



2023

LEGISLATIVE GUIDE TO CALIFORNIA ELECTION LAWS

SUMMARY OF ELECTION RELATED LEGISLATION

CALIFORNIA ASSOCIATION OF
CLERKS AND ELECTION OFFICIALS

LEGISLATIVE GUIDE TO ELECTION LAWS

2023

Summary of Election Related Legislation



**CALIFORNIA ASSOCIATION OF CLERKS AND
ELECTION OFFICIALS**

How to Use This Manual

This Legislative Guide to Election Laws has been prepared to provide you with a summary of election related legislation chaptered or vetoed in 2023. Amendments or additions to text are shown by *underlined italics*, and deletions by ~~strikeouts~~. In addition to summaries of legislation and California code language, the manual also contains the Assembly or Senate Bill number, chapter number assigned by the Secretary of State, and a table of code sections affected by chaptered legislation. A copy of each bill listed in its full text can be obtained from the Legislative Counsel of California at www.leginfo.legislature.ca.gov.

Disclaimer

It is not the intent of the authors of this publication to provide any legal analysis or opinion relating to the bills listed herein. Please note that anyone using this guide must bear full responsibility to make their own determinations as to all legal standards, duties and factual material contained therein.

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**Section One
BILL LISTING**

	<u>BILL NUMBER</u>	<u>CHAPTER NUMBER</u>
ASSEMBLY	63	514
	292	646
	398	650
	545	658
	626	661
	764	343
	773	664
	910	669
	969	300
	1037	673
	1219	676
	1539	692
	1762	479
SENATE	25	26
	77	701
	297	483
	386	870
	437	72
	485	611
	658	880
	798	720
TOTAL COUNT:	21	

Section Two**SECTIONS AFFECTED****Am = Amended, Add = Added, R = Repealed, Rn = Renumbered**

<u>Code</u>	<u>Section</u>	<u>Chapter</u>	<u>Effect</u>
Elections	9	479	Am
Elections	13.5	669	Am
Civil Procedure	35	343	Am
Elections	301	676	R and Add
Elections	302	676	Am
Elections	303	676	R and Add
Elections	303.3	676	Am
Elections	305	676	Am
Elections	357.5	479	Am
Education	1002	343	Am
Education	1005	343	R and Add
Elections	2170	479	Am
Elections	3014	650	Am
Elections	3016.5	661	Add
Elections	3019	673	Am
Elections	3019	701	Am
Elections	3025.5	479	Am
Elections	3025.7	479	Am
Elections	3026	701	Am
Elections	3109	650	Am
Elections	4005	479	Am
Elections	4005.6	479	Am
Elections	4007	479	R
Education	5019	343	Am
Education	5019.5	343	Am
Education	5019.7	343	R
Education	5020	343	Am
Education	5021	343	Am
Education	5023	343	Am
Education	5027	343	Am
Education	5028	343	Am
Elections	6821	676	Am
Elections	6901.5	72	Add

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<u>Code</u>	<u>Section</u>	<u>Chapter</u>	<u>Effect</u>
Elections	8020	669	Am
Elections	8040	26	Am
Elections	8901	880	Am
Elections	8902	880	Am
Elections	8903	880	Am
Elections	9031	870	Am
Elections	9115	870	Am
Elections	9309	870	Am
Elections	9401	720	Am
Elections	9604	483	Am
Elections	9611	664	Add
Elections	10224.5	870	Am
Elections	10704	676	Am
Elections	11106	870	Am
Elections	11225	870	Am
Elections	11320	676	Am
Elections	11322	676	Am
Elections	11322.5	676	Add
Elections	11323	676	Am
Elections	13104	72	Am
Elections	13105	676	Am
Elections	13107	479	Am
Elections	13200	676	Am
Elections	13202	676	Am
Elections	13203	676	Am
Elections	13204	676	R and Add
Elections	13205	870	R
Elections	13206	676	R and Add
Elections	13206.5	676	Am
Elections	13208	676	Am
Elections	13209	676	Am
Elections	13210	676	Am
Elections	13211	676	Am
Elections	13211.5	676	Am
Elections	13212	676	Am
Elections	13213	676	Am
Elections	13214	676	Am
Elections	13216	676	R and Add
Elections	13216.5	676	R

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<u>Code</u>	<u>Section</u>	<u>Chapter</u>	<u>Effect</u>
Elections	13233	676	Am
Elections	13260	676	R
Elections	13261	676	R
Elections	13262	676	R
Elections	13263	676	R
Elections	13264	676	R
Elections	13265	676	R
Elections	13266	676	R
Elections	13267	676	R
Elections	13307.7	664	Am
Elections	13502	646	Am
Elections	13502.5	646	Add
Elections	14105	658	Am
Elections	14212	479	Am
Elections	14282	658	Am
Elections	14284	676	R and Add
Elections	14285	676	R and Add
Elections	14286	676	Am
Elections	14443	676	Am
Elections	15210	676	Am
Elections	15211	676	R
Elections	15270.1	300	Add
Elections	15270.2	300	Add
Elections	15270.3	300	Add
Elections	15306	514	Add
Elections	15360	676	Am
Elections	15504.5	514	Add
Elections	15621	479	Am
Elections	15646	479	Am
Elections	16401	479	Am
Elections	16421	479	Am
Elections	18502	611	Am
Elections	18540	611	Am
Elections	18560.1	692	Add
Elections	19217.5	300	Add
Elections	21100	343	Add (Chapter 2 to Division 21)

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<u>Code</u>	<u>Section</u>	<u>Chapter</u>	<u>Effect</u>
Elections	21110	343	Add (Chapter 2 to Division 21)
Elections	21120	343	Add (Chapter 2 to Division 21)
Elections	21130	343	Add (Chapter 2 to Division 21)
Elections	21140	343	Add (Chapter 2 to Division 21)
Elections	21150	343	Add (Chapter 2 to Division 21)
Elections	21160	343	Add (Chapter 2 to Division 21)
Elections	21170	343	Add (Chapter 2 to Division 21)
Elections	21180	343	Add (Chapter 2 to Division 21)
Elections	21500	343	Am
Elections	21500.1	343	Am
Elections	21501	343	R
Elections	21503	343	Am
Elections	21506	343	Am
Elections	21507	343	R
Elections	21507.1	343	R
Elections	21508	343	R
Elections	21509	343	R
Elections	21534	343	Am
Elections	21544	343	Am
Elections	21552	343	Am
Elections	21564	343	Am
Elections	21574	343	Am
Elections	21600	343	Am
Elections	21601	343	Am

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<u>Code</u>	<u>Section</u>	<u>Chapter</u>	<u>Effect</u>
Elections	21602	343	R
Elections	21603	343	Am
Elections	21605	343	Am
Elections	21606	343	Am
Elections	21607	343	R
Elections	21607.1	343	R
Elections	21608	343	R
Elections	21609	343	R
Elections	21620	343	Am
Elections	21621	343	Am
Elections	21622	343	R
Elections	21623	343	Am
Elections	21625	343	Am
Elections	21626	343	Am
Elections	21627	343	R
Elections	21627.1	343	R
Elections	21628	343	R
Elections	21629	343	R
Elections	21630	343	Am
Elections	22000	343	Am
Elections	22001	343	R and Add
Elections	22002	343	R
Elections	23002	343	Am
Elections	23002	343	Am
Government Code	26945	669	Am
Government Code	34874	343	Am
Government Code	34877.5	343	Am
Government Code	34884	343	Am
Government Code	34886	343	Am
Government Code	57301	343	Am

Section Three

2022 CHAPTERED LEGISLATION

CANVASS OF THE VOTE: REPORTING RESULTS

Assembly Bill 63 Chapter 514

Current Provisions

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.

New Provisions

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.

Amendments or additions to text are shown by underlined italics, and deletions by strikeouts.

*Full text can be obtained from www.leginfo.ca.gov

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.

SECTIONS AFFECTED:

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

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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.

PRIMARY ELECTIONS: BALLOTS

Assembly Bill 292

Chapter 646

Current Provisions

Existing law prohibits a voter who has declined to disclose a political party preference from voting in a particular party's primary election, including a presidential primary election, unless the party has authorized such a voter to vote in that party's primary election.

Existing law requires a county elections official, prior to each partisan primary

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*Full text can be obtained from www.leginfo.ca.gov

election, to mail to every voter who has declined to disclose a political party preference a notice and application by which the voter can request a vote by mail ballot of a party that has authorized such voters to vote in its primary election. Existing law specifies other means by which a voter who has declined to disclose a political party preference can request the ballot of a political party that has authorized such a voter to vote in its primary election.

New Provisions

This bill would require, for any nonpartisan ballot provided to a voter who has declined to disclose a political party preference for use in a presidential primary election, that the ballot provide specified information regarding how a voter may request and vote a partisan ballot.

This bill would require the above-described application to contain a list of political parties that have authorized a voter who has declined to disclose a political party preference to vote in that party's primary election, along with a box next to each party's name for the voter to mark to request a vote by mail ballot for that party. The bill would authorize such a voter to request a party's ballot by text message to the appropriate elections official, if the county has established a system for processing such a request. The bill would also require a voter requesting another party's ballot to provide specified personal identifying information.

By imposing new duties on local elections officials, this 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.

SECTIONS AFFECTED:

SECTION 1.

Section 13502 of the Elections Code is amended to read:

13502.

(a) With each nonpartisan vote by mail ballot that is sent to a voter who has declined to disclose a political party preference, the county elections official shall include a notice informing the voter that the voter may request a political party's ballot at the next ensuing partisan primary election if the political party has so authorized.

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(b) Prior to each partisan primary election, county elections officials shall mail to every voter who has declined to disclose a political party preference a notice and application regarding voting in the primary election.

~~(b) (1) Prior to each partisan primary election, county elections officials shall mail to every voter who has declined to disclose a political party preference a notice and application regarding voting in the primary election. The notice shall inform the voter that the voter may request a vote by mail ballot for a particular political party for the primary election, if that political party adopted a party rule, duly noticed to the Secretary of State, authorizing these voters to vote in their primary election. The notice shall also contain a toll-free telephone number, established by the Secretary of State, that the voter may call to access information regarding which political parties have adopted such a rule. The application shall contain a printed statement that reads substantially similar to the following: "I have declined to disclose a preference for a qualified political party. However, for this primary election only, I request a vote by mail ballot for the _____ Party." This application shall be submitted to the appropriate county elections official in person, or by mail, email, or facsimile transmission.~~

(2) The application shall contain a list of political parties that have authorized a voter who has declined to disclose a political party preference to vote that party's ballot, and next to each party's name, a box to mark indicating that the voter wishes to vote that party's ballot. The application shall also require the voter to provide personal identifying information that matches the information contained on the voter's affidavit of registration, including their first and last names, home address, and date of birth, and shall require the voter to sign the application. The notice or application shall instruct the voter that they may request a vote by mail ballot for the party they select by submitting the completed application to the appropriate county elections official in person, by mail, email, or facsimile transmission, or by other electronic means made available by the county elections official.

(c) In addition to the method specified in subdivision (b) and any other method permitted by law, a voter who has declined to disclose a political party preference may request the ballot of a political party that has authorized a voter who has declined to disclose a political party preference to vote in its partisan primary election as described in this subdivision. A voter requesting a ballot pursuant to this subdivision shall provide identifying information that matches the information contained on the voter's affidavit of registration, including their date of birth, home address, and first and last names. If requesting a ballot pursuant to paragraph (3), the voter must also provide their signature. The voter may request a ballot as follows:

(1) By telephone pursuant subject to all of the following procedures: conditions:

(A) To request a party's ballot by telephone, the voter shall provide to the elections official personal identifying information that matches the information contained on the voter's affidavit of registration, including first and last name, home

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~~address, and date of birth. The voter's signature shall not be required.~~

~~(B) (A)~~ A person shall not request a party's ballot pursuant to this section using the name of, or on behalf of, another person.

~~(C) (B)~~ Prior to being asked for personal identifying information, a voter requesting a party's ballot pursuant to this section shall be advised as follows: "Only the registered voter themselves may request a ballot from a political party. A request for a party's ballot that is made by any person other than the voter is a criminal offense."

(C) The voter's signature shall not be required.

(2) On an application over the internet if available. The voter's signature shall not be required.

(3) By a written statement application submitted in person, or by mail, email, or facsimile transmission.

(4) By text message to the appropriate elections official, if the county has established a system for processing such a request. The voter's signature shall not be required.

(d) A voter who has declined to disclose a political party preference and who has received a nonpartisan vote by mail ballot may return their unvoted ballot to the county elections official and request and receive ~~the ballot~~ a vote by mail ballot, or appear to vote in person and receive a ballot, for a political party if the political party has authorized a voter who has declined to disclose a political party preference to vote in its partisan primary election.

(e) The Secretary of State shall prepare and distribute to county elections officials a uniform application format for a voter to request a political party's ballot at the next ensuing partisan primary election if the political party has so authorized.

SEC. 2.

Section 13502.5 is added to the Elections Code, to read:

13502.5.

(a) This section applies to a nonpartisan ballot provided to a voter who has declined to disclose a political party preference for use in voting in a presidential primary election.

(b) (1) A notice shall be printed on the ballot, in substantially the following form, that advises the voter of at least the following information:

(A) You are registered as a No Party Preference voter and therefore ineligible to vote for a presidential candidate unless you request and vote a partisan ballot.

(B) The following parties allow a No Party Preference voter to vote in their presidential primaries: [list of parties]. You may request a ballot to vote in one of these primaries from your county elections official.

(2) The notice printed on the ballot shall also advise the voter that they may find the additional information described in subdivision (c) in the voter

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information guide or on the county elections official's internet website.

(c) The notice printed on the ballot may advise the voter of additional information, including the following:

(1) A list of means available in the county for the voter to request a partisan ballot.

(2) A statement that if the voter wishes to vote in the presidential primary of a party that does not permit a No Party Preference voter to vote, the voter must update their voter registration and request the ballot of that party.

(3) A list of means available in the county for the voter to request a remote accessible vote by mail ballot, in case the voter is unable to request and receive a partisan ballot in time to return it for an upcoming election.

(4) A description of the county's procedures for accepting and processing a remote accessible vote by mail ballot.

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.

VOTING: REPLACEMENT BALLOT

Assembly Bill 398 Chapter 650

Current Provisions

Existing law requires an elections official to provide a 2nd vote by mail voter ballot to any voter upon receipt of a statement under penalty of perjury that the voter has failed to receive, lost, or destroyed their original ballot.

New Provisions

This bill would remove the requirement that the voter provide a statement under penalty of perjury, and instead require the elections official to provide a replacement ballot upon request. The bill would require the voter making the request to provide the elections official with specified personal identifying information. The bill would also require the elections official, prior to issuing the replacement ballot, to advise the requester that a request for a replacement ballot made by a person other than the registered voter is a criminal offense. By imposing new duties on local elections officials, the bill would create a state-mandated local program.

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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.

SECTIONS AFFECTED:**SECTION 1.****Section 3014 of the Elections Code is amended to read:****3014.**

(a) The elections official shall provide a ~~second vote by mail voter~~ replacement ballot to any voter upon receipt of a ~~statement under penalty of perjury that the voter has failed to receive, lost, or destroyed their original ballot.~~ replacement ballot request from the voter. Both of the following apply to a request made pursuant to this subdivision:

(1) The voter making the request shall provide to the elections official personal identifying information that matches the information contained on the voter's affidavit of registration, including their first and last name, residence address, and date of birth.

(2) Prior to issuing a replacement ballot, the elections official shall advise the requester as follows: "Only the registered voter themself may request a replacement ballot. A request for a replacement ballot that is made by any person other than the registered voter is a criminal offense."

(b) The elections official shall provide a ~~second vote by mail~~ replacement ballot to the voter's representative upon receipt of a written request, on a form prescribed by the Secretary of State, signed by the voter under penalty of perjury, requesting that a ballot be provided to the voter's representative. A ballot shall not be provided until both of the following occur:

(1) The elections official shall compare the signature on the written request with the signature or signatures in the voter's record.

(2) The authorized representative shall sign an acknowledgment of receipt of the voter's ballot.

(c) The voter shall mark the ballot, place it in the identification envelope, fill out and sign the identification envelope, and return the ballot pursuant to Section 3017. These ballots shall be processed and counted in the same manner as other vote by mail ballots.

(d) The elections official shall keep a record of each vote by mail voter ballot sent to and received from a voter and shall verify, prior to counting any duplicate ballot, that the voter has not attempted to vote twice. If it is determined that a voter has attempted to vote twice, both ballots shall be void.

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SEC. 2.**Section 3109 of the Elections Code is amended to read:****3109.**

If any military or overseas voter to whom a vote by mail ballot has been mailed and which ballot has not been voted by ~~him or her~~ them returns to the county in which ~~he or she is~~ they are registered, or for a military or overseas voter qualified pursuant to paragraph (2) of subdivision (b) of Section 321, to the county in which the applicant's parent or legal guardian resided when the parent or legal guardian last lived within the territorial limits of the United States or the District of Columbia on or before election day, ~~he or she~~ they may apply for a ~~second vote by mail~~ replacement ballot pursuant to Section 3014. The elections official shall then issue another vote by mail ballot to the voter, or the elections official shall certify to the precinct board that the voter is eligible to vote in the election.

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.

ELECTIONS: ACCESS FOR VOTERS WITH DISABILITIES

Assembly Bill 545 Chapter 658

Current Provisions

Existing law requires elections officials to furnish each polling place with specified supplies for an election.

Existing law restricts who may be within the voting booth area and who may occupy a voting booth or compartment. Existing law allows a voter, after declaring under oath before a member of the precinct board that the voter is unable to mark a ballot, to receive assistance of up to two persons selected by the voter, as specified.

In certain inaccessible polling places, existing law allows a voter with a disability to appear outside the polling place and vote by regular ballot. Where it is impractical to vote a regular ballot outside the polling place, existing law requires vote by mail

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ballots to be provided in sufficient numbers to accommodate voters with disabilities who present themselves on election day, and authorizes a voter with a disability to vote a vote by mail ballot in the same manner as a regular ballot may be voted by that person outside the polling place.

New Provisions

This bill would expand the list of required supplies to include specified items to assist voters with disabilities.

This bill would eliminate the requirement that the voter issue a declaration under oath before receiving assistance, as specified.

This bill would expand that authority to allow a voter with a disability to vote by regular ballot outside any polling place, regardless of whether the polling place is inaccessible. The bill would require the posting of signage in specified areas indicating that the option is available for a voter with a disability to vote there, and the establishment of a method for a voter with a disability to contact a precinct board member in order to vote outside the polling place. The bill would require elections officials to include information regarding this option in the county elections internet website and the county voter information guide.

By imposing additional duties on local elections officials, this 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.

SECTIONS AFFECTED:

SECTION 1.

Section 14105 of the Elections Code is amended to read:

14105.

The elections official shall furnish to each polling place all of the following:

- (a) At least one accessible copy of the voter list.
- (b) Necessary printed blanks for the roster, tally sheets, voter list, declarations, and returns.
- (c) Not fewer than 6 nor more than 12 instruction cards to each polling place for the guidance of voters in obtaining and marking their ballots. On each

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card shall be printed necessary instructions and the provisions of Sections 14225, 14279, 14280, 14287, 14291, 14295, 15271, 15272, 15273, 15276, 15277, 15278, 18370, 18380, 18403, 18563, and 18569.

(d) A digest of the election laws with any further instructions the county elections official may desire to make.

(e) An American flag of sufficient size to adequately assist the voter in identifying the polling place. The flag is to be erected at or near the polling place.

(f) A ballot container, properly marked on the outside indicating its contents. If it is necessary to supply additional ballot containers, these additional containers shall also be marked on the outside indicating their contents.

(g) At least one copy of the certified write-in list, if applicable.

(h) A sufficient number of cards to each polling place containing the telephone number of the office to which a voter may call to obtain information about ~~his or her~~ the voter's polling place. The card shall state that the voter may call collect during polling hours.

(i) An identifying badge or insignia for each member of the precinct board. The member shall print ~~his or her~~ the member's name on the badge or insignia, and shall wear the badge or insignia at all times in the performance of duties, so as to be readily identified as a member of the precinct board by all persons entering the polling place.

(j) Facsimile copies of the ballot containing ballot measures and ballot instructions printed in Spanish or other languages as provided in Section 14201.

(k) Sufficient copies of the notices to be posted on the voter list used at the polls. The notice shall read as follows: "This voter list shall not be marked in any manner except by a member of the precinct board acting pursuant to Section 14297. Any person who removes, tears, marks, or otherwise defaces this voter list with the intent to falsify or prevent others from readily ascertaining the name, address, or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor."

(l) A roster for each polling place in the form prescribed in Section 14107.

(m) Printed copies of the Voter Bill of Rights, as supplied by the Secretary of State. The Voter Bill of Rights shall be conspicuously posted both inside and outside every polling place.

(n) For a partisan primary election, printed copies of the posters or other materials described in Section 14105.2. The posters or other materials shall be conspicuously posted both inside and outside every polling place.

(o) Handheld magnifying glasses, displayed and available at the table or desk used by the precinct board.

(p) A signature guide card, to assist persons while signing their names on the roster, displayed and available at the table or desk used by the precinct board.

SEC. 2.**Section 14282 of the Elections Code is amended to read:**

Amendments or additions to text are shown by underlined italics, and deletions by strikeouts.

*Full text can be obtained from www.leginfo.ca.gov

14282.

(a) ~~When a voter declares under oath, administered by any member of the precinct board at the time the voter appears at the polling place to vote, that the voter is then~~ *if a voter is* unable to mark a ballot, ~~the~~ *paper ballot or the ballot marking device,* ~~the~~ voter shall receive the assistance of not more than two persons selected by the voter, other than the voter's employer, an agent of the voter's employer, or an officer or agent of the union of which the voter is a member.

(b) The county elections official shall provide information on the county elections ~~Internet Web site~~ *internet website* and in the county voter information guide informing voters that a voter who is unable to mark a ballot may bring up to two individuals to the polls to assist them in voting as specified in subdivision ~~(a)~~ *(a), and that a voter with a disability may vote a regular ballot outside a polling place in accordance with subdivision (d).* The information shall be available in all languages for which the county has requirements under Section 14201 of this code and Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(c) A person assisting a voter shall not divulge any information regarding the marking of the ballot.

(d) ~~In (1) those polling places that are inaccessible under the guidelines promulgated by the Secretary of State for accessibility by the physically handicapped, a physically handicapped person~~ *A voter with a disability* may appear outside the polling place and vote a regular ballot. The person may vote the ballot in a place that is as near as possible to the polling place and that is accessible to the ~~physically handicapped~~ *people with disabilities.* A precinct board member shall take a regular ballot *or ballot marking device* to that person, qualify that person to vote, and return the voted ballot to the polling place. ~~In those precincts in which it is impractical to vote a regular ballot outside the polling place, vote by mail ballots shall be provided in sufficient numbers to accommodate physically handicapped persons who present themselves on election day. The vote by mail ballot shall be presented to and voted by a physically handicapped person in the same manner as a regular ballot may be voted by that person outside the polling place.~~

(2) A precinct board member may satisfy paragraph (1) by only bringing a regular ballot outside to the voter if the county does not have the capability to bring the ballot marking device outside of the polling place.

(3) Signage shall be posted outside the polling place and adjacent to the area where the voter may appear to vote indicating that the option is available for a voter with a disability to vote there. The polling place shall establish a method for a voter with a disability to contact a precinct board member in order to vote outside the polling place, such as a posted phone number, doorbell device, or the stationing of a precinct board member outside the polling place.

SEC. 3.

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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.

VOTING: RETURNING VOTE BY MAIL IN PERSON

Assembly Bill 626 Chapter 661

Current Provisions

Existing law authorizes any county to conduct an election as an all-mailed ballot election if certain requirements are met, including that the county establishes vote centers throughout the county for voters to, among other things, vote and return the voter's vote by mail ballot. Under existing law, a person who votes a vote by mail ballot is required to place the ballot in the identification envelope provided to the voter, sign the envelope, and return the ballot by mail or in person.

New Provisions

This bill would authorize a voter to vote their vote by mail ballot without the identification envelope if the voter returns the ballot in person at the polling place designated for the voter's home precinct or a vote center, if specified conditions are met. The bill would require a ballot cast in this manner to be processed and counted like a nonprovisional ballot cast in person at the polling place or vote center. By imposing additional duties on county elections officials, this 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.

SECTIONS AFFECTED:

SECTION 1.

Section 3016.5 is added to the Elections Code, to read:

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*Full text can be obtained from www.leginfo.ca.gov

3016.5.

(a) A voter may vote their vote by mail ballot, without the identification envelope, in person at the polling place designated for the voter's home precinct or at a vote center established pursuant to Section 4005, if all of the following conditions are met:

(1) The precinct board or vote center election board has real-time access to the county elections official's election management system, and does both of the following:

(A) Verifies that the voter has not returned a vote by mail ballot for that election.

(B) Changes the status of the voter in the election management system from a vote by mail voter to an in person voter.

(2) After the voter's status has been changed pursuant to subparagraph (B) of paragraph (1), the voter provides their name, address, and signature pursuant to Section 14216.

(3) The county elections official has established procedures to ensure that a voter who casts a ballot pursuant to this subdivision does not submit more than one vote by mail ballot without the identification envelope, and the precinct board or vote center election board complies with those procedures.

(b) A ballot cast pursuant to subdivision (a) shall be processed and counted in the same manner as a nonprovisional ballot cast in person at the polling place or vote center.

SEC. 2.

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.

LOCAL REDISTRICTING

Assembly Bill 764 Chapter 343

Current Provisions

Existing law requires counties, general law and charter cities, and special districts that elect their governing boards using district-based elections to adopt, in a prescribed manner, new district boundaries following each federal decennial census. Existing law also requires county boards of education, and the governing

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boards of school districts and community college districts in which trustee areas have been established, to adopt new boundaries for their trustee areas following each federal decennial census.

Under existing law, county boards of supervisors and city councils that have adopted district-based elections are prohibited from adopting new district boundaries until after the next federal decennial census, except under certain circumstances.

New Provisions

This bill would revise and recast these provisions. The bill would require counties, county boards of education, cities, school districts, community college districts, and special districts, if the governing body of these local jurisdictions is elected by districts, to comply with uniform requirements related to redistricting. The bill would require local jurisdictions to adopt district boundaries, using specified criteria, following the decision to establish district-based elections and following each federal decennial census.

This bill would define the term “districting body,” as specified, and clarify requirements applicable to advisory or hybrid redistricting commissions. This bill would require an advisory or hybrid redistricting commission to comply with specified requirements when recommending changes to the legislative body’s district boundaries.

The bill would require a local jurisdiction, before adopting new district boundaries, to hold at least one public workshop and at least 5 public hearings, except as specified. This bill would require all public hearings held by an advisory or hybrid redistricting commission to comply with the same requirements applicable to hearings held by the districting body. This bill would impose requirements relating to workshops and public hearings upon local jurisdictions, districting bodies, and advisory and hybrid redistricting commissions, as specified. The bill would require the local jurisdiction to adopt a redistricting public education and outreach plan before holding a hearing or workshop, as specified. If a local jurisdiction establishes a hybrid redistricting commission to recommend changes to the legislative body’s district boundaries, this bill would require the local jurisdiction, not the hybrid redistricting commission, to adopt the public education and outreach plan, as specified. The bill would also require the local jurisdiction to establish and maintain an accessible internet web page dedicated to redistricting to provide specified information to the public. The bill would require a local jurisdiction to make available on its redistricting web page, within specified time frames, both of the following: (1) recordings or written summaries of oral public comments made at workshops or public hearings, and (2) written comments and draft maps. The bill would require the Secretary of State to develop templates for

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AB 764

such web pages and to provide a redistricting training for local jurisdictions. This bill would also require the Secretary of State to make available to the public a free electronic mapping tool, as specified.

For redistricting occurring in 2031 and thereafter, the bill would require district boundaries to be adopted no later than 204 days before the local jurisdiction's next regular election occurring after January 1 in each year ending in the number 2. If the responsible body misses that deadline, the bill would require the body to immediately petition a superior court in a county in which the local jurisdiction is located for an order adopting election district boundaries, and if the body does not petition a superior court, a resident of the local jurisdiction would be permitted to file that petition. If the court grants a petition, the bill would permit the court to appoint a special master to assist with adopting district boundaries.

This bill would authorize the adoption of new district boundaries before the next federal decennial census if the number of supervisors or city council members elected by districts changes or if an independent redistricting commission is established to adopt new districts before the next census.

The bill would provide that a member of the governing body of a local jurisdiction continues to represent the constituents residing in the district boundaries from which the member was elected for the duration of that term of office. The bill would specify that a local jurisdiction may assign a public official, as specified, to provide constituent services to residents of an area that is temporarily not represented by a member of the governing body of the local jurisdiction due to redistricting.

This bill would incorporate additional changes to Section 23003 of the Elections Code proposed by Assembly Bill 1248 to be operative only if this bill and Assembly Bill 1248 are enacted and this bill is enacted last.

By increasing the duties of local officials with respect to redistricting, the bill would create 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.

SECTIONS AFFECTED:

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SECTION 1.

Section 35 of the Code of Civil Procedure, as amended by Section 1 of Chapter 745 of the Statutes of 2022, is amended.

SEC. 2.

Section 35 of the Code of Civil Procedure, as amended by Section 2 of Chapter 745 of the Statutes of 2022, is amended.

SEC. 3.

Section 1002 of the Education Code is amended.

SEC. 4.

Section 1005 of the Education Code is repealed.

SEC. 6.

Section 5019 of the Education Code is amended.

SEC. 7.

Section 5019.5 of the Education Code is amended.

SEC. 8.

Section 5019.7 of the Education Code is repealed.

SEC. 9.

Section 5020 of the Education Code is amended.

SEC. 10.

Section 5021 of the Education Code is amended.

SEC. 11.

Section 5023 of the Education Code is amended.

SEC. 12.

Section 5027 of the Education Code is amended.

SEC. 13.

Section 5028 of the Education Code is amended.

SEC. 14.

Chapter 2 (commencing with Section 21100) is added to Division 21 of the Elections Code, to read:

CHAPTER 2. Fair And Inclusive Redistricting for Municipalities And

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Political Subdivisions (FAIR MAPS) Act of 2023

21100.

(a) This chapter shall be known and may be cited as the Fair And Inclusive Redistricting for Municipalities And Political Subdivisions (FAIR MAPS) Act of 2023.

(b) In enacting this chapter, the Legislature finds and declares all of the following:

(1) The California Constitution guarantees to the people equal protection of the law and provides that the Legislature shall prohibit improper practices that affect elections.

(2) Ensuring the integrity, fairness, transparency, and accessibility of the local redistricting process is a matter of statewide interest and concern.

(3) Prohibiting discriminatory local redistricting practices, including racially discriminatory gerrymandering, partisan gerrymandering, and incumbency protection gerrymandering, is a matter of statewide interest and concern.

(4) Protecting the people from unrepresentative and dilutive local electoral systems is a matter of statewide interest and concern.

(5) As a result of changes to state law governing the city and county redistricting process that were included in the FAIR MAPS Act (Chapter 557 of the Statutes of 2019), the adjustment of district boundaries in cities and counties during the 2020 redistricting cycle was more transparent, participatory, and representative than in prior years.

(6) Notwithstanding these improvements to the redistricting process, research evaluating the 2020 redistricting cycle demonstrates that improvements to the FAIR MAPS Act are necessary to address ambiguities, loopholes, and deficiencies in the legislation that prevented the law's important goals from being fully realized.

(7) This chapter addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities, except as specified.

(c) The purpose of this chapter is to do all of the following:

(1) Implement the guarantees of the California Constitution, including Sections 2, 3, and 7 of Article I and Sections 1, 2, 3, and 4 of Article II.

(2) Ensure the integrity, fairness, transparency, and accessibility of the local redistricting process, prohibit discriminatory local redistricting practices, and protect the people from unrepresentative and dilutive local electoral systems.

(3) Establish requirements to ensure minimum standards of transparency and accessibility in the local redistricting process so that the public is able to provide information to assist their local governments in adopting fair and equitable district maps.

(4) Establish mandatory districting and redistricting criteria to promote fair

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and effective representation for all people, neighborhoods, and communities, and particularly for disadvantaged, historically marginalized, under-resourced, low-income, and underrepresented neighborhoods and communities.

(5) Establish ranked criteria that prioritize keeping whole neighborhoods and communities of interest together, facilitate political organization and constituent representation, and prohibit gerrymandering, including incumbent-protection gerrymandering.

(6) Provide a means for residents to hold their local governments accountable for conducting a fair and transparent redistricting process and adopting district maps that comply with this chapter.

(d) This chapter shall be liberally construed to effectuate its purposes.

21110.

For purposes of this chapter, the following terms have the following meanings:

(a) "Adopt" or "adoption" in regard to election district boundaries means the passage of an ordinance or resolution specifying those boundaries.

(b) "Applicable language" means the following:

(1) For a county or county office of education that is not a small education district, any language in which ballots are required to be provided in the county pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

(2) For a city, any language that is spoken by a group of city residents with limited English proficiency who constitute 3 percent or more of the city's total population over four years of age for whom language can be determined, as determined by the Secretary of State in accordance with paragraph (2) of subdivision (c) of Section 21170.

(3) For a school district that is not a small education district, any language in which a school within the district is required to provide translated materials pursuant to Section 48985 of the Education Code.

(4) For a community college district that is not a small education district, any language that qualifies as an applicable language pursuant to paragraph (1) for a county in which the community college district is located.

(5) For a special district or a small education district, no applicable language shall be required under this chapter.

(c) "Election district" means an election district of the legislative body, including a county supervisorial district, county board of education trustee area, city council district, school district trustee area, community college district trustee area, or a special district governing board division.

(d) "Legislative body" means a county board of supervisors, a county board of education, a city council, a governing board of a school district, a governing board of a community college district, or a governing board of a special district.

(e) "Local jurisdiction" means a county, a county office of education, a general law city, a charter city, a school district, a community college district, or a

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special district.

(f) “Small education district” means any of the following:

(1) A county office of education in a county that has a total population of fewer than 250,000 residents, as of the most recent census.

(2) A school district serving an area that has a total population of fewer than 250,000 residents, as of the most recent census.

(3) A community college district serving an area that has a total population of fewer than 250,000 residents, as of the most recent census.

(g) “Member,” unless otherwise specified, means a member of a legislative body elected by or from districts, including a county supervisor, county board of education member, city council member, school district trustee, community college district trustee, or special district governing board member.

(h) “Districting body” means the body that has the power to adopt a legislative body’s election districts, and which may include an independent redistricting commission.

(i) “Advisory redistricting commission,” “hybrid redistricting commission,” and “independent redistricting commission” have the same meanings as those terms are defined in Section 23000, and include any commission created by a charter city that meets those definitions.

21120.

This chapter applies to a county, county office of education, general law city, charter city, school district, community college district, or special district whose legislative body is elected by districts or from districts.

21130.

(a) Following or concurrent with the decision to establish district-based elections for a legislative body, or following each federal decennial census for a legislative body that is already elected using district-based elections, the districting body shall, by ordinance or resolution, adopt boundaries for all of the election districts of the legislative body so that the election districts shall be substantially equal in population as required by the United States Constitution.

(1) Population equality shall be based on the total population of residents of the local jurisdiction as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

(2) Notwithstanding paragraph (1), an incarcerated person, as that term is used in Section 21003, shall not be counted towards a local jurisdiction’s population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the local jurisdiction, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

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(b) The districting body shall adopt election district boundaries that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.).

(1) Consistent with the districting body's existing obligations under the federal Voting Rights Act, the districting body shall determine whether it is possible to create an election district or districts in which a minority group is sufficiently large and geographically compact to constitute a majority in a single-member district, as set forth in Thornburg v. Gingles, 478 U.S. 30 (1986), and as interpreted in case law regarding enforcement of the federal Voting Rights Act with respect to redistricting. The districting body shall publish on its redistricting web page, at a minimum, the results of its analysis within seven days of completing the analysis or prior to adopting election district boundaries, whichever occurs first.

(2) If the districting body, consistent with its existing obligations under the federal Voting Rights Act, conducts an analysis to determine whether "racially polarized voting," as defined in case law regarding enforcement of the federal Voting Rights Act, exists in the local jurisdiction, the districting body shall publish on its redistricting web page, at a minimum, a summary of its analysis and findings within seven days of completing the analysis or prior to adopting election district boundaries, whichever occurs first.

(c) The districting body shall adopt election district boundaries using the following criteria as set forth in the following order of priority:

(1) To the maximum extent practicable, election districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.

(2) To the maximum extent practicable, and where it does not conflict with the preceding criterion in this subdivision, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A "community of interest" is a population that shares common social or economic interests that should be included within a single election district for purposes of its effective and fair representation. Characteristics of communities of interest may include, but are not limited to, shared public policy concerns such as education, public safety, public health, environment, housing, transportation, and access to social services. Characteristics of communities of interest may also include, but are not limited to, cultural districts, shared socioeconomic characteristics, similar voter registration rates and participation rates, and shared histories. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

(3) To the maximum extent practicable, and where it does not conflict with the preceding criteria in this subdivision, the geographic integrity of a city or census designated place shall be respected in a manner that minimizes its division. This paragraph does not apply to a city.

(4) To the maximum extent practicable, and where it does not conflict

with the preceding criteria in this subdivision, election districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the local jurisdiction. Election district boundaries should be easily identifiable and understandable by residents.

(5) To the maximum extent practicable, and where it does not conflict with the preceding criteria in this subdivision, election districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

(d) The districting body shall not adopt election district boundaries for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.

(e) The districting body shall not adopt election district boundaries using any criterion that is prioritized over the criteria in subdivision (c) or that, expressly or as applied, conflicts with one of the requirements in subdivisions (a) to (d), inclusive, except as provided in subdivision (g).

(f) Within 21 days of adopting final election district boundaries, the districting body shall issue a report that explains the basis on which the districting body made its decisions in achieving compliance with the requirements and criteria described in this section, including, as to each neighborhood, community of interest, city, or census designated place that was split into two or more districts, the reason for that split. This paragraph does not apply to a special district or small education district. Notwithstanding subdivision (i) of Section 23003, if a local jurisdiction establishes a hybrid redistricting commission to recommend changes to the legislative body's district boundaries, the report required by this subdivision shall be issued by the districting body, and not by the commission.

(g) Subdivision (c) does not apply to a charter city that has adopted comprehensive or exclusive redistricting criteria in its city charter that includes a requirement to keep whole either communities of interest or neighborhoods. In such a charter city, the report required by subdivision (f) shall explain the basis on which the districting body made its decisions in achieving compliance with the requirements described in this section and the criteria described in the city charter, including, as to each neighborhood or community of interest that was split into two or more districts, the reason for that split. For purposes of this subdivision, "comprehensive or exclusive" means either that the city's charter excludes consideration of redistricting criteria other than those that are identified in the city charter or that the city's charter provides two or more mandatory traditional redistricting criteria other than the requirement that districts be equal in population.

(h) If a local jurisdiction establishes an advisory or hybrid redistricting commission to recommend changes to the legislative body's district boundaries, any recommendation adopted by the commission shall comply with the requirements of subdivisions (a) through (e), inclusive, except as provided in subdivision (g).

(i) The criteria and requirements of this section apply to all election district boundaries adopted after January 1, 2024, including district boundaries

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adopted when a legislative body transitions from being elected at-large to elected by districts or from districts.

21140.

(a) For redistricting occurring in 2031 and thereafter, the boundaries of the election districts shall be adopted by the districting body not later than 204 days before the local jurisdiction's next regular election occurring after January 1 in each year ending in the number two.

(b) This section does not apply when a legislative body transitions from being elected at-large to elected by districts or from districts.

(c) This section does not apply to a charter city that has adopted a different redistricting deadline by ordinance or in its city charter, provided that, if the county conducts the city's elections, the county is able to administratively accommodate this later deadline. If the county cannot accommodate that deadline, the county shall provide the charter city with the latest deadline the county can reasonably accommodate, which shall be used as the map-adoption deadline for purposes of Section 21180 and which the city shall post to the city's redistricting web page.

21150.

(a) Before a districting body adopts new election district boundaries, including when a local jurisdiction redistricts following the federal decennial census or between federal decennial censuses, but not including when a legislative body transitions from being elected at-large to elected by districts or from districts, the local jurisdiction shall hold at least one workshop before the districting body draws a draft map or maps of the proposed election district boundaries and the districting body shall hold public hearings, as specified by this section, at which the public is invited to provide input regarding the composition of one or more neighborhoods, communities of interest, or election districts.

(b) For purposes of this chapter, a workshop is a standalone meeting which is conducted by either a local jurisdiction's staff, a consultant hired by the local jurisdiction, or by one or more members of the districting body but fewer than a majority of the members of the districting body. At each workshop, the local jurisdiction shall provide the public with information on the redistricting process, information on how the public may provide public comment, and instructions on how to use an online mapping tool to create draft maps or community of interest maps, if applicable. Local jurisdictions may, and are encouraged to, assist the public in drawing and submitting draft maps at the workshop. All submitted draft maps and an oral summary that characterizes the number and nature of the public comments received at the workshop concerning the proposed boundaries of a neighborhood, community of interest, or election district shall be presented to the districting body at the next public hearing.

