

09-01

**CALIFORNIA ASSOCIATION OF CLERKS
and Elections Officials**

LEGISLATIVE PROPOSAL

SUBMITTED BY: <u>DEAN LOGAN</u>	<u>COUNTY OF LOS ANGELES</u>
ADDRESS: <u>12400 E. Imperial Hwy. Norwalk Ca, 90650</u>	Phone No. <u>(562) 462-2748</u>
AMEND CODE SECTION (S) Adds Section 4001 to, and amends Section 10704 of, the Elections Code.	
WHAT DOES THIS PROPOSAL DO? Adds provisions that would allow special elections to fill a vacancy in a congressional or legislative district to be conducted by all mailed ballots at the county's discretion.	
WHAT PROBLEM (S) WILL THIS PROPOSAL RESOLVE? JUSTIFICATION IN DETAIL. Eliminate election activities associated with providing polling places and poll workers for elections that have low voter turnout. See attached.	
HOW WILL THIS PROPOSAL AFFECT THE AGENCY AND PUBLIC? Eliminates the need to 1) recruit polling places and poll workers and 2) prepare election supplies for special vacancy elections.	
ARE THERE ANY OTHER RELATED CODE SECTIONS THAT WILL BE AFFECTED? YES _____ PROVIDE THEM NO _____	
WILL THIS PROPOSAL SAVE/INCREASE COSTS? EXPLAIN AND GIVE ESTIMATES: Cost savings ranging between \$700,000 and \$1,400,000.	
WHAT OTHER AGENCIES WOULD BE AFFECTED BY THIS PROPOSAL? Other counties.	
WHO WILL OPPOSE THIS PROPOSAL? Unknown	
DRAFT LANGUAGE: See attached.	
WHO WILL SUPPORT THIS PROPOSAL? Unknown	

LEGISLATIVE PROPOSAL

An act to add Section 4001 to, and amend Section 10704 of, the Elections Code relating to elections.

The people of the State of California do enact as follows:

SECTION 1. Section 4001 of the Elections Code is added to read:

§ 4001 (a) Notwithstanding Section 4000, a special election to fill a congressional or legislative vacancy may be conducted by mail at the county's discretion.

(b) If any other election is scheduled to be held in territory that is wholly or partially within the same territory in which the vacancy exists, the board of supervisors may, by resolution, revoke the adoption of the all-mailed ballot procedure and order the special election consolidated with the other election pursuant to Section 10402.

SECTION 2. Section 10704 of the Elections Code is amended to read:

§ 10704 (a) A special primary election shall be held in the district in which the vacancy occurred on the eighth Tuesday or, if the eighth Tuesday is the day of or the day following a state holiday, the ninth Tuesday preceding the day of the special general election at which the vacancy is to be filled. Candidates at the primary election shall be nominated in the manner set forth in Chapter 1 (commencing with Section 8000) of Part 1 of Division 8, except that nomination papers shall not be circulated more than 63 days before the primary election, shall be left with the county elections official for examination not less than 43 days before the primary election, and shall be filed with the Secretary of State not less than 39 days before the primary election.

~~(b) Notwithstanding Section 3001, applications for vote by mail voter ballots may be submitted not more than 25 days before the primary election, except that Section 3001 shall apply if the special election or special primary election is consolidated with a statewide election. Applications received by the elections official prior to the 25th day shall not be returned to the sender, but shall be held by the elections official and processed by him or her following the 25th day prior to the election in the same manner as if received at that time.~~

SUMMARY

This proposal would allow that special elections to fill a vacancy in a congressional or legislative district be conducted by all mailed ballots at the county's discretion. It provides the option of consolidating with another election in lieu of the all mail ballot procedure if the other election is held in the same territory that is wholly or partially within the same territory in which the vacancy exists. It would also delete language relating to the vote by mail application deadline for these special vacancy elections which would no longer apply under this proposal.

JUSTIFICATION

Historically, special elections to fill congressional and legislative vacancies have failed to attract interest resulting in low voter turnout. For example, in Los Angeles County, four special vacancy elections were held in 2007. The average turnout for these elections was 11 percent with costs incurred ranging from \$700,000 to \$1,400,000. A significant portion of the costs expended was related to the recruitment of polling places and poll workers and supplying those polling places with election materials. This proposal would have a favorable administrative and fiscal impact by eliminating the need to recruit polling places and poll workers for these elections. In addition, the popularity of voting by mail has tremendously increased therefore, the all mail ballot procedure for this type of election could result in higher voter turnout.

CALIFORNIA ASSOCIATION OF CLERKS
and Elections Officials

09-02

LEGISLATIVE PROPOSAL

SUBMITTED BY: DEAN LOGAN

COUNTY OF LOS ANGELES

ADDRESS: 12400 E. Imperial Hwy. Norwalk Ca, 90650

Phone No. (562) 462-2748

Amends Code Section(s) 12223 and 12261 of the Elections Code.

WHAT DOES THIS PROPOSAL DO?

Enables counties to increase the maximum number of voters in an election precinct or consolidated precinct from 1,000 to 1,250.

WHAT PROBLEM (S) WILL THIS PROPOSAL RESOLVE?

1) Reduces the number of multiple precinct assignments at a single location and 2) Reduces the number of polling places and poll workers required for elections.

JUSTIFICATION IN DETAIL

See attached.

HOW WILL THIS PROPOSAL AFFECT THE AGENCY AND PUBLIC?

Facilitates the election process and reduces election costs.

ARE THERE ANY OTHER RELATED CODE SECTIONS THAT WILL BE AFFECTED?

YES _____ PROVIDE THEM

NO X

WILL THIS PROPOSAL SAVE/INCREASE COSTS? EXPLAIN AND GIVE ESTIMATES:

An estimated \$500,000 in cost avoidance could be realized for statewide elections in Los Angeles County.

WHAT OTHER AGENCIES WOULD BE AFFECTED BY THIS PROPOSAL?

Elections officials conducting elections.

WHO WILL OPPOSE THIS PROPOSAL? WHY?

Unknown

DRAFT LANGUAGE:

See attached.

WHO WILL SUPPORT THIS PROPOSAL? WHY?

Elections Officials. Facilitates the election process and cost savings.

LEGISLATIVE PROPOSAL

An act to amend Sections 12223 and 12261 of the Elections Code relating to elections.

The people of the State of California do enact as follows:

SECTION 1. Section 12223 of the Elections Code is amended to read:

§ 12223 (a) Whenever a jurisdiction is divided into election precincts or whenever the boundary of an established precinct is changed or a new precinct is created, the precinct boundary shall be fixed in a manner so that the number of voters in the precinct does not exceed ~~4,000~~ 1,250 voters on the 88th day prior to the day of election, unless otherwise provided by law.

