

# 2022 NEW ELECTION LAWS

New California and federal election laws



**ORANGE COUNTY  
REGISTRAR OF VOTERS**

## Chaptered, Vetoed, Dead - Inactive Bills

2021-2022 Legislative Session

Updated 11/23/2021

### Chaptered Bills

#### **1. AB 37, Berman. Elections: vote by mail ballots. (CHAPTER 312)**

*[An act to amend Sections 3000.5, 3016.7, 3019.7, 3020, and 15101 of, to add Section 3025.5 to, and to repeal Section 3016.5 of, the Elections Code, relating to elections. Approved by Governor September 27, 2021. Filed with Secretary of State September 27, 2021.]*

Existing law requires county elections officials to mail a ballot to every registered voter for all elections proclaimed or conducted prior to January 1, 2022. Existing law requires county elections officials to use a specified Secretary of State vote by mail tracking system or a system that meets the same specifications.

This bill would extend the requirements to mail a ballot to every registered voter to all elections and apply them to all local elections officials. This bill would require a vote by mail tracking system to be accessible to voters with disabilities. The bill would also make various conforming and technical changes.

Existing law requires county elections officials to permit voters with a disability, and military or overseas voters, to cast a ballot using a certified remote accessible vote by mail system, and required county elections officials to permit any voter to cast a ballot using a certified remote accessible vote by mail system for the November 3, 2020, statewide general election.

This bill would require county elections officials to permit any voter to cast a ballot using a certified remote accessible vote by mail system for any election.

Under existing law, a vote by mail ballot is timely cast if it is voted on or before election day and, if returned by mail, received by the voter's elections official via the United States Postal Service, or a bona fide private mail delivery company, no later than 3 days after election day.

This bill would provide instead that a vote by mail ballot is timely cast if it is voted on or before election day and, if returned by mail, received no later than 7 days after election day. This bill would authorize an elections official to consider any information from the United States Postal Service or a bona fide private mail delivery company that indicates the date on which the ballot was mailed, in order to determine whether a vote by mail ballot was timely cast.

Existing law authorizes a jurisdiction in which vote by mail ballots are cast to begin processing vote by mail ballot return envelopes 29 days before the election. Existing law authorizes a jurisdiction having the necessary computer capability to start processing vote by mail ballots on the 15th business day before the election, except, for the statewide general election held on November 3, 2020, these jurisdictions were authorized to start processing the ballots on the 29th day before the election. Existing law authorizes all other jurisdictions to start processing vote by mail ballots at 5 p.m. on the day before the election.

Existing law authorizes a county elections official to establish vote by mail ballot drop-off locations, as defined. Existing law authorizes a county to conduct any election as an all-mailed ballot election under certain specified conditions.

This bill would require any county that does not conduct an all-mailed ballot election to provide at least two vote by mail ballot drop-off locations within the jurisdiction where the election is held, or at least one vote by mail ballot drop-off location for every 30,000 registered voters within the jurisdiction where the election is held, whichever results in more vote by mail ballot drop-off locations. In a jurisdiction with fewer than 30,000 registered voters, the bill would require at least one vote by mail ballot drop-off location, and would require the elections official to make a reasonable effort to provide a ballot drop-off location in the jurisdiction where the election is held. This bill would require the operation of vote by mail ballot drop-off locations to meet certain specified criteria.

This bill would authorize a jurisdiction having the necessary computer capability to start processing vote by mail ballots the 29th day before any election.

By requiring local elections officials to mail a ballot to every registered voter, and to take other actions, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

## **2. AB 319, Valladares. Political Reform Act of 1974: contributions: foreign governments or principals. (CHAPTER 313)**

*[An act to amend Section 85320 of the Government Code, relating to the Political Reform Act of 1974.]*

Existing law, the Political Reform Act of 1974, provides for the comprehensive regulation of campaign financing, including requiring the reporting of campaign contributions. A violation of the act's provisions is punishable as a misdemeanor and subject to specified penalties.

The act prohibits a foreign government or principal, as defined, from making a contribution or expenditure in connection with a ballot measure. The act also prohibits a person or committee from soliciting or accepting a contribution from a foreign government or principal for this purpose.

This bill would expand this prohibition to include contributions and expenditures in connection with an election of a candidate to state or local office.

By expanding the scope of existing crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

## **3. AB 473, Chau. California Public Records Act. (CHAPTER 614)**

*[An act to add and repeal Article 3 (commencing with Section 6276.50) of Chapter 3.5 of Division 7 of, and to add Division 10 (commencing with Section 7920.000) to, Title 1 of the Government Code, relating to public records.]*

The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies.

This bill would recodify and reorganize the provisions of the act. The bill would include provisions to govern the effect of recodification and state that the bill is intended to be entirely non substantive in effect. The bill would contain related legislative findings and declarations. The bill would become operative on January 1, 2023.

This bill would incorporate additional changes proposed by AB 386, AB 562, and SB 823 to be operative only if this bill and AB 386, AB 562, and SB 823 are enacted and this bill is enacted last.

**4. AB 474, Chau. California Public Records Act: conforming revisions.  
(CHAPTER 615)**

*[An act to amend Sections 5091, 17250.25, 17611, 24214.5, 26812, 33133, 33353, 35147, 44438, 47604.1, 49006, 49060, 49562, 54004.1, 67380, 67383, 72695, 72696, 72701, 76060.5, 87102, 89307, 89573, 89574, 89915.5, 89916, 89919, 92955, 92956, 92961, and 99162 of the Education Code, to amend Sections 2166.7, 2194, 2194.1, 2227, 2267, 9002, 11301, 13300.7, 13311, 17200, 17400, 18109, 18650, and 23003 of the Elections Code.]*

The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies.

This bill would enact various conforming and technical changes related to another bill, AB 473, which recodifies and reorganizes the California Public Records Act. This bill would only become operative if AB 473 is enacted and reorganizes and makes other non-substantive changes to the California Public Records Act that become operative on January 1, 2023. The bill would also specify that any other bill enacted by the Legislature during the 2021 calendar year that takes effect on or before January 1, 2022, and that affects a provision of this bill shall prevail over this act, except as specified.

**5. AB 796, Berman. Voter registration: California New Motor Voter Program.  
(CHAPTER 314)**

*[An act to amend Section 5100 of, to amend and renumber Sections 2263, 2265, 2266, 2267, 2268, 2269, and 2270 of, to amend, renumber, and add Sections 2262 and 2264 of, to add Sections 2272, 2273, 2274, and 2276 to, and to add and repeal Section 2275 of, the Elections Code, relating to voter registration.]*

Existing federal law, the National Voter Registration Act of 1993, requires a state to, among other things, establish procedures to register a person to vote for federal office by an application made simultaneously with a driver's license application. Existing state law requires, in conformance with federal law, that the Secretary of State and the Department of Motor Vehicles establish and implement the California New Motor Voter Program for the purpose of increasing opportunities for voter registration for qualified voters. Existing state law requires the Department of Motor Vehicles to transmit to the Secretary of State specified information related to the person's eligibility to vote, which the person provides when applying for a driver's license or identification card. Existing state law provides that this information transmitted to the Secretary of State constitutes a completed affidavit of registration, and the Secretary of State is required to register the person to vote, unless the person affirmatively declines to register to vote or the person is ineligible to vote, or other specified conditions exist.

This bill would require a driver's license or identification card application, renewal, or change of address notification, as specified, to include a voter registration application and would require the Department of Motor Vehicles to transmit the application to the Secretary of

State according to specified deadlines. The bill would require the Department of Motor Vehicles to monitor the timeliness of its transmittals to the Secretary of State, and to provide the Secretary of State information regarding delays and irregularities in its ability to do so. The bill would require the Department of Motor Vehicles and the Secretary of State each to designate an employee to undertake specified responsibilities to ensure compliance with the California New Motor Voter Program and the National Voter Registration Act. The bill would require the Secretary of State to convene a task force that would provide advice and perform other duties with respect to implementing the California New Motor Voter Program.