(c) This subdivision applies to special districts and small education districts.

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(1) After drawing a draft map or maps, the districting body shall hold at least two public hearings. This subdivision does not prevent a districting body from holding a public hearing before drawing a draft map or maps.

(d) This subdivision applies to counties, cities, school districts, community college districts, and county offices of education that are not a small education district.

(1) Before the districting body draws a draft map or maps of the proposed election district boundaries, the districting body shall hold at least two public hearings.

(2) After drawing a draft map or maps, a districting body shall hold at least three public hearings.

(e) (1) In lieu of the districting body, an advisory redistricting commission that complies with Section 23002 may hold the public hearings required by paragraph (1) of subdivision (d). An advisory redistricting commission may draw draft maps and hold public hearings to consider draft maps, but those public hearings shall not fulfill the districting body's responsibility to hold public hearings under paragraph (1) of subdivision (c) or paragraph (2) of subdivision (d).

(2) In lieu of the districting body, a hybrid redistricting commission, as defined in subdivision (c) of Section 23000, may hold the public hearings required by subdivisions (c) and (d) of this section.

(3) A public hearing held by an advisory or hybrid redistricting commission pursuant to this subdivision shall comply with the requirements of this section that would apply to the hearing if the hearing were held by the districting body.

(f) At least two workshops or public hearings shall be held on a Saturday, on a Sunday, or after 6 p.m. on a weekday.

(g) The building in which a workshop or public hearing is held shall be accessible to persons with disabilities.

(h) To promote the accessibility of the public hearings, the districting body shall permit the public to attend and provide live public comment at each public hearing both in-person and remotely, which should include providing an accessible and clearly audible call-in or internet-based service option. Notwithstanding any other law, the districting body shall not be required to provide a physical location from which the public may remotely provide public comment at a public hearing and the districting body shall not require that the public go to a physical location to remotely provide public comment.

(i) If a public hearing is consolidated with a regular or special meeting of the districting body that includes other substantive agenda items, the public hearing shall begin at a fixed time regardless of its order on the agenda, except that the districting body may first conclude any item being discussed or acted upon, including any associated public comment, when that time occurs. The time of the public hearing shall be noticed to the public.

(j) Consistent with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code),

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the districting body may reasonably limit an individual's speaking time at a public hearing. The total amount of time available for all public comment at a public hearing shall not be limited to less than two hours; however, the public comment period may end before two hours if every person desiring to provide public comment has done so.

(k) Subdivisions (f) to (h), inclusive, do not apply to special districts or small education districts.

21160.

(a) The local jurisdiction shall make a good faith effort to encourage residents, including those in underrepresented communities and non-English-speaking communities, to participate in the redistricting process.

(b) No later than four weeks before the first hearing or workshop held pursuant to Section 21150, the legislative body or districting body shall adopt a redistricting public education and outreach plan to inform residents about the local jurisdiction's redistricting process and how to participate. Notwithstanding subdivision (i) of Section 23003, if a local jurisdiction establishes a hybrid redistricting commission to recommend changes to the legislative body's district boundaries, the public education and outreach plan required by this subdivision shall be adopted by the local jurisdiction, and not by the commission.

(1) A draft version of the plan shall be posted online for a 14-day review and comment period prior to being adopted. In developing the draft plan, the local jurisdiction shall make a good faith effort to consult with organizations that are active in the local jurisdiction, including those active in language minority communities, and shall identify those consulted organizations in the draft report.

(2) The plan shall include a description of all of the following:

(A) How the local jurisdiction will devote the necessary resources on education and outreach to ensure that residents, including residents speaking an applicable language, are informed about the local jurisdiction's redistricting process.

(B) The specific methods the jurisdiction plans to use to inform residents about the redistricting process and how to participate. Examples may include media, including an identification of any media outlets that the jurisdiction plans to use, direct contact with residents, and community events or town halls.

(C) How the local jurisdiction will inform organizations that are active in the local jurisdiction, including organizations that requested to be notified of the jurisdiction's redistricting and organizations active in language minority communities, about the local jurisdiction redistricting process and which of these organizations, if any, that the jurisdiction will partner with to inform the public.

(D) Whether and how the local jurisdiction will coordinate its outreach and messaging with other local jurisdictions in the same county that are also redistricting.

(E) The number of workshops and public hearings the local jurisdiction

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intends to hold and their anticipated dates.

(3) A jurisdiction may use the redistricting public education and outreach template developed pursuant to paragraph (6) of subdivision (a) of Section 21170 when satisfying the requirements of this subdivision.

(c) Throughout the redistricting process, the local jurisdiction shall make a good faith effort to provide redistricting information to all of the following:

(1) Media organizations that provide local jurisdiction news coverage, including media organizations that serve language minority communities.

(2) Good government, civil rights, civic engagement, neighborhood, and community groups or organizations that are active in the local jurisdiction, including those active in language minority communities.

(3) Any person that has requested to be notified concerning the local jurisdiction's redistricting process. The local jurisdiction shall maintain a contact list for all such persons and provide them with regular updates throughout the redistricting process including, at minimum, notices of upcoming workshops or public hearings.

(d) The local jurisdiction shall arrange for the live translation in an applicable language of a workshop or public hearing held pursuant to this chapter if a request for translation is made at least 72 hours before the workshop or public hearing, unless less than five days' notice is provided for the workshop or public hearing, in which case the request shall be made at least 48 hours before the workshop or public hearing.

(e) Notwithstanding Section 54954.2 of the Government Code, the local jurisdiction shall publish the date, time, and location for any workshop or public hearing on the internet at least five days before the workshop or public hearing. However, if there are fewer than 28 days until the deadline to adopt boundaries, the local jurisdiction may publish the date, time, and location for the workshop or public hearing on the internet for at least 72 hours before the workshop or public hearing.

(f) (1) A draft map shall be published on the internet for at least 7 days before being adopted as a final map by the districting body provided that, if there are fewer than 28 days until the deadline to adopt boundaries, the draft map may instead be published on the internet for at least 72 hours.

(2) Each draft map prepared by a member of an advisory or hybrid redistricting commission, a member of the districting body, or by employees or contractors of the local jurisdiction, or any draft map submitted by the public that a member of the advisory or hybrid redistricting commission or districting body asks be discussed or considered at a future public hearing, shall be accompanied by information on the total population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population of each proposed election district, to the extent the local jurisdiction has that data.

(3) (A) An advisory or hybrid redistricting commission, the districting body, and employees or contractors of the local jurisdiction shall not release draft

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maps of election districts earlier than three weeks after the block-level redistricting database required by subdivision (b) of Section 8253 of the Government Code is first made publicly available. This subparagraph does not prohibit the commission or districting body from holding workshops or public hearings on the placement of election district boundaries before the earliest date that draft maps of election districts may be released.

(B) If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 90 days and more than 59 days, the waiting period described in subparagraph (A) is reduced to 7 days.

(C) If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 60 days, the waiting period described in subparagraph (A) does not apply.

(g) (1) The local jurisdiction shall either video or audio record or prepare a written summary of each oral public comment, and each deliberation by a districting body or an advisory or hybrid redistricting commission, made at every workshop or public hearing held pursuant to this chapter. The local jurisdiction shall make the recording or written summary of a workshop or public hearing available to the public on its redistricting web page no later than 14 days after the workshop or public hearing. Notwithstanding subdivision (i) of Section 23003, if a local jurisdiction establishes a hybrid redistricting commission, the local jurisdiction, not the hybrid redistricting commission, shall be responsible for meeting the requirements of this subdivision.

(2) Notwithstanding paragraph (1), the local jurisdiction shall do both of the following:

(A) At least 72 hours before holding the first of its final two workshops or public hearings, make all of the recordings or written summaries of the workshops and public hearings that the local jurisdiction has already held available to the public on its redistricting web page.

(B) Make all of the recordings or written summaries of the public hearings required by paragraph (1) of subdivision (d) of Section 21150 available to the public on its redistricting web page at least 72 hours before the first public hearing required by paragraph (2) of subdivision (d) of Section 21150.

(h) (1) The districting body, or an advisory or hybrid redistricting commission, shall allow the public to submit written public comment or draft neighborhood, community of interest, or district maps both in a paper format and electronically.

(2) The local jurisdiction shall make any written public comments or draft maps available to the public on its redistricting web page no later than 14 days after receiving the public comment or draft map.

(3) Notwithstanding paragraph (2), the local jurisdiction shall do both of the following:

(A) At least 72 hours before holding the first of its final two workshops or

public hearings, make all of the written comments or draft maps available to the public on its redistricting web page, except for any public comment or draft map received less than four business days before that workshop or public hearing.

(B) Make all of the written comments or draft maps available to the public on its redistricting web page at least 72 hours before the first public hearing required by paragraph (2) of subdivision (d) of Section 21150, except for any public comment or draft map received less than four business days before that workshop or public hearing.

(i) Prior to holding its first workshop or public hearing, the local jurisdiction shall establish, and maintain for at least 10 years after the adoption of new election district boundaries, an accessible internet web page dedicated to redistricting. The web page may be hosted on the local jurisdiction's existing internet website or another internet website maintained by the local jurisdiction. Prior to the first workshop or public hearing and until new district boundaries are adopted, the homepage of the local jurisdiction's internet website shall include a prominent link to the redistricting web page. The web page shall include, or link to, all of the following information:

(1) A general explanation of the redistricting process for the local jurisdiction. This explanation shall be provided in English and applicable languages.

(2) An explanation of the procedures for a member of the public to provide in-person or remote oral public comment during a public hearing or to submit written public comment or a draft map to the districting body, or an advisory or hybrid redistricting commission, either in a paper or electronic format, for consideration at a future public hearing. The explanation shall be provided in English and applicable languages.

(3) A calendar of all workshop and public hearing dates. A calendar listing that includes the date, time, and location of the workshop or public hearing dates satisfies the notice required by subdivision (e).

(4) A notice of the applicable languages in which the local jurisdiction will provide live translation of a workshop or public hearing upon request and instructions for making such a request. This notice and these instructions shall be provided in English and applicable languages.

(5) Instructions and a method for a person to sign up to receive regular notices regarding redistricting, including notices of upcoming workshops or public hearings. These instructions shall be provided in English and applicable languages.

(6) The notice and agenda for each workshop and public hearing.

(7) The recording or written summary of each workshop and public hearing.

(8) Each draft map considered by the districting body or an advisory or hybrid redistricting commission at a public hearing.

(9) Each written public comment submitted to the local jurisdiction.

(10) The results of the local jurisdiction's analysis under paragraphs (1) and (2) of subdivision (b) of Section 21130.

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(11) The existing map of election district boundaries prior to redistricting.

(12) The adopted final map of election district boundaries after redistricting, and where applicable, the report required pursuant to subdivision (f) of Section 21130.

(j) This section does not apply when a legislative body transitions from being elected at-large to elected by districts or from districts.

(k) Subdivisions (b) to (g), inclusive, paragraphs (2) and (3) of subdivision (h), and paragraphs (4) to (10), inclusive, of subdivision (i) do not apply to special districts or small education districts. Subdivision (i) does not apply to special districts or small education districts that do not have a website for the jurisdiction and are not legally required to establish such a website.

21170.

(a) No later than December 15, 2030, and no later than December 15 in each year ending in the number zero thereafter, the Secretary of State shall publish in a conspicuous location on the Secretary of State's internet website all of the following documents:

(1) A template explaining the local jurisdiction redistricting process that meets the requirements of paragraph (1) of subdivision (i) of Section 21160.

(2) A template explaining the procedures for providing public comment in the local jurisdiction redistricting process that meets the requirements of paragraph (2) of subdivision (i) of Section 21160.

(3) A template of a notice explaining the languages in which a local jurisdiction is required to provide live translation upon request and how to make such a request that meets the requirements of paragraph (4) of subdivision (i) of Section 21160.

(4) A template of instructions for a member of the public to sign up for regular notices regarding redistricting that meets the requirements of paragraph (5) of subdivision (i) of Section 21160.

(5) A template form for a member of the public to describe and identify the boundaries of a neighborhood or community of interest.

(6) To assist local jurisdictions with complying with this chapter, a template of a redistricting public education and outreach plan that can be used to meet the requirements of subdivision (b) of Section 21160.

(7) To assist local jurisdictions with complying with this chapter, a brief summary and checklist of all the requirements imposed on a local jurisdiction by this chapter.

(b) No later than November 1, 2030, and no later than November 1 in each year ending in the number zero thereafter, the Secretary of State shall post online drafts of the documents described in subdivision (a) for at least a 30-day public comment period before finalizing any draft. Prior to posting these drafts, the Secretary of State shall solicit input from good government organizations, civil rights organizations, firms providing redistricting mapping services, and statewide

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associations representing affected local government agencies.

(c) (1) No later than January 1, 2031, and no later than January 1 in every year ending in the number one thereafter, the Secretary of State shall publish the applicable languages for each city and county in a conspicuous location on the Secretary of State's internet website.

(2) To determine the applicable languages for each city, in 2030 and in each year ending in the number zero thereafter, the Secretary of State, in consultation with the developer of the database developed in accordance with subdivision (b) of Section 8253 of the Government Code, shall request a special tabulation from the United States Census Bureau of the most recent data on limited English proficiency from the bureau's American Community Survey that satisfies paragraph (2) of subdivision (b) of Section 21110. If the bureau is unable to produce that data, the Secretary of State shall base the Secretary of State's determination on the table from the American Community Survey enumerating the number of residents with limited English proficiency that has the largest number of languages included, that is publicly available, and that was produced within the previous 10 years.

(d) No later than February 28, 2031, and no later than February 28 in each year ending in the number one thereafter, the Secretary of State shall translate the documents described in paragraphs (1) to (5), inclusive, of subdivision (a) in any applicable language required for any city or county and shall publish these documents on a conspicuous location on the Secretary of State's internet website.

(e) Prior to finalizing any translated documents pursuant to subdivision (d), the Secretary of State shall post online drafts of these documents for at least a 15-day public comment period before finalizing any draft. Prior to posting these drafts, the Secretary of State shall solicit input from the Language Accessibility Advisory Committee and organizations representing communities that speak each applicable language.

(f) To assist local jurisdictions with complying with this chapter, the Secretary of State shall provide a training to local jurisdictions subject to this chapter and associations representing such local jurisdictions that summarizes the requirements imposed on a local jurisdiction by this chapter. This training shall be video recorded and posted in a conspicuous location on the Secretary of State's internet website.

(g) (1) Within 30 days of the computerized database described in subdivision (b) of Section 8253 of the Government Code being made available to the public, the Secretary of State shall make available to the public a free electronic mapping tool, loaded with relevant population and demographic data for each county and city whose legislative body is elected by district, which tool can be used by the public to create neighborhood maps, community of interest maps, or draft district maps that can be submitted to the local jurisdiction's districting body or to an advisory or hybrid redistricting commission. The Secretary of State is authorized and encouraged to create a mapping tool for other local jurisdictions

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whose legislative bodies are elected by district.

(2) Implementation of this subdivision shall be contingent on an appropriation being made for this purpose in the annual Budget Act or another statute.

21180.

(a) If the districting body does not adopt election district boundaries by the deadlines set forth in subdivision (a) of Section 21140 or adopted pursuant to subdivision (c) of Section 21140, as applicable, the districting body shall immediately petition a superior court in a county in which the local jurisdiction is located for an order adopting election district boundaries. If the districting body does not petition a superior court within five days after the deadline, any resident of the local jurisdiction may file that petition.

(b) (1) Upon granting a petition filed pursuant to subdivision (a), the superior court shall adopt election district boundaries in accordance with the requirements and criteria set forth in Section 21130, which shall be used in the local jurisdiction's next regular election.

(2) The superior court may appoint a special master to assist the court with adopting the district boundaries. The local jurisdiction shall pay the cost for the special master and associated costs.

(3) The superior court or a special master appointed by the superior court may hold one or more public hearings before the superior court adopts the election district boundaries.

(4) Subject to the approval of the court, the special master may employ redistricting experts or other consultants or counsel, independent experts in the field of redistricting and computer technology, and other necessary personnel to assist them in their work. The special master may also seek the full cooperation of the local jurisdiction in producing and using any data, computer models and programs, or technical assistance that was made available to the districting body or an advisory or hybrid redistricting commission and local jurisdiction personnel who are knowledgeable in the mechanics of drafting redistricting legislation. The court may assist the special master in securing the necessary personnel and the physical facilities required for their work and in preparing for the prompt submission to the local jurisdiction of a request for local jurisdiction funding for the necessary expenses of the special master and the special master's staff.

(c) The election district boundaries adopted by the superior court shall have the same force and effect as an enacted resolution or ordinance of the districting body, but shall not be subject to a referendum.

(d) The superior court may order the adjustment of electoral deadlines as necessary to implement the new election district boundaries in the next regular election.

(e) This section does not apply to a charter city that has adopted in its city charter a different method for adopting city council district boundaries when a

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redistricting deadline is missed.

(f) This chapter does not limit the discretionary remedial authority of any federal or state court, including any authority to award attorney's fees and costs under other provisions of law.

SEC. 15.

Section 21500 of the Elections Code is amended to read:

21500.

(a) ~~Following a county's decision to elect its board using district-based elections, or following each federal decennial census for a county whose board is already elected using district-based elections, the board shall, by ordinance or resolution, adopt boundaries for all of the supervisorial districts of the county so that the supervisorial districts shall be substantially equal in population as required by the United States Constitution.~~ pursuant to Chapter 2 (commencing with Section 21100).

~~(1) Population equality shall be based on the total population of residents of the county as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.~~

~~(2) Notwithstanding paragraph (1), an incarcerated person, as that term is used in Section 21003, shall not be counted towards a county's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.~~

~~(b) The board shall adopt supervisorial district boundaries that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.).~~

~~(c) The board shall adopt supervisorial district boundaries using the following criteria as set forth in the following order of priority:~~

~~(1) To the extent practicable, supervisorial districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.~~

~~(2) To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A "community of interest" is a population that shares common social or economic interests that should be included within a single supervisorial district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.~~

~~(3) To the extent practicable, the geographic integrity of a city or census~~

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designated place shall be respected in a manner that minimizes its division.

~~(4) Supervisorial district boundaries should be easily identifiable and understandable by residents. To the extent practicable, supervisorial districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the county.~~

~~(5) To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, supervisorial districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.~~

~~(d) The board shall not adopt supervisorial district boundaries for the purpose of favoring or discriminating against a political party.~~

~~(e) For purposes of this chapter, "adopt" or "adoption" in regard to supervisorial district boundaries means the passage of an ordinance or resolution specifying those boundaries.~~

SEC. 16.

Section 21500.1 of the Elections Code is amended to read:

21500.1.

(a) -This chapter applies to a county that elects members of the county's board of supervisors by districts or from districts.

~~(b) This chapter shall not be interpreted to limit the discretionary remedial authority of any federal or state court.~~

SEC. 17.

Section 21501 of the Elections Code is repealed.

21504-

~~(a) (1) For redistricting occurring in 2031 and thereafter, the boundaries of the supervisorial districts shall be adopted by the board not later than 205 days before the county's next regular election occurring after January 1 in each year ending in the number two.~~

~~(2) For redistricting occurring before 2031 and where a county has a regular election occurring after January 1, 2022, and before July 1, 2022, the boundaries of the supervisorial districts shall be adopted by the board not later than 174 days before that election. Notwithstanding subdivision (b) of Section 8106, the forms required under that subdivision shall not be made available until at least 28 days after the adoption of a final map. The elections official shall reduce the required number of signatures for the in-lieu-filing-fee petition, as specified in subdivision (a) of Section 8106, by the same proportion as the reduction in time for the candidate to collect signatures.~~

~~(3) For redistricting occurring before 2031 and where a county does not have a regular election occurring after January 1, 2022 and before July 1, 2022,~~

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~~the boundaries of the supervisorial districts shall be adopted by the board not later than 205 days before the county's next regular election occurring on or after July 1, 2022.~~

(b) This section does not apply when a county transitions from at-large to district-based elections.

SEC. 18.

Section 21503 of the Elections Code is amended to read:

21503.

(a) ~~After redistricting or districting pursuant to Section 21500, *districting*, a board shall not adopt new supervisorial district boundaries until after the next federal decennial census, except under the following circumstances:~~

(1) A court orders the board to redistrict.

(2) The board is settling a legal claim that its supervisorial district boundaries violate the United States Constitution, the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.), or this chapter.

(3) The boundaries of the county change by the addition or subtraction of territory.

(4) *The number of supervisors elected by districts or from districts is increased or decreased.*

(5) *An independent redistricting commission is established pursuant to Section 23003 to adopt new supervisorial districts between federal decennial censuses and the districts being replaced were adopted by the board of supervisors.*

(b) This section does not prohibit a board from adopting supervisorial districts between federal decennial censuses if the board is adopting supervisorial districts for the first time, including when a board adopts supervisorial districts for the purpose of transitioning from electing its supervisors in at-large elections to elections by districts or from districts.

SEC. 19.

Section 21506 of the Elections Code is amended to read:

21506.

(a) The term of office of any supervisor who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which the supervisor was ~~elected~~ *elected and that supervisor shall continue to represent the constituents residing in the district boundaries from which the supervisor was elected for the duration of that term of office. This section does not prevent a board from assigning a county elected official or county official to provide constituent services for residents of an area that is temporarily not represented by a supervisor due to redistricting.*

(b) At the first election for county supervisors in each county following

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adoption of the boundaries of supervisorial districts, excluding a special election to fill a vacancy or a recall election, a supervisor shall be elected for each district under the new district plan that has the same district number as a district whose incumbent's term is due to expire. This subdivision does not apply when a county transitions from at-large to district-based elections.

(c) For a county employing both a primary and a general election, a change in the boundaries of a supervisorial district shall not be made between the direct primary election and the general election.

(d) Except as provided in subdivision (a), a person is not eligible to hold office as a member of a board of supervisors unless that person meets the requirements of Section 201 of the Elections Code and Section 24001 of the Government Code.

SEC. 20.

Section 21507 of the Elections Code is repealed.

~~21507.~~

~~Before adopting the boundaries of a district pursuant to Section 21501 or 21503, or for any other reason, the board shall hold public hearings on the proposal in accordance with Section 21507.1. This section does not apply when a county transitions from at-large to district-based elections.~~

SEC. 21.

Section 21507.1 of the Elections Code is repealed.

~~21507.1.~~

~~(a) Before adopting a final map, the board shall hold at least four public hearings at which the public is invited to provide input regarding the composition of one or more supervisorial districts:~~

~~(1) At least one public hearing shall be held before the board draws a draft map or maps of the proposed supervisorial district boundaries:~~

~~(2) At least two public hearings shall be held after the board has drawn a draft map or maps of the proposed supervisorial district boundaries:~~

~~(b) At least one public hearing or public workshop shall be held on a Saturday, on a Sunday, or after 6 p.m. on a weekday Monday through Friday:~~

~~(c) Public hearing buildings shall be accessible to persons with disabilities.~~

~~(d) If a public hearing is consolidated with a regular or special meeting of the board that includes other substantive agenda items, the public hearing shall begin at a fixed time regardless of its order on the agenda, except that the board may first conclude any item being discussed or acted upon, including any associated public comment, when that time occurs. The time of the public hearing shall be noticed to the public.~~

~~(e) The board may have county staff or a consultant conduct one or~~

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more public workshops in lieu of holding one of the public hearings required by paragraph (1) of subdivision (a).

~~(f) The board may establish an advisory redistricting commission pursuant to Section 23002 to hold the public hearings required by paragraph (1) of subdivision (a).~~

SEC. 22.

Section 21508 of the Elections Code is repealed.

21508.

~~(a) The board shall take steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process. These steps shall include a good faith effort to do all of the following:~~

~~(1) Providing information to media organizations that provide county news coverage, including media organizations that serve language minority communities.~~

~~(2) Providing information through good government, civil rights, civic engagement, and community groups or organizations that are active in the county, including those active in language minority communities, and those that have requested to be notified concerning county redistricting.~~

~~(b) The board shall arrange for the live translation in an applicable language of a public hearing or workshop held pursuant to this chapter if a request for translation is made at least 72 hours before the hearing or workshop, unless less than five days' notice are provided for the hearing or workshop, in which case the request shall be made at least 48 hours before the hearing or workshop.~~

~~(c) Notwithstanding Section 54954.2 of the Government Code, the board shall publish the date, time, and location for any public hearing or workshop on the internet at least five days before the hearing or workshop. However, if there are fewer than 28 days until the deadline to adopt boundaries, the board may publish the agenda on the internet for at least three days before the hearing or workshop.~~

~~(d) (1) A draft map shall be published on the internet for at least seven days before being adopted as a final map by the board provided that, if there are fewer than 28 days until the deadline to adopt boundaries, the draft map may instead be published on the internet for at least three days.~~

~~(2) Each draft map prepared by a member of the board or by employees or contractors of the county shall be accompanied by information on the total population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population of each proposed supervisorial district, to the extent the county has that data.~~

~~(3) (A) The board and employees or contractors of the county shall not release draft maps of supervisorial districts earlier than three weeks after the block-level redistricting database required by subdivision (b) of Section 8253 of~~

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the Government Code is first made publicly available. This subparagraph does not prohibit the board from holding public hearings or workshops on the placement of supervisorial district boundaries before the earliest date that draft maps of supervisorial districts may be released:

(B) If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 90 days and more than 59 days, then the waiting period required by subparagraph (A) is reduced to one week. If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 60 days, then the waiting period required by subparagraph (A) is waived.

(e) The board shall allow the public to submit testimony or draft maps in writing and electronically:

(f) The county shall either record or prepare a written summary of each public comment and board deliberation made at every public hearing or workshop held pursuant to this article. The county shall make the recording or written summary available to the public within two weeks after the public hearing or workshop.

(g) The board shall establish, and maintain for at least 10 years after the adoption of new supervisorial district boundaries, an internet web page dedicated to redistricting. The web page may be hosted on the county's existing internet website or another internet website maintained by the county. The web page shall include, or link to, all of the following information:

(1) A general explanation of the redistricting process for the county, in English and applicable languages:

(2) The procedures for a member of the public to testify during a public hearing or to submit written testimony directly to the board, in English and applicable languages:

(3) A calendar of all public hearing and workshop dates. A calendar listing that includes the time and location of the public hearing or workshop satisfies the notice required by subdivision (c):

(4) The notice and agenda for each public hearing and workshop:

(5) The recording or written summary of each public hearing and workshop:

(6) Each draft map considered by the board at a public hearing:

(7) The adopted final map of supervisorial district boundaries:

(h) For purposes of this section, "applicable language" means any language in which ballots are required to be provided in the county pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503):

(i) This section does not apply when a county transitions from at-large to district-based elections:

(j) Before January 1, 2021, and before January in each year ending in the number one thereafter, the Secretary of State shall publish on the internet a template explaining the county redistricting process that meets the requirements of paragraphs (1) and (2), inclusive, of subdivision (g). The Secretary of State shall

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publish the template in all of the languages into which ballots are required to be translated in the state pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503). The template shall be published in a conspicuous location on the Secretary of State's internet website.

SEC. 23.

Section 21509 of the Elections Code is repealed.

21509:

~~(a) If the board does not adopt supervisorial district boundaries by the deadlines set forth in Section 21501, the board shall immediately petition the superior court of the county for an order adopting supervisorial district boundaries. If the board does not petition the superior court within five days after the deadline, any resident of the county may file that petition and shall be entitled to recover the resident's reasonable attorney's fees and costs from the county for doing so.~~

~~(b) (1) Upon finding that a petition filed pursuant to subdivision (a) is valid, the superior court shall adopt supervisorial district boundaries in accordance with the criteria set forth in Section 21500, which shall be used in the county's next regular election. The superior court may also order the adjustment of electoral deadlines as necessary to implement the new supervisorial district boundaries in the next regular election.~~

~~(2) The superior court may appoint a special master to assist the court with adopting the supervisorial district boundaries. The county shall pay the cost for the special master and associated costs.~~

~~(3) The superior court or the special master shall hold one or more public hearings before the superior court adopts the supervisorial district boundaries.~~

~~(4) Subject to the approval of the superior court, the special master may employ redistricting experts or other consultants or counsel, independent experts in the field of redistricting and computer technology, and other necessary personnel to assist them in their work. In addition, the special master may seek the full cooperation of the county in producing and using whatever data, computer models and programs, and technical assistance that was made available to the board and county personnel who are knowledgeable in the mechanics of drafting redistricting legislation. The superior court may assist the special master in securing the necessary personnel and the physical facilities required for their work, and to prepare for the prompt submission to the county of a request for county funding for the necessary expenses of the special master and the special master's staff.~~

~~(5) The supervisorial district boundaries adopted by the superior court shall be immediately effective in the same manner as if the court's order were an enacted resolution or ordinance of the board.~~

SEC. 24.

Section 21534 of the Elections Code is amended to read:

Amendments or additions to text are shown by underlined italics, and deletions by strikeouts.

*Full text can be obtained from www.leginfo.legislature.ca.gov

21534.

(a) The commission shall establish single-member supervisorial districts for the board pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) (A) Districts shall comply with the United States Constitution and each district shall have a reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or allowable by law.

(B) Population equality shall be based on the total population of residents of the county as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

(C) Notwithstanding subparagraph (B), an incarcerated person, as that term is used in Section 21003, shall not be counted towards the county's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

(2) Districts shall comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, local neighborhood, or local community of interest shall be respected in a manner that minimizes its division to the extent possible without violating the requirements of paragraphs (1) to (3), inclusive. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) To the extent practicable, and where this does not conflict with paragraphs (1) to (4), inclusive, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant areas of population.

(b) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for purposes of favoring or discriminating against an incumbent, political candidate, or political party.

(c) (1) The commission shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(2) (A) Before the commission draws a map, the commission shall conduct at least seven public hearings, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.

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(B) In the event any state or local health order prohibits large gatherings, the commission may modify the location of the hearings, including use of virtual hearings that use technology to permit remote viewing and participation, to the extent required to comply with public health requirements. If the commission modifies the location of a hearing, it shall provide opportunities to view and listen to proceedings by video, to listen to proceedings by phone, and to provide public comment by phone and in writing with no limitation on the number of commenters. The commission shall, to the greatest extent practicable, provide an opportunity for in-person participation for at least one hearing in each supervisorial district. Methods for providing in-person participation may include, but are not limited to, setting up multiple rooms with audiovisual connections to the hearing, allowing community members to make appointments to make public comment, providing personal protective equipment, or holding hearings in outdoor spaces.

(3) After the commission draws a draft map, the commission shall do both of the following:

(A) Post the map for public comment on the internet website of the County of Los Angeles.

(B) Conduct at least two public hearings to take place over a period of no fewer than 30 days.

(4) (A) The commission shall establish and make available to the public a calendar of all public hearings described in paragraphs (2) and (3). Hearings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible.

(B) Notwithstanding Section 54954.2 of the Government Code, the commission shall post the agenda for the public hearings described in paragraphs (2) and (3) at least seven days before the hearings. The agenda for a meeting required by paragraph (3) shall include a copy of the draft map.

(5) (A) The commission shall arrange for the live translation of a hearing held pursuant to this chapter in an applicable language if a request for translation is made at least 24 hours before the hearing.

(B) For purposes of this paragraph, an “applicable language” means a language for which the number of residents of the County of Los Angeles who are members of a language minority is greater than or equal to 3 percent of the total voting age residents of the county.

(6) The commission shall take steps to encourage county residents to participate in the redistricting public review process. These steps may include:

(A) Providing information through media, social media, and public service announcements.

(B) Coordinating with community organizations.

(C) Posting information on the internet website of the County of Los Angeles that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the commission.

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(7) The board shall take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide to the public ready access to redistricting data and computer software equivalent to what is available to the commission members.

(8) The board shall provide reasonable funding and staffing for the commission.

(9) All records of the commission relating to redistricting, and all data considered by the commission in drawing a draft map or the final map, are public records.

(d) (1) The commission shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts and shall file the plan with the county elections official by the map adoption deadline set forth in subdivision (a) of Section ~~21504~~ 21140. The commission shall not release a draft map before the date set forth in paragraph (3) of subdivision ~~(d)~~ (f) of Section ~~21508~~ 21160.

(2) The plan shall be subject to referendum in the same manner as ordinances.

(3) The commission shall issue, with the final map, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria described in subdivisions (a) and (b).

SEC. 25.**Section 21544 of the Elections Code is amended to read:****21544.**

(a) The commission shall establish single-member supervisorial districts for the board pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) (A) Districts shall comply with the United States Constitution and each district shall have a reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or allowable by law.

(B) Population equality shall be based on the total population of residents of the county as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

(C) Notwithstanding subparagraph (B), an incarcerated person, as that term is used in Section 21003, shall not be counted towards the county's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

(2) Districts shall comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

Amendments or additions to text are shown by underlined italics, and deletions by strikeouts.

*Full text can be obtained from www.leginfo.ca.gov

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, local neighborhood, or local community of interest shall be respected in a manner that minimizes its division to the extent possible without violating the requirements of paragraphs (1) to (3), inclusive. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) To the extent practicable, and where this does not conflict with paragraphs (1) to (4), inclusive, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant areas of population.

(b) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for purposes of favoring or discriminating against an incumbent, political candidate, or political party.

(c) (1) The commission shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(2) (A) Before the commission draws a map, the commission shall conduct at least seven public hearings, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.

(B) In the event any state or local health order prohibits large gatherings, the commission may modify the location of the hearings, including through the use of virtual hearings that use technology to permit remote viewing and participation, to the extent required to comply with public health requirements. If the commission modifies the location of a hearing, it shall provide opportunities to view and listen to proceedings by video, to listen to proceedings by phone, and to provide public comment by phone and in writing with no limitation on the number of commenters. The commission shall, to the greatest extent practicable, provide an opportunity for in-person participation for at least one hearing in each supervisorial district. Methods for providing in-person participation may include setting up multiple rooms with audiovisual connections to the hearing, allowing community members to make appointments to make public comment, providing personal protective equipment, or holding hearings in outdoor spaces.

(3) After the commission draws a draft map, the commission shall do both of the following:

(A) Post the map for public comment on the website of the County of Riverside.

(B) Conduct at least two public hearings to take place over a period of no fewer than 30 days.

(4) (A) The commission shall establish and make available to the public a calendar of all public hearings described in paragraphs (2) and (3). Hearings shall

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be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible.

(B) Notwithstanding Section 54954.2 of the Government Code, the commission shall post the agenda for the public hearings described in paragraphs (2) and (3) at least seven days before the hearings. The agenda for a meeting required by paragraph (3) shall include a copy of the draft map.

(5) (A) The commission shall arrange for the live translation of a hearing held pursuant to this chapter in an applicable language if a request for translation is made at least 24 hours before the hearing.

(B) For purposes of this paragraph, an “applicable language” means a language for which the number of residents of the County of Riverside who are members of a language minority is greater than or equal to 3 percent of the total voting age residents of the county.

(6) The commission shall take steps to encourage county residents to participate in the redistricting public review process. These steps may include:

(A) Providing information through media, social media, and public service announcements.

(B) Coordinating with community organizations.

(C) Posting information on the website of the County of Riverside that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the commission.

(7) The board shall take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide to the public ready access to redistricting data and computer software equivalent to what is available to the commission members.

(8) The board shall provide for reasonable funding and staffing for the commission.

(9) All records of the commission relating to redistricting, and all data considered by the commission in drawing a draft map or the final map, are public records.

(d) (1) The commission shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts and shall file the plan with the county elections official by the map adoption deadline set forth in subdivision (a) of Section ~~21504~~. 21140. The commission shall not release a draft map before the date set forth in paragraph (3) of subdivision ~~(d)~~ (f) of Section ~~21508~~. 21160.

(2) The plan shall be subject to referendum in the same manner as ordinances.

(3) The commission shall issue, with the final map, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria described in subdivisions (a) and (b).

SEC. 26.

Amendments or additions to text are shown by underlined italics, and deletions by strikeouts.

*Full text can be obtained from www.leginfo.ca.gov

Section 21552 of the Elections Code is amended to read:**21552.**

(a) The commission shall establish single-member supervisorial districts for the board pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) (A) Districts shall comply with the United States Constitution and each district shall have a reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or is allowable by law.

(B) Population equality shall be based on the total population of residents of the county as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

(C) Notwithstanding subparagraph (B), an incarcerated person, as that term is used in Section 21003, shall not be counted towards the county's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

(2) Districts shall comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, local neighborhood, or local community of interest shall be respected in a manner that minimizes its division to the extent possible without violating the requirements of paragraphs (1) to (3), inclusive. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) To the extent practicable, and where it does not conflict with paragraphs (1) to (4), inclusive, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant areas of population.

(b) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for purposes of favoring or discriminating against an incumbent, political candidate, or political party.

(c) (1) — The commission shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(2) (A) Before the commission draws a map, the commission shall conduct at least seven public hearings, to take place over a period of no fewer

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than 30 days, with at least one public hearing held in each supervisorial district.

(B) In the event any state or local health order prohibits large gatherings, the commission may modify the location of the hearings, including use of virtual hearings that use technology to permit remote viewing and participation, to the extent required to comply with public health requirements. If the commission modifies the location of a hearing, it shall provide opportunities to view and listen to proceedings by video, to listen to proceedings by phone, and to provide public comment by phone and in writing with no limitation on the number of commenters. The commission shall, to the greatest extent practicable, provide an opportunity for in-person participation for at least one hearing in each supervisorial district. Methods for providing in-person participation may include, but are not limited to, setting up multiple rooms with audiovisual connections to the hearing, allowing community members to make appointments to make public comment, providing personal protective equipment, or holding hearings in outdoor spaces.

(3) After the commission draws a draft map, the commission shall do both of the following:

(A) Post the map for public comment on the internet website of the County of San Diego.

(B) Conduct at least two public hearings to take place over a period of no fewer than 30 days.

(4) (A) The commission shall establish and make available to the public a calendar of all public hearings described in paragraphs (2) and (3). Hearings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible.

(B) Notwithstanding Section 54954.2 of the Government Code, the commission shall post the agenda for the public hearings described in paragraphs (2) and (3) at least seven days before the hearings. The agenda for a meeting required by paragraph (3) shall include a copy of the draft map.

(5) (A) The commission shall arrange for the live translation of a hearing held pursuant to this chapter in an applicable language if a request for translation is made at least 24 hours before the hearing.

(B) For purposes of this paragraph, an “applicable language” means a language for which the number of residents of the County of San Diego who are members of a language minority is greater than or equal to 3 percent of the total voting age residents of the county.

(6) The commission shall take steps to encourage county residents to participate in the redistricting public review process. These steps may include:

(A) Providing information through media, social media, and public service announcements.

(B) Coordinating with community organizations.

(C) Posting information on the internet website of the County of San Diego that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written

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testimony directly to the commission.

(7) The board shall take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide to the public ready access to redistricting data and computer software equivalent to what is available to the commission members.

(8) The board shall provide for reasonable funding and staffing for the commission.

(9) All records of the commission relating to redistricting, and all data considered by the commission in drawing a draft map or the final map, are public records.

(d) (1) The commission shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts and shall file the plan with the Clerk of the Board of Supervisors by the map adoption deadline set forth in subdivision (a) of Section ~~21504~~: 21140. The commission shall not release a draft map before the date set forth in paragraph (3) of subdivision ~~(e)~~ (f) of Section ~~21508~~: 21160.

(2) The plan shall be subject to referendum in the same manner as ordinances.

(3) The commission shall issue, with the final map, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria described in subdivisions (a) and (b).

SEC. 27.

Section 21564 of the Elections Code is amended to read:

21564.

(a) The commission shall establish single-member supervisorial districts for the board pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) (A) Districts shall comply with the United States Constitution and each district shall have a reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or allowable by law.

(B) Population equality shall be based on the total population of residents of the county as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

(C) Notwithstanding subparagraph (B), an incarcerated person, as that term is used in Section 21003, shall not be counted towards the county's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

(2) Districts shall comply with the federal Voting Rights Act of 1965 (52

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U.S.C. Sec. 10101 et seq.).

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, local neighborhood, or local community of interest shall be respected in a manner that minimizes its division to the extent possible without violating the requirements of paragraphs (1) to (3), inclusive. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) To the extent practicable, and where this does not conflict with paragraphs (1) to (4), inclusive, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant areas of population.

(b) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for purposes of favoring or discriminating against an incumbent, political candidate, or political party.

(c) (1) The commission shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(2) (A) Before the commission draws a map, the commission shall conduct at least seven public hearings, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.

(B) ~~†~~ In the event a state or local health order prohibits large gatherings, the commission may modify the location of the hearings, including through the use of virtual hearings that use technology to permit remote viewing and participation, to the extent required to comply with public health requirements. If the commission modifies the location of a hearing, it shall provide opportunities to view and listen to proceedings by video, to listen to proceedings by phone, and to provide public comment by phone and in writing with no limitation on the number of commenters. The commission shall, to the greatest extent practicable, provide an opportunity for in-person participation for at least one hearing in each supervisorial district. Methods for providing in-person participation may include, but are not limited to, setting up multiple rooms with audiovisual connections to the hearing, allowing community members to make appointments to make public comment, providing personal protective equipment, or holding hearings in outdoor spaces.

(3) After the commission draws a draft map, the commission shall do both of the following:

(A) Post the map for public comment on the internet website of the County of Fresno.

