

2017

2017 Legislative Summary

Assembly Committee on Elections and Redistricting

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2017

ASSEMBLY COMMITTEE ON
ELECTIONS AND REDISTRICTING
LEGISLATIVE SUMMARY

Marc Berman, Chair

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0096
(916) 319-2094
FAX: (916) 319-2194



VICE CHAIR
MATTHEW HARPER
MEMBERS
IAN C. CALDERON
EVAN LOW
KEVIN MULLIN
JIM PATTERSON
SHIRLEY N. WEBER

November 2017

Interested Parties:

This booklet summarizes selected legislation approved by the Assembly Committee on Elections and Redistricting during the 2017 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 require campaign advertisements to include prominent disclosures of the primary funders of those advertisements; make California more relevant in Presidential primary elections by moving up the date of those elections; modernize official election publications so that they are more useful as a resource for voters; improve availability of and access to translated election materials; and restrict local governments from using public funds to send mailings that promote candidates in the days leading up to an election. 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, 2018. 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 positioned above the printed name.

Marc Berman

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EVAN LOW
KEVIN MULLIN
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COMMITTEE STAFF

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NICHOLE BECKER, PRINCIPAL CONSULTANT
LORI BARBER, SECRETARY, ASSOCIATE CONSULTANT
BISH PAUL, CCST SCIENCE FELLOW

CONTACT INFORMATION

LEGISLATIVE OFFICE BUILDING
1020 N STREET, ROOM 365
SACRAMENTO, CA 95814
(916) 319-2094

INTERNET WEBSITE:

[HTTP://AELC.ASSEMBLY.CA.GOV/](http://aelc.assembly.ca.gov/)

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.

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 LEGISLATIVE HIGHLIGHTS

IMPROVING CAMPAIGN DISCLOSURE:

The Legislature approved and the Governor signed a series of bills to improve California's already-robust campaign disclosure laws, making the state's disclosure rules among the strongest in the country. One bill requires ballot measure committees and political action committees supporting or opposing candidates to display their top funders on advertisements in a clear and conspicuous manner. Other new laws will ensure prompt public disclosure of campaign spending on local initiative and referendum measures; improve access to local campaign disclosure reports that are available on the Internet; and help prevent voters from being misled by campaign mailers that purport to represent the position of public safety organizations.

PRESIDENTIAL ELECTIONS:

In an effort to increase California's role in Presidential primary elections, a bill signed by the Governor will move the state's primary elections to March, beginning in 2020. Another new law will ensure that voters who are registered without a political party preference are fully informed about their options to vote in presidential primaries. Two resolutions approved by the Legislature promote efforts to elect the President by a national popular vote. In an attempt to provide voters with more information about the financial interests of Presidential candidates, the Legislature also approved a bill to require candidates to disclose their tax returns in order to appear on the ballot in California.

VOTER PARTICIPATION AND VOTING ACCESSIBILITY:

Continuing the state's efforts to remove barriers to voting, new laws will provide greater access to translated election materials and will facilitate voting by individuals who are required to move due to military service. Two other new laws will reduce the number of voters who are required to cast provisional ballots and cut back on the number of vote by mail ballots that are disqualified when voters forget to sign the ballot envelope. The Legislature also approved a bill that sought to ensure that remote accessible vote by mail balloting was available for voters with disabilities and for military and overseas voters.

PROTECTING AGAINST DECEPTIVE ELECTION PRACTICES:

A number of newly enacted laws seek to crack down on efforts to deceive or mislead voters. The Legislature approved and the Governor signed bills to restrict deceptive ballot designations by judicial candidates, hold supervisors accountable for knowingly allowing misconduct by individuals under their supervision who are collecting signatures on election petitions, and broaden the state's political cyberfraud laws to provide greater protection against deceptive political websites.

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING
LEGISLATIVE SUMMARY

ASSEMBLY MEASURES

[AB 4 \(WALDRON\)](#)

CHAPTER 29, STATUTES OF 2017
VOTER NOTIFICATION.

[Adds Section 2155.4 to the Elections Code]

Under current law, if an individual submits a voter registration affidavit or updates the address on his or her registration, the county elections official is required to send the individual a nonforwardable voter notification card by first-class mail alerting the voter of the completed voter registration affidavit or the address change.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Floor.....	76-0
Senate Elections.....	4-0
Senate Floor.....	38-0

This bill additionally permits a county elections official to notify an individual by text message or email that his or her voter registration information was received and that he or she will receive a subsequent notification by mail as required by current law. While such a text message or email notification is not expressly prohibited under existing law, this bill makes it clear that a county elections official may notify a voter by text message or email of a change in the voter's registration.

[AB 187 \(GLORIA\)](#)

CHAPTER 183, STATUTES OF 2017
POLITICAL REFORM ACT OF 1974: LOCAL BALLOT MEASURE CONTRIBUTION
AND EXPENDITURE REPORTING.

[Amends Section 84204.5 of the Government Code]

California law contains various filing requirements for disclosing contributions and expenditures made to support or oppose ballot measures. Ballot measure committees generally are required to file campaign disclosure reports on a semi-annual or a quarterly basis until the ballot measure qualifies to appear on the ballot. Once the measure qualifies, a committee making contributions or expenditures in connection with that measure may be required

<u>Legislative History</u>	
Assembly Elections.....	5-1
Assembly Appropriations	12-5
Assembly Floor.....	58-13
Senate Elections.....	3-1
Senate Appropriations	(28.8)
Senate Floor.....	27-11

to file preelection reports, depending on the type of committee and the amount of activity by that committee. During the last 90 days before an election at which a measure will appear on the ballot, committees making contributions or independent expenditures of \$1,000 or more to support or oppose the measure generally must disclose that contribution or expenditure within 24 hours of making it.

For committees that are making expenditures or contributions in connection with state ballot measures, there are certain instances in which state law requires more frequent disclosures of such contributions and expenditures even before the measure has qualified for the ballot. For example, under certain circumstances, a committee that makes a contribution or an independent expenditure of \$5,000 or more to support or oppose the qualification of a single state ballot measure is required to file a disclosure report within 10 business days of making the contribution or expenditure. This requirement was designed to ensure that voters had information about the entities that were funding efforts to qualify a measure for the ballot at the time that petitions were being circulated.

For local initiative and referendum measures, however, unless a regular campaign reporting period coincides with the time that the petitions to qualify the measure are being circulated, there is no guarantee that there would be meaningful disclosure of the groups and individuals who were funding the effort to qualify the measure for the ballot until after the measure had already qualified. Local government agencies can enact policies regulating campaign contributions and expenditures in the agency's jurisdiction, but agencies are limited in their ability to make those policies applicable to campaign committees that are also active outside the jurisdiction.

This bill requires a campaign committee that receives contributions and that makes contributions or independent expenditures of \$5,000 or more in support of or in opposition to the qualification of a single local initiative or referendum measure to file a campaign disclosure report, as specified, within 10 business days of making the contributions or expenditures.

[AB 195 \(OBERNOLTE\)](#)

CHAPTER 105, STATUTES OF 2017

LOCAL INITIATIVE MEASURES: BALLOT PRINTING SPECIFICATIONS.

[Amends Section 13119 of the Elections Code]

In 2015, the Legislature passed and the Governor signed [AB 809 \(Oberholte\), Chapter 337, Statutes of 2015](#), which required the ballot, if a proposed local initiative imposed a tax or raised the rate of a tax, to include information about the amount of money to be raised annually and the rate and duration of the tax to be levied.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Appropriations	17-0
Assembly Floor.....	74-0
Senate Elections.....	4-0
Senate Appropriations	<u>(28.8)</u>
Senate Floor.....	33-0

In 2016, the city of Carson, joined by six other cities in Los Angeles County, filed a lawsuit in the Los Angeles County Superior Court arguing that the ballot label for a local tax measure on the November 2016 general election ballot, Measure M, violated ballot label requirements under existing law for local tax measures (*City of Carson, et al., v. Dean Logan, Registrar-Recorder/County Clerk of the County of Los Angeles (2016) Case No. BS164554*). According to court documents, the petitioners contended that the Measure M ballot label violated the provisions of AB 809 because it did not state the amount of the money to be raised annually, it did not accurately state the rate of the tax, and it did not provide the duration of the tax to be levied. In opposition, the Respondents argued that AB 809 applies only to initiative measures that qualify for the ballot through a petition signed by voters of the local jurisdiction, whereas Measure M was placed on the ballot by the Los Angeles County Metropolitan Transportation Authority's Board of Directors, and as a result was not an initiative measure. The court ruled in favor of the Respondents.

This bill requires the ballot label for *all* local tax measures placed on the ballot, not just initiative tax measures, to include the rate of the proposed tax increase, its duration, and an estimate of the amount of revenue to be raised.

[AB 249 \(MULLIN & LEVINE\)](#)

CHAPTER 546, STATUTES OF 2017

POLITICAL REFORM ACT OF 1974: CAMPAIGN DISCLOSURES. URGENCY.