~~(b) This section shall become operative on January 1, 2005.~~

SECTION 2. Section 12261 of the Elections Code is amended to read:

§ 12261 (a) The boundaries of precincts for the general election shall be the same as those established for the direct primary election, except to the extent necessary to add or subtract precincts as the result of population change or to divide precincts containing more than ~~4,000~~ 1,250 voters or to change precinct boundaries due to jurisdictional boundary changes, or consolidations of elections. Changes of precinct boundaries may also be made when consolidating precincts.

~~(b) This section shall become operative on January 1, 2005.~~

SUMMARY

Existing law provides that whenever 1) any jurisdiction is divided into election precincts, 2) the boundaries of established precincts are changed or 3) new precincts are created, the precincts shall be fixed so that the number of voters does not exceed 1,000 voters.

This proposal would allow counties to increase the maximum number of voters in an election precinct or consolidated precinct from 1,000 to 1,250 voters.

JUSTIFICATION

It continues to become increasingly difficult to find voters willing to serve as poll workers and offer their homes as polling place locations. Larger precinct consolidations would reduce the number of multiple precinct assignments at a single location. In addition it would reduce the number of polling places and poll workers required for elections, related election recruitment costs for securing polls and officers, voting booths/precinct supplies, assembly and delivery, polls and officers' compensation. It is estimated that as much as a \$500,000 cost savings could be realized for statewide elections. Money saved could be used for additional precinct inspector training/compensation and to offset election payroll costs used to staff larger precinct consolidations.

The authority to increase the precinct size would not be arbitrarily or unilaterally administered, but would be utilized only in instances and areas where a larger precinct size consolidation would be more convenient and facilitate the voting process for voters and precinct officers. A percentage of the voters assigned to each precinct vote by absentee ballot or do not vote, thereby minimizing the number of voters actually going to the polls to vote. Absentee voting has grown in popularity and it is anticipated that this means of voting will continue to increase.

The level of service provided at the polls would not be diminished with the proposed increased precinct size and larger precinct consolidations when the voter turnout is taken into consideration. In 2001, AB 280, Ch. 904 was enacted to revise the maximum number of voters in a precinct from 1,000 to 1,250. Under this latitude, Los Angeles experienced its most successful election in over 40 years, the November 2004 General Election. These provisions had a sunset date of January 1, 2005 and as of that date repealed.

Allowing elections officials the discretion to increase the election precinct registration from 1,000 to 1,250 would facilitate the election process and reduce election costs.

CALIFORNIA ASSOCIATION OF CLERKS
and Elections Officials

09-03

LEGISLATIVE PROPOSAL

SUBMITTED BY: <u>DEAN LOGAN</u>	<u>COUNTY OF LOS ANGELES</u>
ADDRESS: <u>12400 E. Imperial Hwy. Norwalk Ca, 90650</u>	Phone No. <u>(562) 462-2748</u>

AMEND CODE SECTION (S)
Amend Sections 8020, 8064 and 13107.3 of the Elections Code

WHAT DOES THIS PROPOSAL DO?
1) Amends provisions relating to the nomination documents required for a primary election to include the ballot designation worksheet requirement. Also deletes language from the provisions requiring the worksheet which specifies that, in addition to the nomination documents filed pursuant to Section 8020, a candidate who submits a ballot designation shall file a ballot designation worksheet. 2) Provides that a candidate for United States Congress and Judge of the Superior Court shall obtain and deliver the declaration of candidacy to the elections official of the county in which the district or court is situated.

WHAT PROBLEM (S) WILL THIS PROPOSAL RESOLVE? JUSTIFICATION IN DETAIL.
1) Deletes ambiguous language in provisions relating to the ballot designation worksheet requirement. Elections Code Section 13107.3 specifies that each candidate who submits a ballot designation must file a ballot designation worksheet in addition to the nomination documents filed pursuant to 8020. E.C. Section 8020 governs nomination procedures for a primary election. Presently written, the law could be interpreted that only a candidate filing for an office in a primary election would have to file the work sheet. 2) Amends the law to require candidates for offices that do not have a residency requirement to file their declaration of candidacy in the county where the district is situated.

want clear that candidate in a primary had to file

HOW WILL THIS PROPOSAL AFFECT THE AGENCY AND PUBLIC?
Clarifies the law.

ARE THERE ANY OTHER RELATED CODE SECTIONS THAT WILL BE AFFECTED?
YES _____ PROVIDE THEM
NO X

WILL THIS PROPOSAL SAVE/INCREASE COSTS? EXPLAIN AND GIVE ESTIMATES:
N/A

WHAT OTHER AGENCIES WOULD BE AFFECTED BY THIS PROPOSAL?

Election Officials

WHO WILL OPPOSE THIS PROPOSAL? WHY?

Unknown

DRAFT LANGUAGE:

See attached.

WHO WILL SUPPORT THIS PROPOSAL? WHY?

Unknown

LEGISLATIVE PROPOSAL

An act to amend Sections 8020, 8064 and 13107.3
of the Elections Code.

The people of the State of California do enact as follows:

SECTION 1. Section 8020 of the Elections Code is amended to read:

§ 8020 (a) No candidate's name shall be printed on the ballot to be used at the direct primary unless the following nomination documents are delivered for filing to the county elections official:

- (1) Declaration of candidacy pursuant to Section 8040.
- (2) Nomination papers signed by signers pursuant to Section 8041.
- (3) Ballot designation worksheet pursuant to Section 13107.3

(b) The forms shall first be available on the 113th day prior to the direct primary election and shall be delivered not later than 5 p.m. on the 88th day prior to the direct primary. The forms may be delivered to the county elections official by a person other than the candidate.

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

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

SECTION 2. Section 8064 of the Elections Code is amended to read:

§ 8064 (a) The declaration of candidacy shall be obtained from, and delivered to, the elections official of the county in which the candidate resides and is a voter, in accordance with Section 8028.

(b) In the case of a candidate for United State Representative and Judge of the Superior Court, the declaration of candidacy shall be obtained from, and delivered to, the elections official of the county in which the district or court is situated.

SECTION 3. Section 13107.3 of the Elections Code is amended to read:

§ 13107.3 (a) Each candidate who submits a ballot designation shall file, ~~in addition to the nomination documents filed pursuant to Section 8020,~~ a ballot designation worksheet that supports the use of that ballot designation by the candidate, in a format prescribed by the Secretary of State.

(b) The ballot designation worksheet shall be filed with the elections official at the same time that the candidate files his or her declaration of candidacy.

(c) In the event that a candidate fails to file a ballot designation worksheet in accordance with subdivision (a), no designation shall appear under the candidate's name on the ballot.

SUMMARY

1) Existing law requires a ballot designation submitted by a candidate should be accompanied by a ballot designation worksheet. This proposal amends provisions relating to the nomination documents required for a primary election to include the ballot designation worksheet. Also deletes language from provisions governing the ballot designation worksheet requirement which specifies that, in addition to the nomination documents filed pursuant to 8020, each candidate who submits a ballot designation must file a ballot designation worksheet. 2) Existing law requires that the declaration of candidacy (DOC) be obtained from, and delivered to, the elections official of the county in which the candidate resides and is a voter. This proposal would provide, instead, that a candidate for an office that has no residency requirement (United States Representative and Judge of the Superior Court) obtain their declaration of candidacy from, and deliver to, the elections official in the county where the district is situated.

