

2019

2018 Legislative Summary

Assembly Committee on Elections and Redistricting

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2018

LEGISLATIVE
SUMMARY

ASSEMBLY COMMITTEE ON
ELECTIONS AND REDISTRICTING

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November 2018

Interested Parties:

This booklet summarizes selected legislation approved by the Assembly Committee on Elections and Redistricting during the 2018 legislative year. Those bills that made it through the legislative process and were subsequently signed or vetoed by the Governor are included. Those bills that failed to reach the Governor's desk are not.

Among the more noteworthy measures considered and approved by the Committee are bills to establish an Office of Elections Cybersecurity in the Secretary of State's office; require that the return postage for vote by mail ballots be prepaid; give voters improved options for tracking and verifying their vote by mail ballots; establish a procedure to reduce the number of vote by mail ballots that are disqualified; provide resources to counteract the spread of false and misleading election information that has the potential to disenfranchise voters; and update the state's campaign finance laws in order to facilitate the implementation of a modernized campaign finance disclosure database. These are just some of the important policy changes approved by the Legislature this year. This booklet has a complete listing of these and other measures.

Most of the bills signed into law will take effect on January 1, 2019. Bills noted as urgency measures took effect earlier this year, as detailed in the description of those bills. The full text of legislation summarized in this pamphlet, as well as the committee analysis of those measures, may be viewed on the Internet at the California Legislative Information website (<http://leginfo.legislature.ca.gov/>).

I hope you will find this publication informative and useful as a reference tool. For additional copies or other information concerning Committee activities, please contact the Committee staff at (916) 319-2094.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marc Berman', is written over a light blue horizontal line.

Marc Berman

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Key to Abbreviations Used

N/R: Vote is not relevant.

28.8: Bill reported to Senate Floor pursuant to Senate Rule 28.8, which provides that bills referred to the Senate Appropriations Committee that do not have significant state costs shall be reported to the Senate Floor without a hearing by the Appropriations Committee.

29.10 Bill referred to policy committee pursuant to Senate Rule 29.10, which provides that a bill that has been substantially amended since approval by a policy committee may be re-referred to a policy committee.

77.2: Bill referred to policy committee pursuant to Assembly Rule 77.2, which provides that a bill that has been substantially amended since approval by a policy committee may be re-referred to a policy committee.

Assembly Committee on Elections and Redistricting 2018 Legislative Highlights

Strengthening Election Infrastructure and Election Integrity:

In an effort to protect the integrity of California's elections, the Legislature approved and the Governor signed a bill that creates an elections cybersecurity office to coordinate efforts between federal, state, and local officials to address and respond to cyber incidents affecting elections. To facilitate the replacement of aging voting systems, the state budget for the 2018-19 fiscal year included \$134 million to support counties' efforts to modernize voting equipment. Another new law permits counties to conduct more modern election audits, which can help improve public confidence in the accuracy of election results.

Protecting Against Deceptive Election Practices:

A number of newly enacted laws seek to crack down on efforts to deceive or mislead voters. Urgency legislation that was approved this year in time for the November election created new criminal penalties for persons who distribute specified false or misleading information regarding elections and voting with the intent to deceive voters. Additionally, the Legislature and the Governor gave the Secretary of State greater authority and resources to monitor and counteract false or misleading information regarding the electoral process.

Facilitating Voting by Mail:

As the number of California voters who vote by mail continues to rise, the Legislature took additional steps to ensure that properly cast vote by mail ballots are counted. A new law that was in place for the November election reduces the number of vote by mail ballots that are rejected when the signature on the ballot return envelope does not match the voter's signature on file by creating a process for a voter to verify that he or she cast the ballot. Another new law requires the return postage to be prepaid for vote by mail ballots. Beginning in 2020, voters will have new options for tracking their vote by mail ballots, and new technology will facilitate voting by mail for voters with disabilities and military and overseas voters.

Improving Campaign Disclosure & Enforcement:

The Legislature approved and the Governor signed a series of bills to improve California's already-robust campaign disclosure laws. A new law makes it easier for local governmental agencies to adopt their own campaign finance or government ethics policies by allowing them to contract with the Fair Political Practices Commission to administer and enforce those policies. Other new laws update the state's campaign finance rules to facilitate the implementation of a modernized campaign finance disclosure database and build upon current disclosure requirements for campaign advertisements on social media platforms.

Assembly Committee on Elections and Redistricting 2018 Legislative Summary

Assembly Bills

[AB 216 \(Gonzalez Fletcher & Low\)](#)

Chapter 120, Statutes of 2018

Vote by mail ballots: identification envelopes: prepaid postage.

[Amends Section 3010 of the Elections Code]

Under California law, any voter can choose to vote by mail, and since 2002, all voters have been permitted to sign-up as permanent vote by mail (VBM) voters. Since 2002, the percentage of voters in California who choose to receive a VBM ballot has increased accordingly. A majority of California voters now choose to vote using a VBM ballot, either by returning that ballot through the mail or by dropping off their VBM ballot in person. In 2016, about 58% of votes in the primary election and about 59% of votes in the general election were cast using VBM ballots. In 2014, when voter turnout was lower, an even larger percentage of votes were cast on VBM ballots: over 60% of the general election votes and nearly 70% of the votes in the primary election were cast using VBM ballots. Additionally, recent policy changes are expected to increase the percentage of California voters who vote using a VBM ballot. Most notably, [SB 450 \(Allen\), Chapter 832, Statutes of 2016](#), permits counties to conduct elections in which every voter is mailed a ballot and vote centers and ballot drop-off locations are available prior to and on election day, in lieu of operating polling places for the election, as specified and subject to certain conditions.

Legislative History

Assembly Elections.....	5-2
Assembly Appropriations	12-5
Assembly Floor	61-10
Assembly Concurrence	61-14
Senate Elections.....	5-0
Senate Appropriations	5-2
Senate Floor	29-8

This bill requires that the postage be prepaid on the VBM ballot return envelope that is mailed to each voter with his or her VBM ballot.

[AB 306 \(Gonzalez Fletcher\)](#)
Chapter 203, Statutes of 2018
Vote by mail ballots.

[Amends Sections 3011 and 3017 of the Elections Code]

[AB 1921 \(Gonzalez\), Chapter 820, Statutes of 2016,](#) permitted a vote by mail (VBM) voter to who is unable to return his or her ballot to designate *any person* to return the ballot, as specified, and prohibited a designated person from receiving any form of compensation based on the number ballots that person returns. Prior to the enactment of AB 1921, California law generally allowed a voter to designate only a specified family member or a person residing in the same household as the voter to return his or her VBM ballot.

<u>Legislative History</u>	
Assembly Elections.....	5-2
Assembly Floor	59-3
Assembly Concurrence.....	54-24
Senate Elections.....	4-1
Senate Floor	26-11

This bill requires a person who is designated to return a VBM voter's ballot to return that ballot no later than three days after receiving it from the voter or before the close of the polls on election day, whichever is sooner. This bill additionally provides that a ballot will not be disqualified from being counted solely because it is returned or mailed more than three days after the designated person receives it from the voter.

[AB 664 \(Steinorth\)](#)
Vetoed
Political Reform Act of 1974: campaign fund expenditures.