This bill would incorporate additional changes to Section 5100 of the Elections Code proposed by AB 446 to be operative only if this bill and AB 446 are enacted and this bill is enacted last.

## **6. AB 938, Davies. Maintenance of the codes. (CHAPTER 124)**

*[An act to amend Sections 2837.103 and 17525 of the Business and Professions Code, to amend Sections 1689.7, 1788.102, and 1788.105 of, and to amend and renumber Section 1179.04.5 of, the Civil Code, to amend Sections 488.375, 488.405, 492.010, 703.140, 704.060, 708.310, 917.7, 1010.6, and 2031.060 of the Code of Civil Procedure, to amend Sections 8209, 17463.7, 43505, 47612.7, 47653, 52064, 56345, 56836.06, and 56836.142 of the Education Code, to amend Section 2700 of the Elections Code, to amend Sections 3044, 3118, and 7630 of the Family Code, to amend Section 78002 of the Food and Agricultural Code, to amend Section 12893.1 of, and to amend and renumber Section 13975.2 of, the Government Code, to amend Section 105206 of the Health and Safety Code, to amend Section 1205 of the Labor Code, to amend Sections 236.1 and 851.7 of the Penal Code, to amend Sections 1825 and 3420 of the Public Utilities Code, to amend Section 17020.12 of, and to amend and renumber the heading of Article 26 (commencing with Section 18914) of Chapter 3 of Part 10.2 of Division 2 of, the Revenue and Taxation Code, to amend Sections 10202, 10203, 10205, and 10206 of the Welfare and Institutions Code, to amend Section 1 of Chapter 115 of the Statutes of 2020, and to amend Section 26 of Chapter 264 of the Statutes of 2020, relating to the maintenance of the codes.]*

Existing law directs the Legislative Counsel to advise the Legislature from time to time as to legislation necessary to maintain the codes.

This bill would make non substantive changes in various provisions of law as recommended by the Legislative Counsel to the Legislature.

SEC. 25.

Section 2700 of the Elections Code is amended to read:

2700.

(a) The Secretary of State shall establish a Native American Voting Accessibility Advisory Committee. The Secretary of State shall consult with the committee to consider the committee's recommendations related to improving the accessibility of elections for Native

American voters. The Secretary of State may implement the committee's recommendations as appropriate.

(b) The committee shall consist of the Secretary of State, the Secretary of State's designees, and additional members appointed by the Secretary of State. Each appointee shall have demonstrated experience with voting rights or be a county elections official.

(c) The committee shall serve in an advisory capacity to the Secretary of State and shall do all of the following:

(1) Establish guidelines for reaching as many Native American voters as practical.

(2) Make recommendations for improving the availability and accessibility of election materials, including, but not limited to, state voter information guides, county voter information guides, and vote-by-mail ballots, and their delivery in print or alternative formats to Native American voters.

(3) Make recommendations for the distribution of public service announcements identifying the availability of election materials for Native American voters with at least 45 days before any federal, state, and local election.

(4) Promote to Native American voters the Secretary of State's toll-free voter registration telephone line for citizens needing voter registration information.

(5) Make recommendations for providing Native American voters with information regarding voter registration and voting processes, and voting rights.

(6) Make recommendations to improve the recruitment of Native American poll workers.

(7) Establish subcommittees to further the scope and purposes of the committee as they relate to improving voter services and access for Native American voters.

(8) Make recommendations for providing information and services to Native American voters regarding language assistance.

(9) Promote the use of plain language and alternative formats for election materials distributed to Native American voters.

(10) Make recommendations for materials to train poll workers on issues related to serving Native American voters.

(d) A member shall not receive compensation, but each member shall be reimbursed for the member's reasonable and necessary expenses in connection with service on the committee.

## **7. AB 1367, Low. Political Reform Act of 1974: committee accounts and campaign funds. (CHAPTER 315)**

*[An act to amend Section 89521 of the Government Code, relating to the Political Reform Act of 1974.]*

(1) The Political Reform Act of 1974 provides for the comprehensive regulation of campaign financing, including requiring the reporting of campaign contributions and expenditures and imposing other reporting and recordkeeping requirements on campaign committees. The act prohibits the use of campaign funds for certain purposes, including expenditures that confer a substantial personal benefit that is not directly related to a political, legislative, or governmental purpose. The act makes any person who makes or receives an honorarium, gift, or expenditure in violation of the provisions relating to campaign funds liable in a civil action brought by the Fair Political Practices Commission for an amount of up to 3 times the amount of the unlawful honorarium, gift, or expenditure.

This bill would make a person who uses campaign funds in a manner that violates these provisions and results in an egregious personal benefit liable in an administrative or civil action brought by the commission for an amount of up to 2 times the amount of the unlawful expenditure. The bill would define “egregious personal benefit” to mean a direct personal benefit with a total value of \$10,000 or more to a candidate, elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee.

(2) A violation of the Political Reform Act of 1974 is punishable as a misdemeanor. By expanding the scope of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a  $\frac{2}{3}$  vote of each house of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

## **8. AB 1495, Luz Rivas. Vacancy Elections. (CHAPTER 316)**

*[An act to amend Sections 10720, 13109.7, and 13109.9 of, and to add Section 13109.10 to, the Elections Code, relating to elections.]*

(1) Existing law establishes procedures for filling a vacancy in the representation of the state in the United States Senate. Pursuant to those procedures, the Governor may appoint and commission a qualified person to fill a vacancy until the vacancy is filled at the next general election or special election after the occurrence of the vacancy. Existing law provides that an election to fill the vacancy shall not be held if the vacancy occurs within a term fixed by law to expire on the third day of January following the next general election, in which case the Governor’s appointment holds office for the remainder of the unexpired term, unless the vacancy is filled at a special election held prior to that general election.

This bill would delete the provisions described above allowing the Governor’s appointment to hold office for the remainder of the unexpired term and requiring an election to fill the vacancy



to be held at the next general or special election after the occurrence of the vacancy. The bill would instead require a statewide primary election and a statewide general election to fill the vacancy, to be consolidated with either the first or second respective regularly scheduled statewide primary and general elections after the occurrence of the vacancy, as specified. If the elections to fill the vacancy cannot be consolidated with regularly scheduled statewide elections, the bill would require the Governor to consult with the Secretary of State and determine whether it is practical to hold the elections to fill the vacancy, and would authorize the Governor to issue a writ of election for special statewide primary and general elections if the Governor determines it is practical. If the elections to fill the vacancy are consolidated with regularly scheduled elections that include an election to fill the United States Senate seat for the succeeding term, the bill would require the names of the candidates to fill the vacancy to appear on the consolidated ballot immediately below the candidates to fill the United States Senate seat for the succeeding term and would require elections officials to include on the ballot, sample ballot, voter information guide, and ballot materials a notice advising voters that the ballot of the election includes both of those elections, as specified. By increasing the duties of local elections officials relative to providing these notices and conducting vacancy elections, the bill would impose a state-mandated local program.

(2) Existing law generally requires a special election to be held to fill a vacancy in the State Senate, State Assembly, or United States House of Representatives and authorizes that special election to be consolidated with a regularly scheduled election held within 200 days of the proclamation of the special election if the regularly scheduled election occurs wholly or partially within the same territory in which the vacancy exists.

Existing law sets forth the order of precedence of offices on the ballot, with President and Vice President of the United States listed first and proceeding to progressively more local offices, as specified. Existing law requires the County of Los Angeles, for a specified three-year period, to conduct its elections using an alternate ballot order in which local offices are listed first and national offices, including President and Vice President of the United States and United States Senator, are listed last. Existing law authorizes the County of Los Angeles to continue using that alternate ballot order after the three-year period ends.