JUSTIFICATION

1) Elections Code Section 13107.3 specifies that each candidate who submits a ballot designation must file a ballot designation worksheet in addition to the nomination documents filed pursuant to 8020 which governs nomination procedures for a primary election. Presently written, these provisions could be interpreted that only candidates filing for an office in a primary election would have to file the worksheet. This proposal would clarify existing law by deleting ambiguous language and would reinforce the intention of the law that the ballot designation worksheet requirement applies to all candidates. 2) Under current law, a candidate who has taken out nomination papers for a congressional district outside of their home county may file the nomination documents (excluding the DOC) in the county where the district is situated but must go back to his home county to file the declaration of candidacy. This proposal would revise the law to provide that all nomination documents are required to be filed at one location and in the county where the district is located.

CALIFORNIA ASSOCIATION OF CLERKS
AND ELECTIONS OFFICIALS

09-04

LEGISLATIVE PROPOSAL

SUBMITTED BY: <u>DEAN LOGAN</u>		<u>COUNTY OF LOS ANGELES</u>
ADDRESS: <u>12400 E. Imperial Hwy. Norwalk Ca, 90650</u>		Phone No. <u>(562) 462-2748</u>
AMEND CODE SECTION (S) Amends Sections 103, 9602, 11303 and 13314 of the Elections Code.	<i>Problem in City of Carson was vetoed SoS supports</i>	
WHAT DOES THIS PROPOSAL DO? Provides that a voter is not required to attach a declaration of circulator to a written request for the removal of his or her signature from an initiative, referendum or recall petition.		
WHAT PROBLEM (S) WILL THIS PROPOSAL RESOLVE? JUSTIFICATION IN DETAIL. Clarifies the law relating to petition signature withdrawal to avoid misinterpretation. See attached.		
HOW WILL THIS PROPOSAL AFFECT THE AGENCY AND PUBLIC? Eliminates the risk of court cases being initiated as a result of misinterpretation of the law.		
ARE THERE ANY OTHER RELATED CODE SECTIONS THAT WILL BE AFFECTED? YES _____ PROVIDE THEM NO _____		
WILL THIS PROPOSAL SAVE/INCREASE COSTS? EXPLAIN AND GIVE ESTIMATES: N/A		
WHAT OTHER AGENCIES WOULD BE AFFECTED BY THIS PROPOSAL? Elections officials.		
WHO WILL OPPOSE THIS PROPOSAL? Unknown		
DRAFT LANGUAGE: See attached.		
WHO WILL SUPPORT THIS PROPOSAL? Unknown		

LEGISLATIVE PROPOSAL

An act to amend Sections 103, 9602 and 11303 of the Elections Code relating to elections.

The people of the State of California do enact as follows:

SECTION 1. Section 103 of the Elections Code is amended to read:

§ 103 ~~Any~~ A voter who has signed an initiative, referendum or recall petition pursuant to the Constitution of laws of this state shall have his or her signature withdrawn from the petition upon filing a written request therefor with the appropriate county elections official or city elections official prior to the day the petition is filed. A written request made under this section shall not constitute a petition or paper for purposes of Section 104.

SECTION 2. Section 9602 of the Elections Code is amended to read:

§ 9602 ~~Any~~ A voter who has signed ~~any~~ an initiative or referendum petition, and who subsequently wishes to have his or her name withdrawn, may do so by filing a written request for the withdrawal with the appropriate elections official. This request shall be filed in the elections official's prior to the date the petition is filed. A written request made under this section shall not constitute a petition or paper for purposes of Section 104.

SECTION 3. Section 11303 of the Elections Code is amended to read:

§ 11303 ~~Any~~ A voter who has signed recall petition shall have his or her signature withdrawn from the petition upon filing a written request therefor with the elections official prior to the day the petition section bearing the voter's signature is filed. A written request made under this section shall not constitute a petition or paper for purposes of Section 104.

SUMMARY

This proposal would clarify that a voter is not required to attach a petition circulator declaration to a written request for the removal of his or her signature from an initiative, referendum or recall petition.

JUSTIFICATION

In a 2007 court case, *Kawagoe v. McCormack, et al*, the proponents of an insufficient recall petition in the City of Carson argued that at least 221 signatures were improperly discounted for one of two reasons: (1) the withdrawal card did not have an affidavit of circulator, or (2) the withdrawal card was signed before the petition was signed. The Los Angeles Superior Court ruled that pursuant to Elections Code 104, a signature withdrawal request must include a declaration of a circulator. The authority of that decision was questionable. This proposal would amend the law to be absolutely clear that a written request to withdraw a signature from a petition does not constitute a petition or paper for purposes of Section 104,

LEGISLATIVE PROPOSAL

Ask cities
to support
09-05

SUBMITTED BY: Candy Lopez
Contra Costa Elections

COUNTY: Contra Costa

ADDRESS: 555 Escobar St,
Martinez, CA 94553

TELEPHONE #: (925) 335-7808

AMEND CODE SECTION(S) Elections Code 4004 *make "small city" exception to "any jurisdiction" to use mail ballot*

WHAT DOES THIS PROPOSAL DO? Expand the definition of "small city" and expand the definition of permissible elections under Elections Code 4004.

WHAT PROBLEM(S) WILL THIS PROPOSAL RESOLVE? Change will allow small jurisdictions to have a non-consolidated local special election at a greatly reduced cost to the jurisdiction and the tax payer.

JUSTIFICATION IN DETAIL:

Many jurisdictions have a high percentage of their registered voters who are already registered as permanent vote by mail. The expense to recruit and train election precinct boards; purchase precinct supplies; print ballots for 70% of the registered voters for the polls, even though only 10% to 20% will likely vote at the polls; prepare precinct election equipment; secure poll sites; print and mail sample ballots; deliver and pick up materials and equipment to and from poll sites; print officer appointments; pay election officer stipends and poll site rentals, would be eliminated for these elections. None of the above expenses are needed in an "all vote by mail election" and they substantially increase costs for a minor portion of the total turn out in special elections, where "vote by mail" turnout far exceeds poll turn out.

Reducing the above expenses will also reduce printing and supply materials waste and would reduce emissions because there will be fewer deliveries; election officers do not have to attend class or pick up or return equipment; drayage companies would not need to deliver or pick up booths, tables and other poll site equipment; and a portion of the voters would not be commuting to the polls.

HOW WILL THIS PROPOSAL AFFECT THE AGENCY AND PUBLIC? This proposal will allow small jurisdictions the flexibility to have special elections, which are not consolidated with statewide elections, at reduced cost to the jurisdiction and the taxpayer.

Election offices will be able to focus their staff time on one type of election "vote by mail" rather than "polling place and vote by mail", allowing for increased efficiency.

