AB-63 Canvass of the vote: reporting results. (2023-2024)

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Assembly Bill No. 63

CHAPTER 514

An act to add Sections 15306 and 15504.5 to the Elections Code, relating to elections.

[Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 63, Cervantes. Canvass of the vote: reporting results.

Existing law requires the official canvass for an election to begin no later than the Thursday following the election and to be continued daily until completed. Existing law requires the elections official to submit a certified statement of the results of the election to the governing body within 30 days of the election, except as specified, and to post the statement on the elections official's internet website. Existing law also requires the elections official, on the 2nd day after the election, to send a report to the Secretary of State containing the estimated number of outstanding unprocessed ballots, and beginning on the 6th day after the election, to send an updated report on any day that the elections official publicly releases updated election results.

Under the California Constitution, a person is ineligible to serve as a State Assembly Member or State Senator if they have not been a resident of their legislative district for one year immediately preceding the election. Existing statutory law also requires the Secretary of State to compile the results of an election for State Assembly Member and State Senator, as specified, and to transmit a certificate of election to each person who is elected.

This bill would require the elections official, beginning no later than the Thursday following the election until submission of a certified statement of the results, to post updated information regarding the election on their internet website at least once per week. The information must at a minimum include updated results for any candidate for office or measure appearing on the ballot, the number of ballots processed and an estimated number of outstanding unprocessed ballots, according to specified categories, and the date and time when it is expected that the next results will be posted. The bill would permit the elections official to stop posting the results when either a certified statement of results is published or the only ballots left to count are vote by mail ballots for which a voter has the opportunity to cure their ballot by verifying or providing their signature.

This bill would require the Secretary of State, when transmitting a certificate of election or unofficial election results to the State Assembly or State Senate regarding a person who appears to have received the plurality of votes in an election for legislative office, to include a notation, if applicable, that the person was not continuously registered to vote in the district in which the person appears to have received a plurality of votes from the date the candidate filed their declaration of candidacy to the date on which the Secretary of State transmits the certificate of election or unofficial election results.

By imposing new duties on local elections officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Section 15306 is added to the Elections Code, to read:

15306. (a) Beginning no later than the Thursday following an election, and until the time specified in subdivision (b), an elections official shall post updated information regarding the election on their internet website at least once per week. The update shall include at least the following information:

   (1) Updated results for any candidate or measure appearing on the ballot.

   (2) The number of ballots processed and an estimated number of outstanding ballots remaining unprocessed for each of the following categories: ballots voted at a polling place, vote by mail ballots received on or before election day, vote by mail ballots received after election day, provisional ballots, and conditional registration ballots.

   (3) The date and time when it is expected that the next results will be posted.

(b) The elections official may stop posting the results described in subdivision (a) when either of the following occurs:

   (1) A certified statement of results is published pursuant to Section 15372.

   (2) The only ballots left to count are vote by mail ballots for which a voter has the opportunity either to verify their signature pursuant to subdivision (d) of Section 3019 or to provide their signature pursuant to subdivision (e) of Section 3019. If the elections official stops posting results for this reason, they shall post a notice stating this reason on their internet website.

(c) The requirements of this section are in addition to any other duty to report or publish information required of the elections official pursuant to Division 15 (commencing with Section 15000) or any other law.

SEC. 2. Section 15504.5 is added to the Elections Code, to read:

15504.5. Whenever the Secretary of State transmits a certificate of election or unofficial election results to the State Senate or State Assembly regarding a person who appears to have received the plurality of votes in an election for State Senator or State Assembly Member, the Secretary of State shall include a notation in that information, if applicable, that the person was not continuously registered to vote in the district in which the person appears to have received a plurality of votes from the date the candidate filed their declaration of candidacy pursuant to Section 8020 to the date, inclusive, on which the Secretary of State transmits the certificate of election or unofficial election results.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.