When a special election to fill a vacancy in the State Senate, State Assembly, United States House of Representatives, or United States Senate is consolidated with the next regularly scheduled election for that office, this bill would require the County of Los Angeles, during that three-year period, to list the regularly scheduled election and the special vacancy election for that office first on the ballot, as provided. The bill would authorize the County of Los Angeles to continue using this alternate ballot order for a special vacancy election consolidated with a regularly scheduled election after the three-year period ends. By creating new duties relating to ballot order for local elections officials, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

## **9. AB 1590, Committee on Elections. Political Reform Act of 1974. (CHAPTER 317)**

*[An act to amend Sections 82047.7 and 84101.5 of the Government Code, relating to the Political Reform Act of 1974.]*

(1) Existing law, the Political Reform Act of 1974, imposes various requirements and limitations with respect to the conduct of public officials, campaign expenditures and disclosures, political advertisements, lobbying, the ballot pamphlet, and other aspects of political reform. The act defines numerous terms that govern its interpretation, including “proponent of a state ballot measure,” which it defines by reference to a definition in the Elections Code.

This bill would make a non-substantive change to the act by revising its definition of “proponent of a state ballot measure” to refer to the correct section in the Elections Code.

(2) The act requires the Secretary of State to charge each committee that is required to file a statement of organization a fee of \$50 per year until the committee is terminated, except as specified. The act requires each committee to pay the fee within specified deadlines. The act imposes, for committees that do not timely pay the fee, a penalty of up to 3 times the amount of the fee. The act requires the Fair Political Practices Commission to enforce these requirements.

This bill would clarify that a committee that fails to timely pay the annual fee is subject to an administrative penalty of \$150. This bill would transfer responsibility for enforcing these requirements to the Secretary of State.

(3) The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a  $\frac{2}{3}$  vote of each house of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

## **10. AB 1591, Committee on Elections. Elections omnibus bill. (CHAPTER 100)**

*[An act to amend Sections 13204, 13300.7, 14298, 17300, and 17303 of the Elections Code, relating to elections.]*

(1) Existing law requires a ballot to direct voters, with respect to candidates for Justice of the California Supreme Court or the California Court of Appeal, as further specified, to mark the voting target next to the word “Yes” or “No,” to the right of the name of the candidate. Existing law also requires a ballot to direct voters, with respect to voting on any measure, to mark the voting target next to the word “Yes” or after the word “No.”

This bill would remove the part of the above-described direction regarding voting for a Justice of the California Supreme Court or the California Court of Appeal that requires voters to mark the voting target to the right of the name of the candidate. The bill would require a ballot to direct voters, with respect to voting on any measure, to mark the voting target next to the word “Yes” or next to the word “No.”

(2) Existing law authorizes county and city elections officials to establish procedures designed to permit a voter to opt out of receiving the voter's county voter information guide, state voter information guide, notice of polling place, and associated materials by mail, and instead obtain them electronically if specified conditions are satisfied. Existing law requires these procedures to include a verification process to confirm a voter's identity, either in writing, as specified, or electronically by submitting the voter's California driver's license number, California identification number, or a partial social security number.

This bill would also require the verification process to confirm the identity of a voter by telephone or in person, upon confirmation of the voter's date of birth, residence address, and California driver's license number, California identification number, or a partial social security number.

(3) Existing law requires a local precinct board to maintain at least one printed copy of the voter list, and to post a notice stating that only a member of the precinct board may mark the list, and that it is a misdemeanor to remove, tear, mark, or otherwise deface the list with the intent to falsify or prevent others from ascertaining specified information about a voter. Existing law requires a similar notice to be posted if an electronic poll book is used.

This bill would revise the notice required if an electronic poll book is used to state that only a member of the precinct board may operate the device, and that it is a misdemeanor to tamper with, manipulate, or otherwise operate or interact with the device with the intent to falsify or prevent others from ascertaining specified information about a voter.

(4) Existing law requires an elections' official to preserve all voter rosters or combined rosters and voter lists, if applicable, until 5 years after the date of the election, after which they may be destroyed by the official.

This bill would specify that if an electronic poll book is used, a copy of the electronic data file may be preserved in lieu of preserving a paper copy of the rosters or combined rosters and voter lists, if applicable.

(5) Existing law provides that for specified elections, the elections official shall preserve, among other items, a copy of the roster used as the voting record or, if an electronic poll book is used, a copy of the electronic data file, for a period of 22 months.

This bill would eliminate the elections official's duty to preserve a copy of the roster used as the voting record or, if an electronic poll book is used, a copy of the electronic data file.

## **11. SB 29, Umberg. Elections: vote by mail ballots. (CHAPTER 3)**

*[An act to amend Sections 3000.5 and 3019.7 of the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.]*

Existing law required county elections officials to mail a ballot to every registered voter for the November 3, 2020, statewide general election. Existing law, for the November 3, 2020, statewide general election, also required county elections officials to use a specified Secretary of State vote by mail tracking system or a system that meets the same specifications.

This bill would extend these requirements to all elections proclaimed or conducted prior to January 1, 2022. By requiring county elections officials to mail a ballot to every registered voter, and to track those ballots, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

## **12. SB 35, Umberg. Elections. (CHAPTER 318)**

*[An act to amend Sections 319.5, 8902, 8903, 18370, 18541, and 18568 of, and to add Sections 18372 and 18504 to, the Elections Code, relating to elections.]*

(1) Existing law prohibits the name of a candidate for Governor from being printed on the ballot of the direct primary election unless the candidate, at least 98 days before the direct primary election, files with the Secretary of State copies of every income tax return the candidate filed with the Internal Revenue Service in the 5 most recent taxable years. Existing law requires the candidate to redact specified information from each submitted return. Existing law requires the Secretary of State to review the redacted copy of each tax return, and, if the Secretary of State determines that the candidate has redacted information other than that which is specified, to prepare a new version of the tax return with only the permitted redactions.

This bill would extend the deadline for a candidate to submit tax returns to 88 days before the direct primary election. The bill would instead require the Secretary of State to notify the candidate of deficiencies in redactions, as specified, and require the candidate to submit hard copies of returns with corrected redactions no later than 5:00 p.m. on the 78th day before the direct primary election. A candidate who does not timely submit corrected hard copies would not be qualified to have their name placed on the ballot of the direct primary election. The bill would make conforming changes.

(2) Existing law makes it a crime to conduct certain political activities, including electioneering, within 100 feet of a polling place, an election official's office, or a satellite voting location, as defined. Existing law defines electioneering as displaying visible or disseminating audible information that advocates for or against any candidate or measure on the ballot in specified locations. Existing law makes it a crime to conduct certain activities that constitute corruption of the voting process, including certain activities within 100 feet of a polling place with the intent of dissuading another person from voting.

This bill would expand the prohibited activities to include obstructing ingress, egress, and parking, and specify that such activities are prohibited within 100 feet of (1) the entrance to a building that contains a polling place, an elections official's office, or satellite voting location, as defined, and (2) an outdoor site at which a voter may cast or drop off a ballot. The bill would also prohibit a person from soliciting a vote, speaking to a voter about marking the voter's

ballot, or disseminating visible or audible electioneering information in the immediate vicinity of a voter in line to cast a ballot or drop off a ballot, as further specified. The bill would require notice regarding prohibitions on electioneering and activity related to corruption of the voting process to be provided to the public. The bill would require the Secretary of State to promulgate regulations specifying the manner in which such notice would be given.

(3) Existing law imposes, for specified acts of interference with the placement, collection, or counting of ballots, a fine not exceeding \$1,000, or imprisonment for 16 months or 2 or 3 years, or both.

This bill would also impose this penalty on: (1) a person who displays a container for the purpose of collecting ballots, with the intent to deceive a voter into casting a ballot in an unofficial ballot box, and (2) a person who directs or solicits a voter to place a ballot in such a container.