LEGISLATIVE PROPOSAL (Continued)

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ARE THERE ANY OTHER RELATED CODE SECTIONS THAT WILL BE AFFECTED?

YES _____ **PROVIDE THEM**
NO XXX

WILL THIS PROPOSAL SAVE/INCREASE COSTS? EXPLAIN AND GIVE ESTIMATES:

It will save costs for local jurisdictions that want or need to have special elections, which are not consolidated with statewide elections.

WHAT OTHER AGENCIES WOULD BE AFFECTED BY THIS PROPOSAL?

Cities, Schools and Special Districts

WHO WILL SUPPORT THIS PROPOSAL? WHY?

Small jurisdictions that would like the flexibility to have special elections, which are not consolidated with statewide elections, at a more reasonable cost to the jurisdiction and the taxpayer. Also for the reduction of printing and supply waste and carbon emissions for polling place election related activities.

Election Officials who would like to be able to offer a lower priced alternative to polling place elections for local jurisdictions having special elections, which are not consolidated with statewide elections.

WHO WILL OPPOSE THIS PROPOSAL? WHY?

Unknown.

DRAFT LANGUAGE: (Attach additional pages if necessary)

4004. (a) "Small city" means a city with a population of 100,000 120,000 or less, as determined by the annual city total population rankings by the Demographic Research Unit of the Department of Finance.

(b) "Eligible entity" means a school district or a special district.

(c) Notwithstanding Sections 1500 and 4000, an election in a small city or an eligible entity may be conducted wholly as an all-mail ballot election, subject to the following conditions:

(1) The legislative body of the small city or the governing body of the eligible entity, by resolution, authorizes the use of mailed ballots for the election.

(2) The election is a special ^{or runoff} election [.] ~~to fill a vacancy in the legislative body or governing body.~~ also applies to initiative, ref., recall

(3) The election is not held on the same date as a statewide primary or general election.

(4) The election is not consolidated with any other election.

(5) The return of voted mail ballots is subject to Section 3017.

LEGISLATIVE PROPOSAL

09-06
revised

SUBMITTED BY: Eren Mendez,
Outreach Coordinator

COUNTY: Contra Costa

ADDRESS: 555 Escobar St.
Martinez, CA 94553

TELEPHONE #: (925) 335-7821

AMEND CODE SECTION(S)

12302 (b) (3)

WHAT DOES THIS PROPOSAL DO?

Amending this section will increase eligibility of students who can serve as precinct board members.

WHAT PROBLEM(S) WILL THIS PROPOSAL RESOLVE?

Allow college and vocational education students who are under the age of 18 to be considered as student precinct board members.

JUSTIFICATION IN DETAIL:

Current code section only refers to secondary educational institutions. In the recent General Election, we had a 16 year old college student who was not eligible to serve as a student precinct board member because she is no longer in high school. It was sad to see that a student who has excelled academically was not able to have the same experience as other students her age.

HOW WILL THIS PROPOSAL AFFECT THE AGENCY AND PUBLIC?

Election departments will be able to expand poll worker recruitment efforts and create public awareness about a program that gives the youth the opportunity to serve their community.

ARE THERE ANY OTHER RELATED CODE SECTIONS THAT WILL BE AFFECTED?

YES _____ **PROVIDE THEM**
NO x

WILL THIS PROPOSAL SAVE/INCREASE COSTS? EXPLAIN AND GIVE ESTIMATES:

LEGISLATIVE PROPOSAL (Continued)

PAGE 2

WHAT OTHER AGENCIES WOULD BE AFFECTED BY THIS PROPOSAL?

Elections Departments, colleges and vocational education institutions in the state.

WHO WILL SUPPORT THIS PROPOSAL? WHY?

Elections departments in the state will be able to expand poll worker recruitment.

Students who fall into this category will be able to experience being a poll worker before reaching voting age.

WHO WILL OPPOSE THIS PROPOSAL? WHY?

Unknown

DRAFT LANGUAGE: (Attach additional pages if necessary)

12302. (a) Except as provided in subdivision (b), a member of a precinct board shall be a voter of the state. The member may serve only in the precinct for which his or her appointment is received.

(b) In order to provide for a greater awareness of the elections process, the rights and responsibilities of voters, and the importance of participating in the electoral process, as well as to provide additional members of precinct boards, an elections official may appoint not more than five pupil per precinct to serve under the direct supervision of precinct board members designated by the elections official. A pupil may be appointed, notwithstanding his or her lack of eligibility to vote, subject to the approval of the governing board of the educational institution in which the pupil is enrolled, if the pupil possesses the following qualifications:

- (1) Is at least 16 years of age at the time of the election to which he or she is serving as a member of a precinct board.
 - (2) Is a United States citizen or will be a citizen at the time of the election to which he or she is serving as a member of a precinct board.
 - (3) Is a pupil in good standing attending a public or private Secondary, a vocational or higher educational institution.
 - (4) Is a pupil who has a grade point average of at least 2.5 on a 4.0 scale.
- (c) A pupil appointed pursuant to subdivision (b) may not be used by a precinct board to tally votes.

LEGISLATIVE PROPOSAL

09-07

SUBMITTED BY: Cathy Darling

COUNTY: Shasta

ADDRESS: 1643 Market St
Redding CA 96001

TELEPHONE #: 530-225-5166

AMEND CODE SECTION(S) EC 18304

WHAT DOES THIS PROPOSAL DO?

Add language to specifically prohibit the use of a city or county seal in campaign materials published on the internet or in television or print advertising.

WHAT PROBLEM(S) WILL THIS PROPOSAL RESOLVE?

Currently the only places this is prohibited are mass mailings; some city attorneys are reluctant to enforce a broader interpretation.

JUSTIFICATION IN DETAIL:

In the past, campaign advertising in print venues, on the internet or on television has used images of the seal of the City of Redding. Because this is not specifically prohibited by the Elections Code or the Government Code, there has been debate locally as to whether or not this code section applies.

HOW WILL THIS PROPOSAL AFFECT THE AGENCY AND PUBLIC?

Broadens currently statute to more effectively ensure the voting public is not misled.

ARE THERE ANY OTHER RELATED CODE SECTIONS THAT WILL BE AFFECTED?

YES _____ PROVIDE THEM

NO XX

WILL THIS PROPOSAL SAVE/INCREASE COSTS? EXPLAIN AND GIVE ESTIMATES:

No fiscal impact.

WHAT OTHER AGENCIES WOULD BE AFFECTED BY THIS PROPOSAL?

City clerks offices.

WHO WILL SUPPORT THIS PROPOSAL? WHY?

City clerks and elections officials, perhaps the SoS.

LEGISLATIVE PROPOSAL *(Continued)*

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WHO WILL OPPOSE THIS PROPOSAL? WHY?

Irresponsible candidates.

DRAFT LANGUAGE: (Attach additional pages if necessary)

18304. (a) Any person who uses or allows to be used any reproduction or facsimile of the seal of the county or the seal of a local government agency in any campaign literature or mass mailing, as defined in Section 82041.5 of the Government Code, **or in any publication in print, on the internet, or in television advertising** with intent to deceive the voters, is guilty of a misdemeanor.

