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AB-1227 Elections: County of Santa Clara. (2023-2024)

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Assembly Bill No. 1227

CHAPTER 362

An act to add Section 24206 to the Government Code, relating to elections.

[Approved by Governor October 07, 2023. Filed with Secretary of State October 07, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1227, Low. Elections: County of Santa Clara.

Under existing law, specified county officers are required to be elected by the voters in that county. Existing law generally requires the election to select county officers to be held with a statewide primary election, but if no candidate for a county office receives a majority of the votes cast for that office at the primary election, the 2 candidates who received the most votes advance to the ensuing statewide general election.

This bill would authorize the Board of Supervisors of the County of Santa Clara to adopt, and a voter of that county to propose by initiative, an ordinance to elect county officers by ranked choice voting, as specified. The bill would authorize the county, in accordance with such an ordinance, to hold a ranked choice voting election at the statewide primary election at which the election otherwise would be held in accordance with existing law, the first statewide general election following that statewide primary election, or a combination thereof, and to use ranked choice voting in special elections to fill vacancies in county offices, as specified.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Santa Clara.

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

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

SECTION 1. The Legislature finds and declares all of the following:

(a) To date, the Cities of Albany, Berkeley, Oakland, Palm Desert, and San Leandro, as well as the City and County of San Francisco, have successfully conducted elections using ranked choice voting.

(b) The City of Eureka amended its charter to use ranked choice voting, and is expected to use it in 2024.

(c) The voters in the City of Ojai have expressed their desire to use ranked choice voting by approving an advisory measure (Measure M) that appeared on their November 2022 ballot.

(d) The County of Santa Clara has indicated, both by a charter amendment adopted by a vote of its people and by a motion passed by its board of supervisors, that it would like the option of using ranked choice voting in its elections.

(e) The state would benefit from learning more about ranked choice voting from charter counties that wish to use it.

SEC. 2. Section 24206 is added to the Government Code, to read:

24206. Notwithstanding any other law, the Board of Supervisors of the County of Santa Clara may adopt, or a voter of that county may propose by initiative, an ordinance to elect an officer of that county by ranked choice voting. The ordinance shall specify which county officers shall be elected by this method and whether they shall be elected at large or by or from district, as applicable. Notwithstanding Section 1300 of the Elections Code or any other law, an ordinance that provides for a ranked choice voting process may hold that election at the statewide primary election at which the election otherwise would be held in accordance with Section 1300 of the Elections Code, the first statewide general election following that statewide primary election, or a combination thereof. The ordinance may further specify whether ranked choice voting may be used in special elections to fill vacancies in county offices. Such special elections may be held on any date allowed for such special elections.

SEC. 3. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances relating to the County of Santa Clara's interest in having the option to use ranked choice voting in its elections.