Because this bill would change or expand the definition of certain crimes related to elections, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

### **13. SB 152, Committee on Budget and Fiscal Review. Elections. (CHAPTER 34)**

*[An act to amend Section 11108 of, and to add Chapter 7 (commencing with Section 1600) to Division 1 of, the Elections Code, relating to elections, and making an appropriation therefor, to take effect immediately, bill related to the budget.]*

(1) Existing law authorizes a county to conduct any election as an all-mailed ballot election if specified conditions apply. Those conditions include providing, on the day of the election and the 3 days preceding the election, at least one vote center for every 10,000 registered voters and providing, beginning 10 days before the election and continuing up to the 4th day before the election, at least one vote center for every 50,000 registered voters.

Existing law authorizes counties to start to process vote by mail ballots on the 15th business day before an election. Under existing law, a vote by mail ballot is timely cast if it is postmarked or date stamped on or before election day and is received by the voter's elections official no later than 3 days after election day.

This bill would authorize a county that has previously conducted an all-mailed ballot election to conduct an all-mailed ballot election prior to January 1, 2022, if it provides, on the day of the election and the 3 days preceding the election, at least one vote center for every 30,000 registered voters and, beginning 10 days before the election and continuing up to the 4th day before the election, at least one vote center for every 60,000 registered voters. The bill would authorize a county that has not previously conducted an all-mailed ballot election to conduct an all-mailed ballot election using alternative procedures substantially similar to those in effect for the November 3, 2020, statewide general election, as specified.

This bill would require counties to conduct a voter education and outreach campaign, as provided. The bill would require the Secretary of State to establish a process for granting counties partial waivers from requirements relating to the number, location, or operational duration of consolidated polling places or ballot drop-off locations and from requirements relating to the maximum number of voters in a precinct. The bill would authorize counties to start to process vote by mail ballots on the 29th day before an election. The bill would deem a vote by mail ballot timely cast if it is postmarked or date stamped on or before election day and is received by the voter's elections official no later than 7 days after election day.

This bill would authorize a local government entity that previously called a special local election to consolidate that election with a gubernatorial recall election if certain conditions are met.

This bill would repeal these provisions on January 1, 2022.

To the extent these provisions impose new duties on county elections officials, the bill would create a state-mandated local program.

(2) Existing law requires the Department of Finance to estimate the costs of a recall election upon notification from the Secretary of State that voters have signed a recall petition in sufficient numbers to initiate a recall election. Existing law requires the Department of Finance to submit the cost estimate to the Governor, the Secretary of State, and the Chairperson of the Joint Legislative Budget Committee within 30 days of receiving that notice. Existing law prohibits the Secretary of State from certifying the sufficiency of the signatures until the Joint Legislative Budget Committee has had 30 days to review and comment on the Department of Finance's cost estimate.

This bill would allow the Secretary of State to certify the sufficiency of the signatures before the Joint Legislative Budget Committee has had 30 days to review and comment on the estimate if the Legislature has appropriated funds it determines are reasonably necessary to conduct the recall election and has designated funds for that purpose in the Budget Act or another statute. The bill would make conforming changes. The bill would appropriate \$35,000,000 from the General Fund to the Secretary of State to support statewide and county costs of the 2021 gubernatorial recall election, thereby making an appropriation. The bill would declare the intent of the Legislature to reevaluate the amount of that appropriation and other appropriations made to support the costs of the 2021 gubernatorial recall election.

(3) Existing law requires recall elections to be conducted and canvassed, and the results to be declared, in substantially the manner provided by law for a regular election for the office subject to recall. Existing law authorizes any county to conduct a special election as an all-mailed ballot election if specified conditions apply. Existing law authorizes an elections official conducting a local, special, or consolidated election, or a statewide election other than the direct primary, presidential primary, or general election, to divide the territory into special election or consolidated election precincts by consolidating existing precincts, or otherwise, as specified, and authorizes the elections official to alter the precincts for those elections as often as occasion requires.

This bill would require that the 2021 gubernatorial recall election be held as a regular election, and that the provisions described above relating to all-mailed ballot special elections and changing or altering election precincts do not apply.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(5) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

#### **14. SB 503, Becker. Voting: ballots and signature verification. (CHAPTER 319)**

*[An act to amend Sections 2194, 3019, 3026, and 15104 of, and to add Section 15377 to, the Elections Code, relating to voting.]*

(1) Existing law requires an elections official, upon receiving a vote by mail ballot, to verify the signature on the identification envelope by comparing it with the signature on specified records within the voter's registration record. Existing law requires the elections official, if the signatures do not compare or if the voter fails to sign the identification envelope, to provide a voter the opportunity to verify the voter's signature by signing and returning a signature verification statement or an unsigned ballot statement, which the elections official will use instead to compare signatures. Existing law requires an elections official to use the same procedures for comparing signatures for provisional ballots that are used for comparing signatures for vote by mail ballots. Existing law requires the Secretary of State to promulgate guidelines for county elections officials relating to the foregoing provisions.

This bill would (1) apply a presumption, for purposes of the comparison of signatures in the voter's registration record, that the signature on an identification envelope, signature verification statement, unsigned ballot statement, or provisional ballot envelope, is the voter's signature; (2) specify that an exact signature is not required for an elections official to determine that the signature is valid and the fact that signatures share similar characteristics is sufficient to determine the signature is valid; (3) permit a ballot to be rejected only if two officials determine beyond a reasonable doubt that a voter's signature differs in multiple, significant, and obvious respects from all signatures in the voter's registration record; (4) prohibit an elections official from reviewing or considering a voter's party preference, race, or ethnicity, when comparing signatures; and (5) require the elections official to send, on or before the next business day after determining that a voter's signature does not compare or is missing, except as specified, notice to the voter of the opportunity to verify or provide a signature and a postage-paid return envelope for the voter to return a signature verification statement or unsigned ballot statement. The bill would also require an elections official comparing signatures, including when the official uses signature verification software or other technology, to adhere to applicable regulations promulgated by the Secretary of State.

(2) Existing law requires elections observers to be allowed sufficiently close access to enable them to observe the vote by mail ballot return envelopes and the signatures thereon and challenge whether those individuals handling vote by mail ballots are following established

procedures, including verifying signatures and addresses on the vote by mail ballot return envelopes by comparing them to voter registration information.

This bill would delete verifying addresses on the vote by mail ballot return envelopes from the procedures that the observers may observe and challenge.

(3) Existing law requires an elections official to send specified information regarding the results of an election to the Secretary of State within 31 days of the election.

This bill would require an elections official to identify and provide to the Secretary of State the number of ballots rejected, categorized according to the reason for the rejection. The bill would require the Secretary of State to provide uniform reason codes for each category of rejection to be used by elections officials, and would require a report containing this information for every election, including local special elections, to be published on the Secretary of State's internet website.

(4) By imposing additional duties on county elections officials related to the conduct of elections, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

#### **15. SB 590, Allen. 2022 statewide primary election: terms of office. (CHAPTER 107)**

*[An act to add and repeal Section 1305 to the Elections Code, relating to elections.]*

Existing law, Chapter 111 of the Statutes of 2020, moved the date of the statewide direct primary election in even-numbered years in which there is no presidential primary election from the first Tuesday after the first Monday in March to the first Tuesday after the first Monday in June. Existing law authorizes elections for certain local offices to be held on the day of the statewide direct primary election.

This bill would extend any term of office set to expire in March or April 2022, where the next scheduled regular election for that office has been consolidated with the 2022 statewide primary election, until the certification of election results from the 2022 statewide primary election.

#### **16. SB 594, Glazer. Elections: redistricting. (CHAPTER 320)**

*[An act to amend Sections 21500, 21601, and 21621 of, to add Section 22002 to, and to add and repeal Section 22000.1 of, and Chapter 1.5 (commencing with Section 8160) to Part 1 of Division 8 of, the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.]*



(1) (a) The California Constitution establishes the Citizens Redistricting Commission for the purpose of drawing district lines for the election of Members of the State Senate, Assembly, Congress, and the State Board of Equalization, and requires the commission to do so by August 15 in each year ending in the number one thereafter. For redistricting occurring in 2021, the Supreme Court of California, by peremptory writ of mandate in *Legislature of State of California v. Padilla* (2020) 9 Cal.5th 867, extended that deadline to December 15, 2021, or to a later date if specified conditions are met, due to a delay in the release of federal census data caused by the COVID-19 pandemic.

