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AB-3259 Elections. (2017-2018)

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Assembly Bill No. 3259

CHAPTER 58

An act to amend Sections 1500, 2155, 6321, 6405, 6541, 6567, 6598, 6768, 8083, 9210, 10602, 11222, 12102, and 12104 of the Elections Code, relating to elections.

[Approved by Governor June 28, 2018. Filed with Secretary of State June 28, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3259, Committee on Elections and Redistricting. Elections.

(1) Existing law contains various election-related forms, some of which contain obsolete date blocks that begin with "19__".

This bill would update the date block of these forms to "20__".

(2) Existing law requires a county elections official, upon receipt of a properly executed affidavit of registration or address correction notice or letter for a voter, to send the voter a voter notification, address correction requested. Existing law specifies a form of voter notification that county elections officials are required to use that includes a voter signature line.

This bill would remove the voter signature line from the voter notification.

(3) Existing law specifies procedures for collecting signatures on a petition for an initiative, referendum, or recall, and for filing the petition and signatures with elections officials.

Existing law requires elections officials for local recall and municipal initiative measure petitions to determine, prima facie, the total number of signatures affixed to the petition to determine whether or not the petition is accepted for filing. Existing law requires that recall and municipal initiative measure petitions not accepted for filing be returned to the proponents.

This bill would repeal this requirement to return the petitions to the proponents and instead require that further action not be taken.

(4) Existing law authorizes a local, special, or consolidated election to be conducted wholly by mail if specified conditions are satisfied. Existing law establishes specified dates in March, May, and August for conducting an all-mailed ballot election.

This bill would delete the date in March from the established dates for conducting an all-mailed ballot election.

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

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

SECTION 1. Section 1500 of the Elections Code is amended to read:

1500. The established mailed ballot election dates are as follows:

(a) The first Tuesday after the first Monday in May of each year.

(b) The last Tuesday in August of each year.

SEC. 2. Section 2155 of the Elections Code is amended to read:

2155. Upon receipt of a properly executed affidavit of registration or address correction notice or letter pursuant to Section 2119, Article 2 (commencing with Section 2220), or the federal National Voter Registration Act of 1993 (52 U.S.C. Sec. 20501 et seq.), the county elections official shall send the voter a voter notification by nonforwardable, first-class mail, address correction requested. The voter notification shall state the party preference for which the voter has registered in the following format:

Party: (Name of political party)

The voter notification shall be substantially in the following form:

VOTER NOTIFICATION

You are registered to vote. The party preference you chose, if any, is on this card. This card is being sent as a notification of:

1. Your recently completed affidavit of registration.

OR,

2. A change to your registration because of an official notice that you have moved. If your residence address has not changed or if your move is temporary, please call or write to our office immediately.

OR,

3. Your recent registration with a change in party preference. If this change is not correct, please call or write to our office immediately.

You may vote in any election held 15 or more days after the date on this card.

Your name will appear on the roster kept at the polls.

Please contact our office if the information shown on the reverse side of this card is incorrect.

SEC. 3. Section 6321 of the Elections Code is amended to read:

6321. The notification of the number of delegates shall be in substantially the following form:

STATEMENT OF NUMBER OF DELEGATES TO THE REPUBLICAN PARTY NATIONAL CONVENTION

To the Secretary of State

Sacramento, California

You are hereby notified that the number of delegates to represent the State of California in the next national convention of the Republican Party is ____.

Dated this _____ day of _____, 20__

Chairperson of the State Central Committee
of the Republican Party.

SEC. 4. Section 6405 of the Elections Code is amended to read:

6405. The county elections official's certificate to nomination papers of a candidate shall be in substantially the following form:

COUNTY ELECTION OFFICIAL'S CERTIFICATE TO NOMINATION PAPERS OF A CANDIDATE

To the Secretary of State:

I, County Elections Official of the County of _____, hereby certify that I have examined the nomination papers, to which this certificate is attached, of the candidate for the ensuing presidential primary, and that the number of names which I have not marked "not sufficient" is _____.

The candidate named in the nomination papers is _____.

Dated this _____ day of _____, 20____.

_____, County Elections Official

By _____, Deputy

SEC. 5. Section 6541 of the Elections Code is amended to read:

6541. The notification of the number of delegates shall be in substantially the following form:

STATEMENT OF NUMBER OF DELEGATES TO AMERICAN INDEPENDENT PARTY NATIONAL CONVENTION

To the Secretary of State

Sacramento, California

You are hereby notified that the number of delegates to represent the State of California in the next national convention of the American Independent Party is _____.

Dated this _____ day of _____, 20__.

Chairperson of the State Central Committee of
the American Independent Party.

SEC. 6. Section 6567 of the Elections Code is amended to read:

6567. Each candidate for delegate to the American Independent Party convention shall file with the Secretary of State, before the circulation of nomination papers of the group of candidates of which he or she is a member, an affidavit which shall be in substantially the following form:

AFFIDAVIT OF CANDIDATE FOR DELEGATE

State of California \ ss.

County of /

I, _____, reside at No. _____ Street, in the City (or Town) of _____, in the County of _____ in the _____ Congressional District, State of California; my election precinct is _____ and I reside and am a voter therein, my post office address is _____, County of _____.