[Amends Sections 82025, 84305, 84310, 84501, 84505, 84506.5, 84510, 84511, and 85704 of, adds Sections 84504.1, 84504.2, 84504.3, 84504.4, and 84504.5 to, repeals Sections 84506, 84507, and 84508 of, and repeals and adds Sections 84502, 84503, 84504, and 84509 of, the Government Code]

Under state and federal law, committees must put "paid for by" disclaimers on certain campaign advertising, including campaign mailers, radio and television ads, telephone robocalls, and electronic media ads. State law additionally requires that certain advertisements related to ballot measures or that are paid for by independent expenditures must include a disclaimer that identifies the two top contributors of \$50,000 or more to the committee that is funding the advertisement, and requires a committee that supports or opposes one or more ballot measures, in certain circumstances, to name itself using a name or phrase that identifies the economic or other special interest of its major donors of \$50,000 or more.

<u>Legislative History</u>	
Assembly E. S. & T.M.....	N/R
Assembly Appropriations	N/R
Assembly Floor.....	N/R
Assembly Elections (77.2)	4-2
Assembly Concurrence.....	59-15
Senate Elections.....	4-1
Senate Appropriations	5-2
Senate Floor.....	29-9

This bill significantly overhauls the content and format of the disclosure statements required on campaign advertisements in a way that generally requires such disclosures to

be more prominent. Additionally, this bill generally requires such advertisements to include an identification of the *three* top contributors to the committee funding the advertisement, instead of the *two* top contributors that are required to be identified under existing law. This bill also establishes new requirements for determining when contributions are considered to be "earmarked," and outlines situations under which an entity that makes earmarked contributions must be identified in disclosure statements that appear in campaign advertisements.

This bill contains an urgency clause, and took effect on October 7, 2017. That urgency clause was included so that the public could prepare for new provisions added by this bill in anticipation of the 2018 elections, and the substantive provisions of this bill do not become operative until January 1, 2018.

[AB 467 \(MULLIN\)](#)

CHAPTER 640, STATUTES OF 2017

LOCAL TRANSPORTATION AUTHORITIES: TRANSACTIONS AND USE TAXES.

[Amends Section 180203 of the Public Utilities Code]

A transportation authority is authorized under existing law to levy a countywide transactions and use tax, subject to specified requirements and a two-thirds voter approval. A transportation authority must adopt a county transportation expenditure plan which describes the expenditure of the tax revenues. Before placing the transactions and use tax measure on the ballot, the transportation authority, county board of supervisors, and specified city councils must adopt the expenditure plan.

<u>Legislative History</u>	
Assembly Local Government	9-0
Assembly Elections.....	6-1
Assembly Floor.....	52-23
Assembly Concurrence.....	55-22
Senate Trans. and Housing	10-2
Senate Elections.....	4-1
Senate Floor.....	29-11

When the measure appears on the ballot, existing law requires the county voter information guide to include the entire adopted county transportation expenditure plan. Twelve counties had local transportation tax measures on the ballot in the November 2016 election. The requirement that the entire adopted county transportation expenditure plan be printed in the county voter information guide added up to 30 additional pages to voter information guides and cost counties between \$18,000 and \$1.6 million.

This bill provides that the entire text of an adopted county transportation expenditure plan is not required to be printed in the voter information guide at an election where voters consider a tax for transportation purposes, as specified, if the local transportation authority posts the entire adopted county transportation plan on its Internet website in an accessible manner, and mails a copy of the plan to any voter that requests it.

AB 469 (COOPER)

CHAPTER 839, STATUTES OF 2017

CANDIDATES: NOMINATION DOCUMENTS. URGENCY.

[Amends Section 8106 of the Elections Code]

California law requires candidates for many elective offices to pay a filing fee at the time they obtain nomination papers from the elections official. Filing fees are intended, in part, to help cover the administrative costs of conducting the election, but also serve as a means of limiting the size of the ballot in order to reduce voter confusion, prevent overwhelming voting systems, and allow the electorate to focus attention on a smaller number of candidates in order that elections may better reflect the will of the majority.

<u>Legislative History</u>	
Assembly Elections.....	6-0
Assembly Floor.....	62-8
Assembly Concurrence.....	60-11
Senate Elections.....	4-1
Senate Floor.....	30-10

For offices where candidates are required to pay filing fees, California law alternately allows a candidate to submit a petition containing signatures of registered voters in lieu of the filing fee. For most offices, within 10 days after receiving the in-lieu-filing-fee petition, the elections official is required to notify the candidate of any deficiency with the petition. If a deficiency is found, the candidate is required to either submit a supplemental in-lieu-filing-fee petition or pay a pro rata portion of the filing fee to cover the deficiency.

If a candidate submits an in-lieu-filing-fee petition as specified, any or all signatures appearing on the petition that would be valid on the candidate's nomination papers are eligible to be counted towards the number of voters required to sign the nomination papers. If an in-lieu-filing-fee petition contains a requisite number of valid signatures to satisfy signature requirements for nomination papers, the candidate is not required to file nomination papers, but may request the elections official to accept the petition instead of filing nomination papers.

At the 2016 elections, at least two candidates submitted in-lieu-filing-fee petitions after the deadline for submitting those petitions, but before the deadline for submitting nomination papers. Those candidates argued that the in-lieu petitions should be accepted in place of nomination papers even though the deadline for submitting in-lieu petitions had passed. Although elections officials initially rejected the in-lieu petitions, a court ordered the elections officials to accept those petitions for the purpose of fulfilling the candidates' required number of signatures on nomination papers. County elections officials believed that the overlap in timelines between the circulation of in-lieu petitions and of nomination papers may have created confusion for candidates.

This bill eliminates the overlap between the circulation of in-lieu petitions and nomination papers by starting and ending the circulation of in-lieu petitions 15 days

earlier than under existing law, and by eliminating the time period for a candidate to make up any deficiency in signatures on an in-lieu petition. To compensate for the elimination of the time period for a candidate to make up any deficiency in signatures on an in-lieu petition, this bill additionally reduces the number of signatures required on an in-lieu-filing-fee petition, though the percentage reduction in the number of signatures required is greater than the reduction in the time available to circulate petitions. As a result, this bill likely will make it somewhat easier for candidates to qualify for the ballot when collecting signatures in-lieu of a paying the filing fee.

This bill contains an urgency clause, and became operative on October 15, 2017. That urgency clause will ensure that in-lieu-filing-fee petitions for the June 2018 primary election will be available before the end of 2017, in accordance with the timelines in this bill.

[AB 551 \(LEVINE\)](#)

CHAPTER 196, STATUTES OF 2017

POLITICAL REFORM ACT OF 1974: POSTEMPLOYMENT RESTRICTIONS.

[Amends Section 87406.3 of the Government Code]

Existing law restricts the post-governmental activities of certain former public officials. These restrictions are commonly known as a "revolving door ban." One of the main types of revolving door restrictions in the Political Reform Act is a one-year ban that prohibits certain officials, for one year after leaving public service, from representing any other person by appearing before or communicating with, for compensation, their former agency in an attempt to influence agency decisions that involve the making of general rules (such as regulations or legislation), or to influence certain proceedings involving a permit, license, contract, or transaction involving the sale or purchase of property or goods. The revolving door ban generally includes an exception that allows former officials and employees to appear before their former agencies on behalf of other public agencies.

<u>Legislative History</u>	
Assembly Elections.....	6-1
Assembly Appropriations	15-1
Assembly Floor.....	72-1
Senate Elections.....	5-0
Senate Appropriations	<u>(28.8)</u>
Senate Floor.....	39-0

This bill creates an exception to that exception, making the revolving door ban applicable to former local elected officials and top agency administrators who are communicating with or appearing before their former agency for compensation as an independent contractor for another government agency.

[AB 606 \(BERMAN\)](#)

CHAPTER 656, STATUTES OF 2017
STATE VOTER INFORMATION GUIDES.

[Amends Sections 2194, 9084, 9086, 9094.5, and 9096 of the Elections Code, and amends Section 12173 of the Government Code]

Existing law requires the Secretary of State (SOS) to prepare a state voter information guide for each statewide election. The guide includes information about state ballot measures that will appear on the ballot, specified information about candidates for elective state office, and information about election policies and procedures, among other things. For each state ballot measure, the guide includes the official title and summary of the measure prepared by the Attorney General; an analysis of the measure prepared by the Legislative Analyst; directions for voters on how to find information about political committees formed to support or oppose the measure; arguments for and against the measure, and rebuttals to those arguments; and the complete text of the measure. For many state ballot measures, the legal text of the measures are quite extensive; the text of one measure on the November 2016 ballot took up 32 pages in the voter information guide, and the text of all 17 measures that appeared on the statewide ballot at that election took up 105 pages in the guide.

<u>Legislative History</u>	
Assembly Elections.....	5-2
Assembly Appropriations	11-6
Assembly Floor	42-31
Senate Elections.....	4-1
Senate Appropriations	(28.8)
Senate Floor	26-14

This bill deletes the requirement that the state voter information guide contain the complete text of each state ballot measure, and instead requires the state voter information guide, before each state measure, to have a conspicuous notice identifying the location on the SOS's Internet website of the complete text of the state measure. The SOS is required to mail a paper copy of the text of state ballot measures to voters upon request. This bill additionally requires the electronic version of the state voter information guide to include active hyperlinks, and requires the SOS to use electronic communications to enhance the availability and accessibility of information on statewide candidates and ballot initiatives, including permitting the SOS to electronically send specified election information to voters.

[AB 765 \(Low\)](#)

CHAPTER 748, STATUTES OF 2017

LOCAL INITIATIVE MEASURES: SUBMISSION TO THE VOTERS.