This bill would, for the June 7, 2022, statewide direct primary election, make various changes, described below, to existing law relating to candidate nominations and compilation of registered voter data in order to accommodate the extended state redistricting deadline. The bill would define "state redistricting deadline" for these purposes to mean the extended deadline established by the Supreme Court of California described above, or that deadline as modified in any subsequent related proceeding. If a subsequent proceeding further modifies the deadline, the bill would require the Secretary of State, within 7 days, to prepare a calendar of key election dates and deadlines and requirements for the nomination of candidates. The bill would repeal these provisions on January 1, 2023. By increasing the duties of local elections officials, the bill would impose a state-mandated local program.

(b) Existing law provides that a person is not eligible to be elected to an elective office unless that person is a registered voter and otherwise qualified to vote for that office at the time that nomination papers are issued to the person.

This bill would provide that a person is not ineligible to be elected to the office of Member of the State Board of Equalization, State Senator, or Member of the Assembly on the ground that the person was not otherwise qualified to vote for the office if, at the time that nomination papers are issued to the person, the person is registered to vote and would be qualified to vote for the office if the person was a resident of, and registered to vote in, the election district from which the office is elected.

(c) Existing law generally requires nomination documents for elective office to be made available to candidates not more than 113 days before the election.

This bill would require those nomination documents to be first available on February 14, 2022, or the 46th day after the state redistricting deadline, whichever is later.

(d) Existing law authorizes a candidate for elective office to submit a petition containing a specified number of signatures in lieu of all or part of the fee for filing nomination papers. Existing law requires the Secretary of State to make forms for securing signatures available to each candidate commencing 60 days before the first day for circulating nomination papers, except as specified, and requires candidates to file in-lieu-filing-fee petitions at least 30 days before the close of the nomination period.

This bill would require the Secretary of State to make those forms available commencing 7 days after the state redistricting deadline, and require in-lieu-filing-fee petitions to be filed not later than February 9, 2022, or 41 days after the state redistricting deadline, whichever is later. The bill would require the elections official to proportionally reduce the required number of signatures for a petition by the same proportion as the reduction in the number of days for a

candidate to collect signatures on a petition compared to the number of days specified in existing law for a candidate to collect signatures for a regular election for the same office.

(e) Existing law requires each county elections official to provide the Secretary of State with specified information regarding the number of voters and their party preferences in the county and each supervisorial, Congressional, Senate, Assembly, and Board of Equalization district in the county on the 135th day before each direct primary election, with respect to all voters who are registered voters on the 154th day before the primary election. Existing law requires the Secretary of State to compile a statewide list of this information within 30 days after receiving it from each county elections official.

This bill would require the Secretary of State to determine, by December 31, 2021, whether it is feasible to include in the statewide list described above the number of voters by party preference in each supervisorial, Congressional, Senate, Assembly, and Board of Equalization district with respect to all voters who are registered voters on the 154th day before the June 7, 2022, statewide direct primary election. If the Secretary of State determines it is not feasible, the bill would not require that information to be included in the information provided by the counties and the compiled statewide list. The bill would require the Secretary of State to prepare a supplemental statewide list showing that information on a date specified by the Secretary of State, but not later than the 88th day before the election.

(f) Existing law requires the Secretary of State, at least 158 days before the statewide direct primary election, to prepare and transmit to each county elections official a notice designating all of the offices, except those of county officers and judges, for which candidates are to be nominated.

This bill would instead require that notice to be transmitted not later than the 6th day after the state redistricting deadline.

(g) Existing law authorizes a candidate for elective office to designate that certain specified words appear below the candidate's name on the ballot, including, among others, the word "incumbent."

This bill would prohibit a candidate for the office of Representative in Congress, Member of the State Board of Equalization, State Senator, or Member of the Assembly from choosing the word "incumbent" as a designation to appear on the ballot. The bill would make conforming changes relating to the deadline for a person to file nomination documents for an office if a current holder of the office does not file nomination documents.

(2) Existing law requires, after each federal decennial census, the board of directors of certain special districts to adjust, by resolution, their division boundaries so that their divisions are equal in population and in compliance with specified requirements, and prohibits those districts from making a change in division boundaries within 180 days preceding the election of any director. Existing law also requires certain special districts that elect their board members from or by divisions to adjust their boundaries before November 1 of the year following the year in which each decennial census is taken.

For district conducting elections in 2022, this bill would, notwithstanding those provisions, require a governing board to adopt adjusted division boundaries no later than April 17, 2022, if the board has a regular election to elect members of its governing board on the same date

as the 2022 statewide general election. If the board does not have a regular election on that date, the bill would require the board to adopt adjusted division boundaries prior to 180 days preceding the district's first regular election occurring after January 1, 2022. The bill would repeal these provisions on January 1, 2023. The bill would also clarify that the date of adoption of a resolution adjusting division boundaries is the date of passage of the resolution by the board.

(3) Existing law requires counties, general law cities, and charter cities that elect members of their legislative bodies using district-based elections to adopt boundaries for those supervisorial or council districts following each federal decennial census, as specified. Existing law expressly authorizes a city council to adopt district boundaries by resolution or ordinance.

This bill would clarify that "adopting" district boundaries for these purposes means the passage of an ordinance or resolution specifying those boundaries.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

## **17. SB 686, Glazer. Campaign disclosure: limited liability companies. (CHAPTER 321)**

*[An act to add Section 84109 to the Government Code, relating to the Political Reform Act of 1974.]*

The Political Reform Act of 1974 provides for the comprehensive regulation of campaign financing, including requiring elected officials, candidates for elective office, committees formed primarily to support or oppose a candidate for public office or a ballot measure, and other entities to file periodic campaign statements and reports concerning campaign finances.

This bill would require a limited liability company that qualifies as a committee or a sponsor of a committee under the act, as specified, to file a statement of members with the Secretary of State. The bill would require the statement of members to include certain information about the limited liability company, including a list of all persons who have a membership interest in the limited liability company of at least 10% or who made a cumulative capital contribution of at least \$10,000 to the limited liability company after it qualified as a committee or sponsor of a committee, or within the 12 months before it qualified.

Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $2/3$  vote of each house of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

**18. SB 714, Caballero. Democratic Party: county central committees: appointment and election. (CHAPTER 299)**

*[An act to amend Section 7209 of the Elections Code, relating to elections.]*

Existing law provides procedures for the election or appointment of members of county central committees of the Democratic Party. Existing law provides that a person is not eligible for appointment or election to a committee if the person is not registered as affiliated with the party at the time of the appointment or election. Existing law requires an elections official to attach a certificate to the declaration of candidacy for a person who seeks membership on a county central committee that certifies the person's eligibility for such membership.

This bill would instead provide that a person is not eligible for election to a county central committee if the person's affidavit of registration does not state a political party preference for the Democratic party. The bill would make a person who is not a United States citizen, but who would be able to register to vote if the person were a United States citizen, eligible for election to a county central committee if the person meets all other specified eligibility requirements, the committee's bylaws permit such a person to be elected to the committee, the committee notifies the county elections official that its bylaws permit such a person to be elected, and the committee provides the county elections official with a copy of the eligibility requirements specified in its bylaws. The bill would require a candidate to complete a declaration of eligibility, which the county elections official would attach to the candidate's declaration of candidacy in lieu of the certificate described above. By increasing the duties of local elections officials relative to determining the eligibility of candidates for county central committees, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

## Vetoed Bills

### **AB 446, Mayes. Elections: political party qualifications.**

*[An act to amend Sections 5001, 5003, 5100, and 5151 of the Elections Code, relating to elections.]*

Existing law permits a group of voters to form a new political party by filing a formal notice with the Secretary of State that states an intent to qualify to participate in a primary election or a presidential general election and by holding a caucus or convention at which the group elects temporary officers and designates a party name that does not mislead the voters or conflict with the name of an existing party or political body that has previously filed notice, as specified.

