campaign disclosure reports. Nothing in existing law, however, requires individuals who are soliciting signatures on petitions for a proposed measure to have information about the entities that are providing financial support to qualify the measure for the ballot, nor to provide that information to voters upon request.

This bill requires individuals who are asked to sign state or local initiative, referendum, or recall petitions be provided with information about the committee that is paying for the petition to be circulated, if any, and the top campaign contributors to that committee, as specified.

SB 71 (Leyva)

Chapter 564, Statutes of 2019

Political Reform Act of 1974: campaign expenditures: limitations.

[Amends Sections 85304, 85304.5, and 89513 of the Government Code]

Legislative History

Senate Elections 4-0
Senate Appropriations 5-0
Senate Floor 35-0
Senate Concurrence 39-0

Assembly Elections 7-0
Assembly Appropriations 17-0
Assembly Floor 76-0

The Political Reform Act (PRA) generally provides that attorney's fees and other costs related to administrative, civil, or criminal litigation may be paid with campaign funds if the litigation is directly related to activities of the committee that are consistent with its primary objectives or arises directly out of a committee's activities or out of a candidate's or elected officer's activities, duties, or status as a candidate or elected officer. Additionally, the PRA permits state and local candidates and elective officers to establish a separate account (a legal defense account) to defray attorney's fees and other related legal costs

incurred if they are subject to civil, criminal, or administrative proceedings arising directly out of the conduct of an election campaign, the electoral process, or the performance of their governmental activities and duties.

In February 2018, the Fair Political Practices Commission (FPPC) issued an advice letter that concluded that a sitting member of the California State Senate could use campaign and legal defense funds to defend himself from claims of sexual harassment that arose directly out of his activities, duties, or status as a candidate or elected officer. A month later, however, the FPPC rescinded that advice letter, which created uncertainty about whether campaign and legal defense funds could be used to defend against claims of sexual harassment that arise directly out of a candidate's, officer's, or committee's activities or duties.

This bill requires a candidate or elected officer to reimburse any campaign funds or legal defense funds for legal expenses related to a claim of sexual assault, sexual abuse, or sexual harassment against the candidate or officer if the candidate or officer is held liable for the violation. Furthermore, this bill prohibits the use of campaign funds or legal defense funds to pay penalties or settlements related to a claim of sexual assault, sexual abuse, or sexual harassment by a candidate or elected officer.

SB 72 (Umberg)
Chapter 565, Statutes of 2019
Conditional voter registration: provisional ballots.

[Amends Section 2170 of the Elections Code]

Legislative History
Senate Elections 3-0
Senate Appropriations 4-2
Senate Floor 30-8
Senate Concurrence 30-10
Assembly Elections 5-2
Assembly Appropriations 14-4
Assembly Floor 62-17

AB 1436 (Feuer), Chapter 497, Statutes of 2012, permits conditional voter registration (CVR, also known as "same day" registration), under which a person is allowed to register to vote and vote at the office of the county elections official at any time, including on election day, if certain requirements are met. Generally, CVR is required to be available only at permanent offices of the county elections official, though counties have the option of making CVR available at satellite offices of the elections official. In counties that conduct elections pursuant to the Voter's Choice Act (VCA)—a law that 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—CVR is required to be available at every vote center. CVR went into effect in 2017, and was available in statewide elections for the first time last year.

According to information from the Secretary of State, 57,275 voters cast ballots using CVR at the November 2018 general election. In counties where CVR was more widely available, CVR was

much more likely to be used successfully by voters. In 2018, five California counties (Madera, Napa, Nevada, Sacramento, and San Mateo) conducted elections pursuant to the VCA, and thus were required to make CVR available at every vote center. Those five VCA counties accounted for 32% of the valid CVR ballots cast at the November 2018 general election, even though those counties accounted for less than 7% of the state's registered voters at the time. The five VCA counties all were among the six counties that had the highest use of CVR at the November 2018 general election as a percentage of the county's registered voters (Santa Cruz County was the only non-VCA county among the six). In 2018, only four non-VCA counties provided CVR on election day beyond their permanent offices.