[Amends Sections 1405, 9111, 9118, 9212, 9215, and 9310 of, and repeals Sections 9116, 9214, and 9311 of, the Elections Code]

Under existing law, a state initiative measure that qualifies for the ballot generally appears on the ballot at the next statewide general election that is at least 131 days after the measure qualifies. While existing law gives the Governor the authority to call a statewide special election for the purpose of voting on a state initiative measure, that authority has been used sparingly.

<u>Legislative History</u>	
Assembly Elections.....	5-2
Assembly Floor.....	49-28
Senate Elections.....	4-1
Senate Floor.....	24-14

The process for local initiative measures to be submitted to voters differs. First, when local initiative proponents have collected a sufficient number of signatures for their measure to qualify for the ballot, existing law permits the governing body of the local jurisdiction to adopt the local initiative measure without alterations. In such a situation, the proposed initiative measure is not submitted to the voters for their consideration.

Furthermore, existing law gives local initiative proponents a tool to require a local jurisdiction to hold a special election to vote on their proposed initiative measure if the governing body chooses not to adopt the measure without alterations. By including a request for a special election in the petition – and in the case of county and most municipal initiatives, by collecting a larger number of valid signatures than would otherwise be required – the proponents of a local initiative measure can require the local jurisdiction to schedule a special election to vote on the measure if they choose not to adopt the measure outright.

It can be considerably more expensive for a local jurisdiction to conduct a standalone special election for a local ballot measure than it is for that jurisdiction to add an additional measure to the ballot at an already scheduled election. As a result, the decision of local initiative proponents to request a special election for their initiative can significantly increase the costs to the local government to place that measure before the voters for their consideration.

This bill eliminates the ability of local initiative proponents to force a special election to be held to vote on the initiative measure if certain conditions are met, and instead generally provides for the measure to be submitted to voters at a regularly scheduled election. The local governing body would have the ability to call a special election for the purposes of voting on the initiative measure, but they would not be required to schedule such a special election.

[AB 801 \(WEBER & GLORIA\)](#)

CHAPTER 711, STATUTES OF 2017

COUNTY OF SAN DIEGO CITIZENS REDISTRICTING COMMISSION.

[Amends Section 21550 of, and adds Sections 21551, 21552, and 21553 to, the Elections Code]

[SB 1331 \(Kehoe\), Chapter 508, Statutes of 2012](#), provides for the creation of a redistricting commission in San Diego County, made up of retired state and federal judges, and charges the commission with adjusting the boundaries of supervisorial districts after each decennial federal census. SB 1331 was requested by the San Diego County Board of Supervisors.

At the time SB 1331 was considered, San Diego County was unable to provide for the creation of a redistricting commission without statutory authorization. Because SB 1331 imposed conditions on the formation and composition of the redistricting commission, any change to the structure of the redistricting commission requires changes to state law.

This bill repeals the provisions of SB 1331, and instead establishes a Citizens Redistricting Commission in the county and charges it with adjusting the boundaries of supervisorial districts. Additionally, this bill changes the criteria to be used when the boundaries of supervisorial districts in San Diego County are adjusted.

<u>Legislative History</u>	
Assembly Elections.....	5-2
Assembly Local Government ...	6-3
Assembly Appropriations	12-5
Assembly Floor	53-23
Assembly Concurrence.....	53-25
Senate Gov. and Finance	5-2
Senate Elections.....	3-1
Senate Appropriations	5-2
Senate Floor	23-14

[AB 837 \(Low\)](#)

CHAPTER 819, STATUTES OF 2017

NO PARTY PREFERENCE VOTERS: PARTISAN PRIMARY ELECTIONS.

[Amends Section 14105 of, adds Sections 14105.2 and 14227.5 to, and adds Chapter 6 (commencing with Section 13500) to Division 13 of, the Elections Code]

Under California's presidential primary system, a voter who is registered with a political party receives a ballot for that party's presidential primary election. For example, voters who are registered with the Democratic, Republican, American Independent, Green, Libertarian, or Peace and Freedom Party receive the primary election ballot for their respective parties. At the same time, voters who decline to disclose a political party preference (known as "no party preference" (NPP) voters) receive a nonpartisan ballot that does not list the candidates for president. NPP voters, however, are permitted

<u>Legislative History</u>	
Assembly Elections.....	6-1
Assembly Appropriations	12-5
Assembly Floor	58-20
Assembly Concurrence.....	54-20
Senate Elections.....	4-1
Senate Appropriations	<u>(28.8)</u>
Senate Floor	27-13

to request the ballot of any political party that has notified the Secretary of State (SOS) that it will allow those voters to participate in its presidential primary election. This is commonly referred to as a "crossover" ballot.

For the 2016 statewide presidential primary election, the American Independent Party, Democratic Party, and Libertarian Party all indicated that they would allow voters who were not registered with a party to participate in their presidential primary elections. The procedures and timelines for a NPP voter to request such a ballot, however, vary significantly from county-to-county. While some counties are proactive and present NPP voters with a menu card, poster, or sign that explains the different ballot options available to non-affiliated voters, other counties only provide a NPP voter with a crossover ballot if the voter knows to request such a ballot.

This bill makes numerous changes to partisan primary election processes and procedures in an effort to ensure that NPP voters are fully informed of their rights to request a crossover ballot. Specifically, this bill requires the SOS to prepare and provide counties with standardized election materials that explain the rights of NPP voters in presidential primary elections, requires the SOS to include information in the state voter information guide about the process for NPP voters to request a crossover ballot, and requires county elections officials to notify NPP voters about the ballots that they may request, among other provisions.

[AB 840 \(QUIRK\)](#)

CHAPTER 820, STATUTES OF 2017

ELECTIONS: VOTE BY MAIL AND PROVISIONAL BALLOTS.

[Amends Sections 3019 and 15360 of the Elections Code]

Existing law requires a county elections official, upon receiving a vote by mail (VBM) ballot, to compare the signature on the identification envelope with the signature in the voter's registration file, as specified. A VBM ballot is rejected and not counted if the signatures do not compare. One of the most common reasons why VBM ballots are rejected is because the identification envelope is missing a signature, or has a mismatched signature.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Appropriations	17-0
Assembly Floor	74-0
Assembly Elections <u>(77.2)</u>	6-0
Assembly Concurrence.....	77-0
Senate Elections.....	4-0
Senate Appropriations	<u>(28.8)</u>
Senate Floor	40-0

To help reduce the number of VBM ballots that are rejected due to a missing signature, in 2015, 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 VBM 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 allowed an unsigned ballot statement to be submitted to a polling place within the county or a ballot

drop-off box. Alternately, AB 477 permits a voter to return an unsigned ballot statement by mail, have it delivered, or submit it by facsimile.

This bill further authorizes a voter to return a completed unsigned ballot statement via email, and requires the unsigned ballot statement instructions to include the election official's email address.

After an election, election officials are required to complete the official canvass and certify election results to the Secretary of State (SOS) 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.

On June 16, 2016, a lawsuit was filed in the San Diego Superior Court challenging the methodology used by the San Diego Registrar of Voters in conducting the manual tally during the canvass of elections. In the lawsuit, petitioners contended that all VBM and provisional ballots must be included when conducting the manual tally in selected precincts.

According to a September 15, 2016, memorandum from the SOS to county elections officials, "the one percent manual tally requirement set forth in Elections Code section 15360 does not require provisional ballots or all vote-by-mail ballots to be included in the tally. Such a requirement would be inconsistent with the stated purpose of the one percent manual tally, which is to tabulate ballots in which voting system devices are used '[d]uring the official canvass.'" This bill codifies the SOS's interpretation of the requirement for elections officials to conduct the one percent manual tally.

[AB 867 \(COOLEY\)](#)

CHAPTER 749, STATUTES OF 2017

POLITICAL REFORM ACT OF 1974: CONTRIBUTIONS.

[Amends Sections 82015 and 85400 of, and adds Sections 82004.5, 82022.5, 82041.3, and 84224 to, the Government Code]

In 1996, the Fair Political Practices Commission (FPPC) amended its regulatory definition of the term "contribution" to include any payment made "at the behest" of a candidate, regardless of whether that payment was for a political purpose. As a result, payments made by a third party at the request or direction of an elected officer were required to be reported as campaign contributions, even if those payments were made for governmental or charitable purposes. The change in regulations by the FPPC, along with a number of advice letters issued by the FPPC interpreting the new definition of "contribution,"

<u>Legislative History</u>	
Assembly Elections.....	6-0
Assembly Appropriations	16-0
Assembly Floor.....	76-0
Senate Elections.....	4-0
Senate Appropriations	<u>(28.8)</u>
Senate Floor.....	40-0

limited the ability of elected officers to co-sponsor governmental and charitable events. In one advice letter, the FPPC concluded that a member of the Legislature would be deemed to have accepted a campaign contribution if, at his behest, a third party paid for the airfare and lodging for witnesses to testify at a legislative hearing.