[Amends Section 84307.5 of the Government Code]

Existing state law generally requires that funds held by campaign committees be used only for political, legislative, and governmental purposes. In interpreting these laws, the Fair Political Practices Commission (FPPC) has advised that payments for services provided to a campaign committee generally must reflect the fair market value of the services provided. In applying that advice, the FPPC further advised that nothing in the Political Reform Act prohibits a candidate's controlled committee from

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Appropriations	17-0
Assembly Floor	75-0
Assembly Concurrence.....	77-0
Senate Elections.....	5-0
Senate Appropriations	<u>(28.8)</u>
Senate Floor	37-0

contracting with or hiring a non-dependent child of the candidate, as long as the non-dependent child was paid fair market value for the services provided to the committee. In light of the FPPC's advice, if a person was paid by a campaign committee for work that was not

actually performed, or was paid an amount that exceeded the fair market value of the work performed, such a payment is prohibited under existing law.

This bill would have codified the FPPC's advice that a candidate controlled committee is prohibited from paying an amount greater than fair market value for goods, services, facilities, or anything else of value if the payment is made to specified family members of the candidate or elected officer who controls the committee.

This bill was vetoed by Governor Brown on August 27, 2018. In his [veto message](#), the Governor wrote that the determination of how much a campaign pays staffers and consultants is "a personnel decision...properly left to the candidate and the campaign manager," and that "this decision is not one for the Fair Political Practices Commission."

[AB 666 \(Aguiar-Curry\)](#)

Chapter 160, Statutes of 2018

Elections: voter information guides: candidate statements.

[Adds Section 13307.7 to the Elections Code]

Existing law generally allows a candidate for elective office to prepare and submit a candidate statement that appears in either the state or county voter information guide, subject to certain conditions, procedures, and restrictions. Candidate statements from candidates running for statewide elective office and the Board of Equalization appear in the state voter information guide, while candidate statements from candidates running for other offices appear in the county voter information guide.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Floor	71-0
Assembly Concurrence.....	75-0
Senate Elections.....	5-0
Senate Floor	37-0

For offices where candidate statements appear in the county voter information guide, if a candidate is running for an office that contains all or portions of more than one county, the candidate must work individually with each county in the district to have the candidate statement appear in the voter information guide in that county. (A candidate in a multi-county district can choose to submit a candidate statement only in certain counties in the district.) In state Senate districts, this can mean that a candidate would have to work with as many as 11 different county elections officials to have his or her candidate statement included in the county voter information guide for all the voters in the district.

In an effort to streamline the process for candidates to prepare and submit their candidate statements in multicounty districts, this bill requires a county elections official, if he or she posts a form on the Internet that candidates may use to submit candidate statements, to accept that form if it is submitted in accordance with timelines and procedures in state law. Additionally, this bill requires an elections official to accept a candidate statement form from a candidate's county of residence for candidates who are running in multicounty districts, if the

candidate provides a hard copy of the candidate statement form and pays the required fee to each county.

[AB 1013 \(Low\)](#)

Chapter 906, Statutes of 2018
Remote accessible vote by mail system.

[Adds Sections 3016.5 and 3116.5 to the Elections Code]

[AB 2252 \(Ting\), Chapter 75, Statutes of 2016](#), allows voters with disabilities, and military and overseas voters, to electronically receive and mark their vote by mail (VBM) ballots using remote accessible VBM systems. A remote accessible VBM system is a mechanical, electromechanical, or electronic system and its software that is used for the sole purpose of marking an electronic VBM ballot for a voter with disabilities or a military or overseas voter who prints the paper cast voter record to be submitted to the elections official. AB 2252 also established procedures for the review and approval of remote accessible VBM systems.

<u>Legislative History</u>	
Assembly B. & P.	<u>N/R</u>
Assembly Appropriations	<u>N/R</u>
Assembly Floor	<u>N/R</u>
Assembly Concurrence	78-0
Senate Elections	5-0
Senate Appropriations	7-0
Senate Floor	39-0

While AB 2252 established the requirements for remote accessible VBM systems and created procedures for the review and approval of such systems, it did not expressly *require* that elections officials make such a system available to voters in their jurisdictions.

This bill requires a county elections official to permit a voter with a disability, or a military or overseas voter, to cast his or her ballot using a certified remote accessible VBM system. This bill does not, however, apply to a county that conducts an election using vote centers, instead of polling places, pursuant to the California Voter's Choice Act (CVCA), as those counties are required under the CVCA to provide accessible VBM systems that are available for use by individuals with disabilities. The provisions of this bill become operative on January 1, 2020.

[AB 1407 \(McCarty & Gonzalez Fletcher\)](#)

Chapter 4, Statutes of 2018

California New Motor Voter Program: voter registration.

[Amends Sections 2262, 2263, 2265, 2266, 2267, 2268, 2269, and 2270 of the Elections Code]

Since 2016, 16- and 17-year-olds in California who otherwise meet all voter eligibility requirements have been permitted to pre-register to vote. When a pre-registrant turns 18, that person's voter registration is automatically deemed effective.

In 2015, the Legislature approved and the Governor signed [AB 1461 \(Gonzalez\), Chapter 729, Statutes of 2015](#), which provided for every eligible person to be automatically registered to vote when the person obtains or renews a driver's license or state identification card at the Department of Motor Vehicles (DMV), or when the person notifies the DMV of a change of address, unless the person opts out, as specified. AB 1461 was implemented earlier this year.

This bill provides for every eligible person to be pre-registered to vote automatically when that person applies for a driver's license or state identification card in accordance with the procedure established by AB 1461, unless the person opts out.

<u>Legislative History</u>	
Assembly Elections.....	5-2
Assembly Appropriations	12-5
Assembly Floor	53-24
Assembly Concurrence.....	46-22
Senate Elections.....	4-1
Senate Trans. & Housing.....	9-3
Senate Appropriations	(28.8)
Senate Floor	25-12

[AB 1678 \(Berman\)](#)

Chapter 96, Statutes of 2018

Elections: voter registration information: security: campaign literature and communications. Urgency.

[Amends Section 18302 of, and adds Sections 2188.2 and 2188.3 to, the Elections Code]

In March, the Assembly Committee on Elections & Redistricting held a joint informational hearing with the Senate Committee on Elections & Constitutional Amendments on the topic of cybersecurity and California elections. The hearing explored California's policies for protecting the security of election systems and information. Witnesses also discussed strategies to mitigate the spread of election-related misinformation intended to confuse voters, suppress turnout, or cause other disruptions.

<u>Legislative History</u>	
Assembly Elections.....	N/R
Assembly Appropriations	N/R
Assembly Floor	N/R
Assembly Elections (77.2)	6-1
Assembly Concurrence.....	71-1
Senate Elections.....	N/R
Senate Elections (29.10)	5-0
Senate Appropriations (29.10) .	7-0
Senate Floor	37-0

Numerous incidents of false or misleading information regarding elections distributed to voters have surfaced in recent years throughout the United States. Such instances include false or misleading information related to the time, place, and manner of voting as well as the legal qualifications to vote or to register to vote. While existing California law prohibits dissemination of false information regarding a voter's precinct polling place, the dissemination of other false or misleading information regarding elections can similarly interfere with the rights of voters.

This bill makes it a misdemeanor for a person to distribute specified false or misleading information regarding elections and voting with actual knowledge and intent to deceive.

Under California law, the voter registration information for every voter is confidential, though specified information from a voter's registration records are available for election, scholarly, journalistic, political, or governmental purposes. Individuals or entities who wish to receive voter registration information for one of those permissible purposes must submit an application that includes a description of the intended use of the voter registration information.