(B) Conduct at least two public hearings to take place over a period of no fewer than 30 days.

(4) (A) The commission shall establish and make available to the public a

calendar of all public hearings described in paragraphs (2) and (3). Hearings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible.

(B) Notwithstanding Section 54954.2 of the Government Code, the commission shall post the agenda for the public hearings described in paragraphs (2) and (3) at least seven days before the hearings. The agenda for a meeting required by paragraph (3) shall include a copy of the draft map.

(5) (A) The commission shall arrange for the live translation of a hearing held pursuant to this chapter in an applicable language if a request for translation is made at least 24 hours before the hearing.

(B) For purposes of this paragraph, an “applicable language” means a language for which the number of residents of the County of Fresno who are members of a language minority is greater than or equal to 3 percent of the total voting age residents of the county.

(6) The commission shall take steps to encourage county residents to participate in the redistricting public review process. These steps may include:

(A) Providing information through media, social media, and public service announcements.

(B) Coordinating with community organizations.

(C) Posting information on the internet website of the County of Fresno that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the commission.

(7) The board shall take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide to the public ready access to redistricting data and computer software equivalent to what is available to the commission members.

(8) The board shall provide reasonable funding and staffing for the commission.

(9) All records of the commission relating to redistricting, and all data considered by the commission in drawing a draft map or the final map, are public records.

(d) (1) The commission shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts and shall file the plan with the county elections official by the map adoption deadline set forth in subdivision (a) of Section ~~21504~~; 21140. The commission shall not release a draft map before the date set forth in paragraph (3) of subdivision ~~(d)~~ (f) of Section ~~21508~~; 21160.

(2) The plan shall be subject to referendum in the same manner as ordinances.

(3) The commission shall issue, with the final map, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria described in subdivisions (a) and (b).

SEC. 28.**Section 21574 of the Elections Code is amended to read:****21574.**

(a) The commission shall establish single-member supervisorial districts for the board pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) (A) Districts shall comply with the United States Constitution and each district shall have a reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or allowable by law.

(B) Population equality shall be based on the total population of residents of the county as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

(C) Notwithstanding subparagraph (B), an incarcerated person, as that term is used in Section 21003, shall not be counted towards the county's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

(2) Districts shall comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, local neighborhood, or local community of interest shall be respected in a manner that minimizes its division to the extent possible without violating the requirements of paragraphs (1) to (3), inclusive. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) To the extent practicable, and where this does not conflict with paragraphs (1) to (4), inclusive, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant areas of population.

(b) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for purposes of favoring or discriminating against an incumbent, political candidate, or political party.

(c) (1) The commission shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(2) (A) Before the commission draws a map, the commission shall

conduct at least seven public hearings, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.

(B) In the event a state or local health order prohibits large gatherings, the commission may modify the location of the hearings, including through the use of virtual hearings that use technology to permit remote viewing and participation, to the extent required to comply with public health requirements. If the commission modifies the location of a hearing, it shall provide opportunities to view and listen to proceedings by video, to listen to proceedings by phone, and to provide public comment by phone and in writing with no limitation on the number of commenters. The commission shall, to the greatest extent practicable, provide an opportunity for in-person participation for at least one hearing in each supervisorial district. Methods for providing in-person participation may include, but are not limited to, setting up multiple rooms with audiovisual connections to the hearing, allowing community members to make appointments to make public comment, providing personal protective equipment, or holding hearings in outdoor spaces.

(3) After the commission draws a draft map, the commission shall do both of the following:

(A) Post the map for public comment on the internet website of the County of Kern.

(B) Conduct at least two public hearings to take place over a period of no fewer than 30 days.

(4) (A) The commission shall establish and make available to the public a calendar of all public hearings described in paragraphs (2) and (3). Hearings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible.

(B) Notwithstanding Section 54954.2 of the Government Code, the commission shall post the agenda for the public hearings described in paragraphs (2) and (3) at least seven days before the hearings. The agenda for a meeting required by paragraph (3) shall include a copy of the draft map.

(5) (A) The commission shall arrange for the live translation of a hearing held pursuant to this chapter in an applicable language if a request for translation is made at least 24 hours before the hearing.

(B) For purposes of this paragraph, an “applicable language” means a language for which the number of residents of the County of Kern who are members of a language minority is greater than or equal to 3 percent of the total voting age residents of the county.

(6) The commission shall take steps to encourage county residents to participate in the redistricting public review process. These steps may include:

(A) Providing information through media, social media, and public service announcements.

(B) Coordinating with community organizations.

(C) Posting information on the internet website of the County of Kern that explains the redistricting process and includes a notice of each public hearing

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and the procedures for testifying during a hearing or submitting written testimony directly to the commission.

(7) The board shall take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide to the public ready access to redistricting data and computer software equivalent to what is available to the commission members.

(8) The board shall provide reasonable funding and staffing for the commission.

(9) All records of the commission relating to redistricting, and all data considered by the commission in drawing a draft map or the final map, are public records.

(d) (1) The commission shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts and shall file the plan with the county elections official by the map adoption deadline set forth in subdivision (a) of Section ~~21504~~ 21140. The commission shall not release a draft map before the date set forth in paragraph (3) of subdivision ~~(d)~~ (f) of Section ~~21508~~ 21160.

(2) The plan shall be subject to referendum in the same manner as ordinances.

(3) The commission shall issue, with the final map, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria described in subdivisions (a) and (b).

SEC. 29.

Section 21600 of the Elections Code is amended to read:

21600.

~~(a)~~ -This article applies to a general law city that elects members of the city's legislative body by districts or from districts, as those terms are defined in Section 34871 of the Government Code.

~~(b)~~ -This article shall not be interpreted to limit the discretionary remedial authority of any federal or state court.

SEC. 30.

Section 21601 of the Elections Code is amended to read:

21601.

~~(a)~~ -Following a city's decision to elect its council using district-based elections, or following each federal decennial census for a city whose council is already elected using district-based elections, the council shall, by ordinance or resolution, adopt boundaries for all of the council districts of the city ~~so that the council districts shall be substantially equal in population as required by the United States Constitution~~ pursuant to Chapter 2 (commencing with Section 21100).

~~(1) Population equality shall be based on the total population of residents~~

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of the city as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

~~(2) Notwithstanding paragraph (1), an incarcerated person as that term is used in Section 21003, shall not be counted towards a city's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the city, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.~~

~~(b) The council shall adopt council district boundaries that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.).~~

~~(c) The council shall adopt district boundaries using the following criteria as set forth in the following order of priority:~~

~~(1) To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.~~

~~(2) To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A "community of interest" is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.~~

~~(3) Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.~~

~~(4) To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.~~

~~(d) The council shall not adopt council district boundaries for the purpose of favoring or discriminating against a political party.~~

~~(e) For purposes of this article, "adopt" or "adoption" in regard to council district boundaries means the passage of an ordinance or resolution specifying those boundaries.~~

SEC. 31.
Section 21602 of the Elections Code is repealed.

21602.

~~(a) (1) For redistricting occurring in 2031 and thereafter, the boundaries~~

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~~of the council districts shall be adopted by the council not later than 205 days before the city's next regular election occurring after January 1 in each year ending in the number two.~~

(2) ~~For redistricting occurring before 2031 and where a city has a regular election occurring after January 1, 2022, and before July 1, 2022, the boundaries of the council districts shall be adopted by the council not later than 174 days before that election.~~

(3) ~~For redistricting occurring before 2031 and where a city does not have a regular election occurring after January 1, 2022 and before July 1, 2022, the boundaries of the council districts shall be adopted by the council not later than 205 days before the city's next regular election occurring on or after July 1, 2022.~~

(b) ~~This section does not apply when a city transitions from at-large to district-based elections.~~

SEC. 32.

Section 21603 of the Elections Code is amended to read:

21603.

(a) If the boundaries of a city expand by the addition of new territory, including through annexation of unincorporated territory or consolidation with another city, the council shall add that new territory to the nearest existing council district without changing the boundaries of other council district boundaries.

(b) Notwithstanding subdivision (a), the council may adopt new boundaries for each council district ~~under the circumstances described in subdivision (a)~~ pursuant to Chapter 2 (commencing with Section 21100) if the boundaries of the city expand by the addition of new territory and if both of the following conditions are met:

(1) There are more than four years until the council is next required to redistrict pursuant to Section 21601.

(2) The population of the new territory being annexed or consolidated is greater than 25 percent of the city's population, as determined by the most recent federal decennial census.

SEC. 33.

Section 21605 of the Elections Code is amended to read:

21605.

(a) ~~After redistricting or districting pursuant to Section 21601 or 21603, districting,~~ a council shall not adopt new council district boundaries until after the next federal decennial census, except under the following circumstances:

(1) A court orders the council to redistrict.

(2) The council is settling a legal claim that its council district boundaries violate the United States Constitution, the federal Voting Rights Act of 1965 (52

U.S.C. Sec. 10301 et seq.), or this article.

(3) The boundaries of the city change by the addition of territory pursuant to Section 21603 or by the subtraction of territory.

(4) The number of council members elected by districts or from districts is increased or decreased.

(5) An independent redistricting commission is established pursuant to Section 23003 to adopt new council districts between federal decennial censuses and the districts being replaced were adopted by the city council.

(b) This section does not prohibit a council from adopting council districts between federal decennial censuses if the council is adopting council districts for the first time, including when a city adopts council districts for the purpose of transitioning from electing its council members in at-large elections to elections by districts or from districts.

SEC. 34.

Section 21606 of the Elections Code is amended to read:

21606.

(a) The term of office of any council member who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which the council member was elected: elected and that member shall continue to represent the constituents residing in the district boundaries from which the member was elected for the duration of that term of office. This section does not prevent a city council from assigning a city elected official or city official to provide constituent services to residents of an area that is temporarily not represented by a council member due to redistricting.

(b) At the first election for council members in each city following adoption of the boundaries of council districts, excluding a special election to fill a vacancy or a recall election, a council member shall be elected for each district under the new district plan that has the same district number as a district whose incumbent's term is due to expire. This subdivision does not apply when a city transitions from at-large to district-based elections.

(c) Except as provided in subdivision (a), a person is not eligible to hold office as a member of a city council unless that person meets the requirements of Section 201 of the Elections Code and Section 34882 of the Government Code.

SEC. 35.

Section 21607 of the Elections Code is repealed.

21607.

~~Before adopting the boundaries of a council district pursuant to Section 21601 or 21603, or for any other reason, the council shall hold public hearings on the proposal in accordance with Section 21607.1. This section does not apply~~

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when a city transitions from at-large to district-based elections.

SEC. 36.

Section 21607.1 of the Elections Code is repealed.

~~21607.1.~~

~~(a) Before adopting a final map, the council shall hold at least four public hearings at which the public is invited to provide input regarding the composition of one or more council districts:~~

~~(1) At least one public hearing shall be held before the council draws a draft map or maps of the proposed council boundaries:~~

~~(2) At least two public hearings shall be held after the council has drawn a draft map or maps of the proposed council boundaries:~~

~~(b) At least one public hearing or public workshop shall be held on a Saturday, on a Sunday, or after 6 p.m. on a weekday Monday through Friday:~~

~~(c) Public hearing buildings shall be accessible to persons with disabilities.~~

~~(d) If a public hearing is consolidated with a regular or special meeting of the council that includes other substantive agenda items, the public hearing shall begin at a fixed time regardless of its order on the agenda, except that the council may first conclude any item being discussed or acted upon, including any associated public comment, when that time occurs. The time of the public hearing shall be noticed to the public:~~

~~(e) The council may have city staff or a consultant conduct one or more public workshops in lieu of holding one of the public hearings required by paragraph (1) of subdivision (a):~~

~~(f) The council may establish an advisory redistricting commission pursuant to Section 23002 to hold the public hearings required by paragraph (1) of subdivision (a):~~

SEC. 37.

Section 21608 of the Elections Code is repealed.

~~21608.~~

~~(a) The council shall take steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process. These steps shall include a good faith effort to do all of the following:~~

~~(1) Providing information to media organizations that provide city news coverage, including media organizations that serve language minority communities:~~

~~(2) Providing information through good government, civil rights, civic engagement, and community groups or organizations that are active in the city, including those active in language minority communities, and those that have requested to be notified concerning city redistricting:~~

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~~(b) The council shall arrange for the live translation in an applicable language of a public hearing or workshop held pursuant to this article if a request for translation is made at least 72 hours before the hearing or workshop, unless less than five days' notice are provided for the hearing or workshop, in which case the request shall be made at least 48 hours before the hearing or workshop.~~

~~(c) Notwithstanding Section 54954.2 of the Government Code, the council shall publish the date, time, and location for any public hearing or workshop on the internet at least five days before the hearing or workshop. However, if there are fewer than 28 days until the deadline to adopt boundaries, the council may publish the agenda on the internet for at least three days before the hearing or workshop.~~

~~(d) (1) A draft map shall be published on the internet for at least seven days before being adopted as a final map by the council provided that, if there are fewer than 28 days until the deadline to adopt boundaries, the draft map may instead be published on the internet for at least three days.~~

~~(2) Each draft map prepared by a member of the council or by employees or contractors of the city shall be accompanied by information on the total population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population of each proposed council district, to the extent the city has that data.~~

~~(3) (A) The council and employees or contractors of the city shall not release draft maps of council districts earlier than three weeks after the block-level redistricting database required by subdivision (b) of Section 8253 of the Government Code is first made publicly available. This subparagraph does not prohibit the council from holding public hearings or workshops on the placement of council district boundaries before the earliest date that draft maps of council districts may be released.~~

~~(B) If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 90 days and more than 59 days, the waiting period required by subparagraph (A) is reduced to one week. If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 60 days, then the waiting period required by subparagraph (A) is waived.~~

~~(e) The council shall allow the public to submit testimony or draft maps in writing and electronically.~~

~~(f) The city shall either record or prepare a written summary of each public comment and council deliberation made at every public hearing or workshop held pursuant to this article. The city shall make the recording or written summary available to the public within two weeks after the public hearing or workshop.~~

~~(g) The council shall establish, and maintain for at least 10 years after the adoption of new council district boundaries, an internet web page dedicated to redistricting. The web page may be hosted on the city's existing internet website or another internet website maintained by the city. The web page shall include, or link to, all of the following information:~~

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(1) A general explanation of the redistricting process for the city in English and applicable languages:

(2) The procedures for a member of the public to testify during a public hearing or to submit written testimony directly to the council in English and any applicable language:

(3) A calendar of all public hearing and workshop dates. A calendar listing that includes the time and location of the public hearing or workshop satisfies the notice required by subdivision (c):

(4) The notice and agenda for each public hearing and workshop:

(5) The recording or written summary of each public hearing and workshop:

(6) Each draft map considered by the council at a public hearing:

(7) The adopted final map of council district boundaries:

(h) For purposes of this section, “applicable language” means any language that is spoken by a group of city residents with limited English proficiency who constitute 3 percent or more of the city’s total population over four years of age for whom language can be determined. Before January 1, 2021, and before January 1 in every year ending in the number one thereafter, the Secretary of State shall post the applicable languages for each city in a conspicuous location on the Secretary of State’s internet website. To determine the applicable languages for each city, in 2020 and in each year ending in the number zero thereafter, the Secretary of State, in consultation with the Statewide Database, shall request a special tabulation from the United States Bureau of the Census of the most recent data on limited English proficiency from the bureau’s American Community Survey that satisfies this subdivision. If the bureau is unable to produce that data, the Secretary of State shall base the Secretary of State’s determination on the table from the American Community Survey enumerating the number of residents with limited English proficiency that has the largest number of languages included, that is publicly available, and that was produced within the previous ten years:

(i) This section does not apply when a city transitions from at-large to district-based elections:

(j) Before January 1, 2021, and before January in each year ending in the number one thereafter, the Secretary of State shall publish on the internet a template explaining the city redistricting process that meets the requirements of paragraphs (1) and (2), inclusive, of subdivision (g). The Secretary of State shall publish the template in all of the languages into which ballots are required to be translated in the state pursuant to subdivision (h). The template shall be published in the same conspicuous location on the Secretary of State’s internet website that is described in subdivision (h):

SEC. 38.**Section 21609 of the Elections Code is repealed.**

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21609.

~~(a) If the council does not adopt council district boundaries by the deadlines set forth in Section 21602, the council shall immediately petition the superior court in the county in which the city is located for an order adopting council district boundaries. If the council does not petition the superior court within five days after the deadline, any resident of the city may file that petition and shall be entitled to recover the resident's reasonable attorney's fees and costs from the city for doing so.~~

~~(b)(1) Upon finding that a petition filed pursuant to subdivision (a) is valid, the superior court shall adopt council district boundaries in accordance with the criteria set forth in Section 21601, which shall be used in the city's next regular election. The superior court may also order the adjustment of electoral deadlines as necessary to implement the new council district boundaries in the next regular election.~~

~~(2) The superior court may appoint a special master to assist the court with adopting the council district boundaries. The city shall pay the cost for the special master and associated costs.~~

~~(3) The superior court or the special master shall hold one or more public hearings before the superior court adopts the council district boundaries.~~

~~(4) Subject to the approval of the superior court, the special master may employ redistricting experts or other consultants or counsel, independent experts in the field of redistricting and computer technology, and other necessary personnel to assist them in their work. In addition, the special master may seek the full cooperation of the city in producing and using whatever data, computer models and programs, and technical assistance that was made available to the council and city personnel who are knowledgeable in the mechanics of drafting redistricting legislation. The superior court may assist the special master in securing the necessary personnel and the physical facilities required for their work, and to prepare for the prompt submission to the city of a request for city funding for the necessary expenses of the special master and the special master's staff.~~

~~(5) The council district boundaries adopted by the superior court shall be immediately effective in the same manner as if the court's order were an enacted resolution or ordinance of the city council.~~

SEC. 39.

Section 21620 of the Elections Code is amended to read:

21620.

~~(a) This article applies to a charter city that elects members of the city's legislative body by districts or from districts, as those terms are defined in Section 34871 of the Government Code.~~

~~(b) This article shall not be interpreted to limit the discretionary remedial authority of any federal or state court.~~

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SEC. 40.**Section 21621 of the Elections Code is amended to read:****21621.**

(a) ~~Following a city's decision to elect its council using district-based elections, or following each federal decennial census for a city whose council is already elected using district-based elections, the council shall, by ordinance or resolution, adopt boundaries for all of the council districts of the city so that the council districts shall be substantially equal in population as required by the United States Constitution. pursuant to Chapter 2 (commencing with Section 21100).~~

~~(1) Population equality shall be based on the total population of residents of the city as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.~~

~~(2) Notwithstanding paragraph (1), an incarcerated person, as that term is used in Section 21003, shall not be counted towards a city's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the city, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.~~

~~(b) The council shall adopt council district boundaries that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.).~~

~~(c) The council shall adopt district boundaries using the following criteria as set forth in the following order of priority:~~

~~(1) To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.~~

~~(2) To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A "community of interest" is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.~~

~~(3) Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.~~

~~(4) To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not~~

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bypassed in favor of more distant populations:

(d) ~~The council shall not adopt council district boundaries for the purpose of favoring or discriminating against a political party.~~

(e) ~~Subdivision (c) does not apply to a charter city that has adopted comprehensive or exclusive redistricting criteria in its city charter. For purposes of this subdivision, “comprehensive or exclusive” means either that the city’s charter excludes consideration of redistricting criteria other than those that are identified in the city charter or that the city’s charter provides two or more traditional criteria for redistricting other than the requirement that districts be equal in population.~~

(f) ~~For purposes of this article, “adopt” or “adoption” in regard to council district boundaries means the passage of an ordinance or resolution specifying those boundaries.~~

SEC. 41.

Section 21622 of the Elections Code is repealed.

21622.

~~(a) (1) For redistricting occurring in 2031 and thereafter, the boundaries of the council districts shall be adopted by the council not later than 205 days before the city’s next regular election occurring after January 1 in each year ending in the number two.~~

~~(2) For redistricting occurring before 2031 and where a city has a regular election occurring after January 1, 2022 and before July 1, 2022, the boundaries of the council districts shall be adopted by the council not later than 174 days before that election. For cities that charge candidates a filing fee, notwithstanding subdivision (b) of Section 8106, the forms required under that subdivision shall not be made available until at least 28 days after the adoption of a final map. The elections official shall reduce the required number of signatures for the in-lieu-filing-fee petition, as specified in subdivision (a) of Section 8106, by the same proportion as the reduction in time for the candidate to collect signatures.~~

~~(3) For redistricting occurring before 2031 and where a city does not have a regular election occurring after January 1, 2022 and before July 1, 2022, the boundaries of the council districts shall be adopted by the council not later than 205 days before the city’s next regular election occurring on or after July 1, 2022.~~

~~(b) This section does not apply to a charter city that has adopted a different redistricting deadline by ordinance or in its city charter.~~

~~(c) This section does not apply when a city transitions from at-large to district-based elections.~~

SEC. 42.

Section 21623 of the Elections Code is amended to read:

21623.

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(a) If the boundaries of a city expand by the addition of new territory, including through annexation of unincorporated territory or consolidation with another city, the council shall add that new territory to the nearest existing council district without changing the boundaries of other council district boundaries.

(b) Notwithstanding subdivision (a), the council may adopt new boundaries for each council district ~~under the circumstances described in subdivision (a)~~ pursuant to Chapter 2 (commencing with Section 21100) if the boundaries of the city expand by the addition of new territory and if both of the following conditions are met:

(1) There are more than four years until the council is next required to redistrict pursuant to Section 21621.

(2) The population of the new territory being annexed or consolidated is greater than 25 percent of the city's population as determined by the most recent federal decennial census.

(c) This section does not apply to a charter city that has adopted, by ordinance or in its city charter, a different standard for adding new territory to existing council districts.

SEC. 43.

Section 21625 of the Elections Code is amended to read:

21625.

(a) After redistricting or ~~districting pursuant to Section 21621 or 21623,~~ districting, a council shall not adopt new council district boundaries until after the next federal decennial census, except under the following circumstances:

(1) A court orders the council to redistrict.

(2) The council is settling a legal claim that its council district boundaries violate the United States Constitution, the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.), or this article.

(3) The boundaries of the city change by the addition of territory pursuant to Section 21623 or by the subtraction of territory.

(4) The number of council members elected by districts or from districts is increased or decreased.

(5) An independent redistricting commission, whose members are not directly appointed by the legislative body or an elected official of the local jurisdiction, is established to adopt new council districts between federal decennial censuses and the districts being replaced were adopted by the city council.

(b) This section does not prohibit a council from adopting council districts between federal decennial censuses if the council is adopting council districts for the first time, including when a city adopts council districts for the purpose of transitioning from electing its council members in at-large elections to elections by districts or from districts.

(c) This section does not apply to a charter city that has adopted different

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rules for mid-cycle redistricting in its city charter.

SEC. 44.

Section 21626 of the Elections Code is amended to read:

21626.

(a) The term of office of any council member who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which the council member was ~~elected~~: *elected and that member shall continue to represent the constituents residing in the district boundaries from which the member was elected for the duration of that term of office. This section does not prevent a city council from assigning a city elected official or city official to provide constituent services to residents of an area that is temporarily not represented by a council member due to redistricting.*

(b) At the first election for council members in each city following adoption of the boundaries of council districts, excluding a special election to fill a vacancy or a recall election, a council member shall be elected for each district under the new district plan that has the same district number as a district whose incumbent's term is due to expire. This subdivision does not apply when a city transitions from at-large to district-based elections.

(c) For a city employing both a primary and a general election, a change in the boundaries of a council district shall not be made between the direct primary election and the general election.

(d) Except as provided in subdivision (a), a person is not eligible to hold office as a member of a city council unless that person meets the requirements of Section 201 of the Elections Code and Section 34882 of the Government Code.

SEC. 45.

Section 21627 of the Elections Code is repealed.

~~21627.~~

~~Before adopting the boundaries of a council district pursuant to Section 21621 or 21623, or for any other reason, the council shall hold public hearings on the proposal in accordance with Section 21627.1. This section does not apply when a city transitions from at-large to district-based elections.~~

SEC. 46.

Section 21627.1 of the Elections Code is repealed.

~~21627.1.~~

~~(a) Before adopting a final map, the council shall hold at least four public hearings at which the public is invited to provide input regarding the composition of one or more council districts.~~

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~~(1) At least one public hearing shall be held before the council draws a draft map or maps of the proposed council boundaries.~~

~~(2) At least two public hearings shall be held after the council has drawn a draft map or maps of the proposed council boundaries.~~

~~(b) At least one public hearing or public workshop shall be held on a Saturday, on a Sunday, or after 6 p.m. on a weekday Monday through Friday.~~

~~(c) Public hearing buildings shall be accessible to persons with disabilities.~~

~~(d) If a public hearing is consolidated with a regular or special meeting of the council that includes other substantive agenda items, the public hearing shall begin at a fixed time regardless of its order on the agenda, except that the council may first conclude any item being discussed or acted upon, including any associated public comment, when that time occurs. The time of the public hearing shall be noticed to the public.~~

~~(e) The council may have city staff or a consultant conduct one or more public workshops in lieu of holding one of the public hearings required by paragraph (1) of subdivision (a).~~

~~(f) The council may establish an advisory redistricting commission to hold the public hearings required by paragraph (1) of subdivision (a).~~

SEC. 47.**Section 21628 of the Elections Code is repealed.****~~21628.~~**

~~(a) The council shall take steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process. These steps shall include a good faith effort to do all of the following:~~

~~(1) Providing information to media organizations that provide city news coverage, including media organizations that serve language minority communities.~~

~~(2) Providing information through good government, civil rights, civic engagement, and community groups or organizations that are active in the city, including those active in language minority communities, and those that have requested to be notified concerning city redistricting.~~

~~(b) The council shall arrange for the live translation in an applicable language of a public hearing or workshop held pursuant to this article if a request for translation is made at least 72 hours before the hearing or workshop, unless less than five days' notice are provided for the hearing or workshop, in which case the request shall be made at least 48 hours before the hearing or workshop.~~

~~(c) Notwithstanding Section 54954.2 of the Government Code, the council shall publish the date, time, and location for any public hearing or workshop on the internet at least five days before the hearing or workshop. However, if there are fewer than 28 days until the deadline to adopt boundaries, the council may publish the agenda on the internet for at least three days before the hearing or workshop.~~

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~~(d) (1) A draft map shall be published on the internet for at least seven days before being adopted as a final map by the council provided that, if there are fewer than 28 days until the deadline to adopt boundaries, the draft map may instead be published on the internet for at least three days.~~

~~(2) Each draft map prepared by a member of the council or by employees or contractors of the city shall be accompanied by information on the total population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population of each proposed council district, to the extent the city has that data.~~

~~(3) (A) The council and employees or contractors of the city shall not release draft maps of council districts earlier than three weeks after the block-level redistricting database required by subdivision (b) of Section 8253 of the Government Code is first made publicly available. This subparagraph does not prohibit the council from holding public hearings or workshops on the placement of council district boundaries before the earliest date that draft maps of council districts may be released.~~

~~(B) If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 90 days and more than 59 days, then the waiting period required by subparagraph (A) is reduced to one week. If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 60 days, then the waiting period required by subparagraph (A) is waived.~~

~~(e) The council shall allow the public to submit testimony or draft maps in writing and electronically.~~

~~(f) The city shall either record or prepare a written summary of each public comment and council deliberation made at every public hearing or workshop held pursuant to this article. The city shall make the recording or written summary available to the public within two weeks after the public hearing or workshop.~~

~~(g) The council shall establish, and maintain for at least 10 years after the adoption of new council district boundaries, an internet web page dedicated to redistricting. The web page may be hosted on the city's existing internet website or another internet website maintained by the city. The web page shall include, or link to, all of the following information:~~

~~(1) A general explanation of the redistricting process for the city in English and applicable languages.~~

~~(2) The procedures for a member of the public to testify during a public hearing or to submit written testimony directly to the council in English and any applicable language.~~

~~(3) A calendar of all public hearing and workshop dates. A calendar listing that includes the time and location of the public hearing or workshop satisfies the notice required by subdivision (c).~~

~~(4) The notice and agenda for each public hearing and workshop.~~

~~(5) The recording or written summary of each public hearing and~~

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workshop:

~~(6) Each draft map considered by the council at a public hearing.~~

~~(7) The adopted final map of council district boundaries.~~

~~(h) For purposes of this section, “applicable language” means any language that is spoken by a group of city residents with limited English proficiency who constitute 3 percent or more of the city’s total population over four years of age for whom language can be determined. Before January 1, 2021, and before January 1 in every year ending in the number one thereafter, the Secretary of State shall post the applicable languages for each city in a conspicuous location on the Secretary of State’s internet website. To determine the applicable languages for each city, in 2020 and in each year ending in the number zero thereafter, the Secretary of State, in consultation with the Statewide Database, shall request a special tabulation from the United States Bureau of the Census of the most recent data on limited English proficiency from the bureau’s American Community Survey that satisfies this subdivision. If the bureau is unable to produce that data, the Secretary of State shall base the Secretary of State’s determination on the table from the American Community Survey enumerating the number of residents with limited English proficiency that has the largest number of languages included, that is publicly available, and that was produced within the previous ten years.~~

~~(i) This section does not apply when a city transitions from at-large to district-based elections.~~

~~(j) Before January 1, 2021, and before January in each year ending in the number one thereafter, the Secretary of State shall publish on the internet a template explaining the city redistricting process that meets the requirements of paragraphs (1) and (2), inclusive, of subdivision (g). The Secretary of State shall publish the template in all of the languages into which ballots are required to be translated in the state pursuant to subdivision (h). The template shall be published in the same conspicuous location on the Secretary of State’s internet website that is described in subdivision (h).~~

SEC. 48.

Section 21629 of the Elections Code is repealed.

~~21629:~~

~~(a) If the council does not adopt council district boundaries by the deadlines set forth in Section 21622, the council shall immediately petition the superior court in the county in which the city is located for an order adopting council district boundaries. If the council does not petition the superior court within five days after the deadline, any resident of the city may file that petition and shall be entitled to recover the resident’s reasonable attorney’s fees and costs from the city for doing so.~~

~~(b) (1) Upon finding that a petition filed pursuant to subdivision (a) is valid, the superior court shall adopt council district boundaries in accordance with the~~

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criteria set forth in Section 21621, which shall be used in the city's next regular election. The superior court may also order the adjustment of electoral deadlines as necessary to implement the new council district boundaries in the next regular election:

(2) The superior court may appoint a special master to assist the court with adopting the council district boundaries. The city shall pay the cost for the special master and associated costs.

(3) The superior court or the special master shall hold one or more public hearings before the superior court adopts the council district boundaries.

(4) Subject to the approval of the superior court, the special master may employ redistricting experts or other consultants or counsel, independent experts in the field of redistricting and computer technology, and other necessary personnel to assist them in their work. In addition, the special master may seek the full cooperation of the city in producing and using whatever data, computer models and programs, and technical assistance that was made available to the council and city personnel who are knowledgeable in the mechanics of drafting redistricting legislation. The superior court may assist the special master in securing the necessary personnel and the physical facilities required for their work, and to prepare for the prompt submission to the city of a request for city funding for the necessary expenses of the special master and the special master's staff.

(5) The council district boundaries adopted by the superior court shall be immediately effective in the same manner as if the court's order were an enacted resolution or ordinance of the city council.

(c) This section does not apply to a charter city that has adopted in its city charter a different method for adopting city council district boundaries when a redistricting deadline is missed.

SEC. 49.

Section 21630 of the Elections Code is amended to read:

21630.

If a council assigns the responsibility to recommend or to adopt new district boundaries to a hybrid or independent redistricting commission as defined in Section 23000, the charter city remains subject to the redistricting deadlines, requirements, and restrictions that apply to the council under this ~~article~~, *article and Chapter 2 (commencing with Section 21100)*, unless otherwise exempted by law. A redistricting commission described in this section may perform the duties required of a city council under this article.

SEC. 50.

Section 22000 of the Elections Code is amended to read:

22000.

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(a) ~~Each district required by its authorizing act to adjust division boundaries pursuant to this section shall, by resolution, after~~ Following a special district's decision to elect its board of directors using district-based elections, or following each federal decennial census, and using that census as a basis, adjust the boundaries of any divisions so that the divisions are, as far as practicable, equal in population and in compliance with Section 10301 of Title 52 of the United States Code, as amended, to the extent those provisions apply. In adjusting the boundaries of the divisions, the board may give consideration to the following factors: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity, and compactness of territory, and (4) community of interests of the division. This section does not apply to divisions in which only landowners vote for directors or whose directors are all elected at large or appointed. census for a special district whose board of directors is already elected using district-based elections, the board of directors shall, by resolution, adopt boundaries for all of the divisions of the special district pursuant to Chapter 2 (commencing with Section 21100).

(b) The resolution specified in subdivision (a) shall be adopted by a vote of not less than a majority of the directors.

(c) At the time of, or after, any annexation of territory to the district, the board of directors shall designate, by resolution, the division of which the annexed territory shall be a part.

(d) ~~No~~ Except as provided in Section 21140, no change in division boundaries may be made within 180 days preceding the election of any director.

(e) (1) A change in division boundaries shall not affect the term of office of any director.

(2) If division boundaries are adjusted, the director of the division whose boundaries have been adjusted shall continue to be the director of the division bearing the number of ~~his or her~~ that division as formerly comprised until the office becomes vacant by means of term expiration or otherwise, whether or not the director is a resident within the boundaries of the division as adjusted. The director shall continue to represent the constituents residing in the district boundaries from which the director was elected for the duration of that term of office. This section does not prevent a board from assigning a director or special district official to provide constituent services to residents of an area that is temporarily not represented by a director due to redistricting.

(f) The successor to the office in a division whose boundaries have been adjusted shall be a resident and voter of that division.

(g) A district is not required to adjust the boundaries of any divisions pursuant to this section until after the 2000 federal decennial census.

(h) ~~Nothing in this~~ This section shall not be construed to prohibit or restrict a district from adjusting the boundaries of any divisions ~~whenever the governing body of~~ pursuant to Chapter 2 (commencing with Section 21100) whenever the board of directors of the district determines by a two-thirds vote of the ~~governing body~~ board that a sufficient change in population has occurred that makes it

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desirable in the opinion of the governing body ~~board~~ to adjust the boundaries of any divisions, or whenever any territory is added by or excluded from the district.

SEC. 51.

Section 22001 of the Elections Code is repealed.

~~22001.~~

~~Before adjusting the boundaries of a division pursuant to Section 22000 or for any other reason, the governing body of the district shall hold at least one public hearing on the proposal to adjust the boundaries of the division prior to the public hearing at which the governing body votes to approve or defeat the proposal.~~

SEC. 52.

Section 22001 is added to the Elections Code, to read:

22001.

This chapter and Chapter 2 (commencing with Section 21100) do not apply to special districts in which only landowners vote for directors or whose directors are all elected at large or appointed.

SEC. 53.

Section 22002 of the Elections Code is repealed.

~~22002.~~

~~For purposes of this chapter, the date of adoption of a resolution adjusting division boundaries is the date of passage of the resolution by the board.~~

SEC. 54.

Section 23002 of the Elections Code is amended to read:

23002.

(a) This section applies to advisory redistricting commissions.

(b) Notwithstanding any other law, the local jurisdiction may prescribe the manner in which members are appointed to the ~~commission~~ *commission, provided that the commissioners are not appointed by the legislative body or an elected official of the local jurisdiction.*

(c) A person who is an elected official of the local jurisdiction, or a family member, staff member, or paid campaign staff of an elected official of the local jurisdiction, shall not be appointed to serve on the commission.

(d) A local jurisdiction may impose additional requirements or restrictions on the commission, members of the commission, or applicants to the commission in excess of those prescribed by this section.

(e) The commission is subject to the Ralph M. Brown Act (Chapter 9

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(commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) and the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

SEC. 55.

Section 23003 of the Elections Code is amended to read:

23003.

(a) This section applies to hybrid redistricting commissions and independent redistricting commissions.

(b) Notwithstanding any other law, the local jurisdiction may prescribe the manner in which members are appointed to the commission, provided that the jurisdiction uses an application process open to all eligible residents and provided that the commissioners are not ~~directly~~ appointed by the legislative body or an elected official of the local jurisdiction.

(c) A person shall not be appointed to serve on the commission if the person or any family member of the person has been elected or appointed to, or been a candidate for, an elective office of the local jurisdiction in the eight years preceding the person's application.

(d) A person shall not be appointed to serve on the commission if either of the following applies:

(1) The person or the person's spouse has done any of the following in the eight years preceding the person's application:

(A) Served as an officer of, employee of, or paid consultant to, a campaign committee or a candidate for elective office of the local jurisdiction.

(B) Served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee.

(C) Served as a staff member or a consultant to, or who has contracted with, a currently serving elected officer of the local jurisdiction.

(D) Been registered to lobby the local jurisdiction.

(E) Contributed five hundred dollars (\$500) or more in a year to any candidate for an elective office of the local jurisdiction. The local jurisdiction may adjust this amount by the cumulative change in the California Consumer Price Index, or its successor, in every year ending in zero.

(2) A family member of the person, other than the person's spouse, has done any of the following in the four years preceding the person's application:

(A) Served as an officer of, employee of, or paid consultant to, a campaign committee or a candidate for elective office of the local jurisdiction.

(B) Served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee.

(C) Served as a staff member of or consultant to, or has contracted with, a currently serving elected officer of the local jurisdiction.

(D) Been registered to lobby the local jurisdiction.

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(E) Contributed five hundred dollars (\$500) or more in a year to any candidate for an elective office of the local jurisdiction. The local jurisdiction may adjust this amount by the cumulative change in the California Consumer Price Index, or its successor, in every year ending in zero.

(e) A member of the commission shall not do any of the following:

(1) While serving on the commission, endorse, work for, volunteer for, or make a campaign contribution to, a candidate for an elective office of the local jurisdiction.

(2) Be a candidate for an elective office of the local jurisdiction if any of the following is true:

(A) Less than five years has elapsed since the date of the member's appointment to the commission.

(B) The election for that office will be conducted using district boundaries that were adopted by the commission on which the member served, and those district boundaries have not been subsequently readopted by a commission after the end of the member's term on the commission.

(C) The election for that office will be conducted using district boundaries that were adopted by a legislative body pursuant to a recommendation by the commission on which the member served, and those district boundaries have not been subsequently readopted by a legislative body pursuant to a recommendation by a commission after the end of the member's term on the commission.

(3) For four years commencing with the date of the person's appointment to the commission:

(A) Accept employment as a staff member of, or consultant to, an elected official or candidate for elective office of the local jurisdiction.

(B) Receive a noncompetitively bid contract with the local jurisdiction.

(C) Register as a lobbyist for the local jurisdiction.

(4) For two years commencing with the date of the person's appointment to the commission, accept an appointment to an office of the local jurisdiction.

(f) The commission shall not be comprised entirely of members who are registered to vote with the same political party preference.

(g) Each member of the commission shall be a designated employee in the conflict of interest code for the commission pursuant to Article 3 (commencing with Section 87300) of Chapter 7 of Title 9 of the Government Code.

(h) The commission is subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) and the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(i) The commission shall be subject to the same redistricting deadlines, requirements, and restrictions that would otherwise apply to a legislative body. A local jurisdiction may also impose additional requirements and restrictions on the commission, on members of the commission, or on applicants to the commission in excess of those prescribed by this section.

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(j) The commission shall publish a map of the proposed new district boundaries and make that map available to the public for at least seven days before that map may be adopted. The commission shall hold at least three public hearings preceding the hearing at which the new boundaries are adopted.

(k) The commission shall not draw districts for the purpose of favoring or discriminating against a political party or an incumbent or political candidate.

(l) District boundaries adopted by an independent redistricting commission or adopted by a legislative body from recommendations provided by a hybrid redistricting commission, shall not be altered by the legislative body or the commission until after the next federal decennial census occurs, unless those boundaries have been invalidated by a final judgment or order of a court of competent jurisdiction.

(m) For the purposes of subdivisions (c) and (d), “local jurisdiction” does not include a local jurisdiction that contracts with a county independent redistricting commission pursuant to Section 23004.

SEC. 55.5.

Section 23003 of the Elections Code is amended to read:

23003.

(a) This section applies to hybrid redistricting ~~commissions~~ *commissions, and to independent redistricting commissions, including independent redistricting commissions established by an ordinance, resolution, or charter amendment of the local jurisdiction, as described in Section 23001.5,* and independent redistricting ~~commissions~~ *commissions established pursuant to Section 23005 or Section 23006.*

(b) (1) Notwithstanding any other law, the local jurisdiction may prescribe the manner in which members are appointed to the commission, provided that the jurisdiction uses an application process open to all eligible residents and provided that the commissioners are not ~~directly~~ appointed by the legislative body or an elected official of the local jurisdiction.

(2) Paragraph (1) does not apply to a local jurisdiction required to establish an independent redistricting commission pursuant to Section 23005 or Section 23006.

(c) A person shall not be appointed to serve on the commission if the person or any family member of the person has been elected or appointed to, or been a candidate for, an elective office of the local jurisdiction in the eight years preceding the person’s application.

(d) A person shall not be appointed to serve on the commission if either of the following applies:

(1) The person or the person’s spouse has done any of the following in the eight years preceding the person’s application:

(A) Served as an officer of, employee of, or paid consultant to, a campaign

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committee or a candidate for elective office of the local jurisdiction.

