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AB-3258 Elections. (2017-2018)

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Assembly Bill No. 3258

CHAPTER 269

An act to amend Sections 2187, 8106.5, 9094, 11325, and 13305 of the Elections Code, relating to elections.

[Approved by Governor September 05, 2018. Filed with Secretary of State September 05, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3258, Committee on Elections and Redistricting. Elections.

(1) Existing law requires a county elections official to prepare specified information regarding registered voters in the county, including the total number of voters and the number of voters registered as preferring each qualified political party. Existing law requires a county elections official, on specified days before an election, to prepare this information and to notify the Secretary of State that the information is available with respect to voters registered on certain dates before the election, including not less than 102 days before each presidential general election with respect to voters registered before the 123rd day before the presidential general election.

This bill would clarify that on each of the specified days before an election for which a county elections official must prepare information and give notice to the Secretary of State that the notice applies with respect to all voters who are registered voters on the applicable day before the election.

(2) Existing law authorizes a candidate seeking elective office to submit a petition containing signatures of registered voters in lieu of a filing fee, as specified. Existing law requires those in-lieu-filing-fee petitions to be filed at least 30 days before the close of the nomination period, and requires the candidate to pay a pro rata portion of the filing fee to cover any deficiency in the number of signatures required for the in-lieu-filing fee petition for the office.

This bill would establish different deadlines for filing in-lieu-filing-fee petitions if the last day to file in-lieu-filing fee petitions pursuant to that deadline for a special election to fill a vacancy occurs before the vacancy begins, or before the Governor issues a proclamation calling the special election. Under these circumstances, if the nomination period is 12 days or more, the bill would require in-lieu-filing fee petitions to be filed at least 9 days before the close of the nomination period, with the deficiency calculated by the elections official within 3 days after receipt of a petition. If the nomination period is 11 days or less, the bill would require the Secretary of State to set the deadline for filing in-lieu-filing fee petitions and the time by which the elections official shall notify the candidate of a deficiency. The bill would also delete an obsolete provision.

(3) Existing law requires the Secretary of State, in those instances in which the county elections official uses data processing equipment to store voter registration information, to mail state voter information guides to voters who have registered on or before the 60th day before the election at which measures contained in the state voter information guide are to be voted on, unless a voter has registered fewer than 29 days before the election. For voters who registered after the 60th day before the election, existing law requires the Secretary of State to provide for the mailing of state voter information guides by either mailing the guide to those voters or requiring the county elections official to mail the guide. In those instances in which the county elections official

does not use data processing equipment to store voter registration information, existing law requires the Secretary of State to furnish state voter information guides to the county elections official for mailing to voters.

This bill would instead require the Secretary of State to mail state voter information guides in all cases to voters who have registered before the 28th day before the election.

(4) Existing law requires the Secretary of State to prepare and mail to voters the state voter information guide, as specified. Existing law requires each appropriate elections official to prepare and mail to voters the county voter information guide, as specified. However, existing law authorizes a county elections official to elect not to mail a county voter information guide to a permanent vote by mail voter or a voter in a specified mail ballot election if, among other things, the county elections official prepares and mails to the voter a state voter information guide that includes all of the information required to be included in the county voter information guide.

This bill instead would authorize the county elections official to elect not to mail the county voter information guide if he or she prepares and mails to the voter a document that includes all of the information required to be included in the county voter information guide. The bill would also make other clarifying and conforming changes regarding voter information guides.

This bill would incorporate additional changes to Section 2187 of the Elections Code proposed by AB 2245 to be operative only if this bill and AB 2245 are enacted and this bill is enacted last.

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

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

SECTION 1. Section 2187 of the Elections Code is amended to read:

2187. (a) Each county elections official shall provide notice to the Secretary of State that the following information is available:

- (1) The total number of voters in the county.
- (2) The number registered as preferring each qualified political party.
- (3) The number registered as preferring nonqualified parties.
- (4) The number registered without choosing a political party preference.
- (5) The number of voters by political party preferences in each of the following political subdivisions, located in whole or in part within the county:
 - (A) A supervisorial district.
 - (B) Congressional district.
 - (C) Senate district.
 - (D) Assembly district.
 - (E) Board of Equalization district.
 - (F) Cities and unincorporated areas.