Since late last year, there have been media reports of instances in which the security of California voter registration information that was held by third parties was compromised. Last December, the *San Diego Union-Tribune* reported that cyber criminals accessed a voter registration database that contained the registration information of more than 19 million California registered voters, and held that information for ransom. Similarly, a February 7, 2018 article in the *Sacramento Bee* reported that two of their databases on a third-party computer server were seized by an anonymous hacker who demanded the *Bee* pay a ransom in Bitcoin to get the data back. One of the databases contained the voter registration database legally obtained from the Secretary of State (SOS) pursuant to existing law.

This bill requires the SOS to adopt regulations that describe the best practices for storage and security of voter registration information that is requested and received by a candidate or committee, as specified, or by a person for election, scholarly, journalistic, political, or governmental purposes, as specified. Additionally, this bill requires a person or entity who has received voter registration information, as specified, to disclose any breach in the security of the storage of the information to the SOS. That disclosure must occur in the most expedient time possible and without unreasonable delay following discovery or notification of the breach.

This bill contains an urgency clause, and took effect on July 16, 2018.

[AB 1947 \(Low\)](#)

Vetoed

Petitions: compensation for signatures.

[Adds Section 102.5 to the Elections Code]

Existing law permits any person who is 18 years of age or older to circulate an initiative, referendum, or recall petition. In 1988, the United States Supreme Court ruled that a Colorado prohibition against the use of paid circulators for initiative petitions violated the First Amendment's right of free speech. Writing for a unanimous court, Justice Stevens noted that "[t]he State's interest in protecting the integrity of the initiative process does not justify the prohibition because the State has failed to demonstrate that it is necessary to burden appellees' ability to communicate their message in order to meet its concerns." *Meyer v. Grant* (1988), 486 U.S. 414. The *Meyer* court, however, did not address the issue of whether a state may regulate the manner in which circulators are paid.

<u>Legislative History</u>	
Assembly Elections.....	5-1
Assembly Appropriations	11-4
Assembly Floor	50-26
Senate Elections.....	4-1
Senate Appropriations	5-2
Senate Floor	25-14

This bill would have prohibited a person from paying or receiving money or any other thing of value based on the number of signatures obtained on a state or local initiative, referendum, or recall petition.

On September 18, 2018, Governor Brown vetoed this bill, [noting](#) that he had previously vetoed substantially similar legislation due to concerns that it could drive up the cost of collecting signatures to qualify measures for the ballot.

[AB 2095 \(Quirk-Silva\)](#)

Chapter 210, Statutes of 2018

Congressional and legislative vacancies.

[Amends Section 10703 of the Elections Code]

Existing law requires the Governor to issue a proclamation calling a special election within 14 calendar days of the occurrence of a vacancy in a congressional or legislative office, unless that vacancy occurs after the close of the nomination period in the final year of the term of office. The special election to fill such a vacancy generally must be conducted on a Tuesday at least 126 days, but not more than 140 days, following the issuance of the election

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Appropriations	17-0
Assembly Floor	71-0
Senate Elections.....	5-0
Senate Appropriations	(28.8)
Senate Floor	37-0

proclamation by the Governor.

State law provides flexibility in the timing of a special election, however, if there is an upcoming regularly-scheduled election in the affected area. Specifically, state law allows a special election to be conducted within 180 days following the Governor's proclamation if it will allow either the special primary or general election to coincide with the *next* regularly scheduled statewide or local election involving at least half the voters in the affected jurisdiction.

Although it is rare, there are certain circumstances in which an area may have more than one regularly scheduled election occurring within a 180-day period. In such a situation, state law allows flexibility in the scheduling of special vacancy elections for the Legislature or Congress only to permit the special election to be consolidated with the first regularly scheduled election (i.e., the "next" regularly scheduled election after the occurrence of the vacancy). This bill provides greater flexibility in the scheduling of special vacancy elections for the Legislature or Congress by permitting such a special election to be conducted within 180 days following the Governor's election proclamation in order to consolidate the election or primary election with *any* regularly scheduled statewide or local election involving at least half the voters in the affected jurisdiction.

[AB 2123 \(Cervantes\)](#)
Chapter 277, Statutes of 2018
District-based elections.

[Amends Section 10010 of the Elections Code]

The California Voting Rights Act (CVRA) prohibits an at-large method of election from being imposed or applied in a political subdivision in a manner that impairs the ability of a protected class of voters to elect the candidate of its choice or to influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters who are members of the protected class. Among other provisions, [AB 350 \(Alejo\), Chapter 737, Statutes of 2016](#), required that written notice be provided before an action can be brought against a political subdivision under the CVRA, and capped the amount of attorney's fees that a prospective plaintiff could recover from a political subdivision under the CVRA if the subdivision promptly transitioned from an at-large to a district-based method of election upon receiving such a written notice.

<u>Legislative History</u>	
Assembly Elections.....	6-1
Assembly Judiciary	9-1
Assembly Floor	60-3
Senate Elections.....	5-0
Senate Judiciary	6-1
Senate Floor	38-0

required that written notice be provided before an action can be brought against a political subdivision under the CVRA, and capped the amount of attorney's fees that a prospective plaintiff could recover from a political subdivision under the CVRA if the subdivision promptly transitioned from an at-large to a district-based method of election upon receiving such a written notice.

Specifically, under the provisions of AB 350, once a jurisdiction receives a written notice from a prospective plaintiff alleging that the jurisdiction's method of conducting elections may violate the CVRA, the jurisdiction has 45 days to pass a resolution outlining its intention to transition

from at-large to district-based elections (a jurisdiction may also choose to enact such a resolution before receiving any such written notice). If a jurisdiction has passed such a resolution, no legal action may be filed against the jurisdiction alleging a CVRA violation within 90 days of the resolution’s passage. To take full advantage of the cap on attorney’s fees that is provided for in AB 350, a jurisdiction had a maximum of 135 days (45 days to pass a resolution plus 90 days to adopt districts) from the time it received a written notice from the prospective plaintiffs until it had to finalize the new district boundaries.

This bill allows a political subdivision and the prospective plaintiff who first sends a written notice to that political subdivision to enter into an agreement to extend the time period during which no legal action could be filed against the political subdivision for up to an additional 90 days (for a total of 180 days).

[AB 2125 \(Quirk\)](#)

Chapter 913, Statutes of 2018

Election results: risk-limiting audits.

[Adds Article 5.5 (commencing with Section 15365) to Chapter 4 of Division 15 of, and repeals Section 15560 of, the Elections Code]

After an election, election officials are required to conduct the official canvass and generally must certify the election results no later than 30 days after the election. As part of the official canvass, existing law requires elections officials to conduct a public manual tally of ballots cast in one percent of the precincts chosen at random in order to ensure that vote tabulation equipment is operating correctly before the final official canvass is completed. The one percent manual tally process, however, was established over 50 years ago and new voting systems and technology have been developed since its inception.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Appropriations	17-0
Assembly Elections <u>(77.2)</u>	6-0
Assembly Floor	70-0
Assembly Concurrence	78-0
Senate Elections.....	5-0
Senate Appropriations	7-0
Senate Floor	38-0

This bill permits elections officials to conduct risk-limiting audits instead of conducting the one percent manual tally. According to risk-limiting audit experts, a risk-limiting audit is a method to ensure that at the end of the canvass, the hardware, software, and procedures used to tally votes found the real winners. Specifically, a risk-limiting audit involves a manual tally of randomly selected ballots that stops as soon as it is implausible that a full recount would alter the result. Risk-limiting audits increase efficiency and transparency and determine precisely how much hand counting is necessary to confirm election results to a given level of confidence.