This bill requires CVR to be available at all polling places. Because polling places generally only have the correct ballot type for voters who are designated to vote at that polling place, a polling place may not be able to provide the correct ballot for a voter who takes advantage of CVR at the polling place. Instead, if a CVR location is unable to provide a voter with the correct ballot for the voter's precinct, this bill requires that the voter be informed that only the votes for the candidates and measures on which the voter is entitled to vote will be counted.

SB 139 (Allen)

Vetoed

Independent redistricting commissions.

[Amends Sections 23001, 23003, and 23004 of, and adds Sections 23001.5, 23005 and 23006 to, the Elections Code]

Legislative History

Senate Elections 4-0
Senate Gov. & Finance 5-2
Senate Appropriations 4-2
Senate Floor 29-7
Senate Concurrence 30-10

Assembly Elections 6-0
Assembly Local Government ... 5-3
Assembly Appropriations 13-5
Assembly Floor 61-17

Prior to 2017, state law generally permitted a county or a city to create an advisory redistricting commission, but did not expressly permit local jurisdictions to create commissions with the authority to establish district boundaries.

In 2016, the Legislature passed and Governor Brown signed SB 1108 (Allen), Chapter 784, Statutes of 2016, which permits a county or a general law city to establish either independent commissions or advisory commissions. SB 1108 generally provides cities and counties with the discretion to determine the structure and membership of redistricting commissions, however, the bill established eligibility requirements and post-service restrictions.

Last year, SB 1018 (Allen), Chapter 462, Statutes of 2018, extended the authority to adopt redistricting commissions to school districts, community college districts, and special districts, and relaxed some of the eligibility requirements and post-service restrictions for members of

independent commissions in an effort to expand the pool of individuals who are available to serve.

This bill would have required a county with a population of 400,000 or more to establish an independent redistricting commission to adopt the county supervisorial districts after each federal decennial census, as specified.

On October 13, 2019, Governor Newsom vetoed this bill, stating "While I agree these commissions can be an important tool in preventing gerrymandering, local jurisdictions are already authorized to establish independent, advisory or hybrid redistricting commissions. Moreover, this measure constitutes a clear mandate for which the state may be required to reimburse counties pursuant to the California Constitution and should therefore be considered in the annual budget process."

SB 151 (Umberg)
Chapter 566, Statutes of 2019
Elections.

[Amends Sections 11320, 13300, and 13303 of the Elections Code]

The state Constitution provides for the recall of elective state officers (including judges) and requires the Legislature to provide for the recall of local officers. Elected federal officials (e.g., member of the United States House of Representatives or United States Senator) are not subject to the recall process.

Legislative History

Senate Elections	4-0
Senate Appropriations	(28.8)
Senate Floor	38-0
Senate Concurrence	40-0
Assembly Elections	7-0
Assembly Appropriations	18-0
Assembly Floor	77-0

This bill allows an elected official who holds a voter-nominated office and who is the target of a recall election to have their party preference listed on the recall ballot. The term voter-nominated office applies to most elective state offices. Targets of recall elections that hold nonpartisan office, including the Superintendent of Public Instruction, judges, and local elected officials, would not be permitted to have their party preference listed on the recall ballot.

Existing law requires a county elections official to prepare a county voter information guide containing specified information for each election that the official conducts, and prohibits the county voter information guide from being mailed more than 40 days before the election. In order to ensure that county elections officials are able to get the county voter information guides to vote by mail voters before those voters receive their ballots, this bill repeals the prohibition on county voter information guides being sent to voters more than 40 days before an election.

SB 212 (Allen)

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 Section 8141 of, adds Section 8141.3 to, and adds Division 22 (commencing with Section 24000) to, the Elections Code, amends Sections 25040 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]

Legislative History	
Senate Elections	3-1
Senate Appropriations	(28.8)
Senate Floor	28-8
Senate Concurrence	29-9
Assembly Elections	6-0
Assembly Appropriations	13-5
Assembly Floor	56-18

In plurality voting, also known as "winner-take-all," each voter selects one candidate, and the candidate with the largest number of votes is the winner regardless of whether that candidate receives a majority of the vote. A plurality voting method can 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. 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 city charter.

This bill would have permitted cities, counties, and specified educational jurisdictions to use RCV or a "top-two" election system to elect officials. 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.