(B) Served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee.

(C) Served as a staff member or a consultant to, or who has contracted with, a currently serving elected officer of the local jurisdiction.

(D) Been registered to lobby the local jurisdiction.

(E) Contributed five hundred dollars (\$500) or more in a year to any candidate for an elective office of the local jurisdiction. The local jurisdiction may adjust this amount by the cumulative change in the California Consumer Price Index, or its successor, in every year ending in zero.

(2) A family member of the person, other than the person's spouse, has done any of the following in the four years preceding the person's application:

(A) Served as an officer of, employee of, or paid consultant to, a campaign committee or a candidate for elective office of the local jurisdiction.

(B) Served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee.

(C) Served as a staff member of or consultant to, or has contracted with, a currently serving elected officer of the local jurisdiction.

(D) Been registered to lobby the local jurisdiction.

(E) Contributed five hundred dollars (\$500) or more in a year to any candidate for an elective office of the local jurisdiction. The local jurisdiction may adjust this amount by the cumulative change in the California Consumer Price Index, or its successor, in every year ending in zero.

(e) A member of the commission shall not do any of the following:

(1) While serving on the commission, endorse, work for, volunteer for, or make a campaign contribution to, a candidate for an elective office of the local jurisdiction.

(2) Be a candidate for an elective office of the local jurisdiction if any of the following is true:

(A) Less than five years has elapsed since the date of the member's appointment to the commission.

(B) The election for that office will be conducted using district boundaries that were adopted by the commission on which the member served, and those district boundaries have not been subsequently readopted by a commission after the end of the member's term on the commission.

(C) The election for that office will be conducted using district boundaries that were adopted by a legislative body pursuant to a recommendation by the commission on which the member served, and those district boundaries have not been subsequently readopted by a legislative body pursuant to a recommendation by a commission after the end of the member's term on the commission.

(3) For four years commencing with the date of the person's appointment to the commission:

(A) Accept employment as a staff member of, or consultant to, an elected

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official or candidate for elective office of the local jurisdiction.

(B) Receive a noncompetitively bid contract with the local jurisdiction.

(C) Register as a lobbyist for the local jurisdiction.

(4) For two years commencing with the date of the person's appointment to the commission, accept an appointment to an office of the local jurisdiction.

(f) The commission shall not be comprised entirely of members who are registered to vote with the same political party preference.

(g) Each member of the commission shall be a designated employee in the conflict of interest code for the commission pursuant to Article 3 (commencing with Section 87300) of Chapter 7 of Title 9 of the Government Code.

(h) The commission is subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) and the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(i) The commission shall be subject to the same redistricting deadlines, requirements, *procedures*, *criteria*, and restrictions that would otherwise apply to a legislative body. A local jurisdiction may also impose additional requirements and restrictions on the commission, on members of the commission, or on applicants to the commission in excess of those prescribed by this section.

(j) The commission shall publish a map of the proposed new district boundaries and make that map available to the public for at least seven days before that map may be adopted. The commission shall hold at least three public hearings preceding the hearing at which the new boundaries are ~~adopted~~: adopted, or the number of public hearings that would otherwise apply to the legislative body for which district boundaries are being drawn, whichever is greater.

(k) The commission shall not draw districts for the purpose of favoring or discriminating against a political party or an incumbent or political candidate.

(l) District boundaries adopted by an independent redistricting commission or adopted by a legislative body from recommendations provided by a hybrid redistricting commission, shall not be altered by the legislative body or the commission until after the next federal decennial census occurs, unless those boundaries have been invalidated by a final judgment or order of a court of competent ~~jurisdiction~~: jurisdiction, or as may be necessary to account for changes to a jurisdiction's territory, including changes through annexation or consolidation.

(m) For the purposes of subdivisions (c) and (d), "local jurisdiction" does not include a local jurisdiction that contracts with a county independent redistricting commission pursuant to Section 23004.

SEC. 56.

Section 34874 of the Government Code is amended to read:

34874.

(a) An amendatory ordinance altering the boundaries of the legislative

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districts established pursuant to this article shall not be submitted to the registered voters until the ordinance has been submitted to the planning commission of the city or, in absence of a planning commission, to the legislative body of said city for an examination as to the definiteness and certainty of the boundaries of the legislative districts proposed.

(b) An amendatory ordinance altering the boundaries of legislative districts shall comply with the requirements and criteria of Section ~~24601 or 24621~~ 21130 of the Elections Code, ~~as applicable:~~ Code.

SEC. 57.

Section 34877.5 of the Government Code is amended to read:

34877.5.

(a) After an ordinance is passed by the voters pursuant to Section 34876.5, or after an ordinance is enacted by the legislative body pursuant to Section 34886, the legislative body shall prepare a proposed map that describes the boundaries and numbers of the districts for the legislative body. In preparing the proposed map, the legislative body shall comply with the requirements and criteria of Section ~~24601 or 24621~~ 21130 of the Elections Code, ~~as applicable:~~ Code and shall seek public input, including accepting proposed maps submitted by the public.

(b) If the legislative body is changing from an at-large method of election to a district-based election, as those terms are defined in Section 14026 of the Elections Code, the legislative body shall hold public hearings pursuant to Section 10010 of the Elections Code. If the legislative body is otherwise adjusting the district boundaries, the legislative body shall hold public hearings on the proposed district boundaries pursuant to Section ~~24607 or 24627~~ 21150 of the Elections Code, ~~as applicable:~~ Code.

SEC. 58.

Section 34884 of the Government Code is amended to read:

34884.

(a) If, at the time a vote is held on the subject of incorporation of a new city, a majority of the votes cast is for incorporation and, if, in accordance with Section 57116, a majority of the votes cast on the question of whether members of the city council in future elections are to be elected by district or at large is in favor of election by district, all of the following procedures apply:

(1) Before the first day on which voters may nominate candidates for election at the next regular municipal election, the legislative body shall, by ordinance or resolution, establish the boundaries of the districts of the legislative body. The districts shall be substantially equal in population as required by the United States Constitution. The districts shall comply with the requirements and criteria of Section ~~24601 or 24621~~ 21130 of the Elections Code, ~~as applicable:~~ Code.

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(2) The terms of office of the two members elected with the lowest vote shall expire on the Tuesday succeeding the next regular municipal election. At that election, members shall be elected by district in the even-numbered districts and shall hold office for four years.

(3) The terms of office of the three members elected with the highest vote shall expire on the Tuesday succeeding the second regular municipal election following the incorporation. At that election, members shall be elected by district in the odd-numbered districts and shall hold office for four years.

(b) The result of the vote cast on the question of whether members of the city council in future elections are to be elected by district or at large shall not preclude the submission to the voters at any future election of a measure in accordance with Section 34871.

SEC. 59.

Section 34886 of the Government Code is amended to read:

34886.

Notwithstanding Section 34871 or any other law, the legislative body of a city may adopt an ordinance that requires the members of the legislative body to be elected by district or by district with an elective mayor, as described in subdivisions (a) and (c) of Section 34871, without being required to submit the ordinance to the voters for approval. An ordinance adopted pursuant to this section shall comply with the requirements and criteria of Section ~~21601 or 21621~~ 21130 of the Elections Code, ~~as applicable,~~ Code and include a declaration that the change in the method of electing members of the legislative body is being made in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code).

SEC. 60.

Section 57301 of the Government Code is amended to read:

57301.

If at any time between each decennial federal census, a city annexes or detaches territory or consolidates with another city, the city council of the city annexing or detaching the territory or the city council of the successor city, ~~shall~~ may reexamine the boundaries of its council districts, ~~if any, after the first census is taken or after the population estimates are obtained, following the annexation, detachment, or consolidation:~~ *districts pursuant to Section 21603 or 21623 of the Elections Code, as applicable.*

~~If, upon reexamination, the city council finds that the population of any council districts have varied so that the districts no longer meet the criteria specified in Section 21601 of the Elections Code, the city council shall, within 60 days after~~

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~~the census is taken, or population estimate received, by ordinance or resolution, adjust the boundaries of any or all of the council districts of the city so that the districts are as nearly equal in population as may be possible.~~

SEC. 61.

The district boundary criteria specified in this act apply to election district boundaries that are adopted or readopted on or after January 1, 2024. Election district boundaries adopted before January 1, 2024, shall comply with the applicable district boundary criteria in effect at the time of their adoption.

SEC. 62.

The Legislature finds and declares that, as to cities and counties, many of the provisions of Chapter 2 (commencing with 21100) of Division 21 of the Elections Code, as added by this act, do not constitute a change in, but are declaratory of, existing law, and that a court should not draw a contrary inference based on the language of this act in resolving an action brought under the prior rules for city and county redistricting.

SEC. 63.

The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 64.

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.

SEC. 65.

Section 55.5 of this bill incorporates amendments to Section 23003 of the Elections Code proposed by both this bill and Assembly Bill 1248. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2024, (2) each bill amends Section 23003 of the Elections Code, and (3) this bill is enacted after Assembly Bill 1248, in which case Section 55 of this bill shall not become operative.

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ELECTIONS: FILINGS

Assembly Bill 773 Chapter 664

Current Provisions

Existing law establishes procedures for authors to submit arguments for and against local ballot measures, and rebuttals to those arguments, in accordance with deadlines set by local elections officials. Existing law requires elections officials to select arguments from those submitted for publication in the voter information guide.

Existing law permits an elections official to post a form on their internet website for a candidate to use to submit the candidate's statement for the voter information portion of the county voter information guide. If the elections official posts the form, existing law requires the elections official to accept that form by electronic submission if it is submitted in accordance with certain timeframes and procedures for the preparation of the voter information portion of the county voter information guide. Existing law requires a candidate running in a multicounty district to provide to each county a hardcopy of the candidate statement form from the candidate's county of residence and payment of the requisite fee.

New Provisions

This bill would establish a lead county, as defined, for the purposes of district or school district elections when the boundaries of the district or school district encompass more than one county. The bill would require authors of arguments for or against district or school district measures, and related rebuttal arguments, to submit the arguments to the elections official of the lead county. The bill would require the elections official of the lead county to work with the other counties within the district bounds to establish deadlines for receipt of the arguments. The bill would require the elections official of the lead county to select the arguments for publication in the county voter information guide, and to transmit copies of the selected arguments to elections officials in the other counties within the district or school district, as specified. The bill would require an elections official who receives arguments selected by the lead county to include the arguments in their county voter information guide.

This bill would require elections officials to post and accept electronic submission of a form for candidates to submit a candidate statement for the voter information portion of the county voter information guide. The bill would authorize a candidate running in a multicounty district to submit to each county an electronic copy of the form from the candidate's county of residence, and would require the candidate

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to transmit hardcopies of the candidate statement form, any accompanying form, and payment of the requisite fee to each county by overnight mail within 72 hours of filing the statement electronically.

By increasing the duties of local elections officials, this 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.

This bill would declare that it is to take effect immediately as an urgency statute.

SECTIONS AFFECTED:**SECTION 1.**

Section 9611 is added to the Elections Code, to read:

9611.

(a) This section applies to district elections conducted in accordance with Chapter 4 (commencing with Section 9300) or school district elections conducted in accordance with Chapter 6 (commencing with Section 9500), if the boundaries of the district or school district contain more than one county. The provisions of this section prevail over any provision in those chapters to the extent they conflict.

(b) For the purposes of this section, "lead county" has the following meanings:

(1) For district elections, "lead county" means the county with the most voters within the district bounds.

(2) For school district elections, "lead county" means the county whose superintendent of schools covers the district.

(c) The elections official for the lead county shall work with the other counties within the district bounds to establish the deadlines for the submittal of arguments for and against a district or school district measure and rebuttal arguments.

(d) Authors shall submit arguments only to the lead county, who shall select which arguments will be printed in the voter information guide in accordance with Chapter 4 (commencing with Section 9300) or Chapter 6 (commencing with Section 9500), as applicable. The elections official for the lead county shall electronically transmit a scanned copy of the selected arguments, along with any accompanying forms, to the elections official of each other county in the district or

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school district. An elections official who receives arguments selected by the lead county shall include the arguments in the printed and electronic versions of their county voter information guide.

SEC. 2.

Section 13307.7 of the Elections Code is amended to read:

13307.7.

(a) An elections official shall post the form to be used by a candidate to submit a candidate statement pursuant to Section 13307, Section 13307.5, or subdivision (c) of Section 85601 of the Government Code, on the elections official's internet website, and shall accept the electronic submission of that form if it is submitted in accordance with the times and procedures set forth in this code for the preparation of the voter information portion of the county voter information guide. If the candidate is running in a multicounty district, the elections official of each county shall accept the electronic submission of the form from the candidate's county of residence; however, the candidate shall transmit a hard copy of the candidate statement form, any accompanying form, and payment of the requisite fee to each county by overnight mail within 72 hours of filing the statement electronically. The elections official shall not require the candidate to submit any additional forms as a means of correcting internet website posting errors made by the elections official.

(b) Notwithstanding subdivision (a), an elections official may require a candidate to provide additional information that the official needs to comply with state law and county voter information guide requirements.

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.

SEC. 4.

This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are: In order for the provisions of this act to be implemented in time to apply to 2023 candidate filing deadlines, it is necessary for this act to take effect immediately.

COUNTY OFFICERS: AUDITORS: QUALIFICATIONS

AB 910

Assembly Bill 910 Chapter 669

Current Provisions

Existing law prohibits a person from being considered a legally qualified candidate for specified county offices and the office judge of the superior court unless the person has filed a declaration of candidacy, nomination paper, or statement of write-in candidacy, accompanied by documentation, which includes, among other things, declarations under penalty of perjury, sufficient to establish, in the determination of the official with whom the declaration or statement is filed, that the person meets each qualification established by specified provisions for service in that office.

Existing law prohibits a candidate's name from being printed on a ballot for a direct primary unless specified documents are filed with the county elections official.

For a county that has elected to enact an ordinance that adopts certain provisions relative to the county auditor, existing law requires a person elected or appointed to the office of county auditor to meet at least one of specified criteria, including possession of a valid certificate showing a person to be a certified public accountant or a public accountant, as specified.

Existing law also includes in the above-described criteria the possession of a baccalaureate degree with a major in accounting, or its equivalent, as specified, if a person has served within the last 5 years in a senior fiscal management position in specified organizations, including a private firm, with similar fiscal responsibilities, as specified.

Existing law also includes in the above-described criteria possession of a certificate issued by the Institute of Internal Auditors showing the person to be a designated professional auditor with 16 college semester units, or their equivalent, in accounting, auditing, or finance.

Existing law also includes in the above-described criteria service as a county auditor, chief deputy county auditor, or chief assistant county auditor for a continuous period of not less than 3 years.

New Provisions

This bill would recast these provisions to expand the documentation to include college transcripts that include training courses taken, degrees, and other

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supporting documents and to specify that the filed documentation establish that the person meets the above-described qualifications for service in that office. The bill would require the person to file a declaration, under penalty of perjury, that the information contained within the filed documents is true and correct. The bill would specify that the official receiving the documentation is not required to verify specified information, including, the authenticity or accuracy of the submitted documentation.

This bill would require that the above-described documentation be filed with the county elections official, if applicable.

By imposing new duties on local election officials and by expanding the crime of perjury, this bill would create a state-mandated local program.

This bill would require that the certificate be an active certificate. The bill would remove public accountant from the above-described criteria.

This bill would instead require the person to possess a baccalaureate degree with a major in accounting or a business-related degree, as specified, if the person has served within the last 5 years in a senior fiscal management position in a county, city, or other public agency, or a nonprofit organization, dealing with similar fiscal responsibilities, as described.

This bill would delete the requirement for possession of a certificate relation to 16 college semester units.

This bill would revise this criteria to delete service as a chief assistant county auditor, and instead include service as an assistant county auditor or an equivalent position.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

SECTIONS AFFECTED:
SECTION 1.

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Section 13.5 of the Elections Code is amended to read:

13.5.

(a) (1) Notwithstanding subdivision (a) of Section 13, ~~no~~ a person shall *not* be considered a legally qualified candidate for any of the offices set forth in subdivision (b) unless that person has filed ~~a declaration of candidacy, nomination papers, or statement of write-in candidacy, accompanied by documentation, including, but not necessarily limited to, certificates, declarations under penalty of perjury, diplomas, or official correspondence, sufficient to establish, in the determination of the official with whom the declaration or statement is filed, that the person meets each qualification established for service in that office by the provision referenced in subdivision (b).~~ *all of the following with the proper official:*

(A) A declaration of candidacy, nomination papers, or statement of write-in candidacy.

(B) Documentation that establishes that the person meets each qualification established for service in that office pursuant to subdivision (b). Documentation may include, but is not limited to, certificates, declarations, degrees, diplomas, official correspondences, college transcripts that include training courses taken, or other supporting documents.

(C) A declaration, under penalty of perjury, certifying that the information contained within the documentation the person filed pursuant to subparagraph (B) is true and correct.

(2) The provision of “documentation,” for purposes of compliance with the requirements of paragraph (1), may include the submission of either an original, as defined in Section 255 of the Evidence Code, or a duplicate, as defined in Section 260 of the Evidence Code.

(3) The official with whom the person filed the documentation pursuant to paragraph (1) is not required to verify either of the following:

(A) The authenticity or accuracy of the documentation.

(B) Whether the documentation is sufficient to establish that the candidate meets each qualification established for service in that office.

(b) This section shall be applicable to the following offices and qualifications therefor:

(1) For the office of county auditor, the qualifications set forth in Sections 26945 and 26946 of the Government Code.

(2) For the office of county district attorney, the qualifications set forth in Sections 24001 and 24002 of the Government Code.

(3) For the office of county sheriff, the qualifications set forth in Section 24004.3 of the Government Code.

(4) For the office of county superintendent of schools, the qualifications set forth in Sections 1205 to 1208, inclusive, of the Education Code.

(5) For the office of judge of the superior court, the qualifications set forth in Section 15 of Article VI of the California Constitution.

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(6) For the office of county treasurer, county tax collector, or county treasurer-tax collector, the qualifications set forth in Section 27000.7 of the Government Code, provided that the board of supervisors has adopted the provisions of that section pursuant to Section 27000.6 of the Government Code.

SEC. 2.**Section 8020 of the Elections Code is amended to read:****8020.**

(a) ~~No~~ A candidate's name shall not be printed on the ballot to be used at the direct primary unless the following nomination documents are delivered for filing to the county elections official:

(1) Declaration of candidacy pursuant to Section 8040.

(2) Nomination papers signed by signers pursuant to Section 8041.

(3) Proper qualification documentation pursuant to subdivision (a) of Section 13.5, if applicable.

(b) The forms shall first be available on the 113th day prior to the direct primary election, or on the 158th day prior to the primary election for a candidate for membership on a county central committee, and shall be delivered to the county for which the nomination documents were circulated not later than 5 p.m. on the 88th day prior to the primary election. The forms may be delivered to the county elections official by a person other than the candidate.

(c) Upon the receipt of an executed nomination document, the county elections official shall give the person delivering the document a receipt, properly dated, indicating that the document was delivered to the county elections official.

(d) Notwithstanding Section 8028, upon request of a candidate, the county elections official shall provide the candidate with a declaration of candidacy. The county elections official shall not require a candidate to sign, file, or sign and file, a declaration of candidacy as a condition of receiving nomination papers.

SEC. 3.**Section 26945 of the Government Code is amended to read:****26945.**

~~No~~ A person shall hereafter not be elected or appointed to the office of county auditor of any county unless the person meets at least one of the following criteria:

(a) The person possesses a valid and active certificate issued by the California Board of Accountancy under Chapter 1 (commencing with Section 5000) of Division 3 of the Business and Professions Code showing the person to be, and a permit authorizing the person to practice as, ~~a certified public accountant or as a public accountant.~~

(b) The person possesses a baccalaureate degree from an accredited university, college, or other four-year institution, with a major in ~~accounting or~~

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~~its equivalent, *accounting*, as described in subdivision (a) of Section 5081.1 of the Business and Professions Code, as that section read on December 31, 2009, and *or a business-related degree that includes at least 24 semester units, or equivalent quarter units, in accounting-related subjects, including, but not limited to, accounting, financial reporting, auditing, and taxation, and* has served within the last five years in a senior fiscal management position in a county, city, or other public agency, ~~a private firm,~~ or a nonprofit organization, dealing with similar fiscal responsibilities, *including, but not limited to, public accounting or auditing responsibilities,* for a continuous period of not less than three years.~~

(e) ~~The person possesses a certificate issued by the Institute of Internal Auditors showing the person to be a designated professional internal auditor, with a minimum of 16 college semester units, or their equivalent, in accounting, auditing, or finance.~~

(~~d~~) (c) The person has served as county auditor, chief deputy county auditor, or chief assistant county ~~auditor~~ *auditor, or an equivalent position* for a continuous period of not less than three years.

SEC. 4.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other 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.

ELECTIONS: VOTING SYSTEMS

Assembly Bill 969 Chapter 300

Current Provisions

Existing law specifies procedures for manual vote counts for a semifinal official canvass in a precinct, including, among others, after the polls have closed,

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commencing a public count of the ballots cast, unopened, to ascertain whether the number of ballots corresponds with the number of signatures on the roster. These manual vote count procedures apply to all elections in which ballots are counted by hand. Ballots counted manually in a central place are required to be counted by precinct, separately, under the direction of the elections official or their authorized deputies, in the same manner as provided where ballots are counted at the polling place.

Existing law authorizes the governing board of a local jurisdiction to adopt a voting system for use in an election if the system has been certified or conditionally approved by the Secretary of State.

New Provisions

This bill would prohibit an elections official from performing a manual vote count in a semifinal official canvass pursuant to the above procedures in any contest held on an established election date, as specified, where there are more than 1,000 registered voters eligible to participate in that election as of 154 days in advance of the election, or in any contest held on a date other than an established election date, where there are more than 5,000 registered voters eligible to participate in that election as of 154 days in advance of the election. The bill would only allow an elections official to conduct a manual vote count for a semifinal official canvass in a precinct pursuant to the above procedures if the count is conducted pursuant to a plan approved by the Secretary of State, as specified. The bill would require the Secretary of State to adopt regulations regarding manual vote counts.

This bill would require an elections official or the governing body of a jurisdiction that administers elections to use a certified voting system, as specified. This bill would make the termination of a contract for a certified voting system provisional unless and until the jurisdiction has a transition plan and has finalized and signed a new contract for a certified voting system.

By requiring local elections officials to perform additional duties, this 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.

This bill would declare that it is to take effect immediately as an urgency statute.

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SECTIONS AFFECTED:

SECTION 1.

Section 15270.1 is added to the Elections Code, to read:

15270.1.

(a) An elections official shall not conduct a manual vote count pursuant to this article or Article 6 (commencing with Section 15290) in any election unless that manual count is conducted pursuant to a plan approved by the Secretary of State. A manual count plan shall be consistent with the regulations adopted by the Secretary of State regarding manual vote counts. The Secretary of State shall prepare a template of a manual count plan that an elections official may use to assist in meeting this requirement.

(b) Notwithstanding subdivision (a), an elections official shall not conduct a manual vote count in an election, and the Secretary of State shall not approve a plan to conduct a manual vote count for that election, if either of the following are true:

(1) The election is held on an established election date, as provided in Section 1000, and there are more than 1,000 registered voters who are eligible to participate in that election as of 154 days in advance of the election.

(2) The election is held on a date other than an established election date, and there are more than 5,000 registered voters who are eligible to participate in that election as of 154 days in advance of the election.

SEC. 2.

Section 15270.2 is added to the Elections Code, to read:

15270.2.

The Secretary of State shall adopt regulations regarding manual vote counts.

SEC. 3.

Section 15270.3 is added to the Elections Code, to read:

15270.3.

Notwithstanding Section 15270.1 or subdivision (a) of Section 19207.5, an elections official may conduct a manual vote count in the event of a natural disaster or other state of emergency in which use of a certified voting system is not feasible.

SEC. 4.

Section 19207.5 is added to the Elections Code, to read:

19207.5.

(a) An elections official or the governing body of any jurisdiction that administers elections shall use a voting machine, as defined in Section 361, or a voting system, as defined in Section 362, that has been certified pursuant to this division, to do all of the following:

(1) Provide sufficient numbers of voting machines or voting systems for accessibility pursuant to Section 19242 and the Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.).

(2) Tabulate votes.

(b) If a jurisdiction that administers elections terminates a contract for an existing certified voting system, that termination shall be provisional and shall not become final unless and until the jurisdiction that administers elections has satisfied all of the following:

(1) The jurisdiction has a plan to transition to a new voting system that will ensure compliance with applicable state and federal laws.

(2) The jurisdiction has finalized and signed a new contract for a certified voting system.

SEC. 5.

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.

SEC. 6.

This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that county elections officials know what voting system they will be using, particularly with the upcoming 2024 March Presidential Primary, it is necessary for this act to take effect immediately.

VOTE BY MAIL BALLOTS: SIGNATURE VERIFICATION

Assembly Bill 1037 Chapter 673

Current Provisions

Existing law requires a county elections official, upon receiving a vote by mail

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ballot, to compare the signature on the identification envelope with the voter's signature appearing on specified voter registration records. If the elections official determines that the signatures do not match, or if the identification envelope does not contain a signature, existing law requires the elections official to permit the voter to submit a signature verification statement or unsigned identification envelopment statement, respectively, that contains the voter's signature. Existing law requires instructions to be sent to the voter specifying that they may submit these statements by email, by facsimile transmission, or in person at a polling place within the county or a ballot dropoff box.

New Provisions

This bill would additionally require the instructions sent to voters to state that they may submit a signature verification statement or unsigned identification envelope statement by other electronic means made available by the local elections official. This bill would require a local elections official who offers other electronic means for submission to establish appropriate privacy and security protocols so that the information transmitted is received by the elections official and is only used to verify the signature on the voter's ballot. By imposing duties on local elections officials, this bill would create a state-mandated local program.

This bill would incorporate additional changes to Section 3019 of the Elections Code proposed by SB 77 to be operative only if this bill and SB 77 are enacted and this bill is enacted last.

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.

SECTIONS AFFECTED:

SECTION 1.

Section 3019 of the Elections Code is amended to read:

3019.

(a) (1) Upon receiving a vote by mail ballot, the elections official shall compare the signature on the identification envelope with either of the following to determine if the signatures compare:

(A) The signature appearing on the voter's affidavit of registration or any previous affidavit of registration of the voter.

(B) The signature appearing on a form issued by an elections official that

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contains the voter's signature and that is part of the voter's registration record.

(2) All of the following apply to the comparison of signatures pursuant to this section:

(A) A presumption exists that the signature on the identification envelope, signature verification statement, unsigned identification envelope statement, or provisional ballot envelope is the voter's signature.

(B) An exact match is not required for an elections official to determine that a voter's signature is valid. The fact that signatures share similar characteristics is sufficient to determine that a signature is valid.

(C) Except as provided in subparagraph (D), the elections official shall consider explanations for discrepancies between signatures that are specified in regulations promulgated by the Secretary of State. For purposes of this subparagraph, explanations include a variation in signature style over time and the haste with which a signature is written.

(D) When comparing signatures, an elections official shall not review or consider a voter's party preference, race, or ethnicity.

(E) The elections official may consider characteristics of the written signature that are specified in regulations promulgated by the Secretary of State. For purposes of this subparagraph, characteristics include the slant of the signature, letter formation, and whether the signature is printed or written in cursive.

(F) The elections official may use facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with the law.

(G) In comparing signatures pursuant to this section, an elections official may use signature verification technology. If signature verification technology determines that the signatures do not compare, the signature is subject to the additional procedures described in paragraph (2) of subdivision (c).

(H) The variation of a signature caused by the substitution of initials for the first or middle name, or both, is not grounds for the elections official to determine that the signatures do not compare.

(I) A signature made using a mark such as an "X", "X," or made by a signature stamp, shall be presumed valid and shall be accepted if the signature meets the requirements of Section 354.5.

(b) If upon conducting the comparison of signatures pursuant to subdivision (a) the elections official determines that the signatures compare, the elections official shall deposit the ballot, still in the identification envelope, in a ballot container in the elections official's office.

(c) (1) If upon conducting the comparison of signatures pursuant to subdivision (a) the elections official determines that the signature possesses multiple, significant, and obvious differing characteristics when compared to all signatures in the voter's registration record, the signature is subject to the additional procedures described in paragraph (2).

(2) If the elections official makes the determination described in paragraph (1), the signature shall be rejected only if two additional elections officials each

find beyond a reasonable doubt that the signature differs in multiple, significant, and obvious respects from all signatures in the voter's registration record. If the officials determine that the signatures do not compare, the identification envelope shall not be opened and the ballot shall not be counted. The elections official shall write the cause of the rejection on the face of the identification envelope only after completing the procedures described in subdivision (d).

(d) (1) (A) Except as provided in subparagraph (D), on or before the next business day after a determination that a voter's signature does not compare pursuant to subdivision (c), but not later than eight days prior to the certification of the election, the elections official shall send by first-class mail notice to the voter of the opportunity to verify the voter's signature no later than 5 p.m. two days prior to the certification of the election. The notice shall include a return envelope, with postage paid, for the voter to return a signature verification statement.

(B) Unless required pursuant to Section 3026, the elections official may send additional written notices to a voter identified pursuant to subdivision (c), and may also notify the voter in person, by telephone or email, or by other means of the opportunity to verify the voter's signature.

(C) Unless required pursuant to Section 3026, the elections official may use any information in a county's election management system, or otherwise in the election official's possession, for the purpose of notifying the voter of the opportunity to verify the voter's signature.

(D) If it is impracticable under the circumstances for the elections official to send the notice described in subparagraph (A) on or before the next business day, including in the event of technological failure, the elections official shall send the notice as soon as practicable, but not later than eight days prior to the certification of the election.

(2) The notice and instructions shall be in substantially the following form:

“READ THESE INSTRUCTIONS CAREFULLY. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR VOTE BY MAIL BALLOT NOT TO COUNT.

1. We have determined that the signature you provided on your vote by mail ballot does not compare with the signature(s) on file in your voter record. In order to ensure that your vote by mail ballot will be counted, the signature verification statement must be completed and returned as soon as possible.

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2. The signature verification statement must be received by the elections official of the county where you are registered to vote no later than 5 p.m. two days prior to certification of the election.

3. You must sign your name where specified on the signature verification statement (Voter's Signature).

4. Place the signature verification statement into the postage-paid return envelope if it is included with these instructions. If a return envelope is not included with these instructions, use your own mailing envelope addressed to your local elections official. Mail, deliver, or have the completed statement delivered to the elections official. If you mail your completed statement using your own envelope, be sure there is sufficient postage and that the address of the elections official is correct.

5. If you do not wish to send the signature verification statement by mail or have it delivered, you may submit your completed statement by email or facsimile transmission to your local elections official, or by other electronic means made available by your local elections official, or submit your completed statement to a polling place within the county or a ballot dropoff box before the close of the polls on election day."

(3) The notice and instructions shall be translated in all languages required in that county by Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

(4) The elections official shall not reject a vote by mail ballot identified pursuant to subdivision (c) if each of the following conditions is satisfied:

(A) The voter delivers, in person, by mail, by fax, by email, or by email, other means, a signature verification statement signed by the voter and the elections official receives the statement no later than 5 p.m. two days prior to the certification of the election, or the voter, before the close of the polls on election day, completes and submits a signature verification statement to a polling place within the county or a ballot dropoff box.

(B) Upon receipt of the signature verification statement, the elections official shall compare the signature on the statement with the signature on file in the voter's record.

(i) If upon conducting the comparison of signatures the elections official determines that the signatures compare, the elections official shall deposit the

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ballot, still in the identification envelope, in a ballot container in the elections official's office.

(ii) If, under the standards and procedures of subdivision (c), a determination is made that the signatures do not compare, the identification envelope shall not be opened and the ballot shall not be counted. The elections official shall write the cause of the rejection on the face of the identification envelope.

(5) The signature verification statement shall be in substantially the following form and may be included on the same page as the notice and instructions specified in paragraph (2):

“SIGNATURE VERIFICATION STATEMENT

I., am a registered voter of _____ County,
State of California. I declare under penalty of perjury that I requested (or I received) <u>received</u> and returned a vote by mail ballot. I am a resident of the precinct in which I have voted, and I am the person whose name appears on the vote by mail ballot envelope. I understand that if I commit or attempt any fraud in connection with voting, or if I aid or abet fraud or attempt to aid or abet fraud in connection with voting, I may be convicted of a felony punishable by imprisonment for 16 months or two or three years. I understand that my failure to sign this statement means that my vote by mail ballot will be invalidated.
Voter's Signature
Address”

(6) An elections official shall include the vote by mail ballot signature verification statement and instructions provided in this subdivision on the elections official's internet website and shall provide the elections official's mailing address, email address, and facsimile transmission number on the internet web page containing the statement and instructions.

(7) If the elections official determines that the signatures compare, the official shall use the signature in the signature verification statement, even if returned untimely, to update the voter's signature for future elections.

(e) (1) (A) Notwithstanding any other law, if an elections official determines that a voter has failed to sign the identification envelope, the elections official shall not reject the vote by mail ballot if the voter does any of the following:

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(i) Signs the identification envelope at the office of the elections official during regular business hours no later than 5 p.m. two days prior to the certification of the election.

(ii) No later than 5 p.m. two days prior to the certification of the election, completes and submits an unsigned identification envelope statement in substantially the following form:

“UNSIGNED IDENTIFICATION ENVELOPE STATEMENT

I, am a registered voter of _____ County,
State of California. I declare under penalty of perjury that I requested (or I received) <u>received</u> and returned a vote by mail ballot and that I have not and will not vote more than one ballot in this election. I am a resident of the precinct in which I have voted, and I am the person whose name appears on the vote by mail ballot envelope. I understand that if I commit or attempt any fraud in connection with voting, or if I aid or abet fraud or attempt to aid or abet fraud in connection with voting, I may be convicted of a felony punishable by imprisonment for 16 months or two or three years. I understand that my failure to sign this statement means that my vote by mail ballot will be invalidated.
Voter’s Signature
Address”

(iii) Before the close of the polls on election day, completes and submits an unsigned identification envelope statement, in the form described in clause (ii), to a polling place within the county or a ballot dropoff box.

(B) (i) Except as provided in clause (iv), or before the next business day after discovering that a voter has failed to sign the identification envelope, but not later than eight days prior to the certification of the election, the elections official shall send by first-class mail notice and instructions to the voter of the opportunity to provide a signature no later than 5 p.m. two days prior to the certification of the election. The notice shall include a return envelope, with postage paid, for the voter to return the unsigned identification envelope statement.

(ii) Unless required pursuant to Section 3026, the elections official may send additional written notices to a voter identified pursuant to this subdivision, and may also notify the voter in person, by telephone or email, or by other means of the opportunity to provide a signature.

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(iii) Unless required pursuant to Section 3026, the elections official may use any information in the county’s election management system, or otherwise in the election official’s possession, for the purpose of notifying the voter of the opportunity to provide a signature.

(iv) If it is impracticable under the circumstances for the elections official to send the notice described in clause (i) on or before the next business day, including in the event of technological failure, the elections official shall send the notice as soon as practicable, but not later than eight days prior to the certification of the election.

(C) If timely submitted, the elections official shall accept any completed unsigned identification envelope statement. Upon receipt of the unsigned identification envelope statement, the elections official shall compare the voter’s signature on the statement in the manner provided by this section.

(i) If the elections official determines that the signatures compare, the elections official shall attach the unsigned identification envelope statement to the identification envelope and deposit the ballot, still in the identification envelope, in a ballot container in the elections official’s office.

(ii) If, under the standards and procedures of subdivision (c), a determination is made that the signatures do not compare, the identification envelope shall not be opened and the elections official shall provide notice to the voter pursuant to subdivisions (c) and (d).

(D) An elections official may use methods other than those described in subparagraph (A) to obtain a voter’s signature on an unsigned identification envelope: envelope statement.

(2) Instructions shall accompany the unsigned identification envelope statement in substantially the following form:

“READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE STATEMENT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO COUNT.

1. In order to ensure that your vote by mail ballot will be counted, your statement should be completed and returned as soon as possible, but no later than 5 p.m. two days prior to the certification of the election.

2. You must sign your name on the line above (Voter’s Signature).

Amendments or additions to text are shown by underlined italics, and deletions by strikeouts.
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3. Place the statement into the postage-paid return envelope if it is included with these instructions. If a return envelope is not included with these instructions, use your own mailing envelope addressed to your local elections official. Mail, deliver, or have delivered the completed statement to the elections official. If you mail your completed statement using your own envelope, be sure there is sufficient postage and that the address of the elections official is correct.

4. If you do not wish to send the statement by mail or have it delivered, you may submit your completed statement by facsimile or email transmission to your local elections official, or by other electronic means made available by your local elections official, or submit your completed statement to a polling place within the county or a ballot dropoff box before the close of the polls on election day.”

(3) The notice and instructions shall be translated in all languages required in that county by Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

(4) An elections official shall include the unsigned identification envelope statement and instructions described in this subdivision on the elections official’s internet website and shall provide the elections official’s mailing address, email address, and facsimile transmission number on the internet web page containing the statement and instructions.

(f) A local elections official offering other electronic means for submission of a statement described in this section shall establish appropriate privacy and security protocols that ensure that the information transmitted is received directly and securely by the elections official and is only used for the stated purposes of verifying the signature on the voter’s ballot.

(f) (g) A ballot shall not be removed from its identification envelope until the time for processing ballots. A ballot shall not be rejected for cause after the identification envelope has been opened.

(g) (h) For purposes of this section, “certification of the election” means the date the particular elections official submits a certified statement of the results of the election to the governing body pursuant to Section 15372, even if that occurs before the deadline to submit the certified statement of the election results set forth in Section 15372.

(h) (i) In comparing signatures pursuant to this section, including when using signature verification software or other technology, an elections official shall adhere to all applicable regulations promulgated by the Secretary of State.

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SEC. 1.5.**Section 3019 of the Elections Code is amended to read:****3019.**

(a) (1) Upon receiving a vote by mail ballot, the elections official shall compare the signature on the identification envelope with either of the following to determine if the signatures compare:

(A) The signature appearing on the voter's affidavit of registration or any previous affidavit of registration of the voter.

(B) The signature appearing on a form issued by an elections official that contains the voter's signature and that is part of the voter's registration record.

(2) All of the following apply to the comparison of signatures pursuant to this section:

(A) A presumption exists that the signature on the identification envelope, signature verification statement, unsigned identification envelope statement, or provisional ballot envelope is the voter's signature.

(B) An exact match is not required for an elections official to determine that a voter's signature is valid. The fact that signatures share similar characteristics is sufficient to determine that a signature is valid.

(C) Except as provided in subparagraph (D), the elections official shall consider explanations for discrepancies between signatures that are specified in regulations promulgated by the Secretary of State. For purposes of this subparagraph, explanations include a variation in signature style over time and the haste with which a signature is written.

(D) When comparing signatures, an elections official shall not review or consider a voter's party preference, race, or ethnicity.

(E) The elections official may consider characteristics of the written signature that are specified in regulations promulgated by the Secretary of State. For purposes of this subparagraph, characteristics include the slant of the signature, letter formation, and whether the signature is printed or written in cursive.

(F) The elections official may use facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with the law.

(G) In comparing signatures pursuant to this section, an elections official may use signature verification technology. If signature verification technology determines that the signatures do not compare, the signature is subject to the additional procedures described in paragraph (2) of subdivision (c).

(H) The variation of a signature caused by the substitution of initials for the first or middle name, or both, is not grounds for the elections official to determine that the signatures do not compare.

(I) A signature made using a mark such as an "X", "X." or made by a signature stamp, shall be presumed valid and shall be accepted if the signature meets the requirements of Section 354.5.

(b) If upon conducting the comparison of signatures pursuant to

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subdivision (a) the elections official determines that the signatures compare, the elections official shall deposit the ballot, still in the identification envelope, in a ballot container in the elections official's office.

(c) (1) If upon conducting the comparison of signatures pursuant to subdivision (a) the elections official determines that the signature possesses multiple, significant, and obvious differing characteristics when compared to all signatures in the voter's registration record, the signature is subject to the additional procedures described in paragraph (2).

(2) If the elections official makes the determination described in paragraph (1), the signature shall be rejected only if two additional elections officials each find beyond a reasonable doubt that the signature differs in multiple, significant, and obvious respects from all signatures in the voter's registration record. If the officials determine that the signatures do not compare, the identification envelope shall not be opened and the ballot shall not be counted. The elections official shall write the cause of the rejection on the face of the identification envelope only after completing the procedures described in subdivision (d).

(d) (1) (A) Except as provided in subparagraph ~~(D)~~; (E), on or before the next business day after a determination that a voter's signature does not compare pursuant to subdivision (c), but not later than eight days prior to the certification of the election, the elections official shall send by first-class mail notice to the voter of the opportunity to verify the voter's signature no later than 5 p.m. two days prior to the certification of the election. The notice shall include a return envelope, with postage paid, for the voter to return a signature verification statement.

(B) If an elections official has a telephone number or email address on file for a voter whose signature does not compare pursuant to subdivision (c), the elections official shall notify the voter by telephone, a text message, or email of the opportunity to verify the voter's signature. If an elections official calls the voter and the voter does not answer, the elections official shall attempt to leave a voicemail message.