This bill would require the Secretary of State to notify a political body's temporary officers in writing if a designated party name is rejected and to provide reasons for the rejection. The bill would authorize a temporary officer to request that the Secretary of State reconsider the rejection, as provided. The bill would allow the party name of a political body that has not qualified as a political party and is considered to have abandoned its attempt to qualify as a political party to be used by a future political body on or after the date the political body is considered to have abandoned its attempt to qualify as a political party.

Existing law authorizes a political body, after filing formal notice to qualify as a political party, to request the Secretary of State to count toward its qualification as a political party affidavits of registration in which voters declared affiliation with the political body prior to the date on which the formal notice to qualify as a political party was filed.

This bill would require a political body to provide from its temporary officers a signed affidavit stating that it is the same political body that voters declared affiliation with in order for the Secretary of State to count previous affidavits of registration toward the body's qualification as a political party, as specified.

Under existing law, a political body that files notice to qualify as a political party but that has not qualified by the 135th day before a primary election or the 102nd day before a presidential general election is considered to have abandoned its attempt to qualify as a political party and is ineligible to participate in the following election.

This bill would provide that a political body that has not qualified by those deadlines has not abandoned its attempt to qualify as a political party if the political body files a new notice of intent to qualify as a political party within 2 years of becoming ineligible to participate in an election.

Under existing law, a political party is qualified to participate in a primary election or presidential general election if, among other methods of qualification, a petition declaring an intent to form a party and participate in the election is signed by voters equal in number to at least 10% of the entire statewide vote at the last preceding gubernatorial election and is filed with the Secretary of State on or before the 135th day before the election.

The bill would reduce the number of voter signatures required to qualify for a primary election or presidential general election by filing a petition with the Secretary of State to 3% of the entire statewide vote at the last preceding gubernatorial election.

By imposing new duties on county elections officials with respect to the conduct of elections, this bill would impose a state-mandated local program.

This bill would incorporate additional changes to Section 5100 of the Elections Code proposed by AB 796 to be operative only if this bill and AB 796 are enacted and this bill is enacted last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

### Governor's Veto Message

To the Members of the California State Assembly:

I am returning Assembly Bill 446 without my signature.

This bill reduces the number of signatures needed on a petition to form a new political party, and allows the name of a proposed political party that fails to qualify as a party to be eligible for use by a different political body in the future. In addition, this bill permits a body that is attempting to form a new political party to request reconsideration if the Secretary of State rejects the proposed party's name.

California prides itself on its diversity. We have worked hard to ensure our elections are fair, transparent, and accessible so all Californians can be represented in this state. Existing law offers prospective new political parties with an alternative qualification process. I am concerned that this bill creates additional burdens for county elections officials to maintain an ever-changing number of political parties and that this bill could create confusion among voters due to the constant churn of parties coming onto, and falling off of, the ballot. This bill would also likely create a state reimbursable mandate as it requires that, for every political party that qualifies, there would be an additional one to two added variations of each ballot type, with an increase in corresponding workload.

I agree with the author's goal of increasing and diversifying voices and perspectives in our democratic system, but I am not convinced this bill would assist in that endeavor.

Sincerely,

Gavin Newson

**SB 660, Newman. Initiative, referendum, and recall petitions: compensation for signatures.**

*[An act to add Section 102.5 to the Elections Code, relating to elections.]*

Existing law prohibits a person under 18 years of age from circulating a state or local initiative, referendum, or recall petition or nominating paper. Existing law makes it a misdemeanor to offer or give money or other valuable consideration to another in exchange for that person's signature on a state, county, municipal, or district initiative, referendum, or recall petition.

This bill would prohibit a person from paying money or providing any other thing of value based on the number of signatures obtained on a state or local initiative, referendum, or recall petition. The bill would impose a civil penalty for violations of that prohibition, equal to the greater of \$25,000 or \$50 times the number of signatures gathered in exchange for compensation.

The bill would authorize the Attorney General to bring a civil action for a violation, and it would also authorize a person, acting as a qui tam plaintiff, to bring a civil action for a violation and to share in the recovery, as provided. The bill would require specified portions of the proceeds of a civil action or settlement to be distributed to the Attorney General, the qui tam plaintiff, and the Secretary of State.

Governor's Veto Message

To the Members of the California State Senate:

I am returning Senate Bill 660 without my signature.

This bill prohibits a person from paying money or providing any other thing of value based on the number of signatures obtained on a state or local initiative, referendum, or recall petition. The bill permits the Attorney General or a private person, acting as a qui tam plaintiff, to bring a civil action for a violation of this prohibition and imposes a monetary penalty.

As I stated in a veto message on similar legislation in 2019, I appreciate the intent of this bill to incentivize grassroots support for the initiative, referendum, and recall process. However, payment per signature remains one of the most economical methods to qualify for the ballot. This measure could therefore make the qualification of many initiatives cost-prohibitive for all but the wealthiest interests, thereby having the opposite effect. For this reason, I cannot sign this bill.

Sincerely,

Gavin Newsom

## Dead - Inactive Bills

### **AB 20, as amended, Lee. Political Reform Act of 1974: The Corporate-Free Elections Act.**

*[An act to add Section 85322 to the Government Code, relating to the Political Reform Act of 1974.]*

The Political Reform Act of 1974 imposes various limitations on contributions that may be made to, or accepted by, candidates for elective office. A violation of the act's provisions is punishable as a misdemeanor and subject to specified penalties.

This bill, the Corporate-Free Elections Act, would prohibit a candidate for elective office from receiving a contribution from a business entity, and a business entity from making a contribution to a candidate for elective office, and would make related findings and declarations. By expanding the scope of existing crimes with regard to contribution limitations, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

### **AB 40, as amended, Lorena Gonzalez. Political Reform Act of 1974: slate mailers.**

*[An act to amend Section 84305.5 of the Government Code, relating to the Political Reform Act of 1974.]*

The Political Reform Act of 1974 regulates mass mailings, known as slate mailers, that support or oppose multiple candidates or ballot measures for an election. The act requires that each slate mailer identify the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures that is sending the slate mailer, and to contain other specified information in specified formatting. The act requires that each candidate and each ballot measure that has paid to appear in the slate mailer be designated by an asterisk. The act limits the required type size of the asterisk to no more than 10-point boldface type.

If a slate mailer organization appears to be affiliated with or represent any organization, group, or class of individuals, as defined, this bill would require the slate mailer to disclose the number of members the slate mailer organization or committee represents from that organization, group, or class, based on specified criteria. The bill would also require the total amount paid to appear on the slate mailer to be disclosed for each candidate and ballot



measure that is required to be designated by an asterisk, immediately below the name or ballot measure, in no less than 9-point roman type and in a color or print that contrasts with the background so as to be easily legible. The bill would also delete the provision limiting the required type size of the asterisk to no more than 10-point boldface type.

The act makes a knowing or willful violation of its provisions a misdemeanor and subjects offenders to criminal penalties.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

#### **AB 53, as amended, Low. Election day holiday.**

*[An act to amend Section 7.1 of the Civil Code, to amend Sections 37220, 44988, 45203, 45205, 79020, 79030, 88203, 88205, and 89005.7 of, and to add Article 7 (commencing with Section 92070) to Chapter 1 of Part 57 of Division 9 of Title 3 of, the Education Code, to amend Section 1100 of the Elections Code, to amend Sections 6700, 19853, and 19853.1 of the Government Code, and to amend Section 4692 of the Welfare and Institutions Code, relating to elections.]*

Existing law requires that an election for congressional and state elective offices be held on the first Tuesday after the first Monday in November of each even-numbered year. Existing law requires a presidential general election to be held on the first Tuesday after the first Monday in November in any year that is evenly divisible by the number 4.