Governor Newsom vetoed this bill on October 13, 2019. In his veto message, the Governor expressed concerns about how RCV has been implemented in the charter cities in California where it has been used, writing that he is "concerned that it has often led to voter confusion, and that the promise that ranked choice voting leads to greater democracy is not necessarily fulfilled."

SB 268 (Wiener)

Vetoed

Ballot measures: local taxes.

[Amends Sections 9401, 9403, 9405, and 13119 of, amends the heading of Chapter 5 (commencing with Section 9400) of Division 9 of, adds Section 9406 to, and repeals and adds Section 9400 of, the Elections Code]

Legislative History	
Senate Human Services	N/R
Senate Appropriations	N/R
Senate Floor	N/R
Senate Elections (29.10)	4-1
Senate Concurrence	25-12
Assembly Elections	4-1
Assembly Appropriations	12-5
Assembly Floor	45-25

In 2015, the Legislature passed and Governor Brown signed AB 809 (Obernolte), Chapter 337, Statutes of 2015, which required the ballot, if a proposed local initiative imposed a tax or raised the rate of a tax, to include in the statement of the ordinance the amount of money to be raised annually and the rate and duration of the tax to be levied. AB 809 took effect in January 2016. A 2017 Los Angeles County Superior Court ruling regarding the ballot label for a local tax measure placed on the ballot by a government agency subsequently prompted the introduction of AB 195 (Obernolte), Chapter 105, Statutes of 2017. The intent of AB 195 was to ensure that the ballot label for *all* local tax measures placed on the ballot, not only *initiative* tax measures, are required to include the rate of the proposed tax increase, its duration, and an estimate of the amount of revenue to be raised. AB 195 was signed into law by Governor Brown.

This bill would have permitted the proponents of a local initiative measure, or a local jurisdiction submitting a local ballot measure, that imposes or increases a tax with more than one rate, or authorizes the issuance of bonds, to choose to include in the ballot label *either* the estimate of the amount of money to be raised annually and the rate and duration of the tax levied in accordance with existing law or the phrase "See voter guide for tax rate information," as specified. If the proponents or the local jurisdiction submitting the measure chose to include the phrase “See voter guide for tax rate information,” this bill would have created new tax rate statement disclosure requirements to be included in the county voter guide, a specified.

On October 13, 2019, Governor Newsom vetoed this bill stating, “I am concerned that this bill as crafted will reduce transparency for local tax and bond measures.”

SB 359 (Moorlach)
Chapter 567, Statutes of 2019
Elections: referendum.

[Amends Section 9238 of the Elections Code]

Current law requires a local referendum petition to contain the ordinance's title or number as well as the text of the ordinance or the portion of the ordinance that is subject of the referendum.

One lengthy ordinance that was the subject of a referendum in the City of Newport Beach in 2016 required the referendum petition to contain approximately 3,700 pages in order to include the full text of the ordinance.

Legislative History

Senate Elections 5-0
Senate Appropriations ..... (28.8)
Senate Floor 38-0
Senate Concurrence 39-0

Assembly Elections 6-0
Assembly Appropriations 18-0
Assembly Floor 78-0

This bill permits a municipal referendum petition to contain an impartial summary of the ordinance, as specified, instead of the text of the ordinance or the portion of the ordinance that is the subject of the referendum.

SB 505 (Umberg)
Chapter 149, Statutes of 2019
Presidential primary elections. Urgency.

[Amends Sections 6041, 6101, 6122, 6340, 6360, 6382, 6520, 6581, 6591, 6721, 6722, 6781, 6791, 6851.5, 6852, and 6854.5 of, amends and renumbers Sections 6000a and 6001 of, and adds Sections 6000.1, 6000.2, and 6857.2 to, the Elections Code]

In the 1968 presidential primary election, California voters were unable to select the eventual Republican and Democratic Party nominees for President because the nominees chose not to contend or participate in the state's primary. According to an analysis from the June 1972 voter information guide, at the time, statutory law provided for the election of slates of delegates to the conventions of political parties. Each slate of candidates (delegates) to be voted for was designated either as a slate expressing a preference for a particular candidate for nomination or as a slate expressing no preference. Each slate of candidates (delegates) qualified for placement on the ballot of a political party by filing nomination petitions signed by a specified number of eligible signers.