This bill creates a risk-limiting audit pilot program and permits a county elections official to conduct risk-limiting audits in lieu of conducting a one percent manual tally beginning March 3, 2020, as specified.

[AB 2155 \(Mullin\)](#)

Chapter 777, Statutes of 2018

Political Reform Act of 1974: campaign disclosures.

[Amends Sections 84501, 84502, 84504.1, 84504.2, 84504.3, and 84504.5 of, and adds Section 84501.1 to, the Government Code]

In 2017, the Legislature approved and the Governor signed [AB 249 \(Mullin\), Chapter 546, Statutes of 2017](#), which significantly changed the content and format of disclosure statements required on specified campaign advertisements in a manner that generally required such disclosures to be more prominent. AB 249 also established new requirements for determining when contributions are considered to be earmarked, and imposed new disclosure requirements for earmarked contributions to ensure that committees are able to

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Appropriations	16-0
Assembly Floor	78-0
Assembly Concurrence	66-6
Senate Elections.....	4-1
Senate Appropriations	(28.8)
Senate Floor	28-5

determine which contributors must be listed on campaign advertisements. AB 249 is commonly known as the "Disclose Act." The passage of AB 249 marked the culmination of seven years of debate and negotiation over similar legislation.

This bill enacted a number of changes to AB 249, which generally are minor, clarifying, or technical in nature, or otherwise are consistent with disclosure examples that were provided by supporters when AB 249 was being considered by the Legislature.

[AB 2172 \(Weber\)](#)
Chapter 232, Statutes of 2018
Redistricting: inmates.

[Amends Section 21003 of the Elections Code]

[AB 420 \(Davis\), Chapter 548, Statutes of 2011,](#)

requested the Citizens Redistricting Commission, when adjusting district boundaries for state Legislature, Congress, and the Board of Equalization, to deem an incarcerated person as residing at his or her last known residence, rather than the institution of his or her incarceration. AB 420 was intended to end the practice whereby incarcerated individuals are counted, for redistricting purposes, as residing at the prison in which they are incarcerated, instead of at the locations where they last resided prior to incarceration. The following year, the Legislature approved and the Governor signed [AB 1986 \(Davis\), Chapter 318, Statutes of 2012,](#) which made a number of changes to the provisions of AB 420 in an attempt to allow for that bill to be more effectively implemented.

<u>Legislative History</u>	
Assembly Elections.....	5-2
Assembly Floor	47-24
Assembly Concurrence.....	53-23
Senate Elections.....	4-1
Senate Public Safety.....	5-2
Senate Appropriations	<u>(28.8)</u>
Senate Floor	24-12

As the 2020 census and the 2021 redistricting process approach, it has become apparent that some modifications are required to state law in order to implement AB 420 and AB 1986 as originally envisioned. This bill makes various changes to existing law, as enacted by AB 420 and AB 1986, in order to ensure that those bills can be enacted in a manner consistent with the original legislative intent.

[AB 2188 \(Mullin\)](#)
Chapter 754, Statutes of 2018
Political Reform Act of 1974: campaign disclosures: advertisements.

[Amends Sections 84504.3, 84504.4, and 84510 of, and adds Sections 84503.5 and 84504.6 to, the Government Code]

State law generally requires advertisements that support or oppose candidates or ballot measures to include disclosure statements in specified circumstances. These required statements may include a disclosure of the committee that is paying for the advertisement, a disclosure of the three top contributors to the committee paying for the advertisement, as specified, and a statement (in the case of an independent expenditure supporting or

<u>Legislative History</u>	
Assembly Elections.....	5-2
Assembly Appropriations	12-4
Assembly Floor	62-13
Assembly Concurrence.....	69-3
Senate Elections.....	4-1
Senate Appropriations	5-2
Senate Floor	31-8

opposing a candidate) that the advertisement was not authorized by a candidate or a committee controlled by a candidate for that office. Electronic media advertisements that are an Internet Web site generally are required to include any required disclosure statements in a contrasting color and in no less than 8-point font.

This bill requires online platforms that sell political ads to make specified information about those political ads available to the public, including requiring online platforms to maintain a complete record of all ads that are disseminated on the online platform by specified political committees. That record, which is required to be made available to the public, would include a copy of each ad, information about the cost and approximate number of impressions generated from the ad, and information about the committee that paid for the ad. Additionally, this bill makes various changes to the format for disclosures that are required by existing law to appear on electronic media ads.

The provisions of this bill will become operative on January 1, 2020.

[AB 2218 \(Berman\)](#)
Chapter 432, Statutes of 2018
Vote by mail ballot tracking.

[Adds Section 3019.7 to the Elections Code]

Since California law was amended in 2001 to allow any voter to become a permanent vote by mail (VBM) voter (known at the time as a "permanent absentee voter"), the percentage of voters who vote using a ballot that was mailed to them generally has increased from election cycle-to-election cycle.

As VBM voting has increased, the state has taken a number of steps to make it easier for voters to receive information about the status of their VBM ballots. Starting in 2008, California required county elections officials to give VBM voters a mechanism for determining whether their voted VBM ballots were *received* by the elections official, and subsequent legislation required elections officials to have a means for VBM voters to determine if their ballots were *counted*, and if not, the reason why their ballots weren't counted.

Other jurisdictions outside of California have gone farther, and have established systems that allow voters to track their ballots the same way that a person might track a package.

This bill requires the Secretary of State, no later than January 1, 2020, to establish a system that a county elections official may use to allow a VBM voter to track and receive information about

<u>Legislative History</u>	
Assembly Elections.....	6-1
Assembly Appropriations	13-3
Assembly Floor	64-14
Senate Elections.....	4-1
Senate Appropriations	<u>(28.8)</u>
Senate Floor	26-6

his or her VBM ballot as it moves through the mail system and as the VBM ballot is processed by the county elections official.

[AB 2245 \(Berman\)](#)

Vetoed
Voter registration.

[Amends Sections 2187 and 2194 of the Elections Code, and amends Section 6254.4 of the Government Code]

Under existing law, a person who is at least 16 years old and who otherwise meets all voter eligibility requirements is permitted to pre-register to vote and that registration is deemed effective at the point when the person will be 18 years old at the time of the next election.

Current law also requires certain information from affidavits of voter registration, such as the name, home address, telephone number, email address, and party preference, to be provided to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State (SOS).

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Appropriations	16-0
Assembly Floor	78-0
Assembly Concurrence.....	80-0
Senate Elections.....	5-0
Senate Appropriations	6-0
Senate Floor	39-0

This bill would have required the registration information of a person who has pre-registered to vote pursuant to current law to be confidential and would have prohibited the information from being disclosed to any person. Additionally, this bill would have required a county elections official to provide the SOS with summary information on the number of persons who have pre-registered to vote, as specified.

On September 18, 2018, Governor Brown vetoed this bill. In his [veto message](#), the Governor stated that "[t]he Secretary of State already provides pre-registered voter data by county and nothing prohibits the breakdown of the data into further political subdivisions. Moreover, it is common practice for county election officials to keep pre-registered voter data confidential. Therefore, this bill is unnecessary."

[AB 2352 \(Low\)](#)

Vetoed

Elections: reportable events.