In response to the FPPC's modified definition of "contribution," the Legislature enacted [SB 124 \(Karnette\), Chapter 450, Statutes of 1997](#), which provided that a payment made at the behest of a candidate for purposes unrelated to the candidate's candidacy for elective office is not a contribution. SB 124 specifically provided that a payment made at the behest of a candidate principally for a legislative, governmental, or charitable purpose is not considered a contribution or a gift. However, SB 124 also required that such payments made at the behest of a candidate who is also an elected officer, when aggregating \$5,000 or more in a calendar year from a single source, be reported to the elected officer's agency. The elected officer must report such a payment within 30 days. Examples of payments made at the behest of an elected officer that have to be reported under this provision of law include charitable donations made in response to a solicitation sent out by an elected officer or donations of supplies and refreshments made by a third party for a health fair that was sponsored by an elected officer.

Because SB 124 was enacted in response to the FPPC's modified regulatory definition of the term "contribution," the rules governing behested payments—including the requirement that certain behested payments be publicly reported—are found within the provision of state statute that defines the term "contribution." Other reporting requirements that are found in the Political Reform Act (PRA), however, generally are located in other areas of the PRA depending on the type of activity that is required to be reported.

This bill moves the behested payment reporting requirements out of the definition of the term "contribution," and instead places those requirements in the part of the PRA that generally deals with campaign disclosure reporting requirements. Additionally, this bill provides specific definitions for terms related to behested payments and the reporting of such payments, in lieu of having the scope of behested payment reporting requirements more indirectly defined within the definition of the term "contribution."

AB 890 (MEDINA)

VETOED

LAND USE: PLANNING AND ZONING: INITIATIVES.

[Amends Section 65867.5 of, and adds Sections 65363 and 65850.10 to, the Government Code]

In 1911, California voters amended the state constitution to reserve to themselves the powers of initiative and referendum. While the basic procedures governing the *state* initiative process are found in the state constitution, [Article II, Section 11 of the California Constitution](#) generally tasks the state Legislature with establishing procedures that govern the local initiative process. Unlike the state initiative process, where there is no formal procedure for an initiative to be directly adopted by the Legislature, the local initiative process generally gives the local governing body the authority to adopt a proposed initiative measure without alteration, thereby avoiding the necessity of a public vote on the initiative.

<u>Legislative History</u>	
Assembly Elections.....	5-2
Assembly Natural Resources....	7-2
Assembly Appropriations	11-6
Assembly Floor	44-32
Assembly Local Gov. (77.2).....	6-3
Assembly Concurrence.....	45-30
Senate Gov. and Finance	5-2
Senate Floor.....	22-15

When the California Environmental Quality Act (CEQA) was enacted by the Legislature in 1970, it did not expressly address its applicability to measures proposed or adopted through the initiative process. Subsequent court cases, however, have held that the provisions of CEQA do not apply to initiatives proposed by voters and adopted at an election. Furthermore, in 2014, the California Supreme Court ruled in *Tuolumne Jobs & Small Business Alliance v. The Superior Court of Tuolumne County* (2014), 59 Cal. 4th 1029, that when a city council adopts a voter-proposed initiative in accordance with the state law, rather than submitting that measure to the voters for their consideration, the city council does not need to comply with CEQA prior to adopting the measure.

The fact that voter-proposed initiative measures are not subject to CEQA creates the potential that the initiative process could be used as a means to bypass environmental reviews that would otherwise be required under CEQA. This bill would have delegated exclusive authority to make certain land use approvals and designations to a city council or a board of supervisors in an attempt to prevent the initiative process from being used to bypass CEQA review.

This bill was vetoed by Governor Brown on October 15, 2017. In his [veto message](#), the Governor said "Instead of the piecemeal approach taken in this bill, I prefer a more comprehensive CEQA review, which takes into account both the urgent need for more housing and thoughtful environmental analysis."

[AB 894 \(FRAZIER\)](#)

VETOED

CANDIDATES' STATEMENTS: FALSE STATEMENTS.

[Amends Section 18351 of the Elections Code]

Existing law provides that a candidate in an election, or an incumbent in a recall election, who knowingly makes a false statement of a material fact in a candidate's statement, is punishable by a fine not to exceed one thousand dollars. In 2014, a candidate for the Contra Costa Board of Education was found to have misrepresented his educational qualifications on his candidate statement. That candidate ultimately admitted to making an incorrect statement about his educational qualifications, but said that he had done so believing the statements to be true. The candidate was sentenced to twenty hours of community service.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Floor.....	76-0
Assembly Concurrence.....	77-0
Senate Elections.....	5-0
Senate Public Safety	7-0
Senate Floor.....	38-1

This bill would have increased the maximum penalty for a candidate in an election, or an incumbent in a recall election, who is convicted of knowingly making a false statement of a material fact in a candidate's statement, to a fine not to exceed \$5,000.

On October 15, 2017, Governor Brown vetoed this bill, [stating](#) that he was "not convinced this is a widespread problem in California elections or that this bill would be much of a deterrent." The Governor's veto message further noted that "[t]he conventional response to resume puffing is exposure by the press or political attack by the opposition."

[AB 895 \(QUIRK\)](#)

CHAPTER 111, STATUTES OF 2017

POLITICAL REFORM ACT OF 1974: CAMPAIGN STATEMENTS: FILING.

[Amends Sections 84215, 84605, and 84606 of the Government Code]

[SB 49 \(Karnette\), Chapter 866, Statutes of 1997](#), 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 with the SOS under the Political Reform Act (PRA), as specified. That system is called the California Automated Lobby Activity and Campaign Contribution and Expenditure

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Appropriations	16-0
Assembly Floor.....	76-0
Senate Elections.....	4-0
Senate Appropriations	<u>(28.8)</u>
Senate Floor.....	33-0

Search System, commonly referred to as Cal-Access. Entities that file reports online or electronically with the Cal-Access system must continue to file required disclosure statements and reports in paper format, and the paper copy continues to be the official filing for audit and other legal purposes, until the SOS determines that Cal-Access is operating securely and effectively. Although the Cal-Access system was deployed in 1999, the SOS has never made an official determination that the entire system is operating securely and effectively.

This bill eliminates the requirement for entities that file campaign statements online or by electronic means to file a copy of those statements in a paper format, pending a determination of the SOS that the state's online and electronic disclosure systems are operating effectively. This bill will not go into effect, however, until after the SOS certifies a new online filing and disclosure system for public use. That new system is currently in development, and is expected to be deployed in 2019.

[AB 901 \(GLORIA & WEBER\)](#)

CHAPTER 713, STATUTES OF 2017

COUNTY OF SAN DIEGO: LOCAL ELECTIONS.

[Adds Section 23725 to the Government Code]

Existing law generally provides that any candidate for a nonpartisan office who receives a majority of votes from all the ballots cast for the office at a primary election is elected, and prohibits the office from appearing on the ballot at the ensuing general election in such circumstances. Candidates for partisan office, on the other hand, are elected in accordance with the Top Two Candidates Open Primary Act (Act). Under the Act, the two candidates who receive the most votes in the primary election—regardless of party preference or whether one candidate receives a majority of all votes cast in the primary election—move on to the general election.

<u>Legislative History</u>	
Assembly Elections.....	5-2
Assembly Floor.....	53-26
Senate Elections.....	4-1
Senate Floor.....	23-14

This bill authorizes San Diego County to require general elections to be conducted for county elective offices, as specified, even if one candidate receives a majority of votes in the primary election. In the event that there are two or fewer candidates for an office, this bill provides that the names of the candidates will not appear on the primary election ballot, and instead will appear on the ballot only at the general election.

[AB 918 \(BONTA & GOMEZ\)](#)
CHAPTER 845, STATUTES OF 2017
CALIFORNIA VOTING FOR ALL ACT.

[Amends Sections 4000.5, 4001.5, 4005, 12303, 14200, 14201, and 14282 of, adds Section 4005.6 to, and adds Chapter 5 (commencing with Section 13400) to Division 13 of, the Elections Code]

Sections 4(f)(4) and 203 of the federal Voting Rights Act of 1965 require certain jurisdictions with significant populations of voting age citizens who belong to a language minority community to provide voting materials in a language other than English. In addition, existing state law requires the Secretary of State, in each gubernatorial election year, to determine the precincts where three percent or more of the voting age residents are members of a single language minority and lack sufficient skills in English to vote without assistance. In those precincts, county elections officials are required to translate a copy of the ballot and related instructions into the languages indicated, and must post those translated materials at the corresponding polling places.

<u>Legislative History</u>	
Assembly Elections.....	6-0
Assembly Appropriations	13-4
Assembly Floor.....	61-11
Assembly Concurrence.....	61-12
Senate Elections.....	4-1
Senate Appropriations	5-2
Senate Floor.....	31-8

This bill seeks to expand the availability and accessibility of facsimile ballots in languages other than English in situations where such translations are required to be made available pursuant to existing law. Among other provisions, this bill permits a vote by mail voter who lives in a precinct for which a translated facsimile ballot was prepared to request a copy of that facsimile ballot be sent to the voter; requires signage and postings at polling places to inform voters of the resources available in other languages; requires county elections officials to provide information on the Internet about the languages of facsimile ballots that will be available to voters at polling places; and requires poll workers, in relevant situations, to be trained on the purpose and proper handling of facsimile ballots.

[AB 973 \(Low\)](#)

VETOED

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 Elections.....	6-0
Assembly Appropriations	13-0
Assembly Floor	70-0
Assembly Concurrence.....	74-0
Senate Elections.....	5-0
Senate Appropriations	7-0
Senate Floor	40-0

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 jurisdiction.