(b) The Secretary of State, within 30 days after receiving the information specified in subdivision (a), shall compile a statewide list showing the number of voters, by party preferences, in the state and in each county, city, supervisorial district, Assembly district, Senate district, and congressional district in the state. A copy of this list shall be made available, upon request, to any elector in this state.

(c) The county elections officials shall prepare the information referenced in subdivision (a) and provide notice to the Secretary of State at the following times:

- (1) On the 135th day before each presidential primary and before each direct primary, with respect to all voters who are registered voters on the 154th day before the primary election.
- (2) Not less than 50 days before the primary election, with respect to all voters who are registered voters on the 60th day before the primary election.
- (3) Not less than seven days before the primary election, with respect to all voters who are registered voters on the 15th day before the primary election.

(4) Not less than 102 days before each presidential general election, with respect to all voters who are registered voters on the 123rd day before the presidential general election.

(5) Not less than 50 days before the general election, with respect to all voters who are registered voters on the 60th day before the general election.

(6) Not less than seven days before the general election, with respect to all voters who are registered voters on the 15th day before the general election.

(7) On or before March 1 of each odd-numbered year, with respect to all voters who are registered voters on February 10.

(d) The Secretary of State may adopt regulations prescribing additional regular reporting times, except that the total number of reporting times in any one calendar year shall not exceed 12.

SEC. 1.5. Section 2187 of the Elections Code is amended to read:

2187. (a) Each county elections official shall provide notice to the Secretary of State that the following information is available:

(1) The total number of voters, and the total number of people who have preregistered to vote, in the county.

(2) The number registered and the number preregistered as preferring each qualified political party.

(3) The number registered and the number preregistered as preferring nonqualified parties.

(4) The number registered and the number preregistered without choosing a political party preference.

(5) The number of voters, and the number of people who have preregistered to vote, by political party preferences in each of the following political subdivisions, located in whole or in part within the county:

(A) A supervisorial district.

(B) Congressional district.

(C) Senate district.

(D) Assembly district.

(E) Board of Equalization district.

(F) Cities and unincorporated areas.

(b) The Secretary of State, within 30 days after receiving the information specified in subdivision (a), shall compile a statewide list showing the number of voters, and the number of people who have preregistered to vote, by party preferences, in the state and in each county, city, supervisorial district, Assembly district, Senate district, and congressional district in the state. A copy of this list shall be made available, upon request, to any elector in this state.

(c) The county elections officials shall prepare the information referenced in subdivision (a) and provide notice to the Secretary of State at the following times:

(1) On the 135th day before each presidential primary election and before each direct primary election, with respect to all voters who are registered voters and people who are preregistered on the 154th day before the primary election.

(2) Not less than 50 days before the primary election, with respect to all voters who are registered voters and people who are preregistered on the 60th day before the primary election.

(3) Not less than seven days before the primary election, with respect to all voters who are registered voters and people who are preregistered on the 15th day before the primary election.

(4) Not less than 102 days before each presidential general election, with respect to all voters who are registered voters and people who are preregistered on the 123rd day before the presidential general election.

(5) Not less than 50 days before the general election, with respect to all voters who are registered voters and people who are preregistered on the 60th day before the general election.

(6) Not less than seven days before the general election, with respect to all voters who are registered voters and people who are preregistered on the 15th day before the general election.

(7) On or before March 1 of each odd-numbered year, with respect to all voters who are registered voters and people who are preregistered on February 10.

(d) The Secretary of State may adopt regulations prescribing additional regular reporting times, except that the total number of reporting times in any one calendar year shall not exceed 12.

SEC. 2. Section 8106.5 of the Elections Code is amended to read:

8106.5. (a) Notwithstanding paragraph (3) of subdivision (b) of Section 8106, if the last day to file in-lieu-filing-fee petitions pursuant to that paragraph for a special election to fill a vacancy occurs before the vacancy begins, or before the Governor calls the special election by issuing a proclamation pursuant to Section 10700, the following apply:

(1) If the nomination period for the special election is 12 days or more, the in-lieu-filing-fee petitions shall be filed at least 9 days before the close of the nomination period. Within 3 days after receipt of a petition, the elections official shall notify the candidate of any deficiency. The candidate shall then, at the time of obtaining nomination forms, pay a pro rata portion of the filing fee to cover the deficiency.