(b) For purposes of this section, the use of a reproduction or facsimile of a seal in a manner that creates a misleading, erroneous, or false impression that the document is authorized by a public official is evidence of intent to deceive.

(c) For purposes of this section, the term "local government agency" means a school district, special or other district, or any other board, commission, or agency of local jurisdiction.

CALIFORNIA CODES
ELECTIONS CODE
SECTION 18301-18304

18301. In addition to any other penalty, any person who prints or otherwise duplicates, or causes to be printed or duplicated, a simulated ballot or simulated sample ballot that does not contain the statement required by Section 20009 or that uses an official seal or insignia in violation thereof, is guilty of a misdemeanor.

18302. Every person is guilty of a misdemeanor who knowingly causes to be mailed or distributed, or knowingly mails or distributes, literature to any voter that includes a designation of the voter's precinct polling place other than a precinct polling place listed for that voter in an official precinct polling list that constituted the latest official precinct polling list at sometime not more than 30 days prior to the mailing or distribution.

18303. Every person who violates Section 84305 of the Government **Code** relating to mass mailing is subject to the penal provisions set forth in Chapter 11 (commencing with Section 91000) of Title 9 of the Government **Code**.

18304. (a) Any person who uses or allows to be used any reproduction or facsimile of the seal of the county or the seal of a local government agency in any campaign literature or mass mailing, as defined in Section 82041.5 of the Government **Code**, with intent to deceive the voters, is guilty of a misdemeanor.

(b) For purposes of this section, the use of a reproduction or facsimile of a seal in a manner that creates a misleading, erroneous, or false impression that the document is authorized by a public official is evidence of intent to deceive.

(c) For purposes of this section, the term "local government agency" means a school district, special or other district, or any other board, commission, or agency of local jurisdiction.

LEGISLATIVE PROPOSAL

2009

09-08

SUBMITTED BY: Elaine Ginnold **COUNTY:** Marin

ADDRESS Marin Civic Center, P.O. Box E, San Rafael, CA 94913

TELEPHONE #: (415) 499-6401

AMEND CODE SECTION(S)

9110. Time limit for securing signatures on county petitions

WHAT DOES THIS PROPOSAL DO?

Revises language to make more specific the time that proponents of a county petition can start to circulate their petition.

WHAT PROBLEM(S) WILL THIS PROPOSAL RESOLVE?

JUSTIFICATION IN DETAIL:

Will resolve inconsistencies between Sections 9105(b), 9108 and 9110 regarding the time that proponents may start to circulate their petition and when the 180 day circulation period begins.

Sec. 9105(b) states that, "...The proponents shall, **prior to the circulation of the petition, publish the Notice of Intention, and the ballot title and summary of the proposed measure** in a newspaper of general circulation...**and file proof of publication with the county elections official.**

Sec. 9108 states that proponents may commence to circulate their petition after **publication** of the title and summary.

However, Sec. 9110 states that, "...Signatures shall be secured and the petition shall be presented to the county elections official for filing within 180 days **from the date of receipt of the title and summary....**"

HOW WILL THIS PROPOSAL AFFECT THE AGENCY AND PUBLIC?

Will clarify and make specific the time that the 180 day circulation period for a county petition begins.

ARE THERE ANY OTHER RELATED CODE SECTIONS THAT WILL BE AFFECTED?

YES **PROVIDE THEM** 9207, 9208 regarding municipal petitions should also be revised to be consistent with county petitions.

NO _____

WILL THIS PROPOSAL SAVE/INCREASE COSTS? EXPLAIN AND GIVE ESTIMATES:

no

LEGISLATIVE PROPOSAL (Continued)

PAGE 2

WHAT OTHER AGENCIES WOULD BE AFFECTED BY THIS PROPOSAL?

NONE

WHO WILL SUPPORT THIS PROPOSAL? WHY?

County election officials

WHO WILL OPPOSE THIS PROPOSAL? WHY?

unknown

DRAFT LANGUAGE: (Attach additional pages if necessary)

Sec. 9110. Time limit for securing signatures.
Signatures shall be secured and the petition shall be presented to the county elections official for filing within 180 days **from the date that the proof of publication is filed with the elections official...**

*of the
title: summary*

§ 7681
repeal

LEGISLATIVE PROPOSAL

09-09

SUBMITTED BY: Lindsey McWilliams

COUNTY: Solano

ADDRESS: 675 Texas St. #2600
Fairfield, CA 94533

TELEPHONE #: 707-784-3364

AMEND CODE SECTION(S)

§ 7680.

WHAT DOES THIS PROPOSAL DO?

It removes archaic language requiring the elections official to schedule American Independent Party central committee meetings in courthouses and brings the statute into line with other central committee meeting statutes.

WHAT PROBLEM(S) WILL THIS PROPOSAL RESOLVE?

It removes preferential treatment of AIP county central committees and puts them on equal footing with other central committees. It also eliminates the requirement that elections officials schedule AIP central committee meetings in the county courthouse.

JUSTIFICATION IN DETAIL:

EC § 7680 sets a meeting date following the direct primary election for the AIP county central committee and requires the county elections official to schedule the meeting in quarters to be arranged or provided by the elections official in the courthouse at the county seat. This is completely different that the meeting statutes for other central committees.

HOW WILL THIS PROPOSAL AFFECT THE AGENCY AND PUBLIC?

County elections officials will no longer schedule meetings for the AIP county central committee. AIP county central committee members will, like other central committees, schedule their own meetings.

ARE THERE ANY OTHER RELATED CODE SECTIONS THAT WILL BE AFFECTED?

YES _____ PROVIDE THEM
NO XX

WILL THIS PROPOSAL SAVE/INCREASE COSTS? EXPLAIN AND GIVE ESTIMATES:

There should be no cost increases or decreases.

LEGISLATIVE PROPOSAL (Continued)

PAGE 2

WHAT OTHER AGENCIES WOULD BE AFFECTED BY THIS PROPOSAL?

AIP county central committees.

WHO WILL SUPPORT THIS PROPOSAL? WHY?

Local elections officials. No longer required to remember special statute for AIP county central committees.

WHO WILL OPPOSE THIS PROPOSAL? WHY?

Possibly AIP county central committees. They would have to schedule their own meetings.

DRAFT LANGUAGE: (Attach additional pages if necessary)

~~7680. Each committee shall meet in the courthouse at its county seat, upon call, which shall be given by the elections official of the county and in quarters to be arranged or provided for by the elections official of the county, on the second Tuesday in July following the direct primary election, except that in any year in which a national convention of the party includes that date, the existing executive committee of a committee shall set the date of the meeting, not to exceed 30 days after the date herein specified.~~

The Department of General Services shall permit any committee that desires to do so to hold meetings in a state building within the county, at least one of which meetings each month shall be without charge.