Existing law designates specific days as holidays in this state. Existing law designates holidays on which community colleges and public schools are required to close. Existing law entitles state employees, with specified exceptions, to be given time off with pay for specified holidays. Existing law designates optional bank holidays.

This bill would add the day on which a statewide general election is held, which is the first Tuesday after the first Monday in November of any even-numbered year, to these lists of holidays. The bill would require community colleges and public schools to close on any day on which a statewide general election is held. The bill would require the California State University, and request the University of California, to close campuses on a day on which a statewide general election is held. The bill would require that state employees, with specified exceptions, be given time off with pay for days on which a statewide general election is held.

The bill would provide that the third Monday in February, also known as Washington Day, is observed only in odd-numbered years.

By increasing the duties of local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

### **AB 152, as amended, Committee on Budget. Elections.**

*[An act to amend Section 11108 of, and to add Chapter 7 (commencing with Section 1600) to Division 1 of, the Elections Code, relating to elections, and making an appropriation therefor, to take effect immediately, bill related to the budget.]*

(1) Existing law authorizes a county to conduct any election as an all-mailed ballot election if specified conditions apply. Those conditions include providing, on the day of the election and the 3 days preceding the election, at least one vote center for every 10,000 registered voters and providing, beginning 10 days before the election and continuing up to the 4th day before the election, at least one vote center for every 50,000 registered voters.

Existing law authorizes counties to start to process vote by mail ballots on the 15th business day before an election. Under existing law, a vote by mail ballot is timely cast if it is postmarked or date stamped on or before election day and is received by the voter's elections official no later than 3 days after election day.

This bill would authorize a county that has previously conducted an all-mailed ballot election to conduct an all-mailed ballot election prior to January 1, 2022, if it provides, on the day of the election and the 3 days preceding the election, at least one vote center for every 30,000 registered voters and, beginning 10 days before the election and continuing up to the 4th day before the election, at least one vote center for every 60,000 registered voters. The bill would authorize a county that has not previously conducted an all-mailed ballot election to conduct an all-mailed ballot election using alternative procedures substantially similar to those in effect for the November 3, 2020, statewide general election, as specified.

This bill would require counties to conduct a voter education and outreach campaign, as provided. The bill would require the Secretary of State to establish a process for granting counties partial waivers from requirements relating to the number, location, or operational duration of consolidated polling places or ballot drop-off locations and from requirements relating to the maximum number of voters in a precinct. The bill would authorize counties to start to process vote by mail ballots on the 29th day before an election. The bill would deem a vote by mail ballot timely cast if it is postmarked or date stamped on or before election day and is received by the voter's elections official no later than 7 days after election day.

This bill would authorize a local government entity that previously called a special local election to consolidate that election with a gubernatorial recall election if certain conditions are met.

This bill would repeal these provisions on January 1, 2022.

To the extent these provisions impose new duties on county elections officials, the bill would create a state-mandated local program.

(2) Existing law requires the Department of Finance to estimate the costs of a recall election upon notification from the Secretary of State that voters have signed a recall petition in sufficient numbers to initiate a recall election. Existing law requires the Department of Finance to submit the cost estimate to the Governor, the Secretary of State, and the Chairperson of the Joint Legislative Budget Committee within 30 days of receiving that notice. Existing law prohibits the Secretary of State from certifying the sufficiency of the signatures until the Joint Legislative Budget Committee has had 30 days to review and comment on the Department of Finance's cost estimate.

This bill would allow the Secretary of State to certify the sufficiency of the signatures before the Joint Legislative Budget Committee has had 30 days to review and comment on the estimate if the Legislature has appropriated funds it determines are reasonably necessary to conduct the recall election and has designated funds for that purpose in the Budget Act or another statute. The bill would make conforming changes. The bill would appropriate \$35,000,000 from the General Fund to the Secretary of State to support statewide and county costs of the 2021 gubernatorial recall election, thereby making an appropriation. The bill would declare the intent of the Legislature to reevaluate the amount of that appropriation and other appropriations made support the costs of the 2021 gubernatorial recall election.

(3) Existing law requires recall elections to be conducted and canvassed, and the results to be declared, in substantially the manner provided by law for a regular election for the office subject to recall. Existing law authorizes any county to conduct a special election as an all-mailed ballot election if specified conditions apply. Existing law authorizes an elections official conducting a local, special, or consolidated election, or a statewide election other than the direct primary, presidential primary, or general election, to divide the territory into special election or consolidated election precincts by consolidating existing precincts, or otherwise, as specified, and authorizes the elections official to alter the precincts for those elections as often as occasion requires.

This bill would require that the 2021 gubernatorial recall election be held as a regular election, and that the provisions described above relating to all-mailed ballot special elections and changing or altering election precincts do not apply.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(5) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

**AB 227, as introduced, Davies. Political Reform Act of 1974: contribution prohibitions.**

*[An act to add Section 85323 to the Government Code, relating to the Political Reform Act of 1974.]*

The Political Reform Act of 1974 imposes various limitations on contributions that may be made to, or accepted by, candidates for elective state office and committees organized for the support of candidates' election campaigns. The act generally prohibits a person from making to a candidate for Governor, and a candidate for Governor from accepting, a contribution totaling more than \$20,000 per election, except as specified. The act further limits the amount in contributions the Governor may accept after the Governor is elected for the purpose of paying expenses associated with holding the office. A violation of the act's provisions is punishable as a misdemeanor and subject to specified penalties.

This bill would prohibit a Governor's appointee, as defined, or a person residing in the appointee's household, during the term of the appointment and for one year after the term expires, from making a monetary contribution to the Governor's campaign, as defined, or to a committee organized to benefit the Governor's campaign. The bill would prohibit a Governor's appointee or a person residing in the appointee's household from requesting or demanding that another person make such a contribution. The bill would also prohibit the Governor or a committee organized to benefit the Governor's campaign from accepting such a contribution.

The bill would require a prospective Governor's appointee, as defined, or a person residing in the prospective appointee's household, who has made a monetary contribution to the Governor's campaign or to a committee organized to benefit the Governor's campaign, during a period of one year prior to the appointment, to immediately disclose the contribution to the Governor, and would prohibit the appointment unless the Governor or the committee refunds the contribution.

By expanding the scope of existing crimes with regard to contribution limitations, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

**AB 236, as amended, Berman. Campaign disclosure: limited liability companies.**

*[An act to add Section 84109 to the Government Code, relating to the Political Reform Act of 1974.]*

The Political Reform Act of 1974 provides for the comprehensive regulation of campaign financing, including requiring elected officials, candidates for elective office, committees formed primarily to support or oppose a candidate for public office or a ballot measure, and other entities to file periodic campaign statements and reports concerning campaign finances.

This bill would require a limited liability company that qualifies as a committee or a sponsor of a committee under the act, as specified, to file a statement of members with the Secretary of State. The bill would require the statement of members to include certain information about the limited liability company, including a list of all persons who have a membership interest in the limited liability company of at least 10% or who made a cumulative capital contribution of at least \$10,000 to the limited liability company after it qualified as a committee or sponsor of a committee, or within the 2 calendar quarters before it qualified.

Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

**AB 241, as introduced, Bonta. Referendum measures.**

*[An act to amend Sections 13115 and 13120 of the Elections Code, relating to elections.]*

(1) Existing law specifies the order in which statewide ballot measures are required to appear on the ballot, with referendum measures required to be last after all initiative measures.

This bill would instead require initiative and referendum measures to appear in the order in which they qualify for the ballot.

(2) The California Constitution provides that the electors may approve or reject a statute by referendum. Senate Constitutional Amendment 1 of the 2021–22 Regular Session, if approved by the voters, would require that the ballot for a referendum measure provide that a “Yes” vote is in favor of the referendum and rejects the statute or part of the statute subject to the referendum, and a “No” vote is against the referendum and approves the statute or part of the statute subject to the referendum, thus requiring a majority vote in favor of the referendum to reject the statute or part of the statute subject to the referendum.