~~(B)~~ (C) Unless required pursuant to Section 3026, the elections official may send additional written notices to a voter identified pursuant to subdivision (c), and may also notify the voter in ~~person, by telephone or email, or~~ person or by other means of the opportunity to verify the voter's signature.

~~(C)~~ (D) Unless required pursuant to Section 3026, the elections official may use any information in a county's election management system, or otherwise in the election elections official's possession, for the purpose of notifying the voter of the opportunity to verify the voter's signature.

~~(D)~~ (E) If it is impracticable under the circumstances for the elections official to send the notice described in subparagraph (A) on or before the next business day, including in the event of technological failure, the elections official shall send the notice as soon as practicable, but not later than eight days prior to the certification of the election.

(2) The notice and instructions shall be in substantially the following form:

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“READ THESE INSTRUCTIONS CAREFULLY. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR VOTE BY MAIL BALLOT NOT TO COUNT.

1. We have determined that the signature you provided on your vote by mail ballot does not compare with the signature(s) on file in your voter record. In order to ensure that your vote by mail ballot will be counted, the signature verification statement must be completed and returned as soon as possible.
2. The signature verification statement must be received by the elections official of the county where you are registered to vote no later than 5 p.m. two days prior to certification of the election.
3. You must sign your name where specified on the signature verification statement (Voter’s Signature).
4. Place the signature verification statement into the postage-paid return envelope if it is included with these instructions. If a return envelope is not included with these instructions, use your own mailing envelope addressed to your local elections official. Mail, deliver, or have the completed statement delivered to the elections official. If you mail your completed statement using your own envelope, be sure there is sufficient postage and that the address of the elections official is correct.
5. If you do not wish to send the signature verification statement by mail or have it delivered, you may submit your completed statement by email or facsimile transmission to your local elections official, or by other electronic means made available by your local elections official, or submit your completed statement to a polling place within the county or a ballot dropoff box before the close of the polls on election day.”

(3) The notice and instructions shall be translated in all languages required in that county by Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

(4) The elections official shall not reject a vote by mail ballot identified

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pursuant to subdivision (c) if each of the following conditions is satisfied:

(A) The voter delivers, in person, by mail, by fax, by email, or by ~~email~~, other means, a signature verification statement signed by the voter and the elections official receives the statement no later than 5 p.m. two days prior to the certification of the election, or the voter, before the close of the polls on election day, completes and submits a signature verification statement to a polling place within the county or a ballot dropoff box.

(B) Upon receipt of the signature verification statement, the elections official shall compare the signature on the statement with the signature on file in the voter's record.

(i) If upon conducting the comparison of signatures the elections official determines that the signatures compare, the elections official shall deposit the ballot, still in the identification envelope, in a ballot container in the elections official's office.

(ii) If, under the standards and procedures of subdivision (c), a determination is made that the signatures do not compare, the identification envelope shall not be opened and the ballot shall not be counted. The elections official shall write the cause of the rejection on the face of the identification envelope.

(5) The signature verification statement shall be in substantially the following form and may be included on the same page as the notice and instructions specified in paragraph (2):

“SIGNATURE VERIFICATION STATEMENT

I,, am a registered voter of _____ County,

State of California. I declare under penalty of perjury that I ~~requested (or I received)~~ received and returned a vote by mail ballot. I am a resident of the precinct in which I have voted, and I am the person whose name appears on the vote by mail ballot envelope. I understand that if I commit or attempt any fraud in connection with voting, or if I aid or abet fraud or attempt to aid or abet fraud in connection with voting, I may be convicted of a felony punishable by imprisonment for 16 months or two or three years. I understand that my failure to sign this statement means that my vote by mail ballot will be invalidated.

Voter's Signature

Address”

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(6) An elections official shall include the vote by mail ballot signature verification statement and instructions provided in this subdivision on the elections official's internet website and shall provide the elections official's mailing address, email address, and facsimile transmission number on the internet web page containing the statement and instructions.

(7) If the elections official determines that the signatures compare, the official shall use the signature in the signature verification statement, even if returned untimely, to update the voter's signature for future elections.

(e) (1) (A) Notwithstanding any other law, if an elections official determines that a voter has failed to sign the identification envelope, the elections official shall not reject the vote by mail ballot if the voter does any of the following:

(i) Signs the identification envelope at the office of the elections official during regular business hours no later than 5 p.m. two days prior to the certification of the election.

(ii) No later than 5 p.m. two days prior to the certification of the election, completes and submits an unsigned identification envelope statement in substantially the following form:

“UNSIGNED IDENTIFICATION ENVELOPE STATEMENT

I, am a registered voter of _____ County,

State of California. I declare under penalty of perjury that I ~~requested (or I received)~~ received and returned a vote by mail ballot and that I have not and will not vote more than one ballot in this election. I am a resident of the precinct in which I have voted, and I am the person whose name appears on the vote by mail ballot envelope. I understand that if I commit or attempt any fraud in connection with voting, or if I aid or abet fraud or attempt to aid or abet fraud in connection with voting, I may be convicted of a felony punishable by imprisonment for 16 months or two or three years. I understand that my failure to sign this statement means that my vote by mail ballot will be invalidated.

Voter's Signature

Address”

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(iii) Before the close of the polls on election day, completes and submits an unsigned identification envelope statement, in the form described in clause (ii), to a polling place within the county or a ballot dropoff box.

(B) (i) Except as provided in clause ~~(iv)~~, (v), or before the next business day after discovering that a voter has failed to sign the identification envelope, but not later than eight days prior to the certification of the election, the elections official shall send by first-class mail notice and instructions to the voter of the opportunity to provide a signature no later than 5 p.m. two days prior to the certification of the election. The notice shall include a return envelope, with postage paid, for the voter to return the unsigned identification envelope statement.

(ii) If an elections official has a telephone number or email address on file for a voter who has failed to sign the identification envelope, the elections official shall notify the voter by telephone, a text message, or email of the opportunity to provide a signature. If an elections official calls the voter and the voter does not answer, the elections official shall attempt to leave a voicemail message.

(ii) ~~(iii)~~ (iii) Unless required pursuant to Section 3026, the elections official may send additional written notices to a voter identified pursuant to this subdivision, and may also notify the voter in ~~person, by telephone or email, or~~ person or by other means of the opportunity to provide a signature.

(iii) ~~(iv)~~ (iv) Unless required pursuant to Section 3026, the elections official may use any information in the county's election management system, or otherwise in the ~~election~~ elections official's possession, for the purpose of notifying the voter of the opportunity to provide a signature.

~~(iv)~~ (v) If it is impracticable under the circumstances for the elections official to send the notice described in clause (i) on or before the next business day, including in the event of technological failure, the elections official shall send the notice as soon as practicable, but not later than eight days prior to the certification of the election.

(C) If timely submitted, the elections official shall accept any completed unsigned identification envelope statement. Upon receipt of the unsigned identification envelope statement, the elections official shall compare the voter's signature on the statement in the manner provided by this section.

(i) If the elections official determines that the signatures compare, the elections official shall attach the unsigned identification envelope statement to the identification envelope and deposit the ballot, still in the identification envelope, in a ballot container in the elections official's office.

(ii) If, under the standards and procedures of subdivision (c), a determination is made that the signatures do not compare, the identification envelope shall not be opened and the elections official shall provide notice to the voter pursuant to subdivisions (c) and (d).

(D) An elections official may use methods other than those

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described in subparagraph (A) to obtain a voter's signature on an unsigned identification envelope: *envelope statement*.

(2) Instructions shall accompany the unsigned identification envelope statement in substantially the following form:

“READ THESE INSTRUCTIONS CAREFULLY BEFORE
COMPLETING THE STATEMENT. FAILURE TO FOLLOW
THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT
NOT TO COUNT.

1. In order to ensure that your vote by mail ballot will be counted, your statement should be completed and returned as soon as possible, but no later than 5 p.m. two days prior to the certification of the election.

2. You must sign your name on the line above (Voter's Signature).

3. Place the statement into the postage-paid return envelope if it is included with these instructions. If a return envelope is not included with these instructions, use your own mailing envelope addressed to your local elections official. Mail, deliver, or have delivered the completed statement to the elections official. If you mail your completed statement using your own envelope, be sure there is sufficient postage and that the address of the elections official is correct.

4. If you do not wish to send the statement by mail or have it delivered, you may submit your completed statement by facsimile or email transmission to your local elections official, or *by other electronic means made available by your local elections official.* or submit your completed statement to a polling place within the county or a ballot dropoff box before the close of the polls on election day.”

(3) The notice and instructions shall be translated in all languages required in that county by Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

(4) An elections official shall include the unsigned identification envelope statement and instructions described in this subdivision on the elections official's internet website and shall provide the elections official's mailing address, email address, and facsimile transmission number on the internet web page containing

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the statement and instructions.

(f) A local elections official offering other electronic means for submission of a statement described in this section shall establish appropriate privacy and security protocols that ensure that the information transmitted is received directly and securely by the elections official and is only used for the stated purposes of verifying the signature on the voter's ballot.

(f) (g) A ballot shall not be removed from its identification envelope until the time for processing ballots. A ballot shall not be rejected for cause after the identification envelope has been opened.

(g) (h) For purposes of this section, "certification of the election" means the date the particular elections official submits a certified statement of the results of the election to the governing body pursuant to Section 15372, even if that occurs before the deadline to submit the certified statement of the election results set forth in Section 15372.

(h) (i) In comparing signatures pursuant to this section, including when using signature verification software or other technology, an elections official shall adhere to all applicable regulations promulgated by the Secretary of State.

(i) (j) An elections official is authorized to use contact information provided on a voter's affidavit of registration to contact a voter for purposes consistent with this section.

SEC. 2.

Section 1.5 of this bill incorporates amendments to Section 3019 of the Elections Code proposed by both this bill and Senate Bill 77. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2024, (2) each bill amends Section 3019 of the Elections Code, and (3) this bill is enacted after Senate Bill 77, in which case Section 1 of this bill shall not become operative.

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.

ELECTIONS: BALLOTS

Assembly Bill 1219 Chapter 676

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Current Provisions

Existing law imposes ballot layout specifications, including specific requirements relating to the placement of certain contests, the size and font of text, and the instructions provided to voters.

Existing law requires a ballot for a recall election for a state officer to include the names of the candidates nominated to succeed the officer sought to be recalled and a space to enter the name of a write-in candidate.

Existing law prohibits casting or counting in any election ballots not printed in accordance with the ballot layout specifications prescribed in state law.

New Provisions

This bill would revise and recast these provisions. The bill would specify the font and location of certain text and would revise the ballot instructions provided to voters. The bill would require those instructions to communicate to voters, in plain language, how to cast a vote in a contest, how to write in a candidate, and what to do if a mistake is made.

This bill would additionally require a ballot for a recall election for a state officer to include instructions explaining that the recall election includes two contests, one for whether to recall the officer and the other for the officer's successor if the recall is successful, and that voters may cast a vote in either or both of those contests.

This bill would instead prohibit casting or counting ballots not printed in substantial compliance with the ballot layout specifications.

To the extent the bill would impose additional duties on county elections officials relating to the preparation of ballots, this bill would create 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.

SECTIONS AFFECTED:**SECTION 1.****Section 301 of the Elections Code is repealed.**

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301.

~~A “ballot” means any of the following:~~

~~(a) The combination of a card with number positions that is marked by the voter and the accompanying reference page or pages containing the names of candidates and the ballot titles of measures to be voted on with numbered positions corresponding to the numbers on the card.~~

~~(b) One or more cards upon which are printed the names of the candidates and the ballot titles of measures to be voted on by punching or marking in the designated area.~~

~~(c) One or more sheets of paper upon which are printed the names of candidates and the ballot titles of measures to be voted on by marking the designated area and that are tabulated manually or by optical scanning equipment.~~

~~(d) (1) An electronic touchscreen upon which appears the names of candidates and ballot titles of measures to be voted on by touching the designated area on the screen for systems that do not contain a paper ballot.~~

~~(2) An electronic touchscreen may qualify as a ballot even for systems that contain paper ballots if the votes are tabulated manually or by optical scanning equipment.~~

SEC. 2.

Section 301 is added to the Elections Code, to read:

301.

(a) A “ballot” is the presentation of the contests consisting of offices and measures, and the candidates and choices to be voted on.

(b) The ballot presentations shall include either of the following:

(1) One or more ballot cards, as defined in Section 302, upon which are printed the names of candidates for each contest and the ballot titles of measures to be voted on by marking the designated area and that are tabulated manually or by optical scanning equipment. The ballot card may include visual graphics and instructions.

(2) An electronic voting system, certified or conditionally approved by the Secretary of State, upon which the names of the candidates for each contest and the ballot titles of measures to be voted on are selected by touching the screen or using other physical controls. The electronic voting system shall print the selections made by the voter, which may be in the form of a list or facsimile of a marked preprinted ballot.

SEC. 3.

Section 302 of the Elections Code is amended to read:

302.

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~~“Ballot card” means a card or a number of cards upon which are printed, or identified by reference to the ballot, the names of candidates for nomination or election to one or more offices or the ballot titles of one or more measures. The ballot card shall also contain proper blank spaces to allow the voter to write in names not printed on the ballot unless a separate write-in ballot is used. The separate write-in ballot may be a paper ballot, a card, or the envelope used to enclose a ballot card. Determination of the format of a separate write-in ballot shall be within the discretion of the elections board. The separate write-in ballot shall provide a blank space followed by the word “office” and a second blank space followed by the word “name” for purposes of facilitating write-in votes for offices for which write-in votes may be cast, or may provide a space for writing in the name followed by a space for punching or slotting in order that the vote may be tabulated. All separate write-in ballots may, in the discretion of the elections board, have attached thereto two stubs that comply with Section 13261 regarding the stubs attached to a ballot card, except that the information required under subparagraphs (C) to (G), inclusive, of paragraph (2) of subdivision (b) of Section 13261 and instructions to voters on how to vote for persons whose names do not appear on the ballot may be printed on the write-in ballot and not upon a stub. Any serial numbers appearing on the write-in ballot stubs need not be identical to the serial numbers appearing on the stubs attached to the ballot card or cards handed to the voter. Sections 13002 to 13006, inclusive, shall not apply to the preparation and composition of separate write-in ballots authorized by this section. Sections 14403 and 14404 shall not apply to separate write-in ballots used in an election in which a punchcard voting system is used. *ballot*.~~

SEC. 4.
Section 303 of the Elections Code is repealed.

303:

~~“Ballot label” means that portion of the ballot containing the names of the candidates or a statement of a measure. For statewide measures, the ballot label shall contain a condensed version of the ballot title and summary, including the fiscal impact summary prepared pursuant to Section 9087 of this code and Section 88003 of the Government Code, that is no more than 75 words, followed by a listing of the names of supporters and opponents in the ballot arguments printed in the state voter information guide as described in Section 9051.~~

SEC. 5.
Section 303 is added to the Elections Code, to read:

303.

“Ballot label” means:

(a) For a candidate, the combination of candidate name and candidate

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designation.

(b) For a statewide measure, a condensed version of the ballot title and summary, including the fiscal impact summary prepared pursuant to Section 9087 of this code and Section 88003 of the Government Code, that is no more than 75 words, followed by a listing of the names of supporters and opponents in the ballot arguments printed in the state voter information guide as described in Section 9051.

(c) For all other measures, the question and statements specified in Section 13119 or the question specified in Section 13120, as applicable.

(d) For an advisory vote, the description as indicated in Section 9603.

SEC. 6.**Section 303.3 of the Elections Code is amended to read:****303.3.**

“Remote accessible vote by mail system” means a mechanical, electromechanical, or electronic system and its software that is used for the sole purpose of marking an electronic vote by mail ballot for a voter ~~with disabilities or a military or overseas voter~~ who shall print the paper cast vote record to be submitted to the elections official. A remote accessible vote by mail system shall not be connected to a voting system at any time.

SEC. 7.**Section 305 of the Elections Code is amended to read:****305.**

~~(a) “Candidate,”~~ (a) “Candidate,” for purposes of Section 2184, includes any person who declares in writing, under penalty of ~~perjury that he or she~~ perjury that the person is a candidate, naming the office.

(b) “Candidate,” as used in Article 1 (commencing with Section 20200) of Chapter 3 of Division 20, means an individual listed on the ballot, or who has qualified to have write-in votes on ~~his or her~~ the individual’s behalf counted by ~~election~~ elections officials, for nomination or for election to any elective state or local office, or who receives a contribution or makes an expenditure or gives ~~his or her~~ the individual’s consent for any other person to receive a contribution or makes an expenditure with a view to bringing about ~~his or her~~ the individual’s nomination or election to any elective state or local office, whether or not the specific elective office for which ~~he or she~~ the individual will seek nomination or election is known at the time the contribution is received or the expenditure is made. The term “candidate” includes any officeholder who is subject to a recall election.

(c) “Candidate for public office,” as used in Chapter 5 (commencing with Section 20400) of Division 20, means an individual who has qualified to have ~~his or her~~ the individual’s name listed on the ballot of any election, or who has qualified

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to have written votes on ~~his or her~~ *the individual's* behalf counted by election officials, for nomination for, or election to, any state, regional, county, municipal, or district office which is filled at an election.

SEC. 8.

Section 6821 of the Elections Code is amended to read:

6821.

For the presidential primary election, the format of the Peace and Freedom Party ballot shall be governed by Chapter 2 (commencing with Section 13100) of Division 13, with the following exceptions:

(a) In place of the heading "Delegates to National Convention, vote for one group only" shall appear the heading "Presidential Preference, vote for one."

(b) Selected and unselected presidential candidates shall be listed below the heading specified in subdivision (a).

(c) Below the presidential candidates shall appear in the same column, or in the next column if there is not sufficient space in the first column, the heading "Delegates to National Convention, vote for one ~~group~~": *group*."

(d) Presidential candidates who have qualified for the ballot and to whom delegations are pledged, and the chairpersons of unpledged delegations which have qualified for the ballot, shall be listed below the heading specified in subdivision (c).

(e) The instructions to voters shall be the same as provided for in Chapter 2 (commencing with Section 13100) of Division 13, except that they shall begin with the words, "To express your preference for a candidate for nomination for President, ~~stamp a cross (+) in the square opposite the name of the candidate.~~ *completely fill in the [voting target] next to the candidate's name.* Your vote in this portion of the ballot is advisory only. Delegates to the national convention will be elected in the delegate selection portion of the ballot."

SEC. 9.

Section 10704 of the Elections Code is amended to read:

10704.

(a) Except as provided in subdivision (b), a special primary election shall be held in the district in which the vacancy occurred on the 9th Tuesday or, if the 9th Tuesday is the day of or the day following a state holiday, the 10th Tuesday preceding the day of the special general election at which the vacancy is to be filled. Candidates at the primary election shall be nominated in the manner set forth in Chapter 1 (commencing with Section 8000) of Part 1 of Division 8, except that nomination papers shall not be circulated more than 73 days before the primary election, shall be left with the county elections official for examination not less than 53 days before the primary election, and shall be filed with the Secretary of State

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not less than 53 days before the primary election.

(b) A special primary election shall be held in the district in which the vacancy occurred on the 10th Tuesday preceding the day of the special general election at which the vacancy is to be filled if both of the following conditions apply:

(1) The 10th Tuesday preceding the day of the special general election is an established election date pursuant to Section 1000.

(2) A statewide or local election occurring wholly or partially within the same territory in which the vacancy exists is scheduled for the 10th Tuesday preceding the day of the special general election.

(c) The sample ballot for a special election shall contain a written explanation of the election procedure for voter-nominated office as specified in subdivision (b) of Section 9083.5. Immediately after the explanation shall be printed the following: "If one candidate receives more than 50% of the votes cast at the special primary election, the candidate will be elected to fill the vacancy and no special general election will be held."

(d) On the ballot for a special election, immediately ~~below the instructions to voters, there shall be a box not less than one-half inch high enclosed by a heavy-ruled line the same as the borderline. This box shall be as long as there are columns for the ballot and shall be set directly above these columns. Within the box shall be printed the words "Voter-Nominated Office."~~ Immediately below that phrase within the same box shall be printed the following: before or above the first contest for a voter-nominated office, the following words shall be printed:

"Voter-Nominated Offices

All voters may vote in these contests.

~~"All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference, may vote for any candidate for a voter-nominated office. The party preference, if any, designated by a candidate is selected by the candidate and is shown for the information of the voters only. It does not imply that the candidate is nominated or endorsed by the party or that the party approves of the candidate." Candidates display a party preference (or None) for the information of voters. This is not a party endorsement or approval."~~

SEC. 10.

Section 11320 of the Elections Code is amended to read:

11320.

The following shall appear on the ballots at every recall election, except in the case of a landowner voting district, with respect to each officer sought to be recalled:

(a) The question "Shall [name of officer sought to be recalled] be recalled (removed) from the office of [title of office]?"

(b) ~~To the right of the~~ Next to the foregoing question, the words "Yes" and "No" on separate lines with ~~an enclosed voting space to the right of~~ a voting target next to each.

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(c) If the officer sought to be recalled holds a voter-nominated office, the officer may elect to have the officer's party preference identified on the ballot. The officer shall inform the Secretary of State whether the officer elects to have a party preference identified on the ballot by the deadline for the officer to file an answer with the Secretary of State pursuant to Section 11023. The Secretary of State shall disseminate this information to all appropriate county elections officials. The statement of party preference shall appear immediately to the right of and on the same line as the officer's name, or immediately below the officer's name if there is not sufficient space to the right of the officer's name, and shall appear in substantially the following form:

(1) If the officer stated a political party preference on the officer's affidavit of registration, the statement shall read: "Party Preference: _____" (inserting the name of the qualified political party stated on the affidavit of registration.) The listed political party preference shall be the political party preference stated on the officer's affidavit of registration at the time the notice of intention is filed with the elections official pursuant to Section 11021.

(2) If the officer did not state a political party preference on the officer's affidavit of registration, the statement shall read: "Party Preference: None."

(3) If the officer elects not to have the officer's political party preference identified on the ballot, or if the officer fails to inform the Secretary of State whether the officer elects to have a party preference identified on the ballot by the deadline for the officer to file an answer with the Secretary of State, the statement of party preference shall not appear on the ballot.

SEC. 11.

Section 11322 of the Elections Code is amended to read:

11322.

In addition to the material contained in Section 11320, the following shall appear on ballots at all recall elections for state officers:

(a) The names of the candidates nominated to succeed the officer sought to be recalled shall appear under each recall question.

(b) Following each list of candidates, the ballot shall provide one blank line with a voting ~~space to the right of it for the voter to write in a name not printed on the ballot.~~ target next to it.

SEC. 12.

Section 11322.5 is added to the Elections Code, to read:

11322.5.

(a) (1) In a recall election for a state officer, additional instructions shall be added to the ballot to communicate the following information:

(A) That there are two contests on the ballot.

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(B) That the two contests are separate and can be voted on independently.

(2) For purposes of subparagraph (B) of paragraph (1), the following instructions are recommended:

“You can vote for the recall question regardless of whether you vote for a replacement candidate.

You can vote for a replacement candidate regardless of whether or how you vote on the recall question.”

(b) The exact wording of the instructions shall be written by the elections official to conform to the actions required by the layout of the ballot.

SEC. 13.

Section 11323 of the Elections Code is amended to read:

11323.

A voter shall indicate, by using the stamp or other marking device to place a mark in the voting space opposite ~~completely selecting the voting target next to~~ either “Yes” or “No”, his “No.” their vote for or against the recall proposal, respectively.

SEC. 14.

Section 13105 of the Elections Code is amended to read:

13105.

(a) In the case of a candidate for a voter-nominated office in a primary election, a general election, or a special election to fill a vacancy in the office of United States Senator, Member of the United States House of Representatives, State Senator, or Member of the Assembly, immediately to the right of and ~~on the same line as the~~ following the name of the candidate, or immediately below the name if there is not sufficient space on the same line to the right of the name, there shall be ~~identified,~~ identified in at least 8-point type, as specified by the Secretary of State, the designation made by the candidate pursuant to Section 8002.5. The identification shall be in substantially the following form:

(1) In the case of a candidate who designated a political party preference pursuant to Section 8002.5, “Party Preference: _____.”

(2) In the case of a candidate who did not state a preference for a political party pursuant to Section 8002.5, “Party Preference: None.”

(b) In the case of candidates for President and Vice President, the name of the party shall appear to the right of and equidistant from the pair of names of these candidates and on the same line as the name of the candidate for President, or immediately below the name of the vice presidential candidate if there is not sufficient space to the right of the name.

(c) If for a general election any candidate for President of the United States or Vice President of the United States has received the nomination of any additional party or parties, the name(s) shall be printed to the right of the name of

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the candidate's own party, or immediately below the name if there is not sufficient space to the right of the name. Party names of a candidate shall be separated by commas. If a candidate has qualified for the ballot by virtue of an independent nomination, the word "Independent" shall be printed instead of the name of a political party in accordance with the above rules.

SEC. 15.

Section 13200 of the Elections Code is amended to read:

13200.

Ballots not printed in ~~accordance~~ substantial compliance with this chapter shall not be cast nor counted at any election.

SEC. 16.

Section 13202 of the Elections Code is amended to read:

13202.

(a) All ballots of the same sort prepared by any county elections official, clerk or secretary of a legislative body, or other person having charge of preparing ballots for the same polling place, shall be precisely the same size, arrangement, quality and tint of paper, and kind of type, and shall be printed with ink of the same tint, so that without the numbers on the stubs it is impossible to distinguish any one of the ballots from the other ballots of the same sort. The names of all candidates printed upon the ballot shall be in type of the same size and character. If there is not sufficient space for a candidate name, the size may be adjusted as close as possible to the size and character of all the other candidate names printed upon the ballot.

(b) The names of all candidates printed upon the ballot shall be in type of the same size and character. If there is not sufficient space for a candidate name, the size may be adjusted as close as possible to the size and character of all the other candidate names printed upon the ballot.

(c) For multilingual ballots, if there is not sufficient space to print candidate names in at least 10-point bold type, as required by Section 13211, the size of candidate names shall be uniformly adjusted to a size that is no less than 8-point type.

SEC. 17.

Section 13203 of the Elections Code is amended to read:

13203.

~~Across At~~ the top of the first page of the ballot shall be printed in ~~boldface capital type not smaller than 30-point~~, the words "OFFICIAL BALLOT." at least 16-point bold type the words "Official Ballot." Beneath this heading, ~~in~~ the name of the

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election shall be printed in at least 12-point bold type and, in the case of a partisan primary election, shall be printed in 18-point boldface capital type the official party designation or the words “NONPARTISAN BALLOT” *“Nonpartisan Ballot” shall be printed,* as applicable. *Beneath* ~~After~~ the heading line or lines, there shall be printed, in boldface type as large as the width of the ballot makes possible, the number of the congressional, Senate, and Assembly district, the *at least 12-point type, the date of the election and, in at least 8-point type, the* name of the county in which the ballot is to be voted, and the date of the election: *voted. The county name may alternatively be displayed in the county seal or logo. In addition, the ballot shall have printed, at the top or bottom of each card, a ballot style identifier or some other means of identifying the number of the congressional, Senate, and Assembly district.*

SEC. 18.

Section 13204 of the Elections Code is repealed.

13204.

(a) ~~The instructions to voters shall be printed below the district designation. The instructions shall begin with the words “INSTRUCTIONS TO VOTERS:” in no smaller than 16-point capital type. Thereafter, there shall be printed in 10-point capital type all of the following directions that are applicable to the ballot: “To vote for a candidate for Chief Justice of California; Associate Justice of the Supreme Court; Presiding Justice, Court of Appeal; or Associate Justice, Court of Appeal, mark the voting target next to the word “Yes.” To vote against that candidate, mark the voting target next to the word “No.” “To vote for any other candidate of your selection, mark the voting target next to the candidate’s name. [When justices of the Supreme Court or Court of Appeal do not appear on the ballot, the instructions referring to voting after the word “Yes” or the word “No” will be deleted and the above sentence shall read: “To vote for a candidate whose name appears on the ballot, mark the voting target next to the candidate’s name.”] Where two or more candidates for the same office are to be elected, place a mark next to the names of all candidates for the office for whom you desire to vote, not to exceed, however, the number of candidates to be elected.” “To vote for a qualified write-in candidate, write the person’s name in the blank space provided for that purpose after the names of the other candidates for the same office.” “To vote on any measure, mark the voting target next to the word “Yes” or next to the word “No.” “Marking the ballot outside of the designated space to vote for a candidate or measure may compromise the secrecy of the ballot.” “If you wrongly mark, tear, or deface this ballot, return it to the precinct board member and obtain another.”~~

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~~“On vote by mail ballots mark with pen or pencil.”~~

~~(b) The instructions to voters shall be separated from the portion of the ballot that contains the various offices and measures to be voted on.~~

SEC. 19.

Section 13204 is added to the Elections Code, to read:

13204.

(a) The instructions to voters shall be printed below the ballot identification and above the contests to be voted on, or in the first column of the ballot as long as no contest is placed below the instructions in that column. The instructions shall be in at least 10-point type and in an area clearly separated from the ballot contests.

(b) (1) The instructions shall be written in plain language to communicate the following information:

(A) How to vote for a candidate or in a contest with “Yes” and “No” options.

(B) How to write in a candidate.

(C) What to do if a mistake is made.

(2) The instructions may also include warnings and checks to help voters mark their ballot correctly and avoid errors. Instructions for specific types of contests are required only if a contest of that type appears on the ballot.

(c) (1) For purposes of the instructions described in this section, the following text is recommended:

“Instructions for voting

To vote for a candidate, completely fill in the [voting target] next to the candidate’s name or the word “Yes” or “No.”

To vote for a qualified write-in candidate, write the name in the blank space provided and fill in the [voting target].

If you make a mistake, [instructions for making a correction] [or ask for a new ballot].

Make sure your vote counts.

Use a [blue or black ballpoint pen].

Do not select more candidates than the number to be elected. You may vote in as many or as few contests as you want.

A mistake in one contest does not affect the rest of the ballot.”

(2) The recommended instructions in paragraph (1) may be modified to apply to the voting system and ballot format in each county, and the administration of elections in that county.

(d) The instructions may be accompanied by illustrations, customized to the ballot design in each county, that show the correct way of marking a selection on the ballot, writing in a candidate name, or correcting a mistake.

SEC. 20.

Section 13206 of the Elections Code is repealed.

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13206.

~~(a) On the partisan ballot used in a direct primary election, immediately below the instructions to voters, there shall be a box. Within the box shall be printed the words "Party-Nominated Offices." Immediately below that phrase within the same box shall be printed the following: "Only voters who disclosed a preference upon registering to vote for the same party as the candidate seeking the nomination of any party for the Presidency or election to a party committee may vote for that candidate at the primary election, unless the party has adopted a rule to permit non-party voters to vote in its primary elections."~~

~~(b) The same style of box described in subdivision (a) shall also appear over the columns of the nonpartisan part of the ballot and within the box in the same style and point size of type shall be printed "Voter-Nominated and Nonpartisan Offices." Immediately below that phrase within the same box shall be printed the following:~~

~~"All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference, may vote for any candidate for a voter-nominated or nonpartisan office. The party preference, if any, designated by a candidate for a voter-nominated office is selected by the candidate and is shown for the information of the voters only. It does not imply that the candidate is nominated or endorsed by the party or that the party approves of the candidate. The party preference, if any, of a candidate for a nonpartisan office does not appear on the ballot."~~

SEC. 21.

Section 13206 is added to the Elections Code, to read:

13206.

(a) (1) On the partisan ballot used in a direct primary election, immediately before or above the contest for President, the following words shall be printed on ballots of parties that require registration as a member of the party to vote in the party's primary election:

"Party-Nominated Offices

Only voters registered as a member of the [name of party] may vote in this primary election for President and party committee."

(2) In the same location, the following words shall be printed on ballots of parties that permit voters who have not disclosed a party preference to vote in the party's primary:

"Party-Nominated Offices

Voters registered as a member of the [name of party] may vote in this primary election for President and party committee. Some parties may allow voters with no party preference to vote in the party's primary election for President."

(3) For voting systems that do not allow variance in instructions, the

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following words shall be printed:

“Party-Nominated Offices

Voters registered as a member of the same party as the candidates may vote in this primary election for President and party committee. Some parties may allow voters with no party preference to vote in the party’s primary election for President.”

(b) Before or above the first voter-nominated contest, the following words shall be printed:

“Voter-Nominated Offices

All voters may vote in these contests.

Candidates display a party preference (or None) for the information of voters. This is not a party endorsement or approval.”

(c) Before or above the first nonpartisan contest, or in the same area as the notice for voter-nominated offices, the following words shall be printed:

“Nonpartisan Offices

All voters may vote in these contests.

Candidates for these offices do not display a party preference.”

SEC. 22.

Section 13206.5 of the Elections Code is amended to read:

13206.5.

(a) (1) On the ballot used in a statewide general election in each year evenly divisible by the number four, immediately ~~below the instructions to voters,~~ there shall be a box. Within the box shall be printed the words “Party-Nominated Offices.” Immediately below that phrase within the same box shall be printed the following: ~~“The party label accompanying the name of a candidate for party-nominated office on the general election ballot means that the candidate is the official nominee of the party shown.”~~ before or above the contest for President, the following words shall be printed:

“Party-Nominated Offices

Candidates for these offices are the official nominee of the party displayed with their name.”

(2) On the ballot used in a statewide general election in each year evenly divisible by the number four, following the portion of the ballot for party-nominated offices, ~~the same style of box described in paragraph (1) shall appear and within the box in the same style and point size of type shall be printed~~ “Voter-Nominated and Nonpartisan Offices.” Immediately below that phrase within the same box shall be printed the following: ~~“All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference, may vote for any candidate for a voter-nominated or nonpartisan office. The party preference, if any, designated by a candidate for a voter-nominated office is selected by the candidate and is shown for the information of the voters only. It does not imply that the candidate is nominated or endorsed by the party or that the party approves of~~

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the candidate. The party preference, if any, of a candidate for a nonpartisan office does not appear on the ballot.” following words shall be printed:

“Voter-Nominated and Nonpartisan Offices

Candidates display a party preference (or None) for the information of voters. This is not a party endorsement or approval.”

(b) On the ballot used in a statewide general election in each even-numbered year that is not evenly divisible by the number four, immediately below the instructions to voters, there shall be a box. Within the box shall be printed the words “Voter-Nominated and Nonpartisan Offices.” Immediately below that phrase within the same box shall be printed the following: “All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference, may vote for any candidate for a voter-nominated or nonpartisan office. The party preference, if any, designated by a candidate for a voter-nominated office is selected by the candidate and is shown for the information of the voters only. It does not imply that the candidate is nominated or endorsed by the party or that the party approves of the candidate. The party preference, if any, of a candidate for a nonpartisan office does not appear on the ballot.” the following words shall be printed:

“Voter-Nominated and Nonpartisan Offices

Candidates display a party preference (or None) for the information of voters. This is not a party endorsement or approval.”

SEC. 23.

Section 13208 of the Elections Code is amended to read:

13208.

(a) ~~In the right-hand margin of each column light vertical lines~~ A voting target shall be printed in such a way as to create a voting target next to the name of each candidate for partisan office, voter-nominated office, nonpartisan office (except for Justice of the Supreme Court or justice of a court of appeal), or for chairperson of a group of candidates for delegate to a national convention who express no preference for a presidential candidate. In the case of Supreme Court or appellate justices and in the case of measures submitted to the voters, the lines shall be printed so as to create voting targets to the right of the words “Yes” and “No.” voting option. The voting targets shall be used by the voters to express their choices as provided for in the instruction to voters.

(b) The standard voting target ~~may be up to one-half inch wide. Voting targets for measures may be as tall as is required by the space occupied by the title and summary.~~ shall be at least 0.12 inches across in either dimension.

(c) As used in this section, “target” means an object designated as the aim for a voter to make a vote selection.

SEC. 24.

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Section 13209 of the Elections Code is amended to read:**13209.**

Whenever a foreign translation of the ballot is required by the federal Voting Rights Act of 1965, as amended by Public Law 94-73, to appear on the ballot as well as the English language version, the ~~ballot, including a ballot reference page or pages as specified in Section 304,~~ ballot may be so designed as to place the foreign translation next to the voting target.

SEC. 25.**Section 13210 of the Elections Code is amended to read:****13210.**

(a) In the case of candidates for delegate to national convention, there shall be printed in ~~boldface type, not smaller than 12-point, across the column above the names of the persons preferred by the groups of candidates for delegates, the~~ at least 10-point bold type, the words, "President of the United States." ~~The words "States" and "Vote for one group only" shall extend to the extreme right-hand margin of the column.~~ only.

(b) In the case of candidates for President and Vice President, the words "Vote for One Party" shall appear just below the heading "President and Vice President" and shall be printed so as to appear above the voting targets for that office. The heading "President and Vice President" shall be printed in ~~boldface 12-point~~ at least 10-point bold type.

(c) In that section of the ballot designated for judicial offices, next to the heading "judicial" shall appear the instruction: "Vote yes or no for each office."

(d) In the case of candidates for Justice of the Supreme Court and court of appeal, within the rectangle provided for each candidate, and immediately above each candidate's name, there shall appear the following: "For (designation of judicial office)." There shall be as many of these headings as there are candidates for these judicial offices. No heading shall apply to more than one judicial office. Underneath each heading shall appear the words "Shall (title and name of Justice) be elected to the office for the term provided by law?"

(e) In the case of all other candidates, each group of candidates to be voted on shall be preceded by the designation of the office for which they are running, and the words "vote for one" or "vote for no more than two," or more, according to the number to be nominated or elected. The designation of the office and the words "vote for" shall be printed flush with the left-hand margin in ~~boldface type not smaller than 8-point.~~ The words, "vote for _____" shall extend to the extreme right-hand margin of the column. ~~The number of candidates to be nominated or elected shall be printed in boldface~~ in at least 9-point bold type. The designation of the office and the directions for voting shall be separated from the candidates by a light line. There shall be no line between the headings for federal

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or legislative offices and the designation of the office and the directions for voting.

SEC. 26.

Section 13211 of the Elections Code is amended to read:

13211.

The names of the candidates shall be printed on the ballot, without indentation, in ~~capital, boldface type not smaller than 8-point:~~ at least 10-point bold type.

SEC. 27.

Section 13211.5 of the Elections Code is amended to read:

13211.5.

(a) Each group of names of candidates for a particular office shall be printed in immediate succession to another group of names of candidates for a particular office so as to avoid unnecessary spacing or gaps in the sequence in which each series of groups of names are listed on the ballot.

(b) ~~If it is necessary to leave spaces-~~ Spaces may be left on the ballot in order to provide for the most efficient and least costly process of printing ballots, the spaces shall be located at the end of a column, page, or ballot card wherever possible: keep an entire contest together in a single column or page, or to manage the arrangement of contests on the ballot.

(c) ~~If due to voting system constraints it is necessary to leave a space between offices on a column, page, or ballot card, and the space exceeds one inch, written instructions and a downward arrow or other visual indicator~~ When a ballot has multiple pages or cards, an instruction shall be printed on the ballot to direct the voter to continue to the next voting space: page or card.

SEC. 28.

Section 13212 of the Elections Code is amended to read:

13212.

Except for a voter-nominated office at a general election, under the designation of each office shall be printed as many blank spaces, defined by light lines: lines, as there are candidates to be nominated or elected to the office.

SEC. 29.

Section 13213 of the Elections Code is amended to read:

13213.

Each group of names of candidates for a particular office shall be separated from the succeeding group. Each series of groups shall be headed by the a caption that reads "President of the United States," "President and Vice President," "State,"

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“United States Senator,” “United States Representative,” “State Senator,” “Member of the State Assembly,” “County,” or “City” or other proper general classification, as the case may be, printed in ~~boldface capital~~ at least 10-point bold type. Each caption shall be separated from the names of the candidates beneath.

SEC. 30.

Section 13214 of the Elections Code is amended to read:

13214.

~~The left-hand side~~ All sides of the first column of names ~~columns~~ on the ballot and the right-hand side of the last column of voting targets on the ballot shall be bordered. The binding or stitching of each package of ballots shall be along the top or head of the ballot. If ballots are to be used on a ballot on demand system or another system that prints content onto ballots, ballots are not required to be bound or stitched.

SEC. 31.

Section 13216 of the Elections Code is repealed.

13216:

~~(a) On each ballot a horizontal non-solid-ruled line shall extend across the top of the ballot below the horizontal perforated line. The same number appearing on the stub shall be printed above the horizontal, non-solid-ruled line on the left side of the ballot. Above this number shall be printed in parentheses in small type as follows: “(This number shall be torn off by a precinct board member and handed to the voter).” The words “I HAVE VOTED—HAVE YOU?” may also be printed immediately above or below the number.~~

~~(b) (1) Next to the ballot number there shall be a short vertical perforated rule or line extending upward from the horizontal non-solid-ruled line to the horizontal perforated line. Immediately above this horizontal non-solid-ruled line shall be printed in boldface lowercase type, at least 12-point in size, enclosed in parentheses, the following: “Fold ballot to this line leaving top margin exposed.”~~

~~(2) Above this printed direction and midway between it and the top edge of the ballot shall be printed in boldface uppercase type, at least 12-point in size, the following: “Mark the ballot with pen or pencil.”~~

~~(3) Below this direction and midway between it and the next line shall be printed in boldface uppercase type, at least 12-point in size, enclosed in parentheses and with the first four and last five words underlined or otherwise made prominent, the following: “(VOTE BY MAIL BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL.)”~~

~~(c) A ballot stub is not required if the information listed in subdivisions (a) and (b) is presented to the voter on a separate form accompanying the ballot.~~

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SEC. 32.