[Amends Section 10002 of, and adds Sections 15506 and 17507 to, the Elections Code]

Due to a number of well publicized administrative mistakes and errors in elections conducted by the Santa Clara County Registrar of Voters' office (Santa Clara) since 2010, the Joint Legislative Audit Committee approved a 2017 request for an audit of the Santa Clara's policies, procedures, and practices for the creation, review, and distribution of election-related materials.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Appropriations	16-0
Assembly Floor	78-0
Assembly Concurrence.....	79-0
Senate Elections.....	5-0
Senate Appropriations	7-0
Senate Floor	39-0

In October 2017, the State Auditor completed the audit and released her report. According to the audit report, Santa Clara reported that it had administered nearly 30 elections between 2010 through 2016 and identified 26 errors in its development and distribution of election-related materials. The errors largely originated from incorrect mapping of voting districts, vendor mistakes, and inadequate proofreading and publication processes. The audit report concluded that Santa Clara's insufficient policies and procedures led to errors in their election-related materials, and Santa Clara's responses were inconsistent and sometimes inadequate when notifying the public of the errors. The report made the following general conclusions: (1) inadequate and often unwritten policies, procedures and practices led to errors in election-related materials; 2) Santa Clara did not ensure that it notified voters consistently and effectively about errors in election-related materials; and 3) to help prevent errors in election-related materials and processes, the Secretary of State (SOS) should enhance its oversight of county election officials. Additionally, the State Auditor's report made various recommendations for both Santa Clara and the SOS.

Consistent with one of the recommendations made by the State Auditor, this bill would have required each county elections official to document reportable events, as defined, and submit information on these events to the SOS for review and guidance, as specified.

On September 29, 2018, Governor Brown vetoed this bill. In his [veto message](#), the Governor stated, "[e]ach election approximately 400 reportable events are referred to the Secretary of State, for guidance and review. Given the current workload, I don't think the state should mandate the additional reporting called for in this bill."

[AB 2540 \(Mullin\)](#)

Chapter 343, Statutes of 2018

State facilities and public buildings: vote centers and polling places.

[Amends Sections 12283 and 12284 of the Elections Code]

In 2016, the Legislature passed and the Governor signed [SB 450 \(Allen & Hertzberg\), Chapter 832, Statutes of 2016](#), which enacted the California Voter's Choice Act (CVCA). The CVCA permits 14 specified counties, starting in 2018, to conduct elections in which all voters are mailed ballots, and voters have the opportunity to vote on those ballots or to vote in person at a vote center for a period of 10 days leading up to election day. Five counties conducted elections under this system in 2018; the remaining counties may use this system beginning in 2020.

<u>Legislative History</u>	
Assembly Elections.....	6-0
Assembly Appropriations	15-0
Assembly Floor	75-0
Senate Elections.....	5-0
Senate Appropriations	(28.8)
Senate Floor	38-0

The CVCA requires vote centers to be open for a specified minimum number of days and hours, and requires a voter to be able to return his or her vote by mail ballot, register to vote or update voter registration, receive and vote a provisional ballot, receive a replacement ballot, or vote using accessible voting equipment at a vote center. Additionally, existing law requires a vote center to be accessible to voters with disabilities and provide language assistance consistent with current state and federal law.

According to elections officials in the counties that implemented the CVCA this year, it has been challenging for officials to find adequate facilities to serve as vote centers. This bill is intended to help address this issue by requiring that specified public facilities, including school buildings, be made available to serve as vote centers at the request of county elections officials, provided that elections officials give the governing body sufficient advanced notice, as specified.

[AB 2552 \(Berman\)](#)

Vetoed

Elections: ballot contents.

[Amends Section 13210 of, and adds Section 13218 to, the Elections Code]

The design of a ballot plays a critical role in ensuring that a voter's choices are recorded accurately. A well designed ballot must be accessible to everyone – voters vary in levels of literacy, quality of vision, and learning style. Under current law, however, a ballot must follow certain formatting requirements, including rules governing the order that offices appear on the ballot, the numbering of ballot measures, instructions to voters, font type, font size, margin widths, spacing of contests, voting square size, and write-in spaces, among other requirements. While existing law permits a county elections official to make ballot formatting changes to accommodate the limitations of a voting system or vote tabulating device, as specified, there is little flexibility for most other ballot design requirements.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Appropriations	16-0
Assembly Floor	78-0
Assembly Concurrence.....	71-4
Senate Elections.....	5-0
Senate Appropriations	7-0
Senate Floor	39-0

Moreover, ballot design laws have become outdated and need a comprehensive review to better reflect new election equipment and technology. This bill would have required the Secretary of State to establish a ballot design advisory committee to bring experts and stakeholders together to facilitate a comprehensive discussion and thorough examination of ballots, their design, and their instructions, to ensure election results better reflect the desires of the electorate. Additionally, this bill would have required certain ballot instructions to be printed in bold or contrasting color to help draw voters' attention to important information.

On September 7, 2018, Governor Brown vetoed this bill, [stating](#) that "[i]n recent years, California's ballot and ballot pamphlet have become a hodgepodge of confusing, excessive and often redundant words and explanations. The Secretary of State—with or without a committee—should fix this festering problem. A bill is not necessary."

[AB 2592 \(Berman\)](#)

Chapter 652, Statutes of 2018

Secretary of State: census outreach and education.

[Amends Section 10 of, and adds Section 9088.5 to, the Elections Code, and adds Section 12172.6 to the Government Code]

Article I, Section 2 of the United States (U.S.) Constitution mandates that a survey of everyone living in the country be conducted every ten years. That survey is known as the decennial census. The data collected as part of the decennial census determines the number of seats each state has in the U.S. House of Representatives, guides redistricting, and is used to distribute billions of dollars in federal funding for healthcare, education, and infrastructure. Moreover, the census provides a social, demographic, and economic profile of the country’s residents, informing decisions by policymakers and businesses across the country.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Appropriations	17-0
Assembly Floor	71-0
Assembly Concurrence.....	66-8
Senate Elections.....	4-1
Senate Appropriations	(28.8)
Senate Floor	32-3

The processes and procedures for the next census, which is scheduled for 2020, have been significantly changed, and recent studies estimate that these changes might put California in danger of losing a representative in the U.S. House of Representatives due to an inaccurate and incomplete count of all those living in California.

This bill requires the Secretary of State (SOS) to include messages in public election materials produced by the SOS that promote awareness of, and encourage participation in, the census, as specified. Additionally, this bill requires the SOS to prioritize messages that are designed to overcome significant challenges to a complete and accurate enumeration of the state, including messages targeted at overcoming barriers to participation by historically hard-to-count communities based on response rate data from the U.S. Census Bureau.

[AB 2665 \(Salas\)](#)

Chapter 282, Statutes of 2018
Absentee ballots: processing.

[Amends Section 15101 of the Elections Code]

Existing law permits jurisdictions that have the necessary computer capability to start processing vote by mail (VBM) ballots that have been completed and returned by voters beginning the 10th business day before the election. Specifically, elections officials may open VBM ballot return envelopes, remove ballots, duplicate any damaged ballots, prepare the ballots to be machine read, and machine read them, provided that no vote count is accessed or released prior to 8 p.m. on the day of the election.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Floor	73-0
Senate Elections.....	4-0
Senate Floor	37-0

Traditionally, elections officials have had to manually process any ballot that includes a write-in vote. Newer tabulating machines, however, make it possible to process VBM ballots that include write-in votes electronically. When a VBM ballot is run through the tabulator, it records a screenshot which can be electronically viewed to determine the intent of the voter and to match the write-in vote to the name of a qualified write-in candidate or to reject the write-in as invalid.