Legislative History

Senate Elections 3-0
Senate Appropriations ..... (28.8)
Senate Floor 33-0
Senate Concurrence 37-0

Assembly Elections 7-0
Assembly Appropriations 17-0
Assembly Floor 75-0

As a result, in California, presidential primary ballots for qualified political parties only listed those candidates who petitioned to appear on the ballot. To remedy this issue, Proposition 4 was placed on the June 1972 ballot. Proposition 4, among other provisions, required the Legislature to provide for a presidential primary in which candidates on the ballot are those found by the Secretary of State (SOS) to be recognized candidates throughout the nation or California for the office of President of the United States. Candidates who are not selected as "generally recognized" by the SOS may petition to appear on the primary election ballot.

However, while there are specific procedures for qualifying to appear on the ballot by a petition, there is a lack of statutory guidance for how the SOS is to determine which candidates are "generally recognized" as running for President, which in turn limits the transparency of that process for potential candidates. This bill requires a candidate for President to submit specified documentation to the SOS in order to be considered a "generally advocated for" or "recognized" candidate for President who is placed on the primary election ballot without the need to collect signatures on nomination papers.

SB 523 (McGuire)

Chapter 568, Statutes of 2019

Elections: vote by mail ballots.

[Amends Sections 2194 and 3019 of the Elections Code]

Four years ago, the Legislature passed and the Governor signed AB 477 (Mullin), Chapter 726, Statutes of 2015, which allows a voter who failed to sign their vote by mail (VBM) ballot identification envelope to complete and sign an unsigned ballot statement up to eight days after the election, as specified, in order to have their ballot counted.

Legislative History

Senate Elections 4-0
Senate Appropriations 4-2
Senate Floor 29-9
Senate Concurrence 29-11

Assembly Elections 5-1
Assembly Appropriations 12-5
Assembly Floor 61-18

Last year, SB 759 (McGuire), Chapter 446, Statutes of 2018, was signed into law and set up a similar cure process for a voter whose signature on their VBM ballot identification envelope does not match the signature on file in the voter's record. SB 759, however, established different timelines than those that are currently in place for an unsigned ballot statement.

This bill aligns the timelines and procedures for processing an unsigned ballot statement from a voter who did not sign their VBM ballot with the deadlines established in existing law for a signature verification statement submitted from a voter whose signature on their VBM ballot identification envelope does not match the signature on file in the voter's record. Additionally, this bill requires the notice and instructions sent to a voter who did not sign their VBM ballot identification envelope or whose signature does not match the signature on file in the voter's

record to be translated in all languages in which the county is required to provide translated ballot materials pursuant to federal Voting Rights Act of 1965.

SB 641 (Allen)
Chapter 328, Statutes of 2019
Special elections.

[Amends Section 10703 of the Elections Code]

Existing law requires the Governor to issue a proclamation calling a special election within 14 calendar days of the occurrence of a vacancy in a congressional or legislative office, unless that vacancy occurs after the close of the nomination period in the final year of the term of office. The special election to fill such a vacancy generally must be conducted on a Tuesday at least 126 days, but not more than 140 days, following the issuance of the election proclamation by the Governor.

Legislative History

Senate Elections 5-0
Senate Floor 37-0
Senate Concurrence 40-0

Assembly Elections 5-0
Assembly Floor 71-1

State law provides flexibility in the timing of a special election, however, if there is an upcoming regularly-scheduled election in the affected area. Specifically, state law allows a special election to be conducted within 180 days following the Governor's proclamation if it will allow either the special primary or general election to coincide with a regularly scheduled statewide or local election involving at least half the voters in the affected jurisdiction.

This bill provides the Governor with additional flexibility in scheduling a special election to fill a vacancy in Congress or the Legislature if the special election can be consolidated with another election occurring at least partially within the same territory in which the vacancy exists. Specifically, this bill extends, from 180 days to 200 days, the maximum amount of time between the issuance of the election proclamation and the date on which the special general election may be held if doing so allows the election to be consolidated with another election occurring in the same territory where the vacancy exists. This bill additionally eliminates requirements that in order to schedule the special election outside the 126-140 day window, the special election must be consolidated with a regularly-scheduled election in which at least half of the voters eligible to vote in the vacancy election are eligible to participate, and instead allows the Governor to schedule the special election outside the 126-140 day window if the special primary or general election can be consolidated with *any* election that has any territory in common with the area in which the vacancy exists.