(This language repeats Republican Party county central committee meetings § 7430 and Peace and Freedom Party county central committee meetings § 7870, and substantially reflects Democratic Party county central committee meetings § 7236.)

§ 7681
repeal

LEGISLATIVE PROPOSAL

09-09

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HOW WILL THIS PROPOSAL AFFECT THE AGENCY AND PUBLIC?

County elections officials will no longer schedule meetings for the AIP county central committee. AIP county central committee members will, like other central committees, schedule their own meetings.

ARE THERE ANY OTHER RELATED CODE SECTIONS THAT WILL BE AFFECTED?

YES _____ **PROVIDE THEM**
NO XX

WILL THIS PROPOSAL SAVE/INCREASE COSTS? EXPLAIN AND GIVE ESTIMATES:

There should be no cost increases or decreases.

LEGISLATIVE PROPOSAL (Continued)

PAGE 2

WHAT OTHER AGENCIES WOULD BE AFFECTED BY THIS PROPOSAL?

AIP county central committees.

WHO WILL SUPPORT THIS PROPOSAL? WHY?

Local elections officials. No longer required to remember special statute for AIP county central committees.

WHO WILL OPPOSE THIS PROPOSAL? WHY?

Possibly AIP county central committees. They would have to schedule their own meetings.

DRAFT LANGUAGE: (Attach additional pages if necessary)

~~7680. Each committee shall meet in the courthouse at its county seat, upon call, which shall be given by the elections official of the county and in quarters to be arranged or provided for by the elections official of the county, on the second Tuesday in July following the direct primary election, except that in any year in which a national convention of the party includes that date, the existing executive committee of a committee shall set the date of the meeting, not to exceed 30 days after the date herein specified.~~

The Department of General Services shall permit any committee that desires to do so to hold meetings in a state building within the county, at least one of which meetings each month shall be without charge.

(This language repeats Republican Party county central committee meetings § 7430 and Peace and Freedom Party county central committee meetings § 7870, and substantially reflects Democratic Party county central committee meetings § 7236.)

09-10

LEGISLATIVE PROPOSAL

SUBMITTED BY: Janice Atkinson
ADDRESS: 435 Fiscal Dr., Santa Rosa, CA 95403

COUNTY: Sonoma
PHONE NO. 707-565-6814

ADD, DELETE OR AMEND CODE SECTION(S): Repeal Sections 14225, and 14277, and amend section 14293

WHAT DOES THIS PROPOSAL DO? Repeals two redundant sections and amends a third section to Allow the voter to deposit his or her own ballot into the ballot box as opposed to requiring the pollworker to do so.

WHAT PROBLEM(S) WILL THIS PROPOSAL RESOLVE? This will resolve the problems encountered by counties with precinct count systems wherein, despite the attempt not to do so, the pollworkers may view the ballot as it is fed into the precinct counter. It will also resolve problems in other counties when voters want to drop their own ballots into the ballot box.

JUSTIFICATION IN DETAIL: Even when pollworkers make a determined effort not to view the voters' ballots as they are read into the precinct counters, either they inadvertently see the voters ballots or the voters perceive that the pollworkers can see their votes. This causes issues at the polls. Also, some voters simply want to be able to drop their own ballots into the ballot box.

HOW WILL THIS PROPOSAL AFFECT THE AGENCY AND PUBLIC? It should have little effect on the agency and will be popular with the voters for the reasons stated above.

ARE THERE ANY OTHER RELATED CODE SECTIONS THAT WILL BE AFFECTED? None of which I am aware

WILL THIS PROPOSAL SAVE/INCREASE COSTS? EXPLAIN AND GIVE ESTIMATES: N/A

WHAT OTHER AGENCIES WOULD BE AFFECTED BY THIS PROPOSAL? Pollworkers who will no longer have to argue with the voters in this regard.

WHO WILL SUPPORT THIS PROPOSAL? Voters who perceive (rightly or wrongly) that their votes are viewed as they are fed into the precinct counters.

WHO WILL OPPOSE THIS PROPOSAL? Unknown.

LEGISLATIVE PROPOSAL

DRAFT LANGUAGE: 14225. ~~Members of the precinct board shall not deposit in the ballot container any ballot from which the slip containing the number of the ballot has not been removed by a member of the precinct board and handed to the voter. This section does not apply to voting by vote by mail ballot.~~

~~14277. The voter shall hand the folded ballot or the envelope containing the ballot to a precinct board member, who shall remove the ballot stub, hand it to the voter, and deposit the ballot in the ballot container. If the ballot is to be transferred from the envelope to the ballot container, care shall be taken not to disclose the markings of the voter on the ballot.~~

~~14293. Having folded the ballot, t~~ The voter shall deliver it folded to a member of the precinct board, who shall then separate the slip *stub, if any* containing the number from the ballot, hand the slip to the voter, and deposit the ballot in the ballot box in the presence of the voter *pollworker*. Care shall be taken not to disclose the markings on the ballot when depositing the ballot in the ballot box.

LEGISLATIVE PROPOSAL

09-11

SUBMITTED BY: Janice Atkinson
ADDRESS: 435 Fiscal Dr., Santa Rosa, CA 95403

COUNTY: Sonoma
PHONE NO. 707-565-6814

ADD, DELETE OR AMEND CODE SECTION(S): Amend section 3014

WHAT DOES THIS PROPOSAL DO? Eliminates the requirement that the voter complete a written statement under penalty of perjury prior to issuing the voter a replacement vote by mail ballot.

WHAT PROBLEM(S) WILL THIS PROPOSAL RESOLVE? Due to the increasing numbers of vote by mail ballots, it is not practical, nor is there always sufficient time, to require voters to complete a written statement under penalty of perjury prior to issuing a replacement ballot.

JUSTIFICATION IN DETAIL: Election management systems have evolved to a point that it is no longer a concern that a vote by mail voter may receive and vote more than one vote by mail ballot.

HOW WILL THIS PROPOSAL AFFECT THE AGENCY AND PUBLIC? It will make it easier for voters to request replacement ballots when they have not received or have lost or spoiled his or her original ballot. It will also make current election practices legal.

ARE THERE ANY OTHER RELATED CODE SECTIONS THAT WILL BE AFFECTED? None of which I am aware.

WILL THIS PROPOSAL SAVE/INCREASE COSTS? EXPLAIN AND GIVE ESTIMATES: This proposal will save the cost of processing written requests for second issues, and save voters time in requesting and receiving replacement ballots.

WHAT OTHER AGENCIES WOULD BE AFFECTED BY THIS PROPOSAL? Unknown.

WHO WILL SUPPORT THIS PROPOSAL? Election officials who are already doing this, voters.

WHO WILL OPPOSE THIS PROPOSAL? Persons concerned that this will increase the potential for voter fraud.

LEGISLATIVE PROPOSAL

DRAFT LANGUAGE: 3014. The elections official shall send a ~~second~~ replacement vote by mail ballot to any voter upon receipt of a statement under penalty of perjury that request from the voter in the event the voter has failed to receive, lost, or destroyed his or her original ballot.