This bill permits any jurisdiction having the necessary computer capability to process write-in votes on VBM ballots during the same time period that the jurisdiction is otherwise permitted to take other steps to process VBM ballots, as long as no vote count is accessed or released prior to 8 p.m. on the day of the election.

[AB 2689 \(Gray\)](#)

Vetoed

Contribution and gift ban: Senate or Assembly confirmation.

[Adds Section 85705 to the Government Code]

Under existing law, the Governor has the authority to appoint individuals to serve in various offices, subject to confirmation by the state Senate. Additionally, when a vacancy occurs in statewide elected offices (other than Governor) or on the Board of Equalization (BOE), the Governor has the authority to nominate a person to fill that vacancy, subject to confirmation by the state Assembly and the state Senate. In cases of appointees who are subject to Senate confirmation,

<u>Legislative History</u>	
Assembly Elections.....	6-0
Assembly Appropriations	17-0
Assembly Floor	77-0
Senate Elections.....	5-0
Senate Appropriations	(28.8)
Senate Floor	39-0

the Senate has 365 days either to confirm or refuse to confirm the appointee. In the case of a nominee to fill a vacancy in a statewide elected office or on the BOE, the Assembly and the Senate generally have 90 days from the submission of the nomination to either confirm or refuse confirmation, except as specified.

This bill would have prohibited a Governor's appointee who is subject to Senate or Assembly confirmation from making contributions or gifts to Senators, members of the Assembly, or candidates for the Senate or Assembly while the appointee's confirmation is pending. This prohibition additionally would have applied to costs related to a fundraising event held at the home of the person who was appointed or reappointed, even in situations where those costs would not otherwise be considered a contribution.

This bill was vetoed by Governor Brown on September 30, 2018. In his [veto message](#), the Governor wrote that while the "prohibitions in this bill may make sense...so would many others—including banning contributions from anyone who seeks to influence legislation," and indicated that the "piece-meal approach" taken by this bill "is not the answer."

[AB 2707 \(Mullin\)](#)

Chapter 920, Statutes of 2018
Voter information Internet Web site.

[Adds Chapter 11 (commencing with Section 11898) to Part 1 of Division 3 of Title 2 of the Government Code]

Under current law, the Secretary of State (SOS) is required to publish and distribute a roster of state and local public officials whenever an appropriation is made by the Legislature for that purpose. The SOS, however, currently does not have a centralized system in place to track elected officials at all levels of government. For instance, while the SOS currently publishes an annual listing of California's public officials known as The California Roster, that listing does not include information about officials elected to special districts.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Appropriations	16-0
Assembly Floor	78-0
Assembly Concurrence.....	79-0
Senate Elections.....	5-0
Senate Appropriations	7-0
Senate Floor	39-0

This bill requires the SOS to request proposals to establish a voter information Internet Web site that provides voters with information on their elected federal, state, and local officials. Specifically, this bill requires the voter information Web site, upon a voter submitting his or her address information, to display the names and contact information, including telephone number, email address, and office address for United States Senators and Representatives in Congress, statewide officers, members of the Senate and Assembly, and elective officers of a city, county, school district, and special district, as specified.

[AB 2835 \(Calderon\)](#)
Chapter 57, Statutes of 2018
Elections: ballots.

[Amends Sections 301, 305.5, 13107, 13119, 13207, 13208, 13213, and 13241 of the Elections Code]

Existing law defines certain election-related terms such as "ballot" and "paper cast vote record." However, certain terms need updating in order to accommodate new voting equipment technology.

For instance, in 2009, in partnership with the Voting Technology Project, the Los Angeles County Registrar-Recorder/County Clerk launched the Voting Solutions for All People Project to implement a new and enhanced voting system that meets the growing voting system needs and challenges faced by Los Angeles County.

This bill updates the definitions of a "ballot" and a "paper cast vote record" to ensure that Los Angeles's new voting system and its new voting process are in compliance with state law. Additionally, this bill makes other clarifying, technical, and corresponding changes.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Floor	73-0
Senate Elections.....	5-0
Senate Floor	37-0

[AB 2880 \(Harper\)](#)
Chapter 394, Statutes of 2018
Political Reform Act of 1974: local enforcement.

[Repeals Section 83123.7 of, and repeals and adds Section 83123.6 of, the Government Code]

In 2012, the Legislature passed and the Governor signed [AB 2146 \(Cook\), Chapter 169, Statutes of 2012](#), which permitted San Bernardino County and the Fair Political Practices Commission (FPPC) to enter into an agreement that provides for the FPPC to enforce the County's local campaign finance ordinance. Similarly, [AB 1083 \(Eggman\), Chapter 186, Statutes of 2015](#), authorized the City Council of the City of Stockton and the FPPC to enter into similar agreements and [SB 267 \(Pan\), Chapter 622, Statutes of 2017](#), permits the City of Sacramento and the FPPC to enter into similar agreements, as specified.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Local Government ...	8-0
Assembly Appropriations	16-0
Assembly Floor	73-0
Assembly Concurrence.....	78-0
Senate Elections.....	5-0
Senate Appropriations	<u>(28.8)</u>
Senate Floor	37-0

This bill broadens previous authorization laws and allows the governing body of *any* local government agency to contract with the FPPC for the administration, implementation, and enforcement of a local campaign finance *or* government ethics law, as specified.

[AB 3075 \(Berman\)](#)

Chapter 241, Statutes of 2018
Office of Elections Cybersecurity.

[Adds Section 10.5 to the Elections Code]

In March, the Assembly Committee on Elections & Redistricting held a joint informational hearing with the Senate Committee on Elections & Constitutional Amendments on the topic of cybersecurity and California elections. The hearing explored California's policies for protecting the security of election systems and information. Witnesses also discussed strategies to mitigate the spread of election-related misinformation intended to confuse voters, suppress turnout, or cause other disruptions.

<u>Legislative History</u>	
Assembly Elections.....	6-0
Assembly Appropriations	17-0
Assembly Floor	71-0
Assembly Concurrence.....	57-19
Senate Elections.....	5-0
Senate Appropriations	<u>(28.8)</u>
Senate Floor	25-8

This bill creates the Office of Elections Cybersecurity (OEC) within the Office of the Secretary of State. The OEC is tasked with coordinating efforts between federal, state, and local officials, including county registrars of voters, to reduce the likelihood and severity of cyber incidents that threaten the integrity of California elections. Additionally, the OEC is responsible for monitoring and counteracting false or misleading information regarding the electoral process.

[AB 3258 \(Committee on Elections & Redistricting\)](#)

Chapter 269, Statutes of 2018
Elections.

[Amends Sections 2187, 8106.5, 9094, 11325, and 13305 of the Elections Code]

This is an elections omnibus bill that makes various minor, technical, and conforming changes to provisions of the Elections Code, as detailed below.

Existing law requires the Secretary of State (SOS) to prepare periodic reports of voter registration. Among other things, reports of voter registration are used to determine which political parties are eligible to participate in certain state elections. This bill aligns the date of one of the reports of voter registration

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Appropriations	16-0
Assembly Floor	73-0
Assembly Concurrence.....	75-0
Senate Elections.....	5-0
Senate Appropriations	<u>(28.8)</u>
Senate Floor	39-0

with the date on which the SOS is required to determine the political parties that are eligible to participate in a presidential general election, and makes various clarifying changes to provisions of law related to the reports of voter registration.