Section 13216 is added to the Elections Code, to read:

13216.

A ballot stub may be used for a ballot. The ballots may contain printed and distinguishing marks if secrecy in voting is protected.

SEC. 33.

Section 13216.5 of the Elections Code is repealed.

~~**13216.5.**~~

~~A ballot stub may be used, but is not required, for a ballot produced on demand if the quantity of ballots produced for the election can be reconciled by the ballot processing method used by the system generating the ballot for use. The ballots may contain printed and distinguishing marks if secrecy in voting is protected.~~

SEC. 34.

Section 13233 of the Elections Code is amended to read:

13233.

In a municipal election, if the number of candidates for an office is such that all of the names will not fit in one column of reasonable length, a double column may be used, and all of the following provisions shall apply:

(a) The space between the two halves of the double column shall be less than that between the double column and any other columns on the ballot, and the lines separating the columns and the two halves of the double column shall be printed so as to emphasize the fact that the candidates in the double column are running for the same office.

(b) The designation of the office and any other words required to be at the top of ~~a single column~~ the contest shall be printed across the top of the entire double column with no dividing line. The words "Vote for one," "Vote for two," or more, as the case may be, shall be centered over the entire double column and shall be printed below any other words at the top of the double column.

(c) The names of the candidates, including the blank space or spaces necessary to permit the voter to write in the names of persons not printed on the ballot, shall be apportioned as equally as possible between the two columns. The odd space, if any, shall be included in the left-hand column.

(d) The double column shall be used for no more than one office and for no more than one term for any office.

(e) The order of names and blank spaces in the double column shall be the same as would apply to a single column with the left-hand side of the double column taken first.

SEC. 35.**Section 13260 of the Elections Code is repealed.****~~43260:~~**

~~In approving ballots and ballot cards, the Secretary of State shall not give his or her approval unless the following are true:~~

~~(a) The size, shape, and texture of the ballot card are suitable for use in the automatic device in which it is intended to be placed.~~

~~(b) The ballot cards are so designed that they can readily be arranged with a section or ballot stub containing the serial number of the ballot and a section with places for the voter to slot or punch holes indicating his or her choices of candidates and votes on measures.~~

~~(c) If the ballot is to consist of two or more series of cards, appropriate provision may be made for identifying the related series which comprise the ballot.~~

SEC. 36.**Section 13261 of the Elections Code is repealed.****~~43261:~~**

~~(a) Each ballot card shall have two stubs attached. The stubs shall be separated from the ballot card and from each other by perforated lines so that they may be readily detached.~~

~~(b) (1) One stub shall have the serial ballot number printed on it, and shall be detached from the remainder of the ballot before it is handed to the voter.~~

~~(2) The second stub shall have printed on it all of the following:~~

~~(A) The same ballot serial number.~~

~~(B) The words "This ballot stub shall be removed and retained by the voter."~~

~~(C) The words "OFFICIAL BALLOT" in uppercase boldface type no smaller than 12 point.~~

~~(D) In primary elections, the party name, e.g., "Democratic Party," or the words "Nonpartisan Ballot," as applicable.~~

~~(E) The name of the county.~~

~~(F) The date of the election.~~

~~(G) Where not otherwise provided, instructions to the voter on how to mark the ballot with the marking device, how to vote for a candidate whose name is not printed on the ballot, and how to secure an additional ballot card if the ballot card is spoiled or marked erroneously.~~

~~(3) If the information listed in subparagraphs (A) to (G), inclusive, of paragraph (2) must also appear in one or more languages other than English under the provisions of the federal Voting Rights Act of 1965 as extended by Public Law 94-73, and there is insufficient room for all the information to be set forth in all the required languages while at the same time appearing in a type size sufficiently~~

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large to be readable, the official in charge of the election may delete information set forth in subparagraphs (E) and (F) of paragraph (2), in the order listed, until there is sufficient room:

(c) In addition to the instructions to voters printed on the ballot or ballot stub, there shall be displayed in each voting booth instructions to voters substantially in the same form and wording as appears on paper ballots. Precinct numbers may also be placed on the ballot.

SEC. 37.

Section 13262 of the Elections Code is repealed.

~~13262.~~

~~(a) The ballot shall contain the same material as to candidates and measures, and shall be printed in the same order as provided for paper ballots, and may be arranged in parallel columns on one or more ballot cards as required, except that the column in which the voter marks his or her choices may be at the left of the names of candidates and the designation of measures.~~

~~(b) If there are a greater number of candidates for an office or for a party nomination for an office than the number whose names can be placed on one pair of facing ballot pages, a series of overlaying pages printed only on the same, single side shall be used, and the ballot shall be clearly marked to indicate that the list of candidates for the office is continued on the following page or pages. If the names of candidates for the office are not required to be rotated, they shall be rotated by groups of candidates in a manner so that the name of each candidate shall appear on each page of the ballot in approximately the same number of precincts as the names of all other candidates.~~

~~(c) Space shall be provided on the ballot or on a separate write-in ballot to permit voters to write in names not printed on the ballot when authorized by law. The size of the voting square and the spacing of the material may be varied to suit the conditions imposed by the use of ballot cards, provided the size of the type is not reduced below the minimum size requirements set forth in Chapter 2 (commencing with Section 13100).~~

~~(d) The statement of measure submitted to the voters may be abbreviated if necessary on the ballot, provided that each and every statement of measures on that ballot is abbreviated. Abbreviation of matters to be voted on throughout the state shall be composed by the Attorney General.~~

SEC. 38.

Section 13263 of the Elections Code is repealed.

~~13263.~~

~~The county voter information guide provided pursuant to Chapter 4 (commencing with Section 13300) shall be printed in either of two formats: (a) booklet form, or~~

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~~(b) on one or more sheets on one or both sides. The county voter information guide shall be printed on white or tinted paper and shall include a substantial facsimile of the ballot, including instructions to voters.~~

SEC. 39.**Section 13264 of the Elections Code is repealed.**~~**13264.**~~

~~If more than one ballot card is used at an election, different tints of cardboard stock or other suitable means may be used for each series of ballot cards to facilitate the sorting of ballots.~~

SEC. 40.**Section 13265 of the Elections Code is repealed.**~~**13265.**~~

~~If the number of offices and measures to be voted upon at an election cannot be accommodated on one ballot card, the elections official may, at his or her discretion, place part of the ballot upon more than one ballot card. He or she may also place part of the ballot upon the ballot card or ballot cards and the remainder upon paper, provided that a single ballot measure or the candidates for a single office may not be so split.~~

SEC. 41.**Section 13266 of the Elections Code is repealed.**~~**13266.**~~

~~If punchcard ballots are used for vote by mail voting, the ballots shall be marked by pencil, or by a marking device that enables the voter to register his or her vote by punching or slotting the ballot card. Counting of punchcard ballots marked by pencil may be as with paper ballots, or a true duplicate copy of each ballot may be prepared using the same procedure as provided by Section 15271. Vote by mail voter ballots so prepared shall be counted by the counting device.~~

SEC. 42.**Section 13267 of the Elections Code is repealed.**~~**13267.**~~

~~If an official ballot consisting of one or more individual ballot cards upon which the names of candidates and measures are printed is used for vote by mail voting, the two stubs specified in Section 13261 may be eliminated from the ballot cards by printing a group style number on each card and by printing the information required by subparagraphs (C), (D), (E), (F), and (G) of paragraph (2) of subdivision (b) of~~

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Section 13261 on a separate form accompanying the official ballot. If the two stubs are not eliminated, the language required by subparagraph (B) of paragraph (2) of subdivision (b) of Section 13261 to be printed on the second stub may be omitted.

SEC. 43.

Section 14284 of the Elections Code is repealed.

14284.

~~(a) All ballots, except vote by mail voter ballots, shall be marked only with the marking device provided by law:~~

~~(b) To prevent voters from marking their ballots with a pen or pencil, at the time of delivering a ballot to a voter, the precinct officer shall distinctly state that the voter shall mark the ballot with the device provided by law or the ballot will not be counted.~~

SEC. 44.

Section 14284 is added to the Elections Code, to read:

14284.

(a) All ballots shall be marked only with the marking device provided by the elections official or, for vote by mail ballots, recommended by the elections official.

(b) If a ballot cannot be tabulated because of the marking device used, it shall be processed as specified in Section 15210.

SEC. 45.

Section 14285 of the Elections Code is repealed.

14285.

~~Where two or more candidates for the same office are to be elected, and the voter desires to vote for candidates for that office, the voter shall, by using the provided marking device, place a mark in the voting square, rectangle, or other specific voting space following the names of the candidates for that office for whom the voter intends to vote, not exceeding, however, the number of candidates to be elected:~~

SEC. 46.

Section 14285 is added to the Elections Code, to read:

14285.

To vote in a contest where two or more candidates for the same office are to be elected, a voter shall mark the voting targets next to the names of the candidates

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of the voter's choice, up to the number of candidates to be elected.

SEC. 47.

Section 14286 of the Elections Code is amended to read:

14286.

When a measure is submitted to the voters, the voter shall place a mark on the ballot in the appropriate space ~~opposite~~ next to the answer the voter desires to give as to that measure. The voter, in marking the ballot, shall use the marking device provided.

SEC. 48.

Section 14443 of the Elections Code is amended to read:

14443.

If ballots are counted by ~~means of electronic, electromechanical, or punchcard device,~~ electronic or electromechanical means, the elections official may provide for early tabulation and announcement of the returns in a manner consistent with the use of the tabulating devices.

SEC. 49.

Section 15210 of the Elections Code is amended to read:

15210.

In preparing the voted ballots for processing, any ballot that is torn, bent, or otherwise defective shall be corrected so that every vote cast by the voter shall be counted by the automatic tabulating equipment. If necessary, a true duplicate copy of the defective ballot shall be made and substituted therefor, following the intention of the voter insofar as it can be ascertained from the defective ballot. All duplicate ballots shall be clearly labeled "~~duplicate,~~" as a duplicate and shall bear a serial number that shall be recorded on the damaged or defective ballot.

SEC. 50.

Section 15211 of the Elections Code is repealed.

~~**15211.**~~

~~If paper ballots are used for vote by mail voting, the canvass may be conducted in accordance with Chapter 1 (commencing with Section 15000), or the elections official may have a true duplicate copy of vote by mail voter paper ballots made on punchcard ballots that shall be verified in the presence of witnesses. After verification the punchcard ballots shall be counted in the same manner as other punchcard ballots.~~

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SEC. 51.**Section 15360 of the Elections Code is amended to read:****15360.**

(a) During the official canvass of every election in which a voting system is used, the ~~official conducting the election~~ elections official shall conduct a public manual tally of the ballots tabulated by those devices, including vote by mail ballots, using either of the following methods:

(1) (A) A public manual tally of the ballots canvassed in the semifinal official canvass, including vote by mail ballots but not including provisional ballots, cast in 1 percent of the precincts chosen at random by the elections official. If 1 percent of the precincts is less than one whole precinct, the tally shall be conducted in one precinct chosen at random by the elections official.

(B) (i) In addition to the 1 percent manual tally, the elections official shall, for each race not included in the initial group of precincts, count one additional precinct. The manual tally shall apply only to the race not previously counted.

(ii) The elections official may, at ~~his or her~~ the elections official's discretion, select additional precincts for the manual tally, which may include vote by mail and provisional ballots.

(2) A two-part public manual tally, which includes both of the following:

(A) A public manual tally of the ballots canvassed in the semifinal official canvass, not including vote by mail or provisional ballots, cast in 1 percent of the precincts chosen at random by the elections official and conducted pursuant to paragraph (1).

(B) (i) A public manual tally of not less than 1 percent of the vote by mail ballots canvassed in the semifinal official canvass. Batches of vote by mail ballots shall be chosen at random by the elections official.

(ii) For purposes of this section, a "batch" means a set of ballots tabulated by the voting system devices, for which the voting system can produce a report of the votes cast.

(iii) (I) In addition to the 1 percent manual tally of the vote by mail ballots, the elections official shall, for each race not included in the initial 1 percent manual tally of vote by mail ballots, count one additional batch of vote by mail ballots. The manual tally shall apply only to the race not previously counted.

(II) The elections official may, at ~~his or her~~ the elections official's discretion, select additional batches for the manual tally, which may include vote by mail and provisional ballots.

~~(b) If vote by mail ballots are cast on a direct recording electronic voting system at the office of an elections official or at a satellite location of the office of an elections official pursuant to Section 3048, the official conducting the election shall either include those ballots in the manual tally conducted pursuant to paragraph (1) or (2) of subdivision (a), or conduct a public manual tally of those ballots cast on no fewer than 1 percent of all the direct recording electronic voting machines~~

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used in that election chosen at random by the elections official:

(~~e~~) (b) The elections official shall use either a random number generator or other method specified in regulations that shall be adopted by the Secretary of State to randomly choose the initial precincts, batches of vote by mail ballots, or direct recording electronic voting machines subject to the public manual tally.

(~~d~~) (c) The elections official shall not randomly choose the initial precincts or select an additional precinct for the manual tally until after the close of the polls on election day.

(~~e~~) (d) The manual tally shall be a public process, with the official conducting the election providing at least a five-day public notice of the time and place of the manual tally and of the time and place of the selection of the precincts, batches, or direct recording electronic voting machines subject to the public manual tally before conducting the selection and tally.

(~~f~~) (e) The ~~official conducting the election~~ elections official shall include a report on the results of the 1 percent manual tally in the certification of the official canvass of the vote. This report shall identify any discrepancies between the machine count and the manual tally and a description of how each of these discrepancies was resolved. In resolving a discrepancy involving a vote recorded by ~~means of a punchcard voting system or by~~ electronic or electromechanical vote tabulating devices, the voter verified paper audit trail shall govern if there is a discrepancy between it and the electronic record.

SEC. 52.

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.

ELECTIONS: DOUBLE VOTING

Assembly Bill 1539 Chapter 692

Current Provisions

Existing law permits a person to vote at any election held within the territory within which the person resides and the election is held if the person is qualified and registered to vote. If a person is entitled to vote at an election, existing law makes voting more than once, or attempting to vote more than once, a crime.

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New Provisions

This bill would make it a misdemeanor for any person to vote or to attempt to vote both in an election held in this state and in an election held in another state on the same date. The bill would not prohibit a voter from voting in an election held in this state and in another state if one of the elections is an election held in a landowner voting district or any other district for which an elector is not required to be a resident of the district. By creating a new crime, this 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 no reimbursement is required by this act for a specified reason.

SECTIONS AFFECTED:**SECTION 1.**

Section 18560.1 is added to the Elections Code, to read:

18560.1.

(a) A person who votes or attempts to vote in an election held in this state and in an election held in another state on the same date shall be guilty of a misdemeanor.

(b) This section does not prohibit a voter from voting in an election held in this state and in an election held in another state on the same date if one of the elections is an election in a landowner voting district or any other district for which an elector is not required to be a resident of the district.

SEC. 2.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

ELECTIONS OMNIBUS BILL**AB 1762****Assembly Bill 1762
Chapter 479****Current Provisions**

Existing law sets forth rules for counting words for the purposes of the Elections Code generally and for the specific purposes of ballot designations. For both purposes, existing law provides that hyphenated words appearing in a generally available standard reference dictionary, as specified, are considered as one word.

Existing law authorizes any county to conduct any election as an all-mailed ballot election if specified conditions apply, including that at least one vote center is provided for every 10,000 registered voters. Existing law authorizes the County of Los Angeles to conduct a vote center election if, among other things, every permanent vote by mail voter receives a ballot.

Existing law authorizes a candidate for elective office to have the designation “incumbent” appear immediately under their name on an election ballot if the candidate is a candidate for the same office that the candidate currently holds by election of the people.

Existing law establishes procedures by which a voter may request a recount of the votes cast in an election and how a voter may contest an election. Former law, which was repealed on January 1, 2019, authorized the Secretary of State to create a postcanvass risk-limiting audit pilot program.

Existing law requires, upon the Governor or Secretary of State ordering a recount, the Secretary of State to notify the elections official of each county and direct the county elections officials to recount all the votes cast for the office or for and against the state ballot measure, as specified.

New Provisions

This bill would provide that for the purposes of counting hyphenated words in the Elections Code, generally, and for the purposes of ballot designations, specifically, reference may be made to a standard reference dictionary published online.

This bill would repeal those provisions relating to the County of Los Angeles and make conforming changes.

This bill would prohibit a candidate who was elected in an at-large election from using this designation if they are a candidate in a district-based election.

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This bill would delete obsolete references to the pilot program.

This bill would make a technical change to this provision.

SECTIONS AFFECTED:

SECTION 1.

Section 9 of the Elections Code is amended to read:

9.

(a) Counting of words, for purposes of this code, shall be as follows:

(1) Punctuation is not counted.

(2) Each word shall be counted as one word except as specified in this section.

(3) All proper nouns, including geographical names, shall be considered as one word; for example, "City and County of San Francisco" shall be counted as one word.

(4) Each abbreviation for a word, phrase, or expression shall be counted as one word.

(5) Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, including a generally available standard reference dictionary published online, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.

(6) Dates shall be counted as one word.

(7) Any number consisting of a digit or digits shall be considered as one word. Any number which is spelled, such as "one," shall be considered as a separate word or words. "One" shall be counted as one word whereas "one hundred" shall be counted as two words. "100" shall be counted as one word.

(8) Telephone numbers shall be counted as one word.

(9) Internet ~~Web site~~ website addresses shall be counted as one word.

(b) This section ~~shall~~ does not apply to counting words for ballot designations under Section 13107.

SEC. 2.

Section 357.5 of the Elections Code is amended to read:

357.5.

"Vote center" means a location established for holding elections that offers the services described in Sections ~~2170, 4005, 2170~~ and ~~4007, 4005~~.

SEC. 3.

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Section 2170 of the Elections Code is amended to read:**2170.**

(a) “Conditional voter registration” means a properly executed affidavit of registration that is delivered by the registrant to the county elections official during the 14 days immediately preceding an election or on election day and which may be deemed effective pursuant to this article after the elections official processes the affidavit, determines the registrant’s eligibility to register, and validates the registrant’s information, as specified in subdivision (c).

(b) In addition to other methods of voter registration provided by this code, an elector who is otherwise qualified to register to vote under this code and Section 2 of Article II of the California Constitution, including military and overseas voters and voters with disabilities, may complete a conditional voter registration and cast a provisional ballot, or nonprovisional ballot under subdivision (f), during the 14 days immediately preceding an election or on election day pursuant to this article.

(c) (1) A conditional voter registration shall be deemed effective if the county elections official is able to determine before or during the canvass period for the election that the registrant is eligible to register to vote and that the information provided by the registrant on the registration affidavit matches information contained in a database maintained by the Department of Motor Vehicles or the federal Social Security Administration.

(2) If the information provided by the registrant on the registration affidavit cannot be verified pursuant to paragraph (1) but the registrant is otherwise eligible to vote, the registrant shall be issued a unique identification number pursuant to Section 2150 and the conditional voter registration shall be deemed effective.

(d) The county elections official shall offer conditional voter registration and voting pursuant to this article, in accordance with all of the following procedures:

(1) The elections official shall provide conditional voter registration and voting pursuant to this article at all permanent and satellite offices of the county elections official and all polling places in the county.

(2) The elections official shall advise registrants that a conditional voter registration will be effective only if the registrant is determined to be eligible to register to vote for the election and the information provided by the registrant on the registration affidavit is verified pursuant to subdivision (c).

(3) The elections official shall conduct the receipt and handling of each conditional voter registration and offer and receive a corresponding ballot in a manner that protects the secrecy of the ballot and allows the elections official to process the registration, determine the registrant’s eligibility to register, and validate the registrant’s information before counting or rejecting the corresponding ballot.

(4) After receiving a conditional voter registration, the elections official shall process the registration, determine the registrant’s eligibility to register, and attempt to validate the registrant’s information.

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(5) If a conditional registration is deemed effective, the elections official shall include the corresponding ballot in the official canvass.

(e) After receiving a conditional voter registration, the elections official shall provide a provisional ballot in accordance with the following procedures:

(1) If the elections office, satellite office, or polling place is equipped with an electronic poll book, or other means to determine the voter's precinct, the elections official shall provide the voter with a ballot for the voter's precinct if the ballot is available. The ballot may be cast by any means available at the elections office, satellite office, or polling place.

(2) If the elections official is unable to determine the voter's precinct, or a ballot for the voter's precinct is unavailable, the elections official shall provide the voter with a ballot and inform the voter that only the votes for the candidates and measures on which the voter would be entitled to vote in the voter's assigned precinct may be counted pursuant to paragraph (3) of subdivision (c) of Section 14310. The ballot may be cast by any means available at the elections office, satellite office, or polling place.

(3) Notwithstanding paragraph (2), if the elections official is able to determine the voter's precinct, but a ballot for the voter's precinct is unavailable, the elections official may inform the voter of the location of the voter's polling place. A voter described in this paragraph shall not be required to vote at the voter's polling place and may instead, at the voter's choosing, cast a ballot pursuant to paragraph (2).

(4) This subdivision does not apply to elections conducted pursuant to Section ~~4005 or 4007~~: 4005.

(f) An elections official may offer a nonprovisional ballot to a registrant if the official does both of the following:

(1) Uses the statewide voter registration database developed in compliance with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.) to do all of the following before issuing the nonprovisional ballot:

(A) Verify that the registrant is deemed eligible to register to vote.

(B) Verify that the registrant has not voted in the state in that election.

(C) Verify that the registrant has not been included on a roster for that election in another county in the state that is not conducting elections pursuant to Section 4005.

(D) Update the voter's record to indicate that the voter has voted in that election.

(2) If the registrant has been included on a roster for that election in that county, the official updates that roster to indicate that the voter has voted and shall not be issued another nonprovisional ballot for that election.

(g) The Secretary of State may adopt emergency regulations to implement this section. The Legislature finds and declares that such regulations are necessary for the immediate preservation of the public peace, health, safety,

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or general welfare because the regulations will ensure that elections officials have sufficient time to ensure that elections are held in a safe and accessible manner.

SEC. 4.

Section 3025.5 of the Elections Code is amended to read:

3025.5.

(a) (1) A county that does not conduct an election pursuant to ~~either Section 4005 or 4007~~ shall provide at least two vote by mail ballot drop-off locations within the jurisdiction where the election is held or at least one vote by mail ballot drop-off location for every 30,000 registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election, whichever results in more vote by mail ballot drop-off locations.

(2) Notwithstanding paragraph (1), for a jurisdiction with fewer than 30,000 registered voters, at least one vote by mail ballot drop-off location shall be provided. The elections official shall make a reasonable effort to provide a vote by mail ballot drop-off location in the jurisdiction where the election is held.

(b) A vote by mail ballot drop-off location provided for under this section consists of a secure, accessible, and locked ballot box located as near as possible to established public transportation routes and that is able to receive voted ballots. All vote by mail ballot drop-off locations shall be open at least during regular business hours beginning not less than 28 days before the day of the election, and on the day of the election.

(c) At least one vote by mail ballot drop-off location shall be an exterior drop box that is available for a minimum of 12 hours per day.

(d) For the purposes of this section, "vote by mail ballot drop-off location" has the same meaning as in Section 3025.

SEC. 5.

Section 3025.7 of the Elections Code is amended to read:

3025.7.

(a) A county that conducts a statewide primary or statewide general election in accordance with Section ~~3025.5, Section 4005, or Section 4007~~ 3025.5 or 4005 shall, in addition to the vote by mail ballot drop-off locations required by those sections, provide the following vote by mail ballot drop-off locations:

(1) The elections official shall designate one location on the main campus of each California State University within the official's jurisdiction for an additional vote by mail ballot drop-off location.

(2) The elections official shall request that the governing body having jurisdiction over any University of California campus within the official's jurisdiction authorize the use of one location on that campus for an additional vote by mail ballot drop-off location. The University of California is encouraged to comply with a

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request made under this paragraph.

(3) A county may, but is not required to, provide a vote by mail ballot drop-off location on a campus in accordance with this subdivision if the campus is not in session for its fall, winter, or spring term on the day of the election.

(b) When selecting ballot drop-off locations required by Section ~~3025.5, Section 4005, or Section 4007~~ 3025.5 or 4005 for a statewide primary or statewide general election, the elections official shall give preference to locations on ~~California Community~~ community college campuses that will be in session for the fall, winter, or spring term on the day of the election, and that have an annual enrollment of at least 10,000 students.

(c) A ballot drop-off location established in accordance with this section shall be accessible to voters with disabilities and shall comply with the general accessibility requirements described in Section 4005.

SEC. 6.**Section 4005 of the Elections Code is amended to read:****4005.**

(a) Notwithstanding Section 4000 or any other law, ~~on or after January 1, 2018, the Counties of Calaveras, Inyo, Madera, Napa, Nevada, Orange, Sacramento, San Luis Obispo, San Mateo, Santa Clara, Shasta, Sierra, Sutter, and Tuolumne, and, except as provided in Section 4007, on or after January 1, 2020,~~ any county may conduct any election as an all-mailed ballot election if all of the following apply:

(1) (A) At least two ballot dropoff locations are provided within the jurisdiction where the election is held or the number of ballot dropoff locations are fixed in a manner so that there is at least one ballot dropoff location provided for every 15,000 registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election, whichever results in more ballot dropoff locations. For purposes of this subparagraph, a vote center that includes an exterior ballot drop box counts only as a single ballot dropoff location. Ballot dropoff locations shall comply with the regulations adopted pursuant to subdivision (b) of Section 3025.

(B) A ballot dropoff location provided for under this section consists of a secure, accessible, and locked ballot box located as near as possible to established public transportation routes and that is able to receive voted ballots. All ballot dropoff locations shall be open at least during regular business hours beginning not less than 28 days before the day of the election, and on the day of the election. At least one ballot dropoff location shall be an accessible, secured, exterior drop box that is available for a minimum of 12 hours per day including regular business hours.

(2) (A) The county elections official permits a voter residing in the county to do any of the following at a vote center:

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(i) Return, or vote and return, the voter's vote by mail ballot.

(ii) Register to vote, update the voter's voter registration, and vote pursuant to Section 2170.

(iii) Receive and vote a provisional ballot pursuant to Section 3016 or Article 5 (commencing with Section 14310) of Chapter 3 of Division 14.

(iv) Receive a replacement ballot upon verification that a ballot for the same election has not been received from the voter by the county elections official. If the county elections official is unable to determine if a ballot for the same election has been received from the voter, the county elections official may issue a provisional ballot.

(v) Vote a regular, provisional, or replacement ballot using accessible voting equipment that provides for a private and independent voting experience.

(B) Each vote center shall have at least three voting machines that are accessible to voters with disabilities.

(3) (A) On the day of the election, from 7 a.m. to 8 p.m., inclusive, and on each of the three days before the election, for a minimum of eight hours per day, at least one vote center is provided for every 10,000 registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election. At least 90 percent of the number of vote centers required by this subparagraph shall be open for all four days during the required times. Up to 10 percent of the number of vote centers required by this subparagraph may be open for less than four days if at least one vote center is provided for every 10,000 registered voters on each day.

(B) Notwithstanding subparagraph (A), for a jurisdiction with fewer than 20,000 registered voters, a minimum of two vote centers are provided on the day of the election and on each of the three days before the election within the jurisdiction where the election is held.

(4) (A) Beginning 10 days before the day of the election and continuing daily up to and including the fourth day before the election, for a minimum of eight hours per day, at least one vote center is provided for every 50,000 registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election.

(B) Notwithstanding subparagraph (A), for a jurisdiction with fewer than 50,000 registered voters, a minimum of two vote centers are provided within the jurisdiction where the election is held.

(C) The vote centers provided under this section are established in accordance with the accessibility requirements described in Article 5 (commencing with Section 12280) of Chapter 3 of Division 12, the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.), and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(D) The vote centers provided under this section are equitably distributed across the county so as to afford maximally convenient options for voters and

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are established at accessible locations as near as possible to established public transportation routes. The vote centers shall be equipped with voting units or systems that are accessible to individuals with disabilities and that provide the same opportunity for access and participation as is provided to voters who are not disabled, including the ability to vote privately and independently in accordance with Sections 12280 and 19240.

(E) (i) The vote centers provided under this section have an electronic mechanism for the county elections official to immediately access, at a minimum, all of the following voter registration data:

- (I) Name.
- (II) Address.
- (III) Date of birth.
- (IV) Language preference.
- (V) Party preference.
- (VI) Precinct.

(VII) Whether or not the voter has been issued a vote by mail ballot and whether or not a ballot has been received by the county elections official.

(ii) The electronic mechanism used to access voter registration data shall not be connected in any way to a voting system.

(5) A method is available for voters with disabilities to request and receive a blank vote by mail ballot and, if a replacement ballot is necessary, a blank replacement ballot that voters with disabilities can read and mark privately and independently pursuant to the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.).

(6) (A) Except as otherwise provided for in this section, election boards for the vote centers established under this section meet the requirements for eligibility and composition pursuant to Article 1 (commencing with Section 12300) of Chapter 4 of Division 12.

(B) Each vote center provides language assistance in all languages required in the jurisdiction under subdivision (c) of Section 12303 or Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) in a manner that enables voters of the applicable language minority groups to participate effectively in the electoral process. Each vote center shall post information regarding the availability of language assistance in English and all other languages for which language assistance is required to be provided in the jurisdiction under subdivision (c) of Section 12303 or Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(i) If a vote center is located in, or adjacent to, a precinct, census tract, or other defined geographical subsection required to establish language requirements under subdivision (c) of Section 12303 or Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), or if it is identified as needing language assistance through the public input process described in clause (ii), the county elections official shall ensure that the vote center is staffed by election

board members who speak the required language. If the county elections official is unable to recruit election board members who speak the required language, alternative methods of effective language assistance shall be provided by the county elections official.

(ii) The county elections official shall solicit public input regarding which vote centers should be staffed by election board members who are fluent in a language in addition to English pursuant to subdivision (c) of Section 12303 and Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(iii) The county elections official shall provide notice in the sample ballot, in vote by mail materials, and on the official's internet website of the specific language services available at each vote center.

(C) Each vote center provides election materials translated in all languages required in the jurisdiction under subdivision (a) of Section 14201 and Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(D) Each vote center provides reasonable modifications and auxiliary aids and services as required by the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 701 et seq.).

(7) (A) Beginning 10 days before the election, the county elections official maintains, in an electronic format, an index of voters who have done any of the following at one of the vote centers established pursuant to this section:

- (i) Registered to vote or updated the voter's voter registration.
- (ii) Received and voted a provisional ballot or replacement ballot.
- (iii) Voted a ballot using equipment at the vote center.

(B) The index required by subparagraph (A) includes the same information for each voter as is required to be included on copies of the roster that are posted pursuant to Section 14294. The index required by subparagraph (A) shall be updated continuously during any time that a vote center is open in the jurisdiction.

(8) (A) No later than 29 days before the day of the election, the county elections official begins mailing to registered voters a vote by mail ballot packet that includes a return envelope with instructions for the use and return of the vote by mail ballot. The county elections official shall have five days to mail a ballot to each person who is registered to vote on the 29th day before the day of the election and five days for each subsequent registered voter. The county elections official shall not discriminate against any region or precinct in the county in choosing which ballots to mail first within the prescribed five-day mailing period.

(B) The county elections official delivers to each voter, with either the sample ballot sent pursuant to Section 13303 or with the vote by mail ballot packet, all of the following:

(i) A notice, translated in all languages required under subdivision (a) of Section 14201 and Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C.

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Sec. 10101 et seq.), that informs voters of all of the following:

(I) An all-mailed ballot election is being conducted and each eligible voter will be issued a vote by mail ballot by mail.

(II) The voter may cast a vote by mail ballot in person at a vote center during the times and days specified in subparagraph (A) of paragraph (4) or on election day.

(III) No later than seven days before the day of the election, the voter may request the county elections official to send a vote by mail ballot in a language other than English pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or a facsimile copy of the ballot printed in a language other than English pursuant to Section 14201.

(IV) No later than seven days before the day of the election, the voter may request the county elections official to send or deliver a ballot that voters with disabilities can read and mark privately and independently pursuant to the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.).

(ii) A list of the ballot dropoff locations and vote centers established pursuant to this section, including the dates and hours they are open. The list shall also be posted on the internet website of the county elections official in a format that is accessible for people with disabilities pursuant to Section 11135 of the Government Code.

(iii) A postage-paid postcard that the voter may return to the county elections official for the purpose of requesting a vote by mail ballot in a language other than English or for the purpose of requesting a vote by mail ballot in an accessible format.

(C) Upon request, the county elections official provides written voting materials to voters with disabilities in an accessible format, as required by the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 701 et seq.).

(9) (A) The county elections official establishes a language accessibility advisory committee that is comprised of representatives of language minority communities. The committee shall be established no later than October 1 of the year before the first election conducted pursuant to this section. The committee shall hold its first meeting no later than April 1 of the year in which the first election is conducted pursuant to this section.

(B) The county elections official establishes a voting accessibility advisory committee that is comprised of voters with disabilities. The committee shall be established no later than October 1 of the year before the first election conducted pursuant to this section. The committee shall hold its first meeting no later than April 1 of the year in which the first election is conducted pursuant to this section.

(C) A county with fewer than 50,000 registered voters may establish a joint advisory committee for language minority communities and voters with disabilities.

(10) (A) The county elections official develops a draft plan for the administration of elections conducted pursuant to this section in consultation with

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the public, including both of the following:

(i) One meeting, publicly noticed at least 10 days in advance of the meeting, that includes representatives, advocates, and other stakeholders representing each community for which the county is required to provide voting materials and assistance in a language other than English under subdivision (a) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(ii) One meeting, publicly noticed at least 10 days in advance of the meeting, that includes representatives from the disability community and community organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities.

(B) The county elections official, when developing the draft plan for the administration of elections conducted pursuant to this section, considers, at a minimum, all of the following:

(i) Vote center and ballot dropoff location proximity to public transportation.

(ii) Vote center and ballot dropoff location proximity to communities with historically low vote by mail usage.

(iii) Vote center and ballot dropoff location proximity to population centers.

(iv) Vote center and ballot dropoff location proximity to language minority communities.

(v) Vote center and ballot dropoff location proximity to voters with disabilities.

(vi) Vote center and ballot dropoff location proximity to communities with low rates of household vehicle ownership.

(vii) Vote center and ballot dropoff location proximity to low-income communities.

(viii) Vote center and ballot dropoff location proximity to communities of eligible voters who are not registered to vote and may need access to same day voter registration.

(ix) Vote center and ballot dropoff location proximity to geographically isolated populations, including Native American reservations.

(x) Access to accessible and free parking at vote centers and ballot dropoff locations.

(xi) The distance and time a voter must travel by car or public transportation to a vote center and ballot dropoff location.

(xii) The need for alternate methods for voters with disabilities for whom vote by mail ballots are not accessible to cast a ballot.

(xiii) Traffic patterns near vote centers and ballot dropoff locations.

(xiv) The need for mobile vote centers in addition to the number of vote centers established pursuant to this section.

(xv) Vote center location on a public or private university or college campus.

(C) The county elections official publicly notices the draft plan for the

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administration of elections conducted pursuant to this section and accepts public comments on the draft plan for at least 14 days before the hearing held pursuant to subparagraph (D).

(D) (i) Following the 14-day review period required by subparagraph (C), the county elections official holds a public meeting to consider the draft plan for the administration of elections conducted pursuant to this section and to accept public comments. The meeting shall be publicly noticed at least 10 days in advance of the meeting on the internet websites of the clerk of the county board of supervisors and the county elections official, or, if neither the clerk of the county board of supervisors nor the county elections official maintain an internet website, in the office of the county elections official.

(ii) After the public hearing to consider the draft plan for the administration of elections conducted pursuant to this section and to accept public comments, the county elections official shall consider any public comments the official receives from the public and shall amend the draft plan in response to the public comments to the extent the official deems appropriate. The county elections official shall publicly notice the amended draft plan and shall accept public comments on the amended draft plan for at least 14 days before the county elections official may adopt the amended draft plan pursuant to subparagraph (E).

(E) (i) Following the 14-day review and comment period required by clause (ii) of subparagraph (D), the county elections official may adopt a final plan for the administration of elections conducted pursuant to this section, and shall submit the voter education and outreach plan that is required by clause (i) of subparagraph (I) to the Secretary of State for approval.

(ii) The Secretary of State shall approve, approve with modifications, or reject a voter education and outreach plan submitted pursuant to clause (i) of subparagraph (I) within 14 days after the plan is submitted by the county elections official.

(iii) The draft plan, the amended draft plan, and the adopted final plan for the administration of elections conducted pursuant to this section shall be posted on the internet website of the county elections official in each language in which the county is required to provide voting materials and assistance under subdivision (a) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), and the Secretary of State's internet website in a format that is accessible for people with disabilities pursuant to Section 11135 of the Government Code.

(F) Public meetings held pursuant to this paragraph shall, upon request, provide auxiliary aids and services to ensure effective communication with people with disabilities.

(G) Within two years of the adoption of the first plan for the administration of elections conducted pursuant to this section, the county elections official shall hold public meetings in accordance with the procedures described in subparagraphs (C) to (F), inclusive, to consider revising the first plan for the administration of elections conducted pursuant to this section. Every four years

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thereafter, the county elections official shall hold public meetings in accordance with the procedures described in subparagraphs (C) to (F), inclusive, to consider revising the plan for the administration of elections conducted pursuant to this section.

(H) (i) With reasonable public notification, a county elections official may amend a plan for the administration of elections conducted pursuant to this section no more than 120 days before the date of an election held pursuant to this section.

(ii) With reasonable public notification, a county elections official may amend a plan for the administration of elections conducted pursuant to this section more than 120 days before the date of an election held pursuant to this section if the official provides at least 30 days to accept public comments on the amended plan.

(I) The plan for the administration of elections conducted pursuant to this section, includes all of the following:

(i) A voter education and outreach plan that is approved by the Secretary of State and that includes all of the following:

(I) A description of how the county elections official will use the media, including social media, newspapers, radio, and television that serve language minority communities for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline.

(II) A description of how the county elections official will use the media, including social media, newspapers, radio, and television for purposes of informing voters of the availability of a vote by mail ballot in an accessible format and the process for requesting such a ballot.

(III) A description of how the county elections official will have a community presence to educate voters regarding the provisions of this section.

(IV) A description of the accessible information that will be publicly available on the accessible internet website of the county elections official.

(V) A description of the method used by the county elections official to identify language minority voters.

(VI) A description of how the county elections official will educate and communicate the provisions of this section to the public, including:

(ia) Communities for which the county is required to provide voting materials and assistance in a language other than English under subdivision (a) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.). The county elections official shall hold at least one bilingual voter education workshop for each language in which the county is required to provide voting materials and assistance in a language other than English under subdivision (a) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(ib) The disability community, including organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities. The county elections official shall hold at least one voter education workshop to

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increase accessibility and participation of eligible voters with disabilities.

(VII) A description of how the county will spend the necessary resources on voter education and outreach to ensure that voters are fully informed about the election. This description shall include information about the amount of money the county plans to spend on voter education and outreach activities under the plan, and how that compares to the amount of money spent on voter education and outreach in recent similar elections in the same jurisdiction that were not conducted pursuant to this section.

(VIII) At least one public service announcement in the media, including newspapers, radio, and television, that serve English-speaking citizens for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline. Outreach made under this subclause shall include access for voters who are deaf or hard of hearing and voters who are blind or visually impaired.

(IX) At least one public service announcement in the media, including newspapers, radio, and television, that serve non-English-speaking citizens for each language in which the county is required to provide voting materials and assistance under subdivision (a) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline.

(X) At least two direct contacts with voters for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline. The two direct contacts are in addition to any other required ~~contacts~~ contacts, including, but not limited to, sample ballots and the delivery of vote by mail ballots.

(ii) A description of how a voter with disabilities may request and receive a blank vote by mail ballot and, if a replacement ballot is necessary, a blank replacement ballot that a voter with disabilities can mark privately and independently.

(iii) A description of how the county elections official will address significant disparities in voter accessibility and participation identified in the report required by subdivision (g).

(iv) A description of the methods and standards that the county elections official will use to ensure the security of voting conducted at vote centers.

(v) Information about estimated short-term and long-term costs and savings from conducting elections pursuant to this section as compared to recent similar elections in the same jurisdiction that were not conducted pursuant to this section.

(vi) To the extent available at the time of publication, information on all of the following:

(I) The total number of vote centers to be established.

(II) The total number of ballot dropoff locations to be established.

(III) The location of each vote center.

(IV) The location of each ballot dropoff location and whether it is inside

or outside.

(V) A map of the locations of each vote center and ballot dropoff location.

(VI) The hours of operation for each vote center.

(VII) The hours of operation for each ballot dropoff location.

(VIII) The security and contingency plans that would be implemented by the county elections official to do both of the following:

(ia) Prevent a disruption of the vote center process.