The elections official shall keep a record of each vote by mail ballot sent to and received from a voter and shall verify, prior to counting any ~~duplicate~~ replacement ballot, that the voter has not ~~attempted to vote twice~~ already cast a ballot in the same election. ~~If it is~~

determined that the voter has attempted to vote twice, both ballots shall be void. If an original vote by mail ballot is received from a voter who has requested a replacement vote by mail ballot, such ballot shall be held until such time as it can be determined that the voter does not intend to return the replacement ballot, after which time it can be processed and tallied pursuant Ch. 2 of Div. 15 of this code. In no event shall more than one ballot be processed and tallied for one voter.

Janice - holds first ballot - may
count 1st ~~2nd~~ ballot if 2nd
ballot does NOT come back

09-12

LEGISLATIVE PROPOSAL

SUBMITTED BY: Janice Atkinson
ADDRESS: 435 Fiscal Dr., Santa Rosa, CA 95403

COUNTY: Sonoma
PHONE NO. 707-565-6814

ADD, DELETE OR AMEND CODE SECTION(S): Amend E.C. Section 2142

WHAT DOES THIS PROPOSAL DO? Broadens the scope of situations in which an elector or the elections official may go to court to force a voter registration in the case of a third party mishandling.

WHAT PROBLEM(S) WILL THIS PROPOSAL RESOLVE? This will resolve the problems encountered when individuals are disenfranchised because a third party did not return affidavits of registration in a timely manner.

JUSTIFICATION IN DETAIL: Election officials regularly encounter situations wherein persons who made an effort to become registered voters are disenfranchised due to the mishandling of the affidavits of registration by a third party. Current law allows electors to go to court if the county elections official refuses to register any qualified elector in the county or if the elector claims to have registered to vote through an NVRA agency. The section does not include mishandling by a third party such as petition circulators, registration drives, etc...

HOW WILL THIS PROPOSAL AFFECT THE AGENCY AND PUBLIC? This may increase the number of court cases, but will enfranchise voters who have, through no fault of their own, been disenfranchised. As most counties are already doing this it will make current practice legal.

ARE THERE ANY OTHER RELATED CODE SECTIONS THAT WILL BE AFFECTED? None of which I am aware

WILL THIS PROPOSAL SAVE/INCREASE COSTS? EXPLAIN AND GIVE ESTIMATES: Slight increase in cost due to increase in the number of cases.

WHAT OTHER AGENCIES WOULD BE AFFECTED BY THIS PROPOSAL? Groups that do petition circulation/voter registration drives would be somewhat relieved in the event that one of their members failed to return affidavits in a timely manner.

WHO WILL SUPPORT THIS PROPOSAL? Voters who would otherwise be disenfranchised, petition circulation/voter registration drives, election officials who are already doing so.

WHO WILL OPPOSE THIS PROPOSAL? Unknown.

LEGISLATIVE PROPOSAL

DRAFT LANGUAGE: 2142.

(a) If the county elections official refuses to register any qualified elector in the county, the elector may proceed by action in the superior court to compel his or her registration. In an action under this section, as many persons may join as plaintiffs as have causes of action.

(b) If the county elections official has not registered any qualified elector who claims to have registered to vote through the Department of Motor Vehicles or any other public agency designated as a voter registration agency pursuant to the National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg), or who claims to have left his or her completed voter registration with a third party for timely delivery to the elections official, the elector, or the elections official on behalf of the elector(s), may proceed by action in the superior court to compel his or her registration. In an action under this section, as many persons may join as plaintiffs as have causes of action.

(c) No fee shall be charged by the clerk of the court for services rendered in an action under this section.

1. *Remove redundant requirements for reports of elections to and by school board (Repeal Ed Code Section 15111). Ensure that reports reach the necessary parties.*

Elections Code

15372. The elections official shall prepare a certified statement of the results of the election and submit it to the governing body within 28 days of the election or, in the case of school district, community college district, county board of education, or special district elections conducted on the first Tuesday after the first Monday in November of odd-numbered years, no later than the last Monday before the last Friday of that month.

In the case of an election on a measure in a school district, school facilities improvement district, or community college district, the elections official shall also file the certified statement of results with the clerk of the board of supervisors of the county, and with the county superintendent of schools.

2. *Prescribe for instructions in ballot pamphlet in event full text of measure not printed, as for city and other measures.*

9500. Whenever a school measure qualifies for a place on the ballot, the county elections official shall transmit a copy of the measure to the county counsel or to the district attorney in any county that has no county counsel. The county counsel or district attorney shall prepare an impartial analysis of the measure, showing the effect of the measure on the existing law and the operation of the measure. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.

In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows:

"The above statement is an impartial analysis of Measure _____. If you desire a copy of the measure, please call the elections official's office at (insert telephone number) and a copy will be mailed at no cost to you."

Health & Safety

4716. At the election only voters registered in the proposed district may vote. Election precincts shall be established by the ~~board of supervisors, and precinct boards, composed of one inspector, one judge, and one clerk, shall be appointed pursuant to Chapter 3 of Division 12 of the Elections Code, and precinct boards shall be appointed pursuant to Chapter 4 of Division 12 of the Elections Code.~~ At least one week prior to the election, notice of the election shall be given by publication in a newspaper of general circulation in the proposed ~~district~~ The date by which to submit arguments shall be determined by the elections official, and notice shall be given pursuant to section 9163 of the Elections Code. In other particulars the election shall be conducted in the manner ordered by the board of supervisors set forth by the general election laws of the state.

LEGISLATIVE PROPOSAL

09-14

SUBMITTED BY: Candy Lopez
Contra Costa Elections

COUNTY: Contra Costa

ADDRESS: 555 Escobar St,
Martinez, CA 94553

TELEPHONE #: (925) 335-7808

AMEND CODE SECTION(S) Education Code 5016 (d) and add part (e).

WHAT DOES THIS PROPOSAL DO?

Change the time period between the certification of the results of the election and the date on which a run-off must be conducted.

WHAT PROBLEM(S) WILL THIS PROPOSAL RESOLVE?

Proposal will resolve the issue of insufficient time between the election certification and the run-off election date.

JUSTIFICATION IN DETAIL:

Many school governing board elections are now consolidated with the statewide general election in the even numbered years, which has a 28 day canvass period. The final results are often not certified until near the end of the 28 day canvass period. Current code requires, if the governing board decides to call a run-off election to resolve a tie vote, the election must be to be conducted on the sixth Tuesday following the election at which the tie vote occurred, which is just two weeks after the possible certification date for the election when it is determined that a tie exists. This does not allow sufficient time for proper voter notification, preparation of ballots and other materials to conduct the election.

HOW WILL THIS PROPOSAL AFFECT THE AGENCY AND PUBLIC?

In the event of a tie vote, this proposal will require the run-off election to be held within 60 days of the date of certification of the election, allowing time for proper voter notification and preparation of election materials. A provision to allow consolidation with a regularly scheduled statewide or local election within the same area occurring no more than 92 days following the tie certification is also included. As currently provided, the governing board member who will be succeeded by a winner of the run-off election will continue to discharge the duties of the office until the successor has qualified.