This bill would have required county elections officials to permit voters with disabilities, and military and overseas voters, to cast their VBM ballots using a certified remote accessible VBM system, beginning in 2020. This bill would not have applied to counties that conduct elections 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 an accessible VBM system that is available for use by individuals with disabilities.

This bill was vetoed by Governor Brown on October 15, 2017. In his [veto message](#), the Governor indicated that he was "hesitant to mandate that counties use [remote accessible VBM systems] at a time when certification of these systems is in its nascent stages."

[AB 1004 \(CALDERON\)](#)

VETOED

SECRETARY OF STATE: VOTER INFORMATION INTERNET WEB SITE.

[Adds Section 12172.4 to 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	76-0
Assembly Concurrence.....	77-0
Senate Elections.....	5-0
Senate Appropriations	7-0
Senate Floor.....	36-0

This bill would have required the SOS to maintain a website that provides the contact information of federal, state, and local elected officials and is publicly searchable based on a voter’s address.

On October 14, 2017, this bill was vetoed by Governor Brown. In his [veto message](#), the Governor said “The Secretary of State currently does not have a centralized system in place to track these elected officials. Although well-intentioned, I do not believe this is the time to take on such a task given the other technology projects underway by the Secretary of State's office. Moreover, it is currently possible to learn the identity of office holders by making inquiries of federal, state and local officials.”

[AB 1044 \(QUIRK\)](#)

CHAPTER 85, STATUTES OF 2017

STATE VOTER INFORMATION GUIDE: VOTE BY MAIL AND PROVISIONAL BALLOT VERIFICATION.

[Amends Sections 3023 of the Elections Code]

The federal Help America Vote Act of 2002 requires each state or local elections official to establish a "free access system," such as a toll-free telephone number or an Internet website, through which a voter who cast a provisional ballot can determine whether the ballot was counted, and, if it was not counted, the reason why it was not counted. Additionally, [SB 589](#)

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Appropriations	16-0
Assembly Floor	76-0
Senate Elections.....	4-0
Senate Appropriations	<u>(28.8)</u>
Senate Floor.....	33-0

[\(Hill\), Chapter 280, Statutes of 2013](#), requires county elections officials to establish a free access system that allows a vote by mail (VBM) voter to determine whether his or her VBM ballot was counted and, if not, the reason why the ballot was not counted.

In September 2016, the Secretary of State (SOS) implemented a new statewide voter registration system commonly known as VoteCal. Among other features, VoteCal includes a publicly available website which allows voters to check if their VBM or provisional ballots were counted and, if not, the reason why those ballots were not counted. This bill requires the SOS to include an Internet website address in the state voter information guide at which a voter may check the status of his or her VBM or provisional ballot.

[AB 1104 \(CHAU\)](#)

CHAPTER 715, STATUTES OF 2017

THE CALIFORNIA POLITICAL CYBERFRAUD ABATEMENT ACT.

[Amends Section 18320 of the Elections Code]

The California Political Cyberfraud Abatement Act (Act) makes it unlawful for a person, with intent to mislead, deceive, or defraud, to commit an act of political cyberfraud, as defined. For the purposes of the Act, "political cyberfraud," is defined to mean a knowing and willful act concerning a political website that is committed with the intent to deny a person access to a political website, deny a person the opportunity to register a domain name for a political website, or cause a person reasonably

<u>Legislative History</u>	
Assembly Privacy & C. P.	9-0
Assembly Elections.....	6-1
Assembly Floor.....	73-2
Senate Judiciary.....	6-0
Senate Elections.....	5-0
Senate Appropriations	7-0
Senate Floor.....	40-0

to believe that a political website has been posted by a person other than the person who posted the website, and would cause a reasonable person, after reading the website, to believe the site actually represents the views of the proponent or opponent of a ballot measure. While the Act provides strong cyberfraud protection for ballot measure campaigns, it does not provide the similar protections for candidates for public office.

This bill expands the Act to prohibit political cyberfraud against candidate campaigns.

[AB 1154 \(NAZARIAN\)](#)
 CHAPTER 88, STATUTES OF 2017
 OFFICIAL CANVASS: ONE-PERCENT MANUAL TALLY.

[Amends Section 15360 of the Elections Code]

To help ensure that voting systems are tabulating ballots correctly, state law requires the elections official who conducts an election where a voting system is used to conduct a public manual tally of ballots cast in one-percent of precincts chosen at random in that election, as specified. The elections official is required to provide 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 ballots subject to the manual tally.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Floor.....	69-0
Senate Elections.....	5-0
Senate Floor.....	33-0

This bill prohibits elections officials from randomly choosing the ballots that are subject to the one-percent manual tally until after the close of the polls on election day.

[AB 1194 \(DABABNEH\)](#)
 CHAPTER 795, STATUTES OF 2017
 ELECTIONS: LOCAL BOND MEASURES: TAX RATE STATEMENT.

[Amends Section 9401 of the Elections Code]

When a local government agency submits a bond measure that will be secured by an ad valorem tax to the voters, existing law requires that voters be mailed a statement with the sample ballot that includes all of the following information:

- An estimate of the tax rate required to fund that bond issue during the first fiscal year after the first sale of the bonds;
- An estimate of the tax rate required to fund that bond issue during the first fiscal year after the last sale of the bonds if the bonds are proposed to be sold in series; and,
- An estimate of the highest tax rate required to fund that bond issue, and an estimate of the year in which that rate will apply.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Appropriations	13-1
Assembly Floor.....	70-4
Assembly Concurrence.....	70-0
Senate Gov. and Finance	7-0
Senate Elections.....	4-0
Senate Appropriations	<u>(28.8)</u>
Senate Floor.....	31-3

In an effort to provide voters with more useful information about the potential property tax impacts of a proposed local bond measure, this bill requires the statement mailed to voters to include an estimate of the annual average tax rate required to fund the bond issue and an estimate of the final fiscal year in which the tax is anticipated to be collected, instead of providing estimates of the tax rate in the first fiscal year after the first sale of the bonds and the first fiscal year after the last sale of the bonds.

[AB 1367 \(BERMAN\)](#)

CHAPTER 848, STATUTES OF 2017
IMPROPER SIGNATURE-GATHERING TACTICS.

[Amends Section 18660 of the Elections Code]

Under current law, when petition circulators make false or misleading statements about a proposed ballot measure, or engage in other illegal signature-gathering tactics in an attempt to get voters to sign a petition, those circulators may face criminal penalties. However, state law generally does not create liability for the supervisors of petition circulators when those circulators violate the law.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Appropriations	16-0
Assembly Floor.....	76-0
Assembly Concurrence.....	54-20
Senate Elections.....	4-0
Senate Appropriations	<u>(28.8)</u>
Senate Floor.....	29-11

This bill provides that a person, company, organization, company official, or other organizational officer in charge of a person who circulates an initiative, referendum, or recall petition who knowingly directs an affiant to make a false affidavit or who knows or reasonably should know that an affiant has made a false affidavit concerning an initiative, referendum, or recall petition or the signatures appended thereto is punishable by a fine not exceeding \$5,000, by imprisonment in a county jail not exceeding one year, or by both the fine and imprisonment. By holding the employers and supervisors accountable for knowingly allowing misconduct by the signature gatherers under their supervision, this bill may help improve accountability and enforcement of the state's laws governing the collection of signatures on petitions.

[AB 1403 \(OBERNOLTE\)](#)
 CHAPTER 797, STATUTES OF 2017
 MILITARY AND OVERSEAS VOTERS.

[Amends Section 3108 of the Elections Code]

Under existing law, a military or overseas voter who is released from service after the voter registration deadline for an election may nonetheless register and vote at the office of the elections official upon presentation of evidence that the person was released from service after the deadline. While the voter registration deadline generally is the 15th day before the election, since the beginning of 2017, a voter who is otherwise qualified to register to vote may complete a conditional voter registration and cast a provisional ballot during the 14 days immediately preceding an election or on election day at the office of the elections official. A provisional ballot that is cast through conditional voter registration is counted if the elections official is able to determine the person's eligibility to vote.

<u>Legislative History</u>	
Assembly Elections.....	N/R
Assembly Veterans.....	N/R
Assembly Appropriations	N/R
Assembly Floor	N/R
Assembly Elections (77.2)	6-0
Assembly Concurrence.....	79-0
Senate Elections.....	5-0
Senate Appropriations	7-0
Senate Floor	40-0

This bill permits a military or overseas voter who is required to move under official active duty military orders after the voter registration deadline to register and vote at the office of the elections official upon presentation of a copy of the official military orders. Because conditional voter registration is available, a military voter who is required to move under official military orders after the voter registration deadline already has the ability to register and vote under existing law. This bill, however, would allow such a voter to cast a non-provisional ballot, whereas voters casting ballots under conditional voter registration will cast provisional ballots.

[AB 1620 \(DABABNEH\)](#)

CHAPTER 800, STATUTES OF 2017

POLITICAL REFORM ACT OF 1974: POSTGOVERNMENT EMPLOYMENT.