(ib) Ensure that the election is properly conducted if a disruption occurs.

(IX) The number of election board members and the number of bilingual election board members and the languages spoken.

(X) The services provided to voters with disabilities, including, but not limited to, the type and number of accessible voting machines and reasonable modifications at each vote center.

(XI) The design, layout, and placement of equipment inside each vote center that protects each voter's right to cast a private and independent ballot.

(vii) A toll-free voter assistance hotline that is accessible to voters who are deaf or hard of hearing, and that is maintained by the county elections official that is operational no later than 29 days before the day of the election until 5 p.m. on the day after the election. The toll-free voter assistance hotline shall provide assistance to voters in all languages in which the county is required to provide voting materials and assistance under subdivision (a) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(J) The plan for the administration of elections conducted pursuant to this section is posted in a format that is accessible to persons with disabilities on the internet website of the Secretary of State and on the internet website of the county elections official.

(b) Notwithstanding Section 4000 or any other law, ~~on or after January 1, 2018, the Counties of Calaveras, Inyo, Madera, Napa, Nevada, Orange, Sacramento, San Luis Obispo, San Mateo, Santa Clara, Shasta, Sierra, Sutter, and Tuolumne, and on or after January 1, 2020,~~ any county may conduct a special election as an all-mailed ballot election under this section if all of the following apply:

(1) The county elections official has done either of the following:

(A) Previously conducted an election as an all-mailed ballot election in accordance with subdivision (a).

(B) Adopted a final plan for the administration of elections pursuant to clause (i) of subparagraph (E) of paragraph (10) of subdivision (a), in which case the county elections official shall complete all activities provided for in the voter education and outreach plan that is required by clause (i) of subparagraph (I) of paragraph (10) of subdivision (a) before the day of the special election.

(2) (A) On the day of election, from 7 a.m. to 8 p.m., inclusive, at least one vote center is provided for every 30,000 registered voters. If the jurisdiction is not wholly contained within the county, the county elections official shall make a

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reasonable effort to establish a vote center within the jurisdiction where the special election is held.

(B) Notwithstanding subparagraph (A), for a jurisdiction with fewer than 30,000 registered voters, the county elections official makes a reasonable effort to establish a vote center.

(3) (A) Not less than 10 days before the day of the election, for a minimum of eight hours per day, at least one vote center is provided for every 60,000 registered voters. If the jurisdiction is not wholly contained within the county, the county elections official shall make a reasonable effort to establish a vote center within the jurisdiction where the special election is held.

(B) Notwithstanding subparagraph (A), for a jurisdiction with fewer than 30,000 registered voters, the county elections official makes a reasonable effort to establish a vote center.

(4) (A) At least one ballot dropoff location is provided for every 15,000 registered voters. At least one ballot dropoff location shall be located within the jurisdiction where the special election is held. All ballot dropoff locations shall be open at least during regular business hours beginning not less than 28 days before the day of the election, and on the day of the election.

(B) Notwithstanding subparagraph (A), for a jurisdiction with fewer than 15,000 registered voters, at least one ballot dropoff location shall be provided.

(c) Except as otherwise provided in this section, the election day procedures shall be conducted in accordance with Division 14 (commencing with Section 14000).

(d) The county elections official may provide, at the official's discretion, additional ballot dropoff locations and vote centers for purposes of this section.

(e) The return of voted vote by mail ballots is subject to Sections 3017 and 3020.

(f) For the sole purpose of reporting the results of an election conducted pursuant to this section, upon completion of the ballot count, the county elections official shall divide the jurisdiction into precincts pursuant to Article 2 (commencing with Section 12220) of Chapter 3 of Division 12 and shall prepare a statement of the results of the election in accordance with Sections 15373 and 15374.

(g) (1) (A) Within six months of each election conducted pursuant to this ~~section or Section 4007,~~ section, the Secretary of State shall report to the Legislature, to the extent possible, all of the following information by categories of race, ethnicity, language preference, age, gender, disability, permanent vote by mail status, historical polling place voters, political party affiliation, and language minorities as it relates to the languages required under subdivision (a) of Section 14201 and Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.):

- (i) Voter turnout.
- (ii) Voter registration.
- (iii) Ballot rejection rates.

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- (iv) Reasons for ballot rejection.
- (v) Provisional ballot use.
- (vi) Accessible vote by mail ballot use.
- (vii) The number of votes cast at each vote center.
- (viii) The number of ballots returned at ballot dropoff locations.
- (ix) The number of ballots returned by mail.
- (x) The number of persons who registered to vote at a vote center.
- (xi) Instances of voter fraud.

(xii) Any other problems that became known to the county elections official or the Secretary of State during the election or canvass.

(B) The report required by subparagraph (A) shall be posted on the internet website of the Secretary of State in a format that is accessible for people with disabilities pursuant to Section 11135 of the Government Code.

(C) The report required by subparagraph (A) shall be submitted to the Legislature in compliance with Section 9795 of the Government Code.

(D) If an election is conducted pursuant to this section, the county shall submit, to the extent possible, to the Secretary of State the information needed for the Secretary of State to prepare the report required by subparagraph (A).

(E) The Secretary of State may contract with any qualified person or organization for purposes of preparing the report required by subparagraph (A).

(2) The county elections official shall post on the official's internet website a report that compares the cost of elections conducted pursuant to this section to the costs of previous elections. The report shall be posted in a format that is accessible for people with disabilities pursuant to Section 11135 of the Government Code.

(h) The Secretary of State shall enforce the provisions of this section pursuant to Section 12172.5 of the Government Code.

(i) For purposes of this section, "disability" has the same meaning as defined in subdivisions (j), (m), and (n) of Section 12926 of the Government Code.

SEC. 7.

Section 4005.6 of the Elections Code is amended to read:

4005.6.

An election conducted pursuant to Section 4005 ~~or 4007~~ is subject to the following requirements:

(a) The provisions of Sections 14200 and 14201 that apply to polling places also apply to vote centers.

(b) Prior to every election, the county elections official shall determine if a voter has previously identified a preferred language other than English to the elections official or to the Secretary of State. If the voter's precinct is required to have a facsimile copy of the ballot in the voter's preferred language pursuant to Section 14201, the county elections official shall send to ~~him or her~~ the voter by

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regular mail or electronic mail a facsimile copy of the ballot in that language. The voter shall receive the facsimile copy of the ballot before vote centers open pursuant to subparagraph (A) of paragraph (4) of subdivision (a) of Section 4005. The facsimile copy of the ballot shall be sufficiently distinct in appearance from a regular ballot to prevent voters from attempting to vote on the facsimile copy.

SEC. 8.**Section 4007 of the Elections Code is repealed.****4007.**

~~(a) On or after January 1, 2020, the County of Los Angeles may conduct any election as a vote center election if all of the following apply:~~

~~(1) The county elections official complies with all the provisions of subdivision (a) of Section 4005 that are not inconsistent with this section.~~

~~(2) Every permanent vote by mail voter receives a ballot.~~

~~(3) At least two ballot dropoff locations are provided within the jurisdiction where the election is held or the number of ballot dropoff locations are fixed in a manner so that there is at least one ballot dropoff location provided for every 15,000 permanent vote by mail registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election, whichever results in more ballot dropoff locations.~~

~~(4) Within the jurisdiction where the election is held, at least one vote center is provided for each city that has at least 1,000 registered voters according to the official report of registration submitted by the county elections official to the Secretary of State before the last general election.~~

~~(5) On the day of the election, from 7 a.m. to 8 p.m., inclusive, and on each of the three days before the election, for a minimum of eight hours per day, at least one vote center is provided for every 7,500 registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election. At least 90 percent of the number of vote centers required by this subparagraph shall be open for all four days during the required times. Up to 10 percent of the number of vote centers required by this subparagraph may be open for less than four days if at least one vote center is provided for every 7,500 registered voters on each day.~~

~~(6) Beginning 10 days before the day of the election and continuing up to and including the fourth day before the day of the election, for a minimum of eight hours per day, at least one vote center is provided for every 30,000 registered voters within the jurisdiction where the election is held, as determined on the 88th day before the election.~~

~~(7) Precincts with fewer than 500 registered voters are designated as all vote-by-mail ballot precincts.~~

~~(8) Voters residing in a legislative or congressional district that lies partially within the County of Los Angeles and that also lies within another county~~

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that is conducting an election pursuant to subdivision (a) of Section 4005 receive a vote by mail ballot if they are eligible to vote in that election:

(9) Voters in a precinct that is either more than a 30 minute travel time from a vote center or in which the polling place in the most recent statewide general election is more than 15 miles from the nearest vote center are mailed a vote by mail ballot:

(10) ~~The vote centers are located within a reasonable travel time of registered voters:~~

(11) ~~The county elections official conducts a service area analysis of the vote center plans, identifies services gaps, and publicly reports those findings:~~

(b) ~~Notwithstanding Section 4000 or any other law, on or after January 1, 2020, the County of Los Angeles may conduct a special election as an all-mailed ballot election pursuant to subdivision (b) of Section 4005:~~

(c) ~~No later than four years after conducting the first vote center election pursuant to this section, the County of Los Angeles may conduct all-mailed ballot elections pursuant to Section 4005 and shall not conduct vote center elections pursuant to this section:~~

SEC. 9.

Section 13107 of the Elections Code is amended to read:

13107.

(a) With the exception of candidates for Justice of the State Supreme Court or court of appeal, immediately under the name of each candidate, and not separated from the name by any line, unless the designation made by the candidate pursuant to Section 8002.5 must be listed immediately below the name of the candidate pursuant to Section 13105, and in that case immediately under the designation, may appear at the option of the candidate only one of the following designations:

(1) Words designating the elective city, county, district, state, or federal office which the candidate holds at the time of filing the nomination documents to which ~~he or she~~ the candidate was elected by vote of the people.

(2) The word "incumbent" if the candidate is a candidate for the same office which ~~he or she~~ the candidate holds at the time of filing the nomination papers, and was elected to that office by a vote of the people. *A candidate shall not use the word "incumbent" if the candidate was elected to their office in an at-large election and is a candidate in a district-based election.*

(3) No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents.

(4) The phrase "appointed incumbent" if the candidate holds an office by virtue of appointment, and the candidate is a candidate for election to the same

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office, or, if the candidate is a candidate for election to the same office or to some other office, the word “appointed” and the title of the office. In either instance, the candidate may not use the unmodified word “incumbent” or any words designating the office unmodified by the word “appointed.” However, the phrase “appointed incumbent” shall not be required of a candidate who seeks reelection to an office which ~~he or she~~ the candidate holds and to which ~~he or she~~ the candidate was appointed, as a nominated candidate, in lieu of an election, pursuant to Sections 5326 and 5328 of the Education Code or Section 7228, 7423, 7673, 10229, or 10515 of this code.

(b) (1) Except as specified in paragraph (2), for candidates for judicial office, immediately under the name of each candidate, and not separated from the name by any line, only one of the following designations may appear at the option of the candidate:

(A) Words designating the city, county, district, state, or federal office held by the candidate at the time of filing the nomination documents.

(B) The word “incumbent” if the candidate is a candidate for the same office that ~~he or she~~ the candidate holds at the time of filing the nomination papers.

(C) No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents.

(2) For a candidate for judicial office who is an active member of the State Bar employed by a city, county, district, state, or by the United States, the designation shall appear as one of the following:

(A) Words designating the actual job title, as defined by statute, charter, or other governing instrument.

(B) One of the following ballot designations: “Attorney,” “Attorney at Law,” “Lawyer,” or “Counselor at Law.” The designations “Attorney” and “Lawyer” may be used in combination with one other current principal profession, vocation, or occupation of the candidate, or the principal profession, vocation, or occupation of the candidate during the calendar year immediately preceding the filing of nomination documents.

(3) A designation made pursuant to subparagraph (A) of paragraph (1) or paragraph (2) shall also contain relevant qualifiers, as follows:

(A) If the candidate is an official or employee of a city, the name of the city shall appear preceded by the words “City of.”

(B) If the candidate is an official or employee of a county, the name of the county shall appear preceded by the words “County of.”

(C) If the candidate is an official or employee of a city and county, the name of the city and county shall appear preceded by the words “City and County.”

(D) If the candidate performs quasi-judicial functions for a governmental agency, the full name of the agency shall be included.

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(c) A candidate for superior court judge who is an active member of the State Bar and practices law as one of ~~his or her~~ the candidate's principal professions shall use one of the following ballot designations as ~~his or her~~ the candidate's ballot designation: "Attorney," "Attorney at Law," "Lawyer," or "Counselor at Law." The designations "Attorney" and "Lawyer" may be used in combination with one other current principal profession, vocation, or occupation of the candidate, or the principal profession, vocation, or occupation of the candidate during the calendar year immediately preceding the filing of nomination documents.

(d) For purposes of this section, all California geographical names shall be considered to be one word. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, including a generally available standard reference dictionary published online, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.

(e) The Secretary of State and any other elections official shall not accept a designation of which any of the following would be true:

(1) It would mislead the voter.

(2) It would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.

(3) It abbreviates the word "retired" or places it following any word or words which it modifies.

(4) It uses a word or prefix, such as "former" or "ex-," which means a prior status. The only exception is the use of the word "retired."

(5) It uses the name of any political party, whether or not it has qualified for the ballot.

(6) It uses a word or words referring to a racial, religious, or ethnic group.

(7) It refers to any activity prohibited by law.

(f) If, upon checking the nomination documents and the ballot designation worksheet described in Section 13107.3, the elections official finds the designation to be in violation of any of the restrictions set forth in this section, the elections official shall notify the candidate by registered or certified mail return receipt requested, addressed to the mailing address provided on the candidate's ballot designation worksheet.

(1) The candidate shall, within three days, excluding Saturday, Sunday, and state holidays, from the date ~~he or she~~ the candidate receives notice by registered or certified mail, or from the date the candidate receives actual notice of the violation, whichever occurs first, appear before the elections official or, in the case of the Secretary of State, notify the Secretary of State by telephone, and provide a designation that complies with subdivision (a) or (b).

(2) If a candidate fails to provide a designation that complies with subdivision (a) or (b) within the three-day period specified in paragraph (1), a designation shall not appear after the candidate's name.

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(g) A designation given by a candidate shall not be changed by the candidate after the final date for filing nomination documents, except as specifically requested by the elections official as specified in subdivision (f) or as provided in subdivision (h). The elections official shall maintain a copy of the ballot designation worksheet for each candidate that appears on the ballot in the county for the same period of time as applied to nomination documents pursuant to Section 17100.

(h) The designation shall remain the same for all purposes of both primary and general elections, unless the candidate, at least 98 days before the general election, requests in writing a different designation which the candidate is entitled to use at the time of the request.

(i) In all cases, the words so used shall be printed in a manner consistent with the space requirements of Sections 13207 and 13211.

(j) If a foreign language translation of a candidate's designation is required under the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), as amended, to appear on the ballot in addition to the English language version, it shall be as short as possible, as consistent as is practicable with this section, and shall employ abbreviations and initials wherever possible in order to avoid undue length.

SEC. 10.

Section 14212 of the Elections Code is amended to read:

14212.

The polls shall be open at 7 a.m. of the day of any election, and shall be kept open until 8 p.m. of the same day, when the polls shall be closed, except as provided in Sections ~~4005, 4007,~~ 4005 and 14401.

SEC. 11.

Section 15621 of the Elections Code is amended to read:

15621.

(a) Following completion of the official canvass any voter may, within five days beginning on the 31st day after a statewide election, file with the Secretary of State a written request for a recount of the votes cast for candidates for any statewide office or for or against any measure voted on statewide. ~~Additionally, any voter may file with the Secretary of State a written request for a recount of the votes cast for candidates for any statewide office or for or against any measure voted on statewide within five days following completion of any postcanvass risk-limiting audit conducted pursuant to Section 15560. A request~~ *The request* filed pursuant to this section shall specify in which county or counties the recount is sought and shall specify on behalf of which candidate, slate of electors, or position on a measure (affirmative or negative) it is filed.

(b) The Secretary of State shall forthwith send by registered mail one

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copy of the request to the elections official of each county in which a recount of the votes is sought.

(c) All the other provisions of this article shall apply to recounts conducted under this section.

SEC. 12.

Section 15646 of the Elections Code is amended to read:

15646.

(a) Upon the Governor or Secretary of State ordering a recount pursuant to subdivision (a) of Section 15645, the Secretary of State shall notify the elections official of each county and shall direct the county elections officials to recount all the votes cast for the office or for and against the state ballot measure.

(b) (1) While conducting a recount pursuant to Section 15645, a county elections official shall also review ballots rejected pursuant to Section 15154 to ensure that no ballots were improperly discarded during the initial canvass.

(2) The process of reviewing rejected ballots pursuant to subdivision (a) shall be open to members of the public, including persons associated with a campaign or measure.

(c) The elections official in each county shall complete a recount pursuant to this section as follows:

(1) In a primary election, by three business days before the Secretary of State issues the certified list of candidates for the associated general election pursuant to Section ~~8120~~: 8148.

(2) In a general election, within 60 days of the Governor or Secretary of State ordering the recount.

SEC. 13.

Section 16401 of the Elections Code is amended to read:

16401.

The contestant shall verify the statement of contest, as provided by Section 446 of the Code of Civil Procedure, and shall file it within the following times after either the declaration of the result of the election ~~or the declaration of the results of any postcanvass risk-limiting audit conducted pursuant to Section 15560~~ by the body canvassing the returns thereof:

(a) In cases other than cases of a tie, where the contest is brought on any of the grounds mentioned in subdivision (c) of Section 16100, six months.

(b) In all cases of tie, 20 days.

(c) In cases involving presidential electors, 10 days.

(d) In all other cases, 30 days.

SEC. 14.

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Section 16421 of the Elections Code is amended to read:**16421.**

The affidavit shall be filed in the office of the clerk of the superior court having jurisdiction within five days after ~~either the completion of the official canvass or the completion of any postcanvass risk-limiting audit conducted pursuant to Section 45560~~ by the county last making the declaration. In the case of an office for which candidates are certified for the ballot by the Secretary of State, or in the case of a statewide ballot measure, the superior court having jurisdiction shall be the Superior Court for the County of Sacramento.

DECLARATION OF CANDIDACY: NOTARY

Senate Bill 25**Chapter 26****Current Provisions**

Existing law requires a candidate for public office to file a declaration of candidacy that contains, among other things, the residence address of the candidate. Existing law requires the declaration to be subscribed and sworn before a notary public or other official.

New Provisions

This bill would authorize a candidate who will not be in the State of California during the entire nomination period to appear before a notary public of another state to complete the declaration of candidacy, as specified.

SECTIONS AFFECTED:**SECTION 1.****Section 8040 of the Elections Code is amended to read:****8040.**

(a) The declaration of candidacy by a candidate shall be substantially as follows:

DECLARATION OF CANDIDACY

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SB 25

I hereby declare myself a candidate for nomination to the office of _____
District Number _____ to be voted for at the primary election to be held
_____, 20__, and declare the following to be true:

My name is .

I want my name and occupational designation to appear on the ballot as
follows: _____.

Addresses:

Residence

Business

Mailing

Telephone numbers: Day _____ Evening _____

Web site: _____ Internet
website: _____

I meet the statutory and constitutional qualifications for this office (including,
but not limited to, citizenship, residency, and party preference, if required).

I am at present an incumbent of the following public office

(if any) _____.

If nominated, I will accept the nomination and not withdraw.

Signature of candidate

A candidate for voter-nominated office shall also complete all of the
following:

(1) I hereby certify that:

(a) At the time of presentation of this declaration, as shown by my current
affidavit of registration, I have disclosed the following political party
preference, if any: .

(b) My complete voter registration and party affiliation/preference history,
from [10 years prior to current year] through the date of signing this
document, is as follows:

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Party Registration	County	Timeframe (by year)
(2) Pursuant to Section 8002.5 of the Elections Code, select one of the following:		
_____ Party Preference: _____ (insert the name of the qualified political party as disclosed upon your affidavit of registration).		
_____ Party Preference: None (if you have declined to disclose a preference for a qualified political party upon your affidavit of registration).		
		Dated this ____ day of _____, 20__.
		Signature of candidate

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

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SB 25

County of _____) ss.	
)	

Subscribed and sworn to before me this ____ day of _____, 20____.

Signature of Notary Public (or other official)

Notary Public Seal

Examined and certified by me this _____ day of _____, 20____.

County Elections Official

WARNING: Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any declaration of candidacy in ~~his or her~~ the person's possession which is entitled to be filed under the provisions of the Elections Code Section 18202.

(b) At the discretion of the elections ~~official,~~ official, a candidate for a judicial office, or a candidate for any office whose voter registration information is confidential under Section 2166, 2166.5, or 2166.7, may withhold ~~his or her~~ the candidate's residence address from the declaration of candidacy. If a candidate does not state ~~his or her~~ the candidate's residence address on the declaration of candidacy, the elections official shall verify whether the candidate's address is within the appropriate political subdivision and add the notation "verified" where appropriate on the declaration.

(c) If a candidate will not be within the State of California during the entire nomination period and is unable to appear before a notary public appointed by the Secretary of State or other California official to complete their declaration of candidacy, the candidate may appear before a notary public in another state to complete the declaration of candidacy. The candidate shall attach to their declaration of candidacy a notarial certificate from the out-of-state notary that complies with the law of the notary's state.

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VOTING: SIGNATURE VERIFICATION: NOTICE**Senate Bill 77
Chapter 701****Current Provisions**

Existing law requires a county elections official, upon receiving a vote by mail ballot, to compare the signature on the identification envelope with the voter's signature appearing on specified voter registration records. If the elections official determines that the signatures do not match, or if the identification envelope does not contain a signature, existing law requires the elections official to mail a notice to the voter, no later than 8 days before the certification of the election, of the opportunity to verify the voter's signature or provide a signature, as applicable.

New Provisions

This bill would require the elections official to additionally notify the voter by telephone, a text message, or email, if the elections official has a telephone number or email address for the voter on file. By increasing the duties of county elections officials, this bill would create a state-mandated local program.

This bill would incorporate additional changes to Section 3019 of the Elections Code proposed by AB 1037 to be operative only if this bill and AB 1037 are enacted and this bill is enacted last.

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.

SECTIONS AFFECTED:**SECTION 1.****Section 3019 of the Elections Code is amended to read:****3019.**

(a) (1) Upon receiving a vote by mail ballot, the elections official shall compare the signature on the identification envelope with either of the following to determine if the signatures compare:

(A) The signature appearing on the voter's affidavit of registration or any previous affidavit of registration of the voter.

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(B) The signature appearing on a form issued by an elections official that contains the voter's signature and that is part of the voter's registration record.

(2) All of the following apply to the comparison of signatures pursuant to this section:

(A) A presumption exists that the signature on the identification envelope, signature verification statement, unsigned identification envelope statement, or provisional ballot envelope is the voter's signature.

(B) An exact match is not required for an elections official to determine that a voter's signature is valid. The fact that signatures share similar characteristics is sufficient to determine that a signature is valid.

(C) Except as provided in subparagraph (D), the elections official shall consider explanations for discrepancies between signatures that are specified in regulations promulgated by the Secretary of State. For purposes of this subparagraph, explanations include a variation in signature style over time and the haste with which a signature is written.

(D) When comparing signatures, an elections official shall not review or consider a voter's party preference, race, or ethnicity.

(E) The elections official may consider characteristics of the written signature that are specified in regulations promulgated by the Secretary of State. For purposes of this subparagraph, characteristics include the slant of the signature, letter formation, and whether the signature is printed or written in cursive.

(F) The elections official may use facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with the law.

(G) In comparing signatures pursuant to this section, an elections official may use signature verification technology. If signature verification technology determines that the signatures do not compare, the signature is subject to the additional procedures described in paragraph (2) of subdivision (c).

(H) The variation of a signature caused by the substitution of initials for the first or middle name, or both, is not grounds for the elections official to determine that the signatures do not compare.

(I) A signature made using a mark such as an "~~X~~", "X", or made by a signature stamp, shall be presumed valid and shall be accepted if the signature meets the requirements of Section 354.5.

(b) If upon conducting the comparison of signatures pursuant to subdivision (a) the elections official determines that the signatures compare, the elections official shall deposit the ballot, still in the identification envelope, in a ballot container in the elections official's office.

(c) (1) If upon conducting the comparison of signatures pursuant to subdivision (a) the elections official determines that the signature possesses multiple, significant, and obvious differing characteristics when compared to all signatures in the voter's registration record, the signature is subject to the additional procedures described in paragraph (2).

(2) If the elections official makes the determination described in paragraph

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(1), the signature shall be rejected only if two additional elections officials each find beyond a reasonable doubt that the signature differs in multiple, significant, and obvious respects from all signatures in the voter's registration record. If the officials determine that the signatures do not compare, the identification envelope shall not be opened and the ballot shall not be counted. The elections official shall write the cause of the rejection on the face of the identification envelope only after completing the procedures described in subdivision (d).

(d) (1) (A) Except as provided in subparagraph ~~(D)~~; (E), on or before the next business day after a determination that a voter's signature does not compare pursuant to subdivision (c), but not later than eight days prior to the certification of the election, the elections official shall send by first-class mail notice to the voter of the opportunity to verify the voter's signature no later than 5 p.m. two days prior to the certification of the election. The notice shall include a return envelope, with postage paid, for the voter to return a signature verification statement.

(B) If an elections official has a telephone number or email address on file for a voter whose signature does not compare pursuant to subdivision (c), the elections official shall notify the voter by telephone, a text message, or email of the opportunity to verify the voter's signature. If an elections official calls the voter and the voter does not answer, the elections official shall attempt to leave a voicemail message.

~~(B)~~ (C) Unless required pursuant to Section 3026, the elections official may send additional written notices to a voter identified pursuant to subdivision (c), and may also notify the voter in ~~person, by telephone or email, or~~ person or by other means of the opportunity to verify the voter's signature.

(G) (D) Unless required pursuant to Section 3026, the elections official may use any information in a county's election management system, or otherwise in the ~~election~~ elections official's possession, for the purpose of notifying the voter of the opportunity to verify the voter's signature.

~~(D)~~ (E) If it is impracticable under the circumstances for the elections official to send the notice described in subparagraph (A) on or before the next business day, including in the event of technological failure, the elections official shall send the notice as soon as practicable, but not later than eight days prior to the certification of the election.

(2) The notice and instructions shall be in substantially the following form:

"READ THESE INSTRUCTIONS CAREFULLY. FAILURE TO
FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR VOTE BY
MAIL BALLOT NOT TO COUNT.

1. We have determined that the signature you provided on your vote by mail ballot does not compare with the signature(s) on file in your voter record. In order to ensure that your vote by mail ballot will be counted, the signature verification statement must be completed and returned as soon as possible.
2. The signature verification statement must be received by the elections official of the county where you are registered to vote no later than 5 p.m. two days prior to certification of the election.
3. You must sign your name where specified on the signature verification statement (Voter's Signature).
4. Place the signature verification statement into the postage-paid return envelope if it is included with these instructions. If a return envelope is not included with these instructions, use your own mailing envelope addressed to your local elections official. Mail, deliver, or have the completed statement delivered to the elections official. If you mail your completed statement using your own envelope, be sure there is sufficient postage and that the address of the elections official is correct.
5. If you do not wish to send the signature verification statement by mail or have it delivered, you may submit your completed statement by email or facsimile transmission to your local elections official, or submit your completed statement to a polling place within the county or a ballot dropoff box before the close of the polls on election day."

(3) The notice and instructions shall be translated in all languages required in that county by Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

(4) The elections official shall not reject a vote by mail ballot identified pursuant to subdivision (c) if each of the following conditions is satisfied:

(A) The voter delivers, in person, by mail, by fax, or by email, a signature verification statement signed by the voter and the elections official receives the statement no later than 5 p.m. two days prior to the certification of the election, or the voter, before the close of the polls on election day, completes and submits a signature verification statement to a polling place within the county or a ballot dropoff box.

(B) Upon receipt of the signature verification statement, the elections official shall compare the signature on the statement with the signature on file in the voter's record.

(i) If upon conducting the comparison of signatures the elections official determines that the signatures compare, the elections official shall deposit the

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ballot, still in the identification envelope, in a ballot container in the elections official's office.

(ii) If, under the standards and procedures of subdivision (c), a determination is made that the signatures do not compare, the identification envelope shall not be opened and the ballot shall not be counted. The elections official shall write the cause of the rejection on the face of the identification envelope.

(5) The signature verification statement shall be in substantially the following form and may be included on the same page as the notice and instructions specified in paragraph (2):

"SIGNATURE VERIFICATION STATEMENT
I, am a registered voter of _____ County,
State of California. I declare under penalty of perjury that I requested (or I received) and returned a vote by mail ballot. I am a resident of the precinct in which I have voted, and I am the person whose name appears on the vote by mail ballot envelope. I understand that if I commit or attempt any fraud in connection with voting, or if I aid or abet fraud or attempt to aid or abet fraud in connection with voting, I may be convicted of a felony punishable by imprisonment for 16 months or two or three years. I understand that my failure to sign this statement means that my vote by mail ballot will be invalidated.
Voter's Signature
Address"

(6) An elections official shall include the vote by mail ballot signature verification statement and instructions provided in this subdivision on the elections official's internet website and shall provide the elections official's mailing address, email address, and facsimile transmission number on the internet web page containing the statement and instructions.

(7) If the elections official determines that the signatures compare, the official shall use the signature in the signature verification statement, even if returned untimely, to update the voter's signature for future elections.

(e) (1) (A) Notwithstanding any other law, if an elections official determines that a voter has failed to sign the identification envelope, the elections official shall not reject the vote by mail ballot if the voter does any of the following:

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(i) Signs the identification envelope at the office of the elections official during regular business hours no later than 5 p.m. two days prior to the certification of the election.

(ii) No later than 5 p.m. two days prior to the certification of the election, completes and submits an unsigned identification envelope statement in substantially the following form:

“UNSIGNED IDENTIFICATION ENVELOPE STATEMENT

I, am a registered voter of _____ County,

State of California. I declare under penalty of perjury that I requested (or I received) and returned a vote by mail ballot and that I have not and will not vote more than one ballot in this election. I am a resident of the precinct in which I have voted, and I am the person whose name appears on the vote by mail ballot envelope. I understand that if I commit or attempt any fraud in connection with voting, or if I aid or abet fraud or attempt to aid or abet fraud in connection with voting, I may be convicted of a felony punishable by imprisonment for 16 months or two or three years. I understand that my failure to sign this statement means that my vote by mail ballot will be invalidated.

Voter’s Signature

Address”

(iii) Before the close of the polls on election day, completes and submits an unsigned identification envelope statement, in the form described in clause (ii), to a polling place within the county or a ballot dropoff box.

(B) (i) Except as provided in clause ~~(iv)~~, (v), or before the next business day after discovering that a voter has failed to sign the identification envelope, but not later than eight days prior to the certification of the election, the elections official shall send by first-class mail notice and instructions to the voter of the opportunity to provide a signature no later than 5 p.m. two days prior to the certification of the election. The notice shall include a return envelope, with postage paid, for the voter to return the unsigned identification envelope statement.

(ii) If an elections official has a telephone number or email address on file for a voter who has failed to sign the identification envelope, the elections official shall notify the voter by telephone, a text message, or email of the opportunity to provide a signature. If an elections official calls the voter and the voter does not

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answer, the elections official shall attempt to leave a voicemail message.

~~(ii)~~ (iii) Unless required pursuant to Section 3026, the elections official may send additional written notices to a voter identified pursuant to this subdivision, and may also notify the voter in ~~person, by telephone or email, or~~ person or by other means of the opportunity to provide a signature.

~~(iii)~~ (iv) Unless required pursuant to Section 3026, the elections official may use any information in the county's election management system, or otherwise in the ~~election~~ elections official's possession, for the purpose of notifying the voter of the opportunity to provide a signature.

~~(iv)~~ (v) If it is impracticable under the circumstances for the elections official to send the notice described in clause (i) on or before the next business day, including in the event of technological failure, the elections official shall send the notice as soon as practicable, but not later than eight days prior to the certification of the election.

(C) If timely submitted, the elections official shall accept any completed unsigned identification envelope statement. Upon receipt of the unsigned identification envelope statement, the elections official shall compare the voter's signature on the statement in the manner provided by this section.

(i) If the elections official determines that the signatures compare, the elections official shall attach the unsigned identification envelope statement to the identification envelope and deposit the ballot, still in the identification envelope, in a ballot container in the elections official's office.

(ii) If, under the standards and procedures of subdivision (c), a determination is made that the signatures do not compare, the identification envelope shall not be opened and the elections official shall provide notice to the voter pursuant to subdivisions (c) and (d).

(D) An elections official may use methods other than those described in subparagraph (A) to obtain a voter's signature on an unsigned identification envelope.

(2) Instructions shall accompany the unsigned identification envelope statement in substantially the following form:

“READ THESE INSTRUCTIONS CAREFULLY BEFORE
COMPLETING THE STATEMENT. FAILURE TO FOLLOW
THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT
NOT TO COUNT.

1. In order to ensure that your vote by mail ballot will be counted, your statement should be completed and returned as soon as possible, but no later than 5 p.m. two days prior to the certification of the election.

2. You must sign your name on the line above (Voter's Signature).

3. Place the statement into the postage-paid return envelope if it is included with these instructions. If a return envelope is not included with these instructions, use your own mailing envelope addressed to your local elections official. Mail, deliver, or have delivered the completed statement to the elections official. If you mail your completed statement using your own envelope, be sure there is sufficient postage and that the address of the elections official is correct.

4. If you do not wish to send the statement by mail or have it delivered, you may submit your completed statement by facsimile or email transmission to your local elections official, or submit your completed statement to a polling place within the county or a ballot dropoff box before the close of the polls on election day.”

(3) The notice and instructions shall be translated in all languages required in that county by Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

(4) An elections official shall include the unsigned identification envelope statement and instructions described in this subdivision on the elections official's internet website and shall provide the elections official's mailing address, email address, and facsimile transmission number on the internet web page containing the statement and instructions.

(f) A ballot shall not be removed from its identification envelope until the time for processing ballots. A ballot shall not be rejected for cause after the identification envelope has been opened.

(g) For purposes of this section, “certification of the election” means the date the particular elections official submits a certified statement of the results of the election to the governing body pursuant to Section 15372, even if that occurs before the deadline to submit the certified statement of the election results set forth in Section 15372.

(h) In comparing signatures pursuant to this section, including when using signature verification software or other technology, an elections official shall adhere to all applicable regulations promulgated by the Secretary of State.

(i) An elections official is authorized to use contact information provided on a voter's affidavit of registration to contact a voter for purposes consistent with this section.

SEC. 1.5.

Amendments or additions to text are shown by underlined italics, and deletions by strikeouts.

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Section 3019 of the Elections Code is amended to read:**3019.**

(a) (1) Upon receiving a vote by mail ballot, the elections official shall compare the signature on the identification envelope with either of the following to determine if the signatures compare:

(A) The signature appearing on the voter's affidavit of registration or any previous affidavit of registration of the voter.

(B) The signature appearing on a form issued by an elections official that contains the voter's signature and that is part of the voter's registration record.

(2) All of the following apply to the comparison of signatures pursuant to this section:

(A) A presumption exists that the signature on the identification envelope, signature verification statement, unsigned identification envelope statement, or provisional ballot envelope is the voter's signature.

(B) An exact match is not required for an elections official to determine that a voter's signature is valid. The fact that signatures share similar characteristics is sufficient to determine that a signature is valid.

(C) Except as provided in subparagraph (D), the elections official shall consider explanations for discrepancies between signatures that are specified in regulations promulgated by the Secretary of State. For purposes of this subparagraph, explanations include a variation in signature style over time and the haste with which a signature is written.

(D) When comparing signatures, an elections official shall not review or consider a voter's party preference, race, or ethnicity.

(E) The elections official may consider characteristics of the written signature that are specified in regulations promulgated by the Secretary of State. For purposes of this subparagraph, characteristics include the slant of the signature, letter formation, and whether the signature is printed or written in cursive.

(F) The elections official may use facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with the law.

(G) In comparing signatures pursuant to this section, an elections official may use signature verification technology. If signature verification technology determines that the signatures do not compare, the signature is subject to the additional procedures described in paragraph (2) of subdivision (c).

(H) The variation of a signature caused by the substitution of initials for the first or middle name, or both, is not grounds for the elections official to determine that the signatures do not compare.

(I) A signature made using a mark such as an "~~X~~", "X," or made by a signature stamp, shall be presumed valid and shall be accepted if the signature meets the requirements of Section 354.5.

(b) If upon conducting the comparison of signatures pursuant to subdivision (a) the elections official determines that the signatures compare, the

elections official shall deposit the ballot, still in the identification envelope, in a ballot container in the elections official's office.

(c) (1) If upon conducting the comparison of signatures pursuant to subdivision (a) the elections official determines that the signature possesses multiple, significant, and obvious differing characteristics when compared to all signatures in the voter's registration record, the signature is subject to the additional procedures described in paragraph (2).

(2) If the elections official makes the determination described in paragraph (1), the signature shall be rejected only if two additional elections officials each find beyond a reasonable doubt that the signature differs in multiple, significant, and obvious respects from all signatures in the voter's registration record. If the officials determine that the signatures do not compare, the identification envelope shall not be opened and the ballot shall not be counted. The elections official shall write the cause of the rejection on the face of the identification envelope only after completing the procedures described in subdivision (d).

(d) (1) (A) Except as provided in subparagraph ~~(D)~~; (E), on or before the next business day after a determination that a voter's signature does not compare pursuant to subdivision (c), but not later than eight days prior to the certification of the election, the elections official shall send by first-class mail notice to the voter of the opportunity to verify the voter's signature no later than 5 p.m. two days prior to the certification of the election. The notice shall include a return envelope, with postage paid, for the voter to return a signature verification statement.

(B) If an elections official has a telephone number or email address on file for a voter whose signature does not compare pursuant to subdivision (c), the elections official shall notify the voter by telephone, a text message, or email of the opportunity to verify the voter's signature. If an elections official calls the voter and the voter does not answer, the elections official shall attempt to leave a voicemail message.

~~(B) (C)~~ Unless required pursuant to Section 3026, the elections official may send additional written notices to a voter identified pursuant to subdivision (c), and may also notify the voter in person, ~~by telephone or email, or~~ person or by other means of the opportunity to verify the voter's signature.

~~(C) (D)~~ Unless required pursuant to Section 3026, the elections official may use any information in a county's election management system, or otherwise in the election elections official's possession, for the purpose of notifying the voter of the opportunity to verify the voter's signature.

~~(D) (E)~~ If it is impracticable under the circumstances for the elections official to send the notice described in subparagraph (A) on or before the next business day, including in the event of technological failure, the elections official shall send the notice as soon as practicable, but not later than eight days prior to the certification of the election.

(2) The notice and instructions shall be in substantially the following form:

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“READ THESE INSTRUCTIONS CAREFULLY. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR VOTE BY MAIL BALLOT NOT TO COUNT.

1. We have determined that the signature you provided on your vote by mail ballot does not compare with the signature(s) on file in your voter record. In order to ensure that your vote by mail ballot will be counted, the signature verification statement must be completed and returned as soon as possible.
2. The signature verification statement must be received by the elections official of the county where you are registered to vote no later than 5 p.m. two days prior to certification of the election.
3. You must sign your name where specified on the signature verification statement (Voter’s Signature).
4. Place the signature verification statement into the postage-paid return envelope if it is included with these instructions. If a return envelope is not included with these instructions, use your own mailing envelope addressed to your local elections official. Mail, deliver, or have the completed statement delivered to the elections official. If you mail your completed statement using your own envelope, be sure there is sufficient postage and that the address of the elections official is correct.
5. If you do not wish to send the signature verification statement by mail or have it delivered, you may submit your completed statement by email or facsimile transmission to your local elections official, or by other electronic means made available by your local elections official, or submit your completed statement to a polling place within the county or a ballot dropoff box before the close of the polls on election day.”

(3) The notice and instructions shall be translated in all languages required in that county by Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

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(4) The elections official shall not reject a vote by mail ballot identified pursuant to subdivision (c) if each of the following conditions is satisfied:

(A) The voter delivers, in person, by mail, by fax, by email, or by ~~email~~, other means, a signature verification statement signed by the voter and the elections official receives the statement no later than 5 p.m. two days prior to the certification of the election, or the voter, before the close of the polls on election day, completes and submits a signature verification statement to a polling place within the county or a ballot dropoff box.

(B) Upon receipt of the signature verification statement, the elections official shall compare the signature on the statement with the signature on file in the voter's record.

(i) If upon conducting the comparison of signatures the elections official determines that the signatures compare, the elections official shall deposit the ballot, still in the identification envelope, in a ballot container in the elections official's office.

(ii) If, under the standards and procedures of subdivision (c), a determination is made that the signatures do not compare, the identification envelope shall not be opened and the ballot shall not be counted. The elections official shall write the cause of the rejection on the face of the identification envelope.

