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AB-1535 Elections. (2015-2016)

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Assembly Bill No. 1535

CHAPTER 731

An act to amend Sections 103, 3106, 4108, 9602, 10404, 10505, and 11303 of the Elections Code, relating to elections.

[Approved by Governor October 10, 2015. Filed with Secretary of State October 10, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1535, Committee on Elections and Redistricting. Elections.

Existing law authorizes a voter who has signed an initiative, referendum, or recall petition to remove his or her name from the petition by filing a written request to do so with the appropriate county elections official prior to the day the petition is filed.

This bill would require the written request filed with the elections official to include the voter's name, residence address, and signature.

Existing law sets forth procedures for voting by military or overseas voters, as defined, and permits a military or overseas voter to return his or her ballot by facsimile transmission, accompanied by an oath of voter declaration that includes the voter's signature. Existing law prescribes the contents of the oath of voter declaration and requires, among other things, the voter to provide his or her current mailing address.

The bill would modify the oath of voter declaration form to indicate that the residence address is the last U.S. residence for voter qualification purposes.

Existing law permits a district to conduct an election by all-mailed ballots. Existing law also permits political subdivisions to consolidate their elections in certain circumstances.

The bill would permit a district conducting an election by all-mailed ballots to consolidate its election with one or more other political subdivisions that are also conducting their elections wholly by mail, if certain conditions are satisfied.

Existing law permits the governing body of a special district to consolidate its elections of governing body members in November of odd-numbered years with the statewide general election.

The bill would expand that authorization to special district elections of governing body members in any month of odd-numbered years.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 103 of the Elections Code is amended to read:

103. A voter who has signed an initiative, referendum, or recall petition pursuant to the Constitution or laws of this state shall have his or her signature withdrawn from the petition upon filing a written request that includes the voter's name, residence address, and signature with the appropriate county elections official or city elections official prior to the day the petition is filed. A written request made under this section shall not constitute a petition or paper for purposes of Section 104.

SEC. 2. Section 3106 of the Elections Code is amended to read:

3106. (a) A military or overseas voter who is living outside of the territorial limits of the United States or the District of Columbia, or is called for military service within the United States on or after the final date to make application for a vote by mail ballot, may return his or her ballot by facsimile transmission. To be counted, the ballot returned by facsimile transmission shall be received by the voter's elections official no later than the closing of the polls on election day and shall be accompanied by an identification envelope containing all of the information required by Section 3011 and an oath of voter declaration in substantially the following form:

"OATH OF VOTER

I, acknowledge that by returning my voted
ballot by facsimile transmission I have waived my right to have my ballot
kept secret. Nevertheless, I understand that, as with any vote by mail
voter, my signature, whether on this oath of voter form or my identification
envelope, will be permanently separated from my voted ballot to maintain
its secrecy at the outset of the tabulation process and thereafter.

My residence address (last U.S. residence for voter qualification purposes) is (Street Address) _____ (City) _____ (ZIP Code).

My current mailing address is (Street Address) _____ (City) _____ (ZIP Code).

My email address is _____. My facsimile transmission
number is _____.

I am a resident of _____ County, State of California, or am qualified
as an elector pursuant to paragraph (2) of subdivision (b) of Section 321 of
the Elections Code and I have not applied, nor intend to apply, for a vote by
mail ballot from any other jurisdiction for the same election.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated this _____ day of _____, 20_____.

(Signature)

(voter)(power of attorney cannot be accepted)

YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE
ABOVE OATH AND INCLUDE IT WITH YOUR BALLOT AND
IDENTIFICATION ENVELOPE, ALL OF WHICH ARE RETURNED
BY FACSIMILE TRANSMISSION."

(b) Notwithstanding the voter's waiver of the right to a secret ballot, each elections official shall adopt appropriate procedures to protect the secrecy of ballots returned by facsimile transmission.

(c) Upon receipt of a ballot returned by facsimile transmission, the elections official shall determine the voter's eligibility to vote by comparing the signature on the return information with the signature on the voter's affidavit of registration or any signature permitted for comparison under Section 3019. The ballot shall be duplicated and all materials preserved according to procedures set forth in this code.

(d) Notwithstanding subdivision (a), a military or overseas voter who is permitted to return his or her ballot by facsimile transmission is, nonetheless, encouraged to return his or her ballot by mail or in person if possible. A military or overseas voter

should return a ballot by facsimile transmission only if doing so is necessary for the ballot to be received before the close of polls on election day.

SEC. 3. Section 4108 of the Elections Code is amended to read:

4108. (a) Notwithstanding any other law and regardless of the number of eligible voters within its boundaries a district may, by resolution of its governing board, conduct any election by all-mailed ballots pursuant to Division 4 (commencing with Section 4000).

(b) (1) A district conducting an election by all-mailed ballots may consolidate its election with the election of one or more other legislative or congressional districts, public districts, cities, counties, or other political subdivisions if all of the elections to be consolidated will be:

(A) Held on the same day.