SB 681 (Stern)

Chapter 569, Statutes of 2019

Local referenda and charter amendments: withdrawal. Urgency.

[Adds Sections 9144.5, 9237.2, 9266.5, and 9341.5 to the Elections Code]

Last year, the Legislature approved and Governor Brown signed SB 1153 (Stern), Chapter 155, Statutes of 2018, to permit proponents of county, municipal, or special district initiatives to withdraw their measures at any time before the 88th day before the election, whether or not the petition has already been found sufficient by elections officials.

This bill extends the same ability to withdraw a petition to proponents of an amendment of a city or county charter or a local referendum.

Legislative History

Senate Elections 3-0
Senate Gov. & Finance 7-0
Senate Appropriations ..... (28.8)
Senate Floor 38-0
Senate Concurrence 40-0

Assembly Elections 7-0
Assembly Appropriations 17-0
Assembly Floor 77-0

SB 696 (Umberg)

Vetoed

Elections: political parties. Urgency.

[Amends Section 5001 of, and adds Section 5201 to, the Elections Code]

Since at least 1917, California law has allowed a voter to choose a political party as a part of the voter registration process. Until 2010, voters who did not select a political party during the voter registration process were referred to as "decline to state" voters. Subsequently, the terminology used to describe voters who do not select a political party when registering to vote changed from "decline to state" voters to "no party preference" voters. Regardless of the official terminology used to describe voters who do not select a political party when registering to vote, these voters often have been informally described as "independent" voters.

Legislative History

Senate Elections ..... N/R
Senate Floor ..... N/R
Senate Elections (29.10) 4-1
Senate Concurrence 29-11

Assembly Elections 6-1
Assembly Appropriations 14-4
Assembly Floor 64-14

Aside from the informal use of the term "independent" to describe voters who did not select a political party when registering to vote, the term "independent" also has a more formal meaning in California's electoral process. Specifically, at elections for partisan offices (other than county central committee), there are two ways that a candidate can qualify to appear on the ballot: by party nomination or by the independent nomination process. Under the independent nomination process, a candidate qualifies to appear on the general election ballot by collecting a specified

number of signatures from voters on a petition. In this case, the term “independent” refers to the fact that the candidate qualified to appear on the ballot independently of being nominated by a political party that has qualified to have a nominee appear on the ballot. In this context, the word “Independent” has no connection whatsoever with the candidate’s political party affiliation or preference; a candidate is eligible to qualify for the general election ballot using the independent nomination process even if that candidate is registered with a political party that is eligible to have its nominee appear on the ballot.

This bill would have prohibited a political party from including "no party preference," "decline to state," or "independent" in its name, and would have required an existing political party that used any of these terms in its name to change its name or lose its qualification as a political party. Although the provisions of this bill would have applied broadly to any political party (or political body seeking to qualify as a party) whose name uses certain words or phrases, the immediate effect of this bill would exclusively have affected one political party—the American Independent Party (AIP). According to information from the Secretary of State (SOS), the AIP first qualified to participate in California elections in 1968, and it has maintained its status as a qualified political party in the state since that time. Approximately 2.86% of California voters are registered as preferring the AIP based on the most recent voter registration figures released by the SOS, making it the third largest political party in California.

In April 2016, the Los Angeles Times released an investigation in which it found—based on a survey of voters registered with the AIP—that “a majority of [the party’s] members have registered with the party in error,” and that “[n]early three in four people did not realize they had joined the party.” The Times article noted that of the 500 voters registered with the AIP that it surveyed as part of its poll, “fewer than 4% could correctly identify their own registration as a member of the [AIP].” The Times article did not indicate the extent to which voters registered with other political parties were able to identify their party registrations correctly.

On October 9, 2019, Governor Newsom vetoed this bill. In his veto message, the Governor indicated that he was not signing the bill due to concerns that it “could be interpreted as a violation of the rights of free speech and association guaranteed by the First and Fourteenth Amendments to the U.S. Constitution.”

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