[Amends Section 87406 of the Government Code]

The Political Reform Act (PRA) restricts the post-governmental activities of certain former public officials, including members of the Legislature. These restrictions are commonly known as a "revolving door ban." Specifically, members of the Legislature are prohibited, for a year after leaving the Legislature, from representing any other person by appearing before or communicating with, for compensation, the Legislature, any committee or subcommittee thereof, any legislator, or any officer or employee of the Legislature, if the appearance or communication is made for the purpose of influencing legislative action. The one-year ban generally serves to prevent former legislators from taking advantage of their relationships with former colleagues and subordinates for the benefit of third parties by prohibiting former legislators from having direct communications with the Legislature in an attempt to influence decisions. This one-year ban applies regardless of whether a former legislator is registered as a lobbyist; even if a former legislator does not qualify as a lobbyist under the PRA, that person nonetheless can violate the revolving door ban by making appearances or communications before the Legislature in the year after the person leaves office. Since 2013, three members of the Legislature resigned from office before the end of their terms and subsequently accepted governmental relations jobs with private organizations.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Appropriations	17-0
Assembly Floor	69-0
Assembly Concurrence.....	78-0
Senate Elections.....	5-0
Senate Appropriations	(28.8)
Senate Floor.....	40-0

This bill extends the length of the "revolving door" ban when a member of the Legislature resigns from office so that it remains in effect until a year has passed since the end of the legislative session in which the member resigns.

AB 1729 (ELECTIONS & REDISTRICTING COMMITTEE)

CHAPTER 354, STATUTES OF 2017

EXAMINATION OF PETITIONS.

[Amends Section 17200 of the Elections Code, and amends Section 6253.5 of the Government Code]

Existing law requires elections officials to retain initiative and referendum petitions for a set period of time, and to destroy those petitions at the end of that period. When the proponents of a measure request to examine the petition as allowed by existing law, however, it is unclear how long elections officials are required to retain the petition.

This bill requires an elections official to preserve a petition until one year from the date that the proponents last examined the petition. In order to ensure that counties know when they may destroy a petition, this bill additionally clarifies that counties in which proponents perform an examination of a petition are required to inform other counties about the examination.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Appropriations	17-0
Assembly Floor	69-0
Assembly Concurrence.....	77-0
Senate Elections.....	5-0
Senate Appropriations	(28.8)
Senate Floor	39-0

AB 1730 (ELECTIONS & REDISTRICTING COMMITTEE)

CHAPTER 118, STATUTES OF 2017

ELECTIONS OMNIBUS BILL.

[Amends Sections 2153, 11020, and 12262 of the Elections Code]

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

In order for recall proceedings to begin against a state officer, current law requires the recall proponents to serve, file, and publish or post a notice of intention to circulate a recall petition. According to county elections officials, recall proponents sometimes fail to provide a complete residence address on the notice of intention, and as a result, the notices are being found deficient and proponents are forced to start the recall process again. This bill clarifies that the address on the notice must include the residential street address, city, and zip code of each of the proponents.

<u>Legislative History</u>	
Assembly Elections.....	7-0
Assembly Floor	77-0
Senate Elections.....	5-0
Senate Floor	33-0

If a voter registration affidavit is incomplete and does not contain all the information required to process it, current law requires a county elections official to contact the voter by telephone to obtain the missing information. This bill provides county elections

officials with more tools to collect missing information from affidavits of registration, by allowing an elections official to contact a voter using information provided on the voter registration affidavit, including a voter's telephone number, email, or mailing address.

Current law requires an elections official to divide a jurisdiction into precincts and prepare detailed maps or exterior descriptions of the precincts. When jurisdictional boundary lines change, current law requires all jurisdictions to submit the political boundary line adjustments to the elections official at least 88 days before an election for the changes to be in effect for the election. According to county elections officials, the timeframe does not provide elections officials with enough time to make the necessary changes to accommodate the boundary changes. This bill lengthens the timeframe from 88 days to 125 days in order to ensure that elections officials have sufficient time to accurately incorporate and implement boundary changes into their election management systems and place every voter in the correct political jurisdiction.

[ACA 17 \(MULLIN\)](#)

RESOLUTION CHAPTER 190, STATUTES OF 2017
BALLOT MEASURES: EFFECTIVE DATE.

[Proposes amending Section 10 of Article II and Section 4 of Article XVIII of the California Constitution]

The California Constitution provides that an initiative statute, referendum, or constitutional amendment or revision that is approved by a majority of voters takes effect on the day following the election, unless the measure provides otherwise. In some situations, however, it may not be clear on the day after an election whether a ballot measure was approved or rejected by voters. Those situations are increasingly common, as changes in policies and in voter behavior have increased the percentage of ballots that are counted after election day.

<u>Legislative History</u>	
Assembly Floor.....	78-0
Senate Appropriations	7-0
Senate Floor.....	40-0

This constitutional amendment would provide that an initiative statute, referendum, or constitutional amendment or revision approved by a majority of votes cast will take effect on the fifth day after the Secretary of State files the statement of the vote, instead of going into effect the day after the election as is the case under existing law. This measure will become effective only if approved by the voters at the next statewide election that is held at least 131 days after its adoption by the Legislature. Currently, it is expected that this measure will be submitted to the voters at the June 5, 2018 statewide primary election.

This measure is substantially similar to the introduced version of [ACA 1 \(Mullin\) of the current legislative session](#), which moved most of the way through the legislative process before it was gutted-and-amended and used for another purpose. Because the substance of this measure was considered by policy committees during their consideration of ACA

1, this measure was neither referred to nor heard in policy committees in either house of the Legislature.

[AJR 1 \(Low\)](#)

RESOLUTION CHAPTER 122, STATUTES OF 2017
PRESIDENTIAL ELECTIONS: ELECTORAL COLLEGE.

Instead of being directly elected through a popular vote, the President and Vice President of the United States are indirectly elected by the Electoral College. The Electoral College consists of a total of 538 members, one for each United States Senator and Representative, and three additional electors representing the District of Columbia. Each state has a number of electoral votes equal to the combined total of its congressional delegation, and each state legislature is free to determine the method it will use to select its own electors. In most states, including California, the Presidential ticket that receives the greatest number of votes in the state receives all of the state's electoral votes.

<u>Legislative History</u>	
Assembly Elections.....	5-2
Assembly Floor.....	46-26
Senate Elections.....	3-1
Senate Floor.....	26-12

This resolution urges Congress to send to the states for ratification a constitutional amendment to abolish the Electoral College, and provide for the direct election of the President and Vice President of the United States by the popular vote of all eligible citizens of the United States.

SENATE MEASURES

SB 45 (MENDOZA)

CHAPTER 827, STATUTES OF 2017

POLITICAL REFORM ACT OF 1974: MASS MAILING PROHIBITION.

[Adds Sections 89002 and 89003 to the Government Code]

California voters passed Proposition 73 in 1988 which, among other things, prohibits sending mass mailings at public expense. The broad nature of this prohibition had the potential to prevent governmental bodies from performing essential functions. For example, if interpreted strictly, the ban on mass mailings could prohibit county elections officials from mailing vote by mail ballots to voters, or could prohibit income tax refunds from being mailed. In an effort to implement this mass mailing

restriction in a workable manner, the Fair Political Practices Commission (FPPC) enacted a regulation detailing the types of mailings that are and are not subject to the mass mailing prohibition found in Proposition 73.

In addition to the restrictions of the Proposition 73 mass mailing prohibition and the associated FPPC regulations, the Assembly and Senate both voluntarily have adopted policies that restrict the ability of members to send mail at public expense in the days prior to elections. These policies restrict mailings that are otherwise permitted under the FPPC regulation.

This bill imposes a similar mass mailing blackout period that would apply to all state and local government agencies. Specifically, this bill prohibits an otherwise permissible mass mailing from being sent at public expense by, or on behalf of, a candidate whose name will appear on the ballot at an election within 60 days of that election, except as specified. Additionally, this bill codifies the FPPC's regulation regarding mass mailings sent at public expense.

Legislative History

Senate Elections.....	5-0
Senate Appropriations	7-0
Senate Floor	40-0
Senate Concurrence.....	40-0
Assembly Elections.....	6-0
Assembly Appropriations	15-0
Assembly Floor.....	73-0

SB 149 (MCGUIRE & WIENER)

VETOED

PRESIDENTIAL PRIMARY ELECTIONS: BALLOT ACCESS.

[Adds Chapter 7 (commencing with Section 6880) to Part 1 of Division 6 of the Elections Code]

Candidates for President and Vice President of the United States are required to file personal financial disclosure statements with the Federal Election Commission (FEC). In these statements, candidates are required to disclose certain financial interests and must describe the values of those interests. Additionally, over the last 40 years, almost every major party nominee for President has voluntarily released a copy of his or her recent tax returns. A candidate's tax returns can provide additional financial information that is not required in the FEC filing, including information about charitable giving, investments, and the tax rate paid.

<u>Legislative History</u>	
Senate Judiciary	5-2
Senate Elections.....	4-1
Senate Appropriations	5-2
Senate Floor	27-13
Senate Concurrence.....	27-11
Assembly Elections.....	4-2
Assembly Appropriations	10-5
Assembly Floor.....	54-23

This bill would have required candidates for President to file copies of their federal income tax returns for the last five years with the California Secretary of State (SOS) as a precondition for appearing on a California primary election ballot. The SOS would have been required to redact certain personal information and, after redacting that information, to make those tax returns available to the public on the SOS's Internet website.