(5) The signature verification statement shall be in substantially the following form and may be included on the same page as the notice and instructions specified in paragraph (2):

"SIGNATURE VERIFICATION STATEMENT

I, am a registered voter of _____ County,
State of California. I declare under penalty of perjury that I requested (or I received) <u>received</u> and returned a vote by mail ballot. I am a resident of the precinct in which I have voted, and I am the person whose name appears on the vote by mail ballot envelope. I understand that if I commit or attempt any fraud in connection with voting, or if I aid or abet fraud or attempt to aid or abet fraud in connection with voting, I may be convicted of a felony punishable by imprisonment for 16 months or two or three years. I understand that my failure to sign this statement means that my vote by mail ballot will be invalidated.
Voter's Signature

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Address”

(6) An elections official shall include the vote by mail ballot signature verification statement and instructions provided in this subdivision on the elections official’s internet website and shall provide the elections official’s mailing address, email address, and facsimile transmission number on the internet web page containing the statement and instructions.

(7) If the elections official determines that the signatures compare, the official shall use the signature in the signature verification statement, even if returned untimely, to update the voter’s signature for future elections.

(e) (1) (A) Notwithstanding any other law, if an elections official determines that a voter has failed to sign the identification envelope, the elections official shall not reject the vote by mail ballot if the voter does any of the following:

(i) Signs the identification envelope at the office of the elections official during regular business hours no later than 5 p.m. two days prior to the certification of the election.

(ii) No later than 5 p.m. two days prior to the certification of the election, completes and submits an unsigned identification envelope statement in substantially the following form:

“UNSIGNED IDENTIFICATION ENVELOPE STATEMENT

I,, am a registered voter of _____ County,

State of California. I declare under penalty of perjury that I ~~requested (or I received)~~ received and returned a vote by mail ballot and that I have not and will not vote more than one ballot in this election. I am a resident of the precinct in which I have voted, and I am the person whose name appears on the vote by mail ballot envelope. I understand that if I commit or attempt any fraud in connection with voting, or if I aid or abet fraud or attempt to aid or abet fraud in connection with voting, I may be convicted of a felony punishable by imprisonment for 16 months or two or three years. I understand that my failure to sign this statement means that my vote by mail ballot will be invalidated.

Voter’s Signature

Address”

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(iii) Before the close of the polls on election day, completes and submits an unsigned identification envelope statement, in the form described in clause (ii), to a polling place within the county or a ballot dropoff box.

(B) (i) Except as provided in clause ~~(iv)~~, (v), or before the next business day after discovering that a voter has failed to sign the identification envelope, but not later than eight days prior to the certification of the election, the elections official shall send by first-class mail notice and instructions to the voter of the opportunity to provide a signature no later than 5 p.m. two days prior to the certification of the election. The notice shall include a return envelope, with postage paid, for the voter to return the unsigned identification envelope statement.

(ii) If an elections official has a telephone number or email address on file for a voter who has failed to sign the identification envelope, the elections official shall notify the voter by telephone, a text message, or email of the opportunity to provide a signature. If an elections official calls the voter and the voter does not answer, the elections official shall attempt to leave a voicemail message.

~~(ii) (iii)~~ Unless required pursuant to Section 3026, the elections official may send additional written notices to a voter identified pursuant to this subdivision, and may also notify the voter in ~~person, by telephone or email, or~~ person or by other means of the opportunity to provide a signature.

~~(iii) (iv)~~ Unless required pursuant to Section 3026, the elections official may use any information in the county's election management system, or otherwise in the ~~election~~ elections official's possession, for the purpose of notifying the voter of the opportunity to provide a signature.

~~(iv) (v)~~ If it is impracticable under the circumstances for the elections official to send the notice described in clause (i) on or before the next business day, including in the event of technological failure, the elections official shall send the notice as soon as practicable, but not later than eight days prior to the certification of the election.

(C) If timely submitted, the elections official shall accept any completed unsigned identification envelope statement. Upon receipt of the unsigned identification envelope statement, the elections official shall compare the voter's signature on the statement in the manner provided by this section.

(i) If the elections official determines that the signatures compare, the elections official shall attach the unsigned identification envelope statement to the identification envelope and deposit the ballot, still in the identification envelope, in a ballot container in the elections official's office.

(ii) If, under the standards and procedures of subdivision (c), a determination is made that the signatures do not compare, the identification envelope shall not be opened and the elections official shall provide notice to the voter pursuant to subdivisions (c) and (d).

(D) An elections official may use methods other than those described in subparagraph (A) to obtain a voter's signature on an unsigned identification envelope: envelope statement.

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(2) Instructions shall accompany the unsigned identification envelope statement in substantially the following form:

“READ THESE INSTRUCTIONS CAREFULLY BEFORE
COMPLETING THE STATEMENT. FAILURE TO FOLLOW
THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT
TO COUNT.

1. In order to ensure that your vote by mail ballot will be counted, your statement should be completed and returned as soon as possible, but no later than 5 p.m. two days prior to the certification of the election.
2. You must sign your name on the line above (Voter’s Signature).
3. Place the statement into the postage-paid return envelope if it is included with these instructions. If a return envelope is not included with these instructions, use your own mailing envelope addressed to your local elections official. Mail, deliver, or have delivered the completed statement to the elections official. If you mail your completed statement using your own envelope, be sure there is sufficient postage and that the address of the elections official is correct.
4. If you do not wish to send the statement by mail or have it delivered, you may submit your completed statement by facsimile or email transmission to your local elections official, or by other electronic means made available by your local elections official. or submit your completed statement to a polling place within the county or a ballot dropoff box before the close of the polls on election day.”

(3) The notice and instructions shall be translated in all languages required in that county by Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

(4) An elections official shall include the unsigned identification envelope statement and instructions described in this subdivision on the elections official’s internet website and shall provide the elections official’s mailing address, email address, and facsimile transmission number on the internet web page containing the statement and instructions.

(f) A local elections official offering other electronic means for submission of a statement described in this section shall establish appropriate privacy and

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security protocols that ensure that the information transmitted is received directly and securely by the elections official and is only used for the stated purposes of verifying the signature on the voter's ballot.

~~(f)~~ (g) A ballot shall not be removed from its identification envelope until the time for processing ballots. A ballot shall not be rejected for cause after the identification envelope has been opened.

~~(g)~~ (h) For purposes of this section, "certification of the election" means the date the particular elections official submits a certified statement of the results of the election to the governing body pursuant to Section 15372, even if that occurs before the deadline to submit the certified statement of the election results set forth in Section 15372.

~~(h)~~ (i) In comparing signatures pursuant to this section, including when using signature verification software or other technology, an elections official shall adhere to all applicable regulations promulgated by the Secretary of State.

(j) An elections official is authorized to use contact information provided on a voter's affidavit of registration to contact a voter for purposes consistent with this section.

SEC. 2.

Section 3026 of the Elections Code is amended to read:

3026.

(a) The Secretary of State shall promulgate regulations establishing guidelines for county elections officials relating to the processing of vote by mail ballots.

(b) The Secretary of State shall evaluate the necessity for procedures that will protect voters' personally identifying information from elections observers present during the signature comparison process specified in Section 3019. These procedures may be included in the regulations promulgated pursuant to this section.

(c) (1) The Secretary of State shall evaluate the cost and necessity of requiring an elections official to use information in the county's election management system, or otherwise in the elections official's possession, for the purpose of notifying a voter of the opportunity to verify a signature pursuant to subdivision (d) of Section 3019 or to provide a signature pursuant to subdivision (e) of Section 3019. Based on this review, the Secretary of State may impose these requirements in regulations promulgated pursuant to this section.

(2) The Secretary of State shall evaluate the cost and necessity of requiring an elections official to send the additional written notices to voters specified in subparagraph ~~(B)~~ (C) of paragraph (1) of subdivision (d) of, and clause ~~(ii)~~ (iii) of subparagraph (B) of paragraph (1) of subdivision (e) ~~of~~ of, Section 3019. Based on this review, the Secretary of State may impose these requirements in regulations promulgated pursuant to this section.

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(d) When promulgating or amending regulations pertaining to signature comparison pursuant to Section 3019, the Secretary of State shall consult with recognized elections experts, voter access and advocacy stakeholders, and local elections officials.

SEC. 3.

Section 1.5 of this bill incorporates amendments to Section 3019 of the Elections Code proposed by both this bill and Assembly Bill 1037. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2024, (2) each bill amends Section 3019 of the Elections Code, and (3) this bill is enacted after Assembly Bill 1037, in which case Section 1 of this bill shall not become operative.

SEC. 4.

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.

ELECTIONS: INITIATIVES AND REFERENDA: WITHDRAWAL

Senate Bill 297 Chapter 483

Current Provisions

Existing law authorizes the proponents of a statewide initiative or referendum measure to withdraw the measure after filing the initiative or referendum petition with the appropriate elections official at any time before the Secretary of State certifies that the measure has qualified for the ballot, as provided. Existing law requires, for the withdrawal of an initiative or referendum measure after the petition has been filed with the appropriate elections official, all of the proponents to file a written notice with the Secretary of State to withdraw the measure.

New Provisions

This bill would instead require a majority of the proponents to file a written notice with the Secretary of State to withdraw the statewide initiative or referendum measure after the petition has been filed with the appropriate elections official. The bill would also authorize the proponents of a statewide initiative or referendum measure to file a notice of withdrawal with the Secretary of State that is contingent

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upon the enactment of a particular legislative measure, as specified. The bill would require the Secretary of State to deem a written notice of contingent withdrawal of a statewide initiative or referendum effective if the legislative measure identified in the notice is enacted and given a chapter number by the Secretary of State before the Secretary of State has certified that the statewide initiative or referendum measure has qualified for the ballot, as specified. If the legislative measure is not given a chapter number by the Secretary of State before the Secretary of State has certified that the statewide initiative or referendum measure has qualified for the ballot, as specified, or is amended after the notice of contingent withdrawal is filed, the withdrawal of the initiative or referendum measure would not be given effect.

SECTIONS AFFECTED:

SECTION 1.

Section 9604 of the Elections Code is amended to read:

9604.

(a) (1) Notwithstanding any other law, any person may engage in good faith bargaining between competing interests to secure legislative approval of matters embraced in a statewide or local initiative or referendum measure, and the proponents may, as a result of these negotiations, withdraw the measure at any time before filing the petition with the appropriate elections official.

(2) Withdrawal of a statewide initiative or referendum measure pursuant to paragraph (1) shall be effective upon receipt by the Secretary of State of a written notice of withdrawal, signed by all proponents of the measure.

(3) Withdrawal of a local initiative or referendum measure pursuant to paragraph (1) shall be effective upon receipt by the appropriate local elections official of a written notice of withdrawal, signed by all proponents of the measure.

(b) (1) In addition to the procedure under subdivision (a), the proponents of a statewide initiative or referendum measure may withdraw the measure after filing the petition with the appropriate elections official at any time before the Secretary of State certifies that the measure has qualified for the ballot pursuant to Section 9033.

~~(e) (2) Withdrawal~~ Except as provided in subdivision (c), withdrawal of a statewide initiative or referendum measure after filing the petition with the appropriate elections official shall be effective upon receipt by the Secretary of State of a written notice of withdrawal, signed by at least a majority of the proponents of the measure.

(c) (1) After filing the petition with the appropriate elections official at any time before the Secretary of State certifies that a statewide initiative or referendum measure has qualified for the ballot pursuant to Section 9033, the proponents may file with the Secretary of State a written notice of withdrawal that is contingent on the enactment of a particular legislative measure. In the written notice, the proponents shall identify the publication date of the most recent version of the

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legislative measure. The Secretary of State shall reject any notice of contingent withdrawal that is contingent on any action other than the enactment of a particular legislative measure.

(2) The Secretary of State shall deem a written notice of contingent withdrawal of a statewide initiative or referendum measure to be effective if the legislative measure identified in the notice is enacted and given a chapter number by the Secretary of State before the Secretary of State certifies that the statewide initiative or referendum measure has qualified for the ballot pursuant to Section 9033.

(3) (A) If the legislative measure is not given a chapter number by the Secretary of State before the Secretary of State certifies that the statewide initiative or referendum measure has qualified for the ballot pursuant to Section 9033, or if it is amended after the notice is filed with the Secretary of State, the notice of contingent withdrawal shall not be effective.

(B) If the contingent withdrawal fails pursuant to subparagraph (A), the proponents may file a new notice of contingent withdrawal at any time before the Secretary of State certifies that the initiative or referendum measure has qualified for the ballot.

(4) The proponents may file a written notice with the Secretary of State to cancel the contingent withdrawal at any time before the legislative measure is enacted and given a chapter number by the Secretary of State.

(5) A contingent withdrawal, or a cancellation of a contingent withdrawal, filed with the Secretary of State pursuant to this subdivision shall be signed by at least a majority of the proponents of the initiative or referendum measure.

(6) Notwithstanding any provision of this subdivision, the proponents of a statewide initiative or referendum measure may file a written notice pursuant to subdivision (b) to withdraw the measure at any time before the Secretary of State certifies that the measure has qualified for the ballot. A notice of withdrawal filed pursuant to subdivision (b) shall take precedence over any notice of contingent withdrawal on file with the Secretary of State pursuant to this subdivision.

(d) ~~Withdrawal—~~The proponents of a local statewide initiative or referendum measure shall be effective upon receipt by the appropriate local elections official of may file a written notice of withdrawal, signed by all proponents of the measure, withdrawal pursuant to subdivisions (b) or (c) with the Secretary of State no later than 5 p.m. on the day the Secretary of State certifies that the statewide initiative or referendum measure has qualified for the ballot pursuant to Section 9033.

ELECTIONS**Senate Bill 386
Chapter 870**

SB 386

Current Provisions

Existing law establishes procedures for the filing of a state initiative or referendum petition with county elections officials and for county elections officials and the Secretary of State to determine the validity and numerical sufficiency of the signatures submitted with the petition. Under existing law, if the number of signatures filed with all county elections officials is 100% or more of the number of signatures required, the Secretary of State is required to immediately notify county elections officials, who must then preliminarily determine the number of qualified voters who signed the petition, including by use of random sampling if the number of signatures exceeds 500. Thereafter, if the random sampling shows that the number of valid signatures is within 95 to 110% of the requisite number of qualified voters, the Secretary of State must order the examination and verification of the signatures filed, and within 30 days of this order, as specified, the elections official must determine the number of qualified voters who signed the petition.

Existing law also permits an elections official to use a random sampling method to determine the number of qualified voters who signed a county, city, or special district initiative or referendum petition, or a local recall petition, if the number of signatures on the petition exceeds 500. If an elections official uses this method and if a specified percentage of valid signatures is demonstrated, the elections official must complete the determination of the number of qualified voters, in the case of a county, city, or special district petition, within 60 days of the date the petition was filed, as specified, and in the case of a local recall petition, within 30 days of the date the petition was filed, as specified.

Existing law requires a person, to be included on the ballot as a candidate for municipal office, to obtain nomination papers from a city elections official and submit the nomination papers, with a requisite number of signatures, by no later than the 88th day before the election.

Existing law prescribes the required content of ballots. Existing law requires ballots to contain specified instructions for voters in presidential elections.

New Provisions

This bill would, with respect to an elections official using the random sampling method to verify signatures for any of the above petitions, extend by 30 days the period within which the official must complete their determination of the number of qualified voters, except when this extension could cause a recall election to be

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ineligible for consolidation with the next regularly scheduled election, as specified.

This bill would require a city elections official to post or publish specified election information no later than 3 days before the deadline for the submission of nomination papers, as specified. The information required to be posted or published includes the list of open offices; whether the city elections official has provided nomination papers to incumbents to those offices; if, due to redistricting, there is no incumbent for an open office; the location where nomination papers may be obtained; and the location, dates, and hours of operation of the location where the nomination papers may be filed.

This bill would repeal the provision that requires ballots to contain specified instructions for voters in presidential elections.

By increasing the duties of 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.

SECTIONS AFFECTED:

SECTION 1.

Section 9031 of the Elections Code is amended to read:

9031.

(a) If the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the Secretary of State shall order the examination and verification of the signatures filed, and shall so notify the elections officials. A signature shall not be invalidated because of a variation of the signature caused by the substitution of initials for the first or middle name, or both, of the person signing the petition.

(b) Within ~~30~~ 60 days, excluding Saturdays, Sundays, and holidays, after receipt of the order, the elections official or registrar of voters shall determine from the records of registration what number of qualified voters have signed the ~~petition~~ petition, and if necessary the board of supervisors shall allow the elections official or registrar additional assistance for the purpose of examining the petition and provide for their compensation. In determining from the records of

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registration what number of qualified voters have signed the petition, the elections official or registrar of voters may use any file or list of registered voters maintained by their office, or the facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(c) (1) During the examination and verification of the signatures filed, the elections official or registrar of voters shall submit one or more reports to the Secretary of State showing the number of signatures of qualified voters that have been verified as of that date. The Secretary of State shall determine the number of reports required to be submitted and the manner of their submission.

(2) The Secretary of State shall maintain a list indicating the number of verified signatures of qualified voters who have signed the petition based on the most recent reports submitted pursuant to paragraph (1). If the Secretary of State determines, prior to each county's completing the examination of each signature filed, that based on the list the petition is signed by the requisite number of voters needed to declare the petition sufficient, the Secretary of State shall immediately notify the elections official or registrar of voters of every county or city and county in the state of this fact. Immediately after receipt of this notification, the elections official or registrar of voters may suspend signature verification until receipt of a certificate pursuant to Section 9033 or until otherwise instructed by the Secretary of State.

(d) The elections official or registrar, upon the completion of the examination or notification pursuant to paragraph (2) of subdivision (c), shall immediately attach to the petition, except the signatures thereto appended, an amended certificate properly dated, showing the result of the examination and shall immediately transmit the petition, together with the amended certificate, to the Secretary of State. A copy of the amended certificate shall be filed in the elections official's office.

(e) (1) If the amended certificates establish the petition's sufficiency, the Secretary of State shall certify that the measure is qualified for the ballot as provided in Section 9033.

(2) If the amended certificates received from all elections officials by the Secretary of State establish that the petition has still been found insufficient, the Secretary of State shall immediately so notify the proponents and the elections officials.

SEC. 2.

Section 9115 of the Elections Code is amended to read:

9115.

(a) Within 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, if, from the examination of petitions pursuant to Section 9114 shows that more than 500 signatures have been signed on the petition, the elections official may use a random sampling technique for verification

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of signatures. The random sample of signatures to be verified shall be drawn so that every signature filed with the elections official shall be given an equal opportunity to be included in the sample. The random sampling shall include an examination of at least 500, or 3 percent of the signatures, whichever is greater. A signature shall not be invalidated because of a variation of the signature caused by the substitution of initials for the first or middle name, or both, of the person signing the petition.

(b) If the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the elections official shall, within ~~60~~ *90* days from the date of the filing of the petition, excluding Saturdays, Sundays, and holidays, examine and verify the signatures filed. If the elections official determines, prior to completing the examination of each signature filed, that the petition is signed by the requisite number of qualified voters to declare the petition sufficient, the elections official may terminate the verification of the remaining unverified signatures.

(c) In determining from the records of registration, what number of valid signatures are signed on the petition, the elections official may check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(d) The elections official shall attach to the petition a certificate showing the result of this examination and shall notify the proponents of either the sufficiency or insufficiency of the petition.

(e) If the petition is found insufficient, no action shall be taken on the petition. However, the failure to secure sufficient signatures ~~shall~~ *does* not preclude the filing later of an entirely new petition to the same effect.

(f) If the petition is found to be sufficient, the elections official shall certify the results of the examination to the board of supervisors at the next regular meeting of the board.

SEC. 3.**Section 9309 of the Elections Code is amended to read:****9309.**

(a) Within 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, if, from the examination of petitions pursuant to Section 9308, more than 500 signatures have been signed on the petition, the district elections official may use a random sampling technique for verification of signatures. The random sample of signatures to be verified shall be drawn in such a manner that every signature filed with the elections official shall be given an equal opportunity to be included in the sample. A random sampling shall include an examination of at least 500 or 3 percent of the signatures, whichever is greater. A signature shall not be invalidated because of a variation of the signature caused by the substitution of initials for the first or middle name, or both, of the person

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signing the petition.

(b) If the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the district elections official, within ~~60~~ 90 days from the date of the filing of the petition, excluding Saturdays, Sundays, and holidays, shall examine and verify each signature filed.

(c) In determining from the records of registration, what number of valid signatures are signed on the petition, the district elections official may check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(d) The district elections official shall attach to the petition, a certificate showing the result of this examination, and shall notify the proponents of either the sufficiency or insufficiency of the petition.

(e) If the petition is found insufficient, no action shall be taken on the petition. However, the failure to secure sufficient signatures shall does not preclude the filing later of an entirely new petition to the same effect.

(f) If the petition is found to be sufficient, the district elections official shall certify the results of the examination to the governing board of the district at the next regular meeting of the board.

SEC. 4.

Section 10224.5 is added to the Elections Code, to read:

10224.5.

No later than three days before the deadline for submission of nomination papers for a municipal election, the city elections official shall post on the city's internet website, or publish a public notice that includes all of the following:

(a) A list of the offices to be filled.

(b) Whether the city elections official has furnished nomination papers to the incumbent for each open office.

(c) Whether, due to redistricting, there is no eligible incumbent for an open office.

(d) The location where nomination papers may be obtained.

(e) The location, dates, and hours of operation of the office where completed nomination papers may be filed.

SEC. 5.

Section 11106 of the Elections Code is amended to read:

11106.

Immediately (a) Except as provided in subdivision (b), immediately after the deadline for submission of all signatures, the elections official shall verify any remaining signatures in the same manner set forth in subdivision (b) of Section 9031. This verification shall apply to all signatures submitted to each county

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elections official.

(b) Notwithstanding subdivision (a) of this section and subdivision (b) of Section 9031, the elections official shall complete the verification of signatures within 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, if the Secretary of State determines that the time reasonably needed to complete the 60-day verification process described in subdivision (b) of Section 9031 and the procedures described in Sections 11108, 11109, and 11110, could cause the recall election to be ineligible for consolidation with the next regularly scheduled election, as permitted by Section 15 of Article II of the California Constitution.

SEC. 6.

Section 11225 of the Elections Code is amended to read:

11225.

(a) ~~Within 30~~ *Except as provided in subdivision (b), within 60* days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, if, from the examination of petitions pursuant to Section 11222, more than 500 signatures have been signed on the petition, the elections official may use a random sampling technique for verification of signatures. The random sample of signatures to be verified shall be drawn in a manner so that every signature filed with the elections official shall have an equal opportunity to be included in the sample. The random sampling shall include an examination of at least 500 or 5 percent of the signatures, whichever is greater.

(b) Notwithstanding subdivision (a), the elections official shall complete the verification of signatures within 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, if the elections official determines that the time reasonably needed to complete the 60-day verification process described in subdivision (a) and any other procedures required for qualifying the measure for the ballot could cause the recall election to be ineligible for consolidation with the next regularly scheduled election, as provided in subdivision (b) of Section 11242.

~~(b)~~ (c) If the statistical sampling shows that the number of valid signatures is greater than 110 percent of the required number, the elections official shall certify the petition to be sufficient.

~~(e)~~ (d) If the statistical sampling shows that the number of valid signatures is within 90 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the elections official shall examine and verify each signature filed. If the elections official's examination of each signature shows that the number of valid signatures is greater than the required number, the elections official shall certify the petition to be sufficient. If the number of valid signatures is less than the required number, the elections official shall certify the petition to be insufficient.

~~(d)~~ (e) If the statistical sampling shows that the number of valid signatures

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is less than 90 percent of the required number, the elections official shall certify the petition to be insufficient.

(e) (f) In determining from the records of registration the number of valid signatures signed on the petition, the elections official may check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(f) (g) The elections official shall attach to the petition, a certificate showing the result of this examination, and shall notify the proponents of either the sufficiency or insufficiency of the petition.

(g) (h) If the petition is found insufficient, no action shall be taken on the petition. However, the failure to secure sufficient signatures shall does not preclude the filing later of an entirely new petition to the same effect.

(h) (i) If the petition is found to be sufficient, the elections official shall certify the results of the examination to the governing body at its next regular meeting.

SEC. 7.

Section 13205 of the Elections Code is repealed.

~~3205:~~

~~Additional instructions to voters shall appear on the ballot prior to those provided for in Section 13204 under the following conditions:~~

~~(a) In a primary election at which candidates for delegate to national convention are to be voted upon, the instructions shall read:~~

~~"To vote for the group of candidates preferring a person whose name appears on the ballot, mark the voting target next to the name of the person preferred. To vote for a group of candidates not expressing a preference for a particular candidate, mark the voting target next to the name of the chairman of the group."~~

~~(b) In elections when electors of President and Vice President of the United States are to be chosen, there shall be placed upon the ballot, in addition to the instructions to voters as provided in this chapter, an instruction as follows:~~

~~"To vote for all of the electors of a party, mark the voting target next to the names of the presidential and vice presidential candidates of that party. A mark of the voting target next to the name of a party and its presidential and vice presidential candidate, is a vote for all of the electors of that party, but for no other candidates."~~

~~(c) If a group of candidates for electors has been nominated under Chapter 3 (commencing with Section 8400) of Division 8, and has under Chapter 4 (commencing at Section 8300) of Division 8 designated the names of the candidates for President and Vice President of the United States for whom those candidates have pledged themselves to vote, the instructions to voters shall also contain the following:~~

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~~“To vote for those electors who have pledged themselves to vote for a candidate for President and Vice President not supported by any particular party mark the voting target next to the names of those presidential and vice presidential candidates.”~~

~~(d) If a group of candidates for electors has been nominated by a party not qualified to participate in the election, the instructions to voters shall also contain the following:~~

~~“To vote for those electors who have pledged themselves to vote for a candidate for President and for Vice President of any party not qualified to participate in the election write in the names and party of those presidential and vice presidential candidates in the blank space provided for that purpose.”~~

SEC. 8.

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.

PRESIDENTIAL ELECTIONS: CANDIDATES

Senate Bill 437 Chapter 72

Current Provisions

Existing law provides for the statewide election of a slate of electors to vote in the electoral college for the President and Vice President of the United States. Existing law requires the Secretary of State to place the names of each qualified political party's candidates for President and Vice President on the ballot for the ensuing general election.

If a candidate for elective office changes their name within one year of an election, existing law prohibits printing the candidate's new name on the ballot for that election unless the name change was made by marriage or a court decree.

New Provisions

This bill would require each qualified political party, on or before the 75th day before a presidential general election, to notify the Secretary of State of the names of the party's nominees for President and Vice President or, if the party has not held

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its national convention by the 75th day before the election, the party's apparent nominees for President and Vice President.

This bill would exempt candidates for President and Vice President from that prohibition.

SECTIONS AFFECTED:

SECTION 1.

Section 6901.5 is added to the Elections Code, to read:

6901.5.

On or before the 75th day before an election when electors for the President and Vice President of the United States will be chosen, each political party qualified to participate in the election shall notify the Secretary of State of the names of that party's nominees for the offices of President and Vice President of the United States. If a qualified political party has not held its national convention by the 75th day before the election, the party shall notify the Secretary of State of the names of the party's apparent nominees for the offices of President and Vice President of the United States.

SEC. 2.

Section 13104 of the Elections Code is amended to read:

13104.

(a) If a candidate changes ~~his or her~~ their name within one year of any election, the new name shall not appear upon the ballot unless the change was made by either of the following:

~~(a)~~ (1) Marriage.

~~(b)~~ (2) Decree of any court of competent jurisdiction.

(b) This section does not apply to candidates for the offices of President and Vice President of the United States

ELECTIONS: ELCTION WORKER PROTECTIONS

Senate Bill 485

Chapter 611

Current Provisions

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Existing law makes interfering in any manner with the officers holding an election or conducting a canvass or with a voter lawfully exercising their right of voting at an election, in order to prevent the election or canvass from being fairly held and lawfully conducted, a crime punishable by imprisonment for 16 months or 2 or 3 years.

New Provisions

This bill would specify that for purposes of this crime, “officers holding an election or conducting a canvass” include, but are not limited to, the Secretary of State and their staff, in their performance of any of their duties related to administering the provisions of the Elections Code, an elections official and their staff, including temporary workers and poll workers, or a member of a precinct board, in their performance of any duty related to holding an election or conducting a canvass in order to prevent the election or canvass from being fairly held and lawfully conducted. The bill would clarify that “holding an election or conducting a canvass” for purposes of this crime includes the election observation process.

By expanding the scope of an existing crime, this 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 no reimbursement is required by this act for a specified reason.

SECTIONS AFFECTED:

SECTION 1.

Section 18502 of the Elections Code is amended to read:

18502.

(a) Any person who in any manner interferes with the officers holding an election or conducting a canvass, ~~or with the voters lawfully exercising their rights of voting at an election,~~ as to prevent the election or canvass from being fairly held and lawfully conducted, or with the voters lawfully exercising their rights of voting at an election, is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years.

(b) For purposes of this section, “officers holding an election or conducting a canvass” include, but are not limited to, the Secretary of State as the chief elections officer, and their staff, as it relates to performance of any of their duties related to administering the provisions of the Elections Code, and elections officials and their staff, including temporary workers and poll workers, and members of a

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precinct board, in their performance of any duty related to assisting with holding an election or conducting a canvass.

(c) For purposes of this section, “holding an election or conducting a canvass” includes, but is not limited to, the election observation process governed by the Elections Code and applicable regulations adopted by the Secretary of State.

(d) For purposes of this section, “voting at an election” includes, but is not limited to, voting in person at a polling place or at the office of the elections official, including satellite locations pursuant to Section 3018, and voting by mail and returning a voted ballot pursuant to subdivision (a) of Section 3017.

SEC. 2.

Section 18540 of the Elections Code is amended to read:

18540.

(a) Every person who makes use of or threatens to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years.

(b) Every person who hires or arranges for any other person to make use of or threaten to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years.

(c) For purposes of this section, “voting at any election” includes, but is not limited to, voting in person at a polling place or at the office of the elections official, including satellite locations pursuant to Section 3018, and voting by mail and returning a voted ballot pursuant to subdivision (a) of Section 3017.

SEC. 3.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of

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NOMINATIONS: TAX RETURN DISCLOSURE: CANDIDATES FOR GOVERNOR

Senate Bill 658 Chapter 880

Current Provisions

Existing law prohibits the name of a candidate for Governor from being printed on the ballot of the direct primary election unless the candidate, at least 88 days before the direct primary election, files with the Secretary of State 2 copies of every income tax return, as defined, the candidate filed with the Internal Revenue Service in the 5 most recent taxable years. Existing law requires the candidate to redact specified information from one copy of each submitted return, and authorizes the candidate to redact additional information as specified. Existing law requires the Secretary of State, within 5 days of receipt, to make the redacted versions of the candidate's tax returns available to the public on the Secretary of State's internet website, and to continuously post the returns until the official canvass for the direct primary election is completed. Existing law requires the Secretary of State to retain the paper copies of the submitted tax returns until the completion of the official canvass of the ensuing general election.

New Provisions

This bill would extend these requirements to general elections and recall elections in addition to direct primary elections. The bill would require and authorize redaction of additional information on the returns, as specified. The bill would require the Secretary of State to make the redacted copies of the tax returns public at the time the Secretary of State issues the certified list of candidates for the election. The bill would require the Secretary of State to continuously post the tax returns until the official canvass is completed for the election at which a candidate is elected to the office, except that the tax returns of a candidate who was not nominated to participate in the general election need only be posted until the official canvass for the direct primary election is completed. The bill would require the Secretary of State to retain paper copies of the submitted tax returns until the completion of the official canvass of the election at which a candidate is elected to the office. The bill would exclude transcripts from the Internal Revenue Service and accountant notes from the definition of "income tax return" for these purposes.

SECTIONS AFFECTED:**SECTION 1.****Section 8901 of the Elections Code is amended to read:****8901.**

For the purposes of this part, “income tax return” ~~has the same meaning as in Section 6882: means any tax or information return, declaration of estimated tax, or claim for refund required by, or provided for or permitted under, the provisions of the Internal Revenue Code, and that is filed on behalf of, or with respect to, any person, and any amendment or supplement thereto, including supporting schedules, attachments, or lists that are supplemental to, or part of, the return so filed. For the purposes of this part, an “income tax return” does not include transcripts from the Internal Revenue Service nor accountant notes.~~

SEC. 2.**Section 8902 of the Elections Code is amended to read:****8902.**

(a) Notwithstanding any other law, the name of a candidate for Governor shall not be printed on a ~~direct primary election~~ ballot, unless the candidate, at least 88 days before the ~~direct primary election,~~ election or, in the case of a recall election, at least 60 days before the recall election, files with the Secretary of State copies of every income tax return the candidate filed with the Internal Revenue Service in the five most recent taxable years, in accordance with the procedure set forth in Section 8903.

(b) If the candidate has not filed the candidate’s income tax return with the Internal Revenue Service for the tax year immediately preceding the ~~primary~~ election, the candidate shall submit a copy of the income tax return to the Secretary of State within five days of filing the return with the Internal Revenue Service.

(c) The requirement in subdivision (a) does not apply to any year in which the candidate was not required to file the candidate’s income tax return with the Internal Revenue Service.

SEC. 3.**Section 8903 of the Elections Code is amended to read:****8903.**

(a) The candidate shall submit the following to the Secretary of State:

(1) (A) Two copies of each tax return required by Section 8902. One copy of each tax return shall be identical to the version submitted to the Internal Revenue Service, without redactions. ~~The second copy of each tax return shall be redactions, and shall not be subject to disclosure pursuant to this section. One~~

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copy shall be identical to the version submitted to the Internal Revenue Service but shall be redacted pursuant to this paragraph. The tax returns shall be provided to the Secretary of State in hard-copy form: form not later than 5 p.m. on the 88th day prior to the election or, in the case of a recall election, not later than 5 p.m. on the 60th day prior to the recall election.

(B) The candidate shall redact the following information from the redacted ~~version~~ copy of each tax return:

- (i) Social security numbers.
- (ii) Home address.
- (iii) Telephone number.
- (iv) Email address.
- (v) Medical information.
- (vi) Bank account numbers and routing numbers.
- (vii) Internal Revenue Service personal identification number (PIN).

(C) The candidate may also redact the following information from the redacted ~~version~~ copy of each tax return:

- (i) Names of dependent minors.
- (ii) Employer identification number.
- (iii) Business addresses.
- (iv) Preparer or accountant tax identification number, client number, address, telephone number, and email address of paid tax return preparers: preparers or accountants.

(2) A written consent form, signed by the candidate, granting the Secretary of State permission to ~~publically~~ publicly release a version of the candidate's tax returns redacted pursuant to this section. The Secretary of State shall prepare a standard consent form consistent with this paragraph.

(b) The Secretary of State shall review the redacted copy of each tax return submitted by the candidate to ensure that the redactions comply with subdivision (a). If the Secretary of State determines that the candidate has redacted information other than that permitted by subdivision (a), or failed to redact information required to be redacted by subdivision (a), the Secretary of State shall notify the candidate of any deficiencies. The candidate shall submit corrected hard copies of the tax return no later than 5:00 p.m. on the 78th day prior to the ~~direct primary~~ election or, in the case of a recall election, not later than 5 p.m. on the 57th day prior to the recall election. If the corrected hard copies are not timely submitted, the candidate shall not be qualified to have their name placed on the ballot of the ~~direct primary~~ election.

(c) (1) ~~Within five days of receipt of the candidate's tax returns, At the time the Secretary of State issues the certified list of candidates for the election in accordance with Section 8120,~~ the Secretary of State shall make the redacted ~~versions~~ copies of the tax returns available to the public on the Secretary of State's internet website. Except as provided in ~~by~~ paragraph (2), the Secretary of State shall make public the redacted ~~versions~~ copies of the tax

returns submitted by the candidate pursuant to subdivision (a).

(2) If the candidate is required to submit a corrected ~~redacted version~~ copy of a tax return pursuant to subdivision (b), the Secretary of State shall make public that ~~version:~~ corrected copy.

(3) The ~~public versions of the~~ redacted tax returns shall be continuously posted until *such time as* the official canvass for the ~~direct primary election~~ is completed. Upon completion of the official canvass, the Secretary of State shall remove the public versions of the tax returns: is completed for the election at which a candidate is elected to the office, except that the tax returns of a candidate who participated in a primary election and who was not nominated to participate in the general election need only be posted until the official canvass for the primary election is completed.

(4) The Secretary of State shall retain the paper copies of the submitted tax returns until the completion of the official canvass of the ~~ensuing general election~~ election at which a candidate is elected to the office. Thereafter, the paper copies of the submitted tax returns shall be destroyed as soon as practicable, unless the Secretary of State has received a court order, or a lawful written request from a state or federal governmental agency, directing the Secretary of State to preserve the submitted tax returns.

ELECTIONS: LOCAL BOND MEASURES: TAX RATE STATEMENT

Senate Bill 798

Chapter 720

Current Provisions

Existing law requires local governments, when submitting a measure for voter approval for the issuance of bonds that will be secured by an ad valorem tax, to provide voters a statement that includes estimates of the tax rates required to fund the bonds. Under existing law, the estimated tax rate is expressed as the rate per \$100 of assessed valuation on all property to be taxed to fund the bonds.

New Provisions

This bill would instead require that the estimated tax rate in the statement be expressed as the rate per \$100,000 of assessed valuation on all property to be taxed to fund the bonds.

SECTIONS AFFECTED:

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SECTION 1.**Section 9401 of the Elections Code is amended to read:****9401.**

(a) In connection with each bond issue specified in Section 9400, a statement shall be mailed to the voters with the sample ballot for the bond election. The statement required by this section shall be filed with the elections official conducting the election not later than the 88th day before the election, and shall include all of the following:

(1) The best estimate from official sources of the average annual tax rate that would be required to be levied to fund that bond issue over the entire duration of the bond debt service, based on assessed valuations available at the time of the election or a projection based on experience within the same jurisdiction or other demonstrable factors. The estimate shall also identify the final fiscal year in which the tax is anticipated to be collected.

(2) The best estimate from official sources of the highest tax rate that would be required to be levied to fund that bond issue, and an estimate of the year in which that rate will apply, based on assessed valuations available at the time of the election or a projection based on experience within the same jurisdiction or other demonstrable factors.

(3) The best estimate from official sources of the total debt service, including the principal and interest, that would be required to be repaid if all the bonds are issued and sold. The estimate may include information about the assumptions used to determine the estimate.

(b) In addition, the statement may contain a declaration of policy of the legislative or governing body of the applicable jurisdiction, proposing to use revenues other than ad valorem taxes to fund the bond issue, and the best estimate from official sources of these revenues and the reduction in the tax rate levied to fund the bond issue resulting from the substitution of revenue.

(c) ~~The words "tax rate" as used in this chapter~~ For purposes of this chapter, "tax rate" means tax rate per one hundred thousand ~~dollars (\$100)~~ (\$100,000) of assessed valuation on all property to be taxed to fund a bond issue described in Section 9400.

Section Four VETOED BILLS

<u>BILL NO.</u>	<u>AUTHOR</u>	<u>SUBJECT</u>	<u>DATE</u>
AB 37	Bonta	Political Reform Act of 1974: Campaign Funds: Security	10/08/2023
AB 1248	Bryan	Local Redistricting: Independent Commissions	10/07/2023
SB 52	Durazo	Redistricting: Large Charter Cities	10/07/2023

Total Count: 3

VETOED BILLS: MESSAGES FROM THE GOVERNOR

POLITICAL REFORM ACT OF 1974: CAMPAIGN FUNDS: SECURITY

To the Members of the California State Assembly:

I am returning Assembly Bill 37 without my signature.

This bill would expand what qualifies as an allowable use of campaign funds for security-related expenses.

While I support the author's intention, the bill as drafted does not clearly define "security expenses." Without more guidance on what would or would not be allowed as a legitimate use of campaign funds, this bill could have unintended consequences and could lead to use of political donations for expenditures far beyond what any reasonable donor would expect. We must ensure political donations are utilized in a manner consistent with their intended purpose.

For this reason, I cannot sign this bill.

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Sincerely,

Gavin Newsom

LOCAL REDISTRICTING: INDEPENDENT COMMISSIONS

To the Members of the California State Assembly:

I am returning Assembly Bill 1248 without my signature.

This bill requires a city or county with more than 300,000 residents, or a school district or community college district with more than 500,000 residents, to establish an independent redistricting commission.

While I share the author's goal of ensuring community control over the redistricting process, this bill creates a state-reimbursable mandate in the tens of millions and should therefore be considered in the annual budget process. In partnership with the Legislature, we enacted a budget that closed a shortfall of more than \$30 billion through balanced solutions that avoided deep program cuts and protected education, health care, climate, public safety, and social service programs that are relied on by millions of Californians. This year, however, the Legislature sent me bills outside of this budget process that, if all enacted, would add nearly \$19 billion of unaccounted costs in the budget, of which \$11 billion would be ongoing.

With our state facing continuing economic risk and revenue uncertainty, it is important to remain disciplined when considering bills with significant fiscal implications, such as this measure.

For this reason, I cannot sign this bill.

Sincerely,

Gavin Newsom

REDISTRICTING: LARGE CHARTER CITIES

To the Members of the California State Senate:

2023 Legislative Guide to Election Laws

I am returning Senate Bill 52 without my signature.

This bill requires a charter city with a population of at least 2.5 million people to establish an independent redistricting commission, if one is not already required by the city's charter.

While I agree with the goal of the author's proposal, this bill is contingent on the enactment of Assembly Bill 1248, which I have vetoed.

For this reason, I cannot sign this bill.

Sincerely,

Gavin Newsom

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