Existing law generally requires the SOS to mail state voter information guides (VIGs) to voters, but provides that county elections officials may be required to mail the guides to voters in certain circumstances. Due to functionality included in the state's new voter registration database, the SOS has taken responsibility for mailing all state VIGs, and counties are no longer required to do so. Consistent with this new practice, this bill specifies that the SOS is responsible for mailing state VIGs directly to voters.

[AB 469 \(Cooper\), Chapter 839, Statutes of 2017](#), moved up the deadline for candidates to collect signatures on petitions in-lieu of paying a filing fee (commonly known as "in-lieu petitions"). For special vacancy elections, however, the new deadline from AB 469 can create a situation where the deadline for filing in-lieu petitions falls before the occurrence of the vacancy that the special election is being held to fill. This bill provides that if the nomination period for a special election is 12 days or more, the deadline for filing in-lieu petitions will be nine days before the close of the nomination period. If the nomination period is 11 days or fewer, this bill gives the SOS the discretion to set the deadline for submitting in-lieu petitions.

This bill also makes other minor, technical, and clarifying changes to various provisions of the Elections Code.

[AB 3259 \(Committee on Elections & Redistricting\)](#)
Chapter 58, Statutes of 2018
Elections.

[Amends Sections 1500, 2155, 6321, 6405, 6541, 6567, 6598, 6768, 8083, 9210, 10602, 11222, 12102, and 12104 of the Elections Code]

This is an elections omnibus bill that makes various minor, technical, and conforming changes to provisions of the Elections Code, as detailed below.

Under existing law, if the proponents of a state initiative, referendum, or recall measure or of a county initiative or referendum measure submit petitions that contain an insufficient number of signatures for that measure to qualify for the ballot, the petitions are retained by the elections official and are destroyed after a specified period of time. However, the process is different for municipal initiative and referendum and local recall petitions. Under existing law, the elections official is required to return petitions to the proponents of a municipal initiative or referendum or a local recall if the petitions contain an insufficient number of signatures for that measure to qualify for the ballot. This bill deletes

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Floor	72-0
Senate Elections.....	5-0
Senate Floor	37-0

the requirement that elections officials must return insufficient municipal initiative and referendum and local recall petitions to the proponents, and instead mirrors the language used in provisions of law for state and county initiative and referendum petitions, and specifies that the elections official shall take no further action on petitions with an insufficient number of signatures.

Last year, the Legislature approved and the Governor signed [SB 568 \(Lara\), Chapter 335, Statutes of 2017](#), which moved California's statewide primary elections from June to March, beginning in 2020 and made corresponding changes to a provision of law that specifies the "established election dates" in California by including the first Tuesday after the first Monday in March of each even-numbered year as an "established election date." This bill makes a corresponding change in other provisions of law to reflect the action taken in SB 568.

Section 2155 of the Elections Code specifies the format of the notification that is required to be sent to voters when they register to vote or update their voter registration, and requires that the end of the notification include a place for the voter's signature. The purpose of the space for the voter's signature is unclear—the notification is intended to notify the voter of the change to his or her voter registration status, and it is not generally used for other election purposes. This bill deletes the space on the voter notification form for a voter's signature.

This bill also makes other minor, technical, and clarifying changes to various provisions of the Elections Code.

Senate Bills

[SB 25 \(Portantino\)](#)

Chapter 927, Statutes of 2018

Elections: alternate ballot order: Los Angeles County pilot program.

[Adds Sections 13109.7, 13109.8, and 13109.9 to the Elections Code]

Current law requires a ballot to comply with a variety of laws that dictate its form and content. For example, existing law requires a ballot to contain the title of each office, the names of all qualified candidates, ballot designations, titles and summaries of measures submitted to voters, and instructions to voters, among other things. In addition, current law requires a ballot to follow certain formatting requirements, including rules governing the order that offices appear on the ballot.

Legislative History

Senate Education.....	N/R
Senate Appropriations	N/R
Senate Floor	N/R
Senate Elections (29.10).....	4-1
Senate Concurrence.....	29-9
Assembly Elections.....	6-1
Assembly Appropriations	12-0
Assembly Floor	65-12

Under the current ballot order, federal and state offices, such as the President and Vice President and Governor, are generally listed first on the ballot followed by local offices and state and local ballot measures. This bill requires the county elections official for the County of Los Angeles to conduct elections using an alternate ballot order, as specified, under which local offices generally appear on the ballot before state and federal offices. Additionally, this bill requires the county elections official to prepare a report regarding the effect of using the alternate ballot order for elections, as specified.

[SB 759 \(McGuire\)](#)

Chapter 446, Statutes of 2018

Elections: vote by mail ballots. Urgency.

[Amends Section 3019 of the Elections Code]

Last session the Legislature passed and the Governor signed [AB 477 \(Mullin\), Chapter 726, Statutes of 2015](#), which allows a voter who failed to sign his or her vote by mail (VBM) ballot identification envelope to complete and sign an unsigned ballot statement up to eight days after the election, as specified, in order to have his or her ballot counted. AB 477 required an elections official, if timely submitted, to accept any completed unsigned ballot statement, and upon

Legislative History

Senate Elections.....	4-1
Senate Appropriations	5-2
Senate Floor	27-12
Senate Concurrence.....	27-11
Assembly Elections.....	5-2
Assembly Appropriations	12-5
Assembly Floor	55-25

receipt of the unsigned ballot statement, to compare the voter’s signature on the statement in the manner provided by current law.

This bill sets up a similar process for VBM ballots with a mismatching signature. Specifically, SB 759 permits a voter whose signature on his or her VBM ballot identification envelope does not match the signature on file in the voter's record to return a completed signature verification statement, as specified, in order to have his or her ballot counted.

This bill contains an urgency clause, and took effect on September 17, 2018.

[SB 1018 \(Allen\)](#)

Chapter 462, Statutes of 2018

Elections: state and local reapportionment.

[Amends Sections 23000, 23001, 23002, and 23003 of, and adds Section 23004 to, the Elections Code]

In 2016, the Legislature passed and the Governor signed [SB 1108 \(Allen\), Chapter 784, Statutes of 2016](#), which permits a county or a general law city to establish a redistricting commission, subject to certain conditions. SB 1108 authorized two different types of commissions: independent commissions and advisory commissions. SB 1108 imposed few restrictions and requirements on advisory commissions, but subjected members of independent commissions to extensive eligibility requirements and post-service restrictions.

<u>Legislative History</u>	
Senate Elections.....	4-0
Senate Gov. & Finance.....	7-0
Senate Floor	36-0
Senate Concurrence.....	36-0
Assembly Elections.....	6-0
Assembly Local Government ...	8-0
Assembly Floor	67-3

This bill relaxes some of the eligibility requirements for members of independent commissions and eases one of the post-service restrictions on those members in an effort to expand the pool of individuals who are available to serve on such commissions. Additionally, this bill allows for the creation of hybrid commissions, subject to the same restrictions and requirements as independent commissions, and allows local governmental entities (school districts, community college districts, and special districts) that were not included in SB 1108 to establish redistricting commissions.

[SB 1153 \(Stern\)](#)

Chapter 155, Statutes of 2018

Local initiatives: review.