(2) If the nomination period for the special election is 11 days or less, the Secretary of State shall set the time for filing in-lieu-filing-fee petitions and the time by which the elections official shall notify the candidate of any deficiency. If there is a deficiency, the candidate shall, at the time of obtaining nomination forms, pay a pro rata portion of the filing fee to cover the deficiency.

(b) If the number of days for a candidate to collect signatures on a petition in lieu of a filing fee for a special election that is held to fill a vacancy is less than the number of days that a candidate would have to collect signatures on a petition for a regular election for the same office, the elections official shall reduce the required number of signatures for the petition, as specified in subdivision (a) of Section 8106, by the same proportion as the reduction in time for the candidate to collect signatures.

(c) Notwithstanding subdivision (b), the number of signatures required on an in-lieu-filing-fee petition for a special election held to fill a vacancy in the office of Representative in Congress, state Senator, or Member of the Assembly shall be not less than 100.

SEC. 3. Section 9094 of the Elections Code is amended to read:

9094. (a) The Secretary of State shall mail state voter information guides to voters before the election at which measures contained in the state voter information guide are to be voted on unless a voter has registered fewer than 29 days before the election. The mailing shall commence not less than 40 days before the election and shall be completed no later than 21 days before the election for those voters who registered on or before the 60th day before the election, and shall be completed no later than 10 days before the election for those voters who registered after the 60th day before the election and before the 28th day before the election. The Secretary of State shall mail one copy of the state voter information guide to each registered voter at the postal address stated on the voter's affidavit of registration, or the Secretary of State may mail only one state voter information guide to two or more registered voters having the same postal address.

(b) The county elections official shall mail a state voter information guide to any person requesting a state voter information guide. Three copies, to be supplied by the Secretary of State, shall be kept at every polling place, while an election is in progress, so that they may be freely consulted by the voters.

SEC. 4. Section 11325 of the Elections Code is amended to read:

11325. (a) With the voter information guide there shall be mailed, for each officer whose recall is sought, a printed copy of the following:

(1) The statement of reasons for recall that appeared on the notice of intent to recall that was filed by the proponents of the recall with the elections official or, in the case of a state officer, with the Secretary of State.

(2) The answer to the statement of reasons for recall that was filed by the officer whose recall is sought with the elections official or, in the case of a state officer, with the Secretary of State, if an answer was filed.

(b) The printed copies of the statement and the answer to that statement shall be mailed with the voter information guide either in a document separate from the voter information guide or as part of the voter information guide. Both the statement and answer shall be printed on the same page, or on facing pages of the document, and shall be of equal prominence.

(c) If the recall of more than one officer is sought, the statement and answer for each officer shall be printed together and shall be clearly distinguished from those of any other officer.

SEC. 5. Section 13305 of the Elections Code is amended to read:

13305. (a) Notwithstanding Sections 3022, 13300, 13303, and 13315, a county elections official may elect not to mail a county voter information guide to a voter if all of the following are satisfied:

(1) The voter is one of the following:

(A) A permanent vote by mail voter pursuant to Chapter 3 (commencing with Section 3200) of Division 3.

(B) A voter in a mail ballot election conducted pursuant to Division 4 (commencing with Section 4000).

(C) A voter in a precinct in which an election is conducted pursuant to Section 3005.

(2) The county elections official prepares and mails to each voter a document that includes all of the information required to be included in, and shall be accompanied by all the election materials required to accompany, the county voter information guide, except for both of the following:

(A) An application for a vote by mail ballot.

(B) A notice that a vote by mail ballot application is enclosed.

(3) The voter is furnished with an official ballot pursuant to Section 3005 or 3010.

(b) Notwithstanding subdivision (a) of Section 13303, for each voter to whom the elections official elects not to mail a county voter information guide pursuant to subdivision (a), the elections official may cause to be printed one less copy of the county voter information guide.

(c) If a county elections official elects not to mail a county voter information guide to a voter pursuant to this section, the elections official shall use any savings achieved to offset the costs associated with establishing a free access system for vote by mail ballots pursuant to Section 3019.5 before the savings may be used for any other purpose.

SEC. 6. Section 1.5 of this bill incorporates amendments to Section 2187 of the Elections Code proposed by both this bill and Assembly Bill 2245. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 2187 of the Elections Code, and (3) this bill is enacted after Assembly Bill 2245, in which case Section 1 of this bill shall not become operative.