I desire to be a candidate, at the presidential primary to be held on the _____ day of _____, 20__, for delegate to the next national convention of the American Independent Party, and if elected as delegate I will qualify.

I personally prefer _____ as nominee of the American Independent Party for President of the United States, and hereby declare to the voters of my party in the State of California that if elected as delegate to their national party convention, I shall to the best of my judgment and ability, support _____ as nominee of the American Independent Party for president of the United States. (This statement of preference shall be omitted where the candidate for delegate is part of a group not expressing a preference for a particular candidate.)

I express no preference for a particular candidate. The chairman of my group is _____. (This statement shall be omitted where the candidate for delegate is part of a group expressing a preference for a particular candidate.)

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

(Signed)

SEC. 7. Section 6598 of the Elections Code is amended to read:

statement of county elections official of number of signers

I, County Elections Official of the County of _____, hereby certify that I have examined the _____ hereto attached filed on behalf of _____, candidate for nomination to the office of _____ at the primary election to be held on the ____ day of _____, 20____, and that the total number of signatures which I have not marked "not sufficient" is _____.

Dated this ____ day of _____, 20____.

____ County Elections Official

(seal)By _____ Deputy

SEC. 10. Section 9210 of the Elections Code is amended to read:

9210. The petition shall be filed by the proponents or by a person or persons authorized in writing by the proponents. All sections of the petition shall be filed at one time. Once filed, a petition section shall not be amended except by order of a court of competent jurisdiction.

When the petition is presented for filing, the elections official shall do all of the following:

(a) Ascertain the number of registered voters of the city last reported by the county elections official to the Secretary of State pursuant to Section 2187 effective at the time the notice specified in Section 9202 was published.

(b) Determine the total number of signatures affixed to the petition. If, from this examination, the elections official determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures required, he or she shall accept the petition for filing. The petition shall be deemed as filed on that date. If, from this examination, the elections official determines that the number of signatures, prima facie, does not equal or exceed the minimum number of signatures required, the official shall not take further action.

SEC. 11. Section 10602 of the Elections Code is amended to read:

10602. (a) The forms for declaration of candidacy for governing board elections shall be in substantially the following form:

"I, _____, do hereby declare myself as a candidate for election to the governing board of _____ District, of the County of _____; I am a registered voter; if elected I will qualify and serve to the best of my ability; and I request my name be placed on the official ballots of the district, for the election to be held on the ____ day of _____, 20____.

Residence address: "

(b) In an election held under Section 5018 of the Education Code to elect additional governing board members, all candidates for member of the governing board shall also indicate on their declaration of candidacy whether they are candidates for the existing office or for the new offices.

SEC. 12. Section 11222 of the Elections Code is amended to read:

11222. (a) The petition shall be filed by the proponents, or by any person or persons authorized, in writing, by a proponent. All sections of the petition shall be filed at the same time.

(b) When the petition is presented for filing, the elections official shall determine the total number of signatures affixed to the petition. If, from this examination, the elections official determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures required, the elections official shall accept the petition for filing. The petition shall be deemed as filed on that date. A section of the petition not so filed is void for all purposes. If, from the elections official's examination, the elections official determines that the number of signatures, prima facie, does not equal or exceed the minimum number of signatures required, the official shall not take further action.

SEC. 13. Section 12102 of the Elections Code is amended to read:

12102. The notice of the municipal election shall be substantially in the following form:

Notice is hereby given that a _____ (general or special) municipal election will be held in the _____ of _____ on _____, the ____ day of _____, 20____, for the following officers: (name them).

The polls will be open between the hours of ____ m. and ____ m.

City Elections Official

Dated, _____, ____.

SEC. 14. Section 12104 of the Elections Code is amended to read:

12104. (a) A notice designating the offices for which candidates are to be nominated shall be in substantially the following form:

NOTICE BY SECRETARY OF STATE OF OFFICES FOR WHICH CANDIDATES ARE TO BE NOMINATED AT THE
DIRECT PRIMARY

Secretary of State

Sacramento, __. 20 __.

To the County Elections Official of the County of _____:

Notice is hereby given that the offices for which candidates are to be nominated at the primary election to be held on the _____ day of __, 20__, together with the names of the political parties qualified to participate in the election, are as follows:

STATE AND DISTRICT OFFICES

CONGRESSIONAL OFFICES

LEGISLATIVE OFFICES

Notice is also hereby given that at the primary election, candidates are to be nominated for the following office:

SUPERINTENDENT OF PUBLIC INSTRUCTION

Notice is also hereby given that at the primary election, in the county first above mentioned, candidates are to be nominated for any county offices or judicial offices to which candidates are to be elected at the ensuing general election;

And notice is also hereby given that at the primary election there shall be elected in each county a county central committee for each political party above named pursuant to Division 7 (commencing with Section 7000) of the Elections Code.

(seal) _____ Secretary of State

(b) The notice designating the political parties qualified to participate in this election for nomination of candidates shall be in substantially the following form:

NOTICE BY SECRETARY OF STATE OF POLITICAL PARTIES QUALIFIED TO PARTICIPATE IN THE DIRECT
PRIMARY ELECTION

Secretary of State

Sacramento, __. 20__.

To the County Elections Official of the County of _____:

Notice is hereby given that the political parties qualified to participate in this election for nomination of candidates to partisan offices are as follows:

(seal) _____ Secretary of State