[Adds Sections 9118.5, 9215.5, and 9311 to the Elections Code]

Under existing law, when local initiative proponents have collected a sufficient number of signatures for their measure to qualify for the ballot, the governing body of the local jurisdiction generally can choose to adopt the initiative measure without alterations. In that situation, the initiative measure is not submitted to the voters for their consideration. If the governing body does not adopt the initiative without alterations, however, it generally must be submitted to the voters

for their consideration at a regular or special election. As a result, if the proponents of an initiative measure reach an agreement with the governing body under which a modified version of the initiative proposal is adopted by the governing body, the original version of the initiative still needs to be submitted to the voters for their consideration.

In an effort to facilitate discussions between initiative proponents and local governing bodies over potential compromises to proposed local initiative measures, this bill permits the proponent of a county, municipal, or special district initiative to withdraw the initiative at any time before the 88th day before the election, whether or not the petition has already been found to contain a sufficient number of valid signatures to qualify for the ballot.

<u>Legislative History</u>	
Senate Elections.....	4-0
Senate Appropriations	(28.8)
Senate Floor	36-0
Assembly Elections.....	7-0
Assembly Appropriations	16-0
Assembly Floor	69-0

[SB 1171 \(Stern\)](#)

Chapter 113, Statutes of 2018

Electors: conditional voter registration.

[Amends Sections 321 and 2162 of, and adds Section 2160 to, the Elections Code]

Provisional ballots generally are cast by a voter whose name is not on the official voter registration list at a polling place, or by a vote by mail (VBM) voter who does not have his or her VBM ballot and would like to vote at a polling place. A provisional ballot is similar to a regular ballot, but is placed in a special envelope prior to being put in the ballot box. Current law

requires a provisional ballot to be counted after an elections official has confirmed that the voter is registered to vote in that county and did not previously vote in that election.

<u>Legislative History</u>	
Senate Elections.....	4-0
Senate Floor	25-10
Assembly Elections.....	5-2
Assembly Floor	53-23

In 2012, the Legislature approved and Governor signed [AB 1436 \(Feuer\), Chapter 497, Statutes of 2012](#), which established conditional voter registration, also known as "same-day" registration, in California. Specifically, AB 1436 authorized a person who is otherwise qualified to register to vote to complete a conditional voter registration and cast a provisional ballot at the elections official's permanent office or at another designated location during the 14 days immediately preceding an election or on election day. After receiving a conditional voter registration, current law requires an elections official to determine the registrant's eligibility to register to vote and validate the information, as specified. If the conditional voter registration is deemed effective, the registrant's provisional ballot is included in the official canvass. Conditional voter registration went into effect on January 1, 2017.

In practice, a voter who conditionally registers to vote is required to fill out an affidavit of registration and subsequently fill out a provisional ballot. This bill streamlines this process and permits an elections official to use a provisional ballot envelope as an affidavit of registration if the provisional ballot envelope contains all the necessary information that would be required on a voter registration affidavit.

[SB 1239 \(Hertzberg\)](#)

Chapter 662, Statutes of 2018

Political Reform Act of 1974: campaign disclosures.

[Amends Sections 81004, 81007, 81007.5, 81008, 81009, 81010, 82006, 84101, 84101.5, 84102, 84103, 84108, 84200.8, 84203, 84204, 84204.5, 84211, 84213, 84215, 84219, 84223, 84504.2, 84602, 84605, 84606, 84612, 84615, 85200, 86100, 86103, 86104, 86105, 86107, 86108, 86109.5, 86114, 86116, and 86118 of, and repeals Sections 84217 and 86109 of, the Government Code]

In 1997, the Legislature passed and Governor Pete Wilson signed [SB 49 \(Karnette\), Chapter 866, Statutes of 1997](#), which established the Online Disclosure Act of 1997. SB 49 required the Secretary of State (SOS), in consultation with the Fair Political Practices Commission (FPPC), to develop and implement an online filing and disclosure system for reports and statements required to be filed under the Political Reform Act (PRA). As a result, the SOS created and deployed a system called the California Automated

Lobby Activity and Campaign Contribution and Expenditure Search System, commonly referred to as Cal-Access. Cal-Access is now 19 years old, and the SOS reports that components of the system are no longer supported by their vendor. As a result, the system has periodically crashed and denied public access.

<u>Legislative History</u>	
Senate Elections.....	4-0
Senate Appropriations	(28.8)
Senate Floor	37-0
Senate Concurrence	39-0
Assembly Elections.....	6-1
Assembly Appropriations	17-0
Assembly Floor	78-0

Given the limitations of the existing Cal-Access system, the Legislature has taken steps to replace that system. In 2012, the Legislature enacted [SB 1001 \(Yee\), Chapter 506, Statutes of 2012](#), which imposed a \$50 annual fee on political committees that are required to file disclosure reports pursuant to the PRA and increased the fee on lobbying firms and lobbyist employers from \$25 to \$50 per year per lobbyist. The revenue generated by that bill is available to be used to update or replace the Cal-Access system.

Last session, the Legislature approved and the Governor signed [SB 1349 \(Hertzberg\), Chapter 845, Statutes of 2016](#), which requires the SOS, in consultation with the FPPC, to develop and certify for public use a *new* online filing and disclosure system for reports and statements required to be filed under the PRA. That new system is expected to be deployed no later than December 31, 2019.

This bill makes numerous substantive and technical changes related to the procedures associated with filing campaign and lobbying reports to facilitate the implementation of the state's new online campaign and lobbying activity disclosure system. The provisions of this bill will become operative when the SOS certifies that the new disclosure system is operational.

[SB 1250 \(Bradford\)](#)
Chapter 911, Statutes of 2018
Voting: domicile.

[Amends Section 2026 of the Elections Code]

Determining the domicile for voting purposes of most Californians is relatively straightforward; for any person who has only one residence as defined by state law, that person's residence will also be the person's domicile. State law also recognizes, however, that there may be unique circumstances which result in a person's absence for an extended period of time from a residence, which nonetheless do not mean that the residence is no longer the person's domicile. State law, for example, provides that a person does not gain or lose a domicile solely by reason of his or her presence or absence from a place while employed in the service of the United States or the State of California.

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In 1984, the Legislature approved and the Governor signed [AB 1798 \(W. Brown\), Chapter 21, Statutes of 1984](#). AB 1798 provided that for the purposes of determining the domicile of a Member of the Legislature or a Representative in the Congress of the United States, it is *conclusively presumed* that the residence address indicated on that person's currently filed affidavit of registration is the person's domicile. AB 1798 was approved in recognition of the fact that sitting members of the Legislature and Congress face special circumstances because of the nature of their jobs, and that those circumstances could create situations where a

consideration of the factors traditionally used to determine a person's domicile could create an inaccurate impression of the true domicile of a member of the Legislature or of Congress. For example, members of the Legislature and of Congress may spend long periods of time away from the districts that they represent in order to serve their constituents in Sacramento or in Washington, D.C., respectively. Similarly, incumbent Legislators and members of Congress may be forced to relocate due to redistricting in order to continue to represent their constituents.

Since the enactment of AB 1798, however, at least one California court looked beyond the conclusive presumption created by that bill and engaged in a weighing of evidentiary factors to determine where a member of the Legislature was domiciled. As a result, according to the proponents of this bill, the legislators and Congressional representatives of California are left without clarity as to when, how, and if the conclusive presumption will be applied.

This bill specifies, for the purposes of determining the domicile of a Member of the Legislature or a Representative in Congress for voting purposes, that the existence of certain conditions at one of the person's residences do not override the existing conclusive presumption that establishes the person's domicile, as long as the address is a residence of the person.

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