ARE THERE ANY OTHER RELATED CODE SECTIONS THAT WILL BE AFFECTED?

YES _____ PROVIDE THEM
NO X

LEGISLATIVE PROPOSAL (Continued)

PAGE 2

WILL THIS PROPOSAL SAVE/INCREASE COSTS? EXPLAIN AND GIVE ESTIMATES: If the election is consolidated with a regularly scheduled election within the required time period, the proposal will result in a cost savings to the jurisdictions having elections through the sharing of some costs. If the election is not consolidated with another election, there will be no impact on costs.

WHAT OTHER AGENCIES WOULD BE AFFECTED BY THIS PROPOSAL?
Schools

WHO WILL SUPPORT THIS PROPOSAL? WHY?
Election Officials will support this proposal which will allow more time to prepare for and conduct a governing board run-off election.

WHO WILL OPPOSE THIS PROPOSAL? WHY?
Unknown

DRAFT LANGUAGE: (Attach additional pages if necessary)

5016. (a) If a tie vote makes it impossible to determine either which of two or more candidates has been elected to the governing board or the term of office of a governing board member, the county superintendent of schools having jurisdiction shall so certify to the governing board.

(b) The governing board may either call a runoff election or determine the winner or winners by lot. Prior to conducting any school board election on or after March 1, 1977, the governing board of each school district shall establish which of such procedures is to be employed by the district in the event of a tie vote.

(c) If the governing board decides to determine the winner by lot, the governing board shall forthwith notify the candidates who have received the tie votes to appear before it either personally or by a representative at a time and place designated by the governing board.

The governing board shall at that time and place determine the winner or winners by lot.

(d) If the governing board decides to call a runoff election, it shall call a runoff election to be held in the district on ~~the sixth~~ a Tuesday within 60 days following the certification date of the election at which the tie vote occurred, **except that any run-off election may be conducted within 92 days following the certification date in order that the election may be consolidated with the next regularly scheduled statewide election or local election occurring wholly or partially within the same territory in which the run-off election will occur.** Only the candidates receiving the tie votes shall appear on the ballots for the run-off contest.

Any member of the governing board who will be succeeded by a winner of the runoff election and whose term would expire before the winner of the runoff election would be determined shall continue to discharge the duties of his office until his successor has qualified. The runoff election shall be called and conducted substantially in the manner provided in Chapter 3 (commencing with Section 5300) of this part, provided, that the governing board shall determine the adjustments of the time requirements prescribed therein which would be necessary in order to conduct the runoff election.

(e) A special run-off election may not be conducted on the day after a state holiday.

CALIFORNIA ASSOCIATION OF CLERKS
and Elections Officials

*Formal request
to CSAC to introduce
take to
Board of
Supervisors
Becerra
Mike Thompson
Jane Harman*

LEGISLATIVE PROPOSAL

SUBMITTED BY: DEAN LOGAN

COUNTY OF LOS ANGELES

ADDRESS: 12400 E. Imperial Hwy. Norwalk Ca, 90650

Phone No. (562) 462-2748

Amends Code Section(s) 13001 of the Elections Code.

WHAT DOES THIS PROPOSAL DO?

Requires the state to reimburse counties for elections to fill state and federal legislative vacancies.

WHAT PROBLEM (S) WILL THIS PROPOSAL RESOLVE?

Neutralizes the fiscal impact on counties whose over expended budgets are affected by the costs of special elections.

JUSTIFICATION IN DETAIL

See attached.

HOW WILL THIS PROPOSAL AFFECT THE AGENCY AND PUBLIC?

Would relieve counties from financial burden of costs incurred by the conduct of these special state mandated elections.

ARE THERE ANY OTHER RELATED CODE SECTIONS THAT WILL BE AFFECTED?

YES _____ PROVIDE THEM

NO X

WILL THIS PROPOSAL SAVE/INCREASE COSTS? EXPLAIN AND GIVE ESTIMATES:

Reimbursement would save counties the costs of conducting special elections. See attached.

WHAT OTHER AGENCIES WOULD BE AFFECTED BY THIS PROPOSAL?

The State will bear the cost of the special vacancy elections.

WHO WILL OPPOSE THIS PROPOSAL? WHY?

Unknown

DRAFT LANGUAGE:

See attached.

WHO WILL SUPPORT THIS PROPOSAL? WHY?

Elections Officials and County Board of Supervisors. Favorable fiscal impact.

LEGISLATIVE PROPOSAL

An act to amend Section 13001 of the Elections Code relating to elections.

The people of the State of California do enact as follows:

SECTION 1. Section 13001 of the Elections Code is amended to read:

SEC. 13001 (a) Except as provided in subdivision (b), All expenses authorized and necessarily incurred in the preparation for an conduct of elections as provided in this code shall be paid from the county treasuries, except that when an election is called by the governing body of a city the expenses shall be paid from the treasury of the city. All payments shall be made in the same manner as other county or city expenditures are made. The elections official, in providing the materials required by this division, need not utilize the services of the county or city purchasing agent.

(b) ~~This section shall become operative on January 1, 2008.~~ All expenses authorized and necessarily incurred in the preparation for and conduct of elections proclaimed by the Governor to fill a vacancy in the office of Senator or Member of the Assembly, or to fill a vacancy in the office of United States Senator or Representative in the United States House of Representatives, shall be paid by the state. If an election proclaimed by the Governor to fill a vacancy in an office specified in this subdivision is consolidated with any other local election, only those additional expenses directly related to the election proclaimed by the Governor to fill a vacancy in the office shall be paid by the state.

SUMMARY

Existing law requires that all expenses authorized and necessarily incurred in the preparation for, and conduct of, elections shall be paid from the county treasuries, except that when an election is called by the governing body of a city, the expenses shall be paid by the city.

This proposal would add provisions requiring that all expenses incurred in the preparation for and conduct of elections called by the Governor to fill a vacancy in the office of State Senator, Member of the Assembly, United States Senator or Representative in Congress be paid by the state.

JUSTIFICATION

Elections to fill legislative/congressional vacancies add considerable expense to local officials' costs which involves significant general fund expenditures by counties. Usually, these unscheduled elections cannot be anticipated far enough in advance to factor costs in budget planning by the county and often contribute to over-expended budgets which could jeopardize essential county funded programs. In 2007, Los Angeles conducted four special vacancy elections with costs for each election ranging from \$700,000 to \$1.4 million. Urgency legislation (AB 119, Chapter 487, 2007 Statutes) was passed to require the state to pay for costs incurred for special vacancy elections conducted on or after January 1, 2007 which also contained a sunset date of January 1, 2008. This was a quick fix that relieved Los Angeles and other counties of the financial burden associated with those elections. To ensure that the costs for these elections be paid by the state the amendments to Elections Code Section 13001 as proposed should be enacted and remain in effect.