Governor Brown vetoed this bill on October 15, 2017, and stated in his [veto message](#) that "[a] qualified candidate's ability to appear on the ballot is fundamental to our democratic system," and that he "hesitate[s] to start down a road that well might lead to an ever escalating set of differing state requirements for presidential candidates."

[SB 226 \(HERTZBERG\)](#)
 CHAPTER 855, STATUTES OF 2017
 POLITICAL REFORM ACT OF 1974: SLATE MAILERS.

[Amends Section 84305.7 of the Government Code]

In 2012, the Legislature passed and the Governor signed [SB 488 \(Correa\), Chapter 865, Statutes of 2012](#), which requires a slate mailer that represents the position of a public safety organization to include information about the total number of members in the organization identified in the slate mailer, among other provisions. SB 488 was intended to address concerns about slate mailers that purported to represent the position of public safety organizations even though the entity sending the slate mailers had no connection to or affiliation with public safety organizations.

<u>Legislative History</u>	
Senate Elections.....	4-1
Senate Appropriations	<u>(28.8)</u>
Senate Floor	34-3
Senate Concurrence.....	35-3
Assembly Elections.....	5-1
Assembly Appropriations	13-1
Assembly Floor.....	67-7

This bill increases the minimum size and specifies the format and location of a disclosure that is required to appear on a slate mailer that identifies itself as representing a public safety organization in a manner that generally requires such disclosure to be more prominent.

[SB 235 \(ALLEN\)](#)
 CHAPTER 512, STATUTES OF 2017
 ELECTIONS: BALLOT DESIGNATION REQUIREMENTS.

[Amends Section 13107 of the Elections Code]

Existing law permits a candidate for elective office, including a candidate for superior court judge, to have a ballot designation appear on the ballot following the candidate's name. That ballot designation generally describes the elective office that the candidate holds, or the principal profession, vocation, or occupation of the candidate.

<u>Legislative History</u>	
Senate Elections.....	4-1
Senate Judiciary	6-1
Senate Floor	34-1
Senate Concurrence.....	34-4
Assembly Elections.....	6-1
Assembly Judiciary	10-1
Assembly Floor.....	69-7

According to research conducted by a Los Angeles County Superior Court Judge, between 2006 and 2016 in Los Angeles County, there were 41 Deputy District Attorneys who were candidates for superior court judge, but only one candidate had a ballot designation of "Deputy District Attorney." In the other 40 instances, the candidates used ballot designations such as "Sex Crimes Prosecutor," "Gang Homicide Prosecutor," and

"Violent Crimes Prosecutor." The author of this bill expressed concerns that such ballot designations could be misleading, and were inconsistent with California’s Code of Judicial Ethics prohibition on candidates for judicial office from engaging in campaign activity that is inconsistent with the integrity of the judiciary.

This bill limits the ballot designations that candidates for judicial office are permitted to use. Non-incumbent candidates generally are permitted only to use the designation "Attorney," "Attorney at Law," "Lawyer," or "Counselor at Law," alone, or in combination with one other principal profession, vocation, or occupation of the candidate, as specified. Candidates who are employed by public agencies alternately are permitted to use their actual office or job title as their ballot designation, as specified.

[SB 267 \(PAN\)](#)

CHAPTER 622, STATUTES OF 2017

POLITICAL REFORM ACT OF 1974: CITY OF SACRAMENTO. URGENCY.

[Adds and repeals Section 83123.7 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 an agreement that provides for the FPPC to enforce a local campaign

<u>Legislative History</u>	
Senate Elections.....	4-0
Senate Appropriations	<u>(28.8)</u>
Senate Floor.....	37-0
Senate Concurrence.....	40-0
Assembly Elections.....	6-0
Assembly Local Government	9-0
Assembly Appropriations	15-0
Assembly Floor.....	73-0

finance ordinance passed by the City Council of the City of Stockton, as specified. As permitted by AB 2146 and subsequent legislation, the FPPC has enforced San Bernardino County's local campaign finance ordinance since 2013. No agreement, however, has been reached between the FPPC and the City of Stockton pursuant to AB 1083.

This bill permits the City of Sacramento and the FPPC to enter into an agreement that provides for the FPPC to enforce a local campaign finance ordinance passed by the City Council of the City of Sacramento, as specified. In addition, this bill requires the FPPC, if an agreement is entered into, to report to the Legislature on or before January 1, 2022, as specified, and contains January 1, 2023 sunset date.

This bill contains an urgency clause, and became operative on October 9, 2017.

[SB 286 \(STERN\)](#)

CHAPTER 806, STATUTES OF 2017

ELECTIONS: VOTING.

[Amends Sections 319.5, 336.5, 339, 2154, 2155, 2183, 2184, 2185, 2189, 2191, 2221, 2226, 2300, 3005, 3015, 3016, 3017, 3021, 3108, 3109, 10545, 12105.5, 12106, 12107, 12108, 12224, 12281, 12283, 12286, 12310, 12312, 12313, 12318, 12321, 13101, 13303, 13315, 14102, 14103, 14105, 14105.1, 14105.3, 14107, 14113, 14200, 14202, 14212, 14216, 14217, 14240, 14243, 14244, 14246, 14294, 14297, 14298, 14300, 14310, 14403, 14404, 14405, 14430, 14432, 15111, 15201, 15250, 15250.5, 15251, 15278, 15320, 17001, 17300, 17303, 17304, 17305, 17306, and 18380 of, amends the heading of Article 5 (commencing with Section 2183) of Chapter 2 of Division 2 of, adds Sections 325, 338.5, 338.6, 349.5, 357.5, 359.2, and 13216.5 to, adds Article 2.5 (commencing with Section 14428) to Chapter 4 of Division 14 of, and repeals Section 14108 of, the Elections Code]

A provisional ballot is a regular ballot that is placed in a special envelope prior to being put in the ballot box. Provisional ballots are generally cast by voters who believe they are registered to vote even though their names are not on the official voter registration list at the polling place, and by vote by mail (VBM) voters who did not receive their ballots or do not have their ballots with them, and who instead want to vote at a polling place.

<u>Legislative History</u>	
Senate Elections.....	4-0
Senate Appropriations	<u>(28.8)</u>
Senate Floor.....	28-12
Senate Concurrence.....	28-12
Assembly Elections.....	4-2
Assembly Appropriations	10-5
Assembly Floor.....	54-24

Provisional ballots are counted after elections officials have confirmed that the voter is registered to vote in the county and did not already vote in that election. Provisional ballots may be cast at any polling place in the county in which the voter is registered to vote, however, only the contests that the voter is eligible to vote for will be counted if the voter casts the provisional ballot at a polling place other than the one designated for the voter's home precinct. Traditionally, VBM voters who were unable to surrender their VBM ballots have been required to vote provisional ballots at the polling place to protect against double voting. Unless a voter surrendered the VBM ballot that was mailed to the voter, election workers at a polling place historically had no way of knowing whether that voter had already returned the VBM ballot. As counties begin using new methods (e.g., electronic poll books) to allow election workers at polling places and vote centers to communicate with the elections official's office in real time, elections officials now can protect against double voting without the use of provisional ballots. This bill allows elections officials to issue a regular (i.e., non-provisional) ballot to a VBM voter who is unable to surrender his or her VBM ballot if the official has a mechanism to determine that the voter has not already returned the VBM ballot, and to prevent that VBM ballot from being counted if it subsequently is returned to the elections official.

Many provisions of state elections law are written to reflect the way that elections traditionally have been conducted in California; namely, voters either can vote by VBM ballot, or can vote at their assigned polling places on election day. Recently enacted laws,

however, will significantly change the way that many voters cast a ballot. Specifically, [SB 450 \(Allen\), Chapter 832, Statutes of 2016](#), enacted the California Voter's Choice Act (CVCA), which permits counties 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, beginning in 2018. Furthermore, since the beginning of 2017, voters have been able to register to vote and cast a provisional ballot after the regular voter registration deadline for an election using a process known as "conditional voter registration." A provisional ballot that is cast through conditional voter registration is counted if the elections official is able to determine the person's eligibility to vote.

With the implementation of the CVCA and the availability of conditional voter registration, the manner in which many Californians vote will change. While it is likely that a significant portion of California voters will continue to vote using VBM ballots that are mailed to them, it is also likely that there will be a significant increase in the number of voters who cast ballots in-person prior to election day, and at locations other than precinct-based polling places. This bill makes various conforming changes to the Elections Code to reflect new voting methods and procedures that are available under the CVCA and conditional voter registration.

[SB 358 \(STERN\)](#)

CHAPTER 624, STATUTES OF 2017

POLITICAL REFORM ACT OF 1974: SECRETARY OF STATE: ONLINE FILING AND DISCLOSURE SYSTEM.

[Adds Section 84602.3 to the Government Code]

[SB 49 \(Karnette\), Chapter 866, Statutes of 1997](#), amended the Political Reform Act (PRA) to require the Secretary of State (SOS), in consultation with the Fair Political Practices Commission, to develop and implement an online filing and disclosure system for reports and statements required to be filed with the SOS under the PRA, as specified. That system is called the California Automated Lobby Activity and Campaign Contribution and Expenditure Search System, commonly referred to as Cal-Access. The Cal-Access system generally includes campaign disclosure reports filed by candidates for elective state office and by other campaign committees that are classified as state committees under the PRA, but typically does not include disclosure reports from local candidates and committees. While many local clerks and elections officials have implemented their own online or electronic campaign disclosure systems, those systems generally are maintained and hosted by the local jurisdictions, and information from those campaign filings generally are not available through Cal-Access.