(B) Held in the same territory or in a territory that is in part the same.

(C) Conducted wholly by mail.

(2) A district consolidating its election pursuant to subdivision (a) shall order the consolidation pursuant to Section 10400.

(3) A district election that is consolidated with an all-mailed ballot election for a legislative or congressional district shall also comply with any additional statutory requirements that apply to the all-mailed ballot election for that legislative or congressional district.

(c) An election conducted pursuant to this section shall be held on a date prescribed in Section 1500 or on any other date other than an established election date.

SEC. 4. Section 9602 of the Elections Code is amended to read:

9602. A voter who has signed an initiative or referendum petition, and who subsequently wishes his or her name withdrawn, may do so by filing a written request for the withdrawal with the appropriate elections official that includes the voter's name, residence address, and signature. This request shall be filed in the elections official's office prior to the date the petition is filed. A written request made under this section shall not constitute a petition or paper for purposes of Section 104.

SEC. 5. Section 10404 of the Elections Code is amended to read:

10404. (a) This section applies only to special districts electing members of the governing body in odd-numbered years. As used in this section, "special district" means an agency of the state formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries, except a city, county, city and county, school or community college district, or special assessment district.

(b) Notwithstanding any other law, a governing body of a special district may, by resolution, require that its elections of governing body members be held on the same day as the statewide general election.

(1) The resolution setting the election shall also include dates that are consistent with the primary or general election with respect to nominations, notices, canvass of votes, certification of election, and all other procedural requirements of this code pertaining to the primary or general election.

(2) The resolution shall be submitted to the board of supervisors no later than 240 days prior to the date of the currently scheduled district election.

(c) The board of supervisors shall notify all districts located in the county of the receipt of the resolution to consolidate and shall request input from each district on the effect of consolidation.

(d) The elections official shall prepare and transmit to the board of supervisors an impact analysis of the proposed consolidation.

(e) The board of supervisors, within 60 days from the date of submission, shall approve the resolution unless it finds that the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled. Prior to the adoption of a resolution to either approve or deny a consolidation request, the board or boards of supervisors shall each obtain from the elections official a report on the cost-effectiveness of the proposed action.

(f) Within 30 days after the approval of the resolution, the elections official shall notify all registered voters of the districts affected by the consolidation of the approval of the resolution by the board of supervisors. The notice shall be delivered by mail and at the expense of the district.

(g) Public notices of the proceedings in which the resolution is to be considered for adoption shall be made pursuant to Section 25151 of the Government Code.

(h) If a special district is located in more than one county, the special district may not consolidate an election if any county in which the special district is located denies the request for consolidation.

(i) If, pursuant to subdivision (b), a special district election is held on the same day as the statewide general election, those governing body members whose terms of office would have, prior to the adoption of the resolution, expired prior to that election shall, instead, continue in their offices until their successors are elected and qualified, but in no event shall the term be extended beyond December 31 of the year following the year in which the request for consolidation is approved by the board of supervisors.

(j) If a board of supervisors approves the resolution pursuant to subdivision (e), the special district election shall be conducted on the date specified by the board of supervisors, in accordance with subdivision (a), unless the approval is later rescinded by the board of supervisors.

(k) If the date of a special district election is changed pursuant to this section, at least one election shall be held before the resolution, as approved by the board of supervisors, may be subsequently repealed or amended.

SEC. 6. Section 10505 of the Elections Code is amended to read:

10505. The terms of office of elective officers in all new districts shall be determined as follows:

(a) If the district is formed in an odd-numbered year, the officers elected at the formation election shall hold office until noon on the first Friday in December of the next following odd-numbered year, provided officers elected at an election held on the first Tuesday after the first Monday in November shall hold office as provided in subdivision (c).

(b) If the district is formed in an even-numbered year, the officers elected at the formation election shall hold office until noon on the first Friday in December of the second next following odd-numbered year.

(c) The directors elected at the first general district election held in a district and at a formation election held at the same time as the general district election shall meet as soon as practicable after taking office and classify themselves by lot into two classes, as nearly equal in number as possible, and the terms of office of the class having the greater number shall be four years and the terms of office of the class having the lesser number shall be two years. All other elective officers elected at the election shall hold office for a term of four years or until their successor is elected and qualifies.

(d) Pursuant to Section 10404, a special district electing members of the governing body in odd-numbered years may, by resolution, require that its elections of governing body members be held on the same day as the statewide general election.

SEC. 7. Section 11303 of the Elections Code is amended to read:

11303. A voter who has signed a recall petition shall have his or her signature withdrawn from the petition upon filing a written request that includes the voter's name, residence address, and signature with the elections official prior to the day the petition section bearing the voter's signature is filed. A written request made under this section shall not constitute a petition or paper for purposes of Section 104.