<u>Legislative History</u>	
Senate Elections.....	5-0
Senate Appropriations	(28.8)
Senate Floor	39-0
Assembly Elections.....	6-0
Assembly Appropriations	15-0
Assembly Floor.....	73-0

This bill requires the SOS's Internet website to include conspicuous hyperlinks to local government agency websites that contain publicly disclosed campaign finance information, and requires that information to be updated no later than December 31 of each year.

[SB 511 \(STERN\)](#)

CHAPTER 394, STATUTES OF 2017
ELECTIONS: SECRETARY OF STATE.

[Amends Section 10 of the Elections Code]

Elections in California generally are administered by county election officials, with oversight provided by the Secretary of State (SOS), who is designated as the chief elections official of the state. The SOS ensures the enforcement of election laws and administers certain campaign disclosure programs, maintains a statewide database of all registered voters, certifies the official lists of candidates for elections, tracks and certifies ballot initiatives, compiles election returns, and certifies election results. Additionally, the SOS promulgates regulations, shares best practices, certifies election results, produces the statewide voter information guide, and tests and certifies voting systems.

<u>Legislative History</u>	
Senate Elections.....	5-0
Senate Appropriations	<u>(28.8)</u>
Senate Floor.....	37-0
Assembly Elections.....	5-1
Assembly Appropriations	10-5
Assembly Floor.....	55-20

While the SOS often makes efforts to promote voter registration and voting, particularly among communities that have been historically underrepresented, those efforts are not a statutory duty or responsibility of the office.

This bill requires the SOS to make reasonable efforts to promote voter registration to eligible voters; encourage eligible voters to vote; promote pre-registration to eligible citizens; and, promote civic learning and engagement to prepare students and new citizens to register to vote and to vote.

[SB 568 \(LARA\)](#)

CHAPTER 335, STATUTES OF 2017
 PRIMARY ELECTIONS: ELECTION DATE.

[Amends, repeals, and adds Sections 316, 340, 1000, 1001, 1201, and 1202 of the Elections Code]

Under current law, the presidential primary is held on the first Tuesday after the first Monday in June in any year evenly divisible by the number four, and the presidential primary is consolidated with the statewide direct primary held on that date. Over the past two decades, the presidential primaries for both the Republican and Democratic parties were effectively decided by June. Moving the primary to an earlier date could help ensure that issues important to Californians are prioritized by presidential candidates from all political parties.

<u>Legislative History</u>	
Senate Elections.....	5-0
Senate Appropriations	(28.8)
Senate Floor	32-6
Senate Concurrence.....	26-10
Assembly Elections.....	4-1
Assembly Appropriations	12-4
Assembly Floor.....	55-21

California has moved the date of its presidential primary elections several times in the past in order to move ahead of other states’ primaries, in an effort to have more impact in the presidential nominating process. However, past efforts at moving up the dates of the presidential primary have not necessarily resulted in California having a larger role in deciding the presidential nominations.

This bill moves California's primary elections from June to the first Tuesday after the first Monday in March, beginning with the 2020 election. This bill applies to the primary election in both Presidential and non-Presidential years.

[SB 628 \(LARA\)](#)

CHAPTER 243, STATUTES OF 2017
 LOCAL EDUCATIONAL AGENCIES: GOVERNING BOARD ELECTIONS:
 LOS ANGELES COMMUNITY COLLEGE DISTRICT.

[Amends Sections 5225 and 72031 of, and repeals Sections 5224 and 5224.1 of, the Education Code]

The California Voting Rights Act (CVRA) was enacted in 2002 to address racial block voting in at-large elections for local office in California. In areas where racial block voting occurs, an at-large method of election can dilute the voting rights of minority communities if the majority typically votes to

<u>Legislative History</u>	
Senate Education	6-1
Senate Floor.....	32-5
Assembly Higher Education....	13-0
Assembly Elections.....	5-1
Assembly Floor.....	67-8

support candidates that differ from the candidates who are preferred by minority communities. In such situations, breaking a jurisdiction up into districts can result in districts in which a minority community can elect the candidate of its choice or otherwise have the ability to influence the outcome of an election.

Under existing law, a community college district board generally can be organized so that members are elected at-large or so that members are elected by trustee areas. [AB 684 \(Block\), Chapter 614, Statutes of 2011](#), established a procedure for the governing board of a community college district to change election systems, including moving from at-large elections to elections by trustee area, without voter approval, subject to specified conditions. AB 684 was intended to provide a procedure for community college districts to move from at-large elections to district-based elections where such a move was justified under the CVRA. AB 684 is not available, however, to the Los Angeles Community College District (LACCD), due to separate provisions of state law that expressly require the LACCD to conduct at-large elections.

This bill authorizes the governing board of the LACCD to adopt a resolution that allows for the members of the governing board to be elected by trustee area. It deletes the requirement that members of the LACCD governing board be elected at large, or at large and by individual seat number. Additionally, it permits the LACCD governing board to adopt a resolution by a majority vote to require members of the governing board to be elected by trustee area, beginning with the 2019 election for the LACCD governing board and each election thereafter.

[SB 665 \(MOORLACH\)](#)

CHAPTER 75, STATUTES OF 2017

ELECTIONS: BALLOT MEASURES.

[Amends Sections 9067, 9166, 9287, and 9503 of the Elections Code]

When arguments are submitted for or against ballot measures, existing law generally contains a priority order that is to be followed for selecting the arguments to be printed if multiple arguments are submitted. Generally, current law gives arguments submitted by bona fide associations of citizens preference over arguments submitted by individual voters. There is no definition in current law, however, for what constitutes a bona fide association of citizens with respect to selecting arguments for ballot measures, and existing law is silent on how to determine which arguments to print when multiple organizations file written arguments for or against the same measure.

<u>Legislative History</u>	
Senate Elections.....	4-0
Senate Floor.....	38-0
Senate Concurrence.....	36-0
Assembly Elections.....	6-0
Assembly Floor.....	74-0

This bill requires an organization or association that submits an argument for or against a ballot measure to submit information about the organization or association to the

applicable elections official, in order to enable that official to determine if the organization or association qualifies as a bona fide association of citizens.

SJR 3 (HILL & ALLEN)

**RESOLUTION CHAPTER 100, STATUTES OF 2017
PRESIDENTIAL ELECTIONS: ELECTORAL COLLEGE.**

Current law provides that the Presidential ticket that receives the greatest number of votes in the state will receive all of California's electoral votes. National Popular Vote (NPV) is an interstate compact in which each member state agrees to award its electoral votes to the Presidential ticket that receives the most votes nationwide. The compact goes into effect only if the participating states collectively have a number of electoral votes that is sufficient to elect the President (currently, 270 electoral votes are required). NPV effectively would allow the President to be selected by the popular vote without amending the United States Constitution. So far, NPV has been enacted by 11 jurisdictions (including California) possessing 165 electoral votes. Once the NPV agreement among the states goes into effect, the Presidential ticket that receives the greatest number of votes nationally will receive all of California's electoral votes.

<u>Legislative History</u>	
Senate Elections.....	4-1
Senate Floor.....	25-12
Assembly Elections.....	4-2
Assembly Floor.....	44-24

This measure urges other states to participate in the NPV interstate compact in which each member state agrees to award its electoral votes to the Presidential ticket that receives the most votes nationwide.

SJR 11 (STERN)

**RESOLUTION CHAPTER 189, STATUTES OF 2017
PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY:
VOTER DATA PROTECTION.**

Under current law, the home address, telephone number, e-mail address, precinct number, or other number specified by the Secretary of State for voter registration purposes, and prior registration information shown on the voter registration card for all registered voters is generally confidential and the disclosure to any person is prohibited, with some exceptions.

<u>Legislative History</u>	
Senate Elections.....	4-1
Senate Floor.....	24-11
Assembly Elections.....	4-2
Assembly Floor.....	53-20

On May 11, 2017, President Trump issued an executive order establishing the Presidential Advisory Commission on Election Integrity (Commission). According to the order, the Commission is required, consistent with applicable law, to study the registration and voting processes used in Federal elections. On June 28, 2017, the Vice

Chair of the Commission, Kris Kobach, sent a letter to election officials for all 50 states and the District of Columbia on behalf of the Commission. As per the letter sent to North Carolina Secretary of State Elaine Marshall, the letter requested that states provide the Commission with "publicly-available voter roll data," including the full names, addresses, birth dates, political affiliation, voter history, last four digits of the social security numbers, voter history, felony convictions, military status, and overseas citizen information of registrants.

On June 29, 2017, California Secretary of State Alex Padilla released a statement in which he indicated that he was refusing to provide the Commission with the information that Mr. Kobach had requested. In the statement, Secretary of State Padilla wrote, "As Secretary of State, it is my duty to ensure the integrity of our elections and to protect the voting rights and privacy of our state's voters. I will not provide sensitive voter information to a commission that has already inaccurately passed judgment that millions of Californians voted illegally. California's participation would only serve to legitimize the false and already debunked claims of massive voter fraud made by the President, the Vice President, and Mr. Kobach."

SJR 11 urges each state's Secretary of State and other relevant state elections officials to join California in refusing to provide their state voter data to the Commission.

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