This bill would make conforming statutory changes contingent on the approval of the voters of SCA 1 of the 2021–22 Regular Session.

**AB 372, as introduced, Seyarto. Remote accessible vote by mail systems: testing and examination: report.**

*[An act to amend Section 19288 of the Elections Code, relating to elections.]*

Existing law requires the Secretary of State to test and examine remote accessible vote by mail systems that are proposed for use or sale in the state in order to determine their accuracy and efficiency and grant them certification or conditional approval. Existing law requires the Secretary of State to make a report stating whether a system has been certified, conditionally approved, or denied certification publicly available within 60 days after the completion of an examination.

This bill would additionally require the Secretary of State to publish that report on the Secretary of State's internet website.

**AB 608, as introduced, Gabriel. Permanent vote by mail: procedures.**

*[An act to amend Section 3205 of the Elections Code, relating to elections.]*

Existing law allows a voter, at the time of registering to vote, to identify the voter's political party preference or decline to state a party preference. Existing law also allows a voter to register as a permanent vote by mail voter. A county elections official is required to mail a specified notice and application to every permanent vote by mail voter who has declined to disclose a party preference.

This bill would make non-substantive changes to the latter provision.

**AB 728, as introduced, Mullin. Elections: county voter information guides.**

*[An act to amend Sections 13300 and 13303 of the Elections Code, relating to elections.]*

Existing law generally requires county elections officials to prepare a county voter information guide before each election and to mail the guide to each voter no later than 21 days before the election. For a partisan primary election, existing law requires county elections officials to prepare a county voter information guide for each political party and a nonpartisan county voter information guide and to mail the applicable guide to each voter no later than 10 days before the election.

This bill would instead require county elections officials to mail a county voter information guide to each voter no later than 29 days before the election. By increasing the duties of county elections officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

**AB 759, as amended, McCarty. Elections: county officers.**

*[An act to amend, repeal, and add Section 1300 of the Elections Code, and to amend, repeal, and add Section 24200 of the Government Code, relating to elections.]*

The California Constitution requires the Legislature to provide for an elected county sheriff, elected district attorney, and elected assessor in each county. Existing law also provides that the county treasurer, clerk, auditor, tax collector, recorder, public administrator, and coroner are elective offices unless a county makes them appointive offices, as specified. Existing law generally requires the election to select county officers to be held with the statewide primary election at which candidates for Governor are nominated, but if no candidate for a county office receives a majority of the votes cast for that office at the primary election, the 2 candidates who received the most votes advance to the statewide general election at which the Governor is elected.

This bill would require the election to select district attorney, sheriff, and assessor to be held with the presidential primary and would require, if no candidate receives a majority of the votes cast for the office at the presidential primary, the 2 candidates who received the most votes to advance to a general election held with the presidential general election. The bill would provide for a 6-year term for a district attorney, sheriff, or assessor elected in 2022, except as specified. The bill would authorize a county board of supervisors to adopt an ordinance to also hold the election for other county officers with the presidential primary. The bill would make these provisions operative on January 1, 2023. To the extent changing the date for election of district attorney, sheriff, and assessor would impose additional duties on local elections officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

**AB 775, as amended, Berman. Contribution requirements: recurring contributions.**

*[An act to add Section 85701.5 to the Government Code, relating to the Political Reform Act of 1974.]*

The Political Reform Act of 1974 provides for the comprehensive regulation of campaign financing, including contribution limitations and requirements.

This bill would require a candidate or committee to obtain affirmative consent from a person making a recurring contribution at the time of the initial contribution. This bill would also require a candidate or committee that accepts a recurring contribution to provide a receipt for each contribution, to provide information necessary to cancel the recurring contribution, and to immediately cancel a recurring contribution upon request.

Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

**AB 801, as amended, Kiley. Elections: United States Senate vacancies.**

*[An act to amend Sections 10700, 10702, and 10703 of, to amend and renumber the heading of Chapter 3 (commencing with Section 10730) of Part 6 of Division 10 of, and to repeal Chapter 2 (commencing with Section 10720) of Part 6 of Division 10 of, the Elections Code, and to amend Section 1773 of the Government Code, relating to elections.]*

Under existing law, when a vacancy occurs in the office of Representative in Congress, or in either house of the Legislature, the Governor is required, within 14 calendar days after the occurrence of the vacancy, to call an election to fill the vacancy, as specified. With regard to a vacancy in the office of United States Senator, however, existing law authorizes the Governor to appoint a person to fill the vacancy, as specified.

This bill would instead require that a vacancy in the office of United States Senator be filled in the same manner as a vacancy in a congressional representative or state legislative office. The bill would make conforming and technical changes.



**AB 871, as amended, Kiley. Political Reform Act of 1974: contribution prohibitions.**

*[An act to add Section 85322 to the Government Code, relating to the Political Reform Act of 1974.]*

The Political Reform Act of 1974 imposes various limitations on contributions that may be made to, or accepted by, candidates for elective office. The act generally prohibits a person from making a contribution totaling more than \$3,000 to a candidate for elective state office, and a candidate for elective state office from accepting a contribution totaling more than \$3,000, except as specified. A violation of the act's provisions is punishable as a misdemeanor and subject to specified penalties.

This bill would prohibit an electrical corporation or a gas corporation, as defined, from making a contribution to a candidate for elective state office. The bill would also prohibit a candidate for elective state office from accepting a contribution from an electrical corporation or a gas corporation. The bill would clarify that it does not prohibit the making or acceptance of an independent expenditure or a contribution to a political party or political party committee, a legal defense fund, an officeholder account, a small contributor committee, a political action committee, or a candidate controlled ballot measure committee, except as otherwise prohibited by law. By expanding the scope of existing crimes with regard to contribution limitations, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

**AB 972, as introduced, Berman. Elections: deceptive audio or visual media.**

*[An act to amend Section 35 of the Code of Civil Procedure, and to amend Section 20010 of the Elections Code, relating to elections.]*

Existing law, until January 1, 2023, prohibits a person, committee, or other entity, within 60 days of an election at which a candidate for elective office will appear on the ballot, from distributing with actual malice materially deceptive audio or visual media of the candidate with the intent to injure the candidate's reputation or to deceive a voter into voting for or against the candidate, unless the media includes a disclosure stating that the media has been manipulated, subject to specified exemptions.

Existing law, until January 1, 2023, authorizes a candidate for elective office whose voice or likeness appears in audio or visual media distributed in violation of this section to seek injunctive or other equitable relief prohibiting the distribution of the deceptive audio or visual

media; authorizes a candidate whose voice or likeness appears in the deceptive audio or visual media to bring an action for general or special damages against the person, committee, or other entity that distributed the media; and authorizes the court to award a prevailing party reasonable attorney's fees and costs. A court is required to place such proceedings on the calendar in the order of their date of filing and give them precedence.

This bill would extend the repeal date of these provisions to January 1, 2027.

**AB 975, as amended, Luz Rivas. Political Reform Act of 1974: statement of economic interests and gifts.**

*[An act to amend Sections 82028, 86112.5, and 87500.3 of, and to repeal and add Section 87500 of, the Government Code, relating to the Political Reform Act of 1974.]*

(1) The Political Reform Act of 1974 regulates conflicts of interests of public officials and requires that public officials file, with specified filing officers, periodic statements of economic interests disclosing certain information regarding income, investments, and other financial data. The Fair Political Practices Commission is the filing officer for statewide elected officers and candidates and other specified public officials. If the Commission is the filing officer, the public official generally files with their agency or another person or entity, who then makes a copy and files the original with the Commission.

This bill would revise and recast these filing requirements to make various changes, including requiring public officials and candidates for whom the Commission is the filing officer to file their original statements of economic interests electronically with the Commission. The bill would also make conforming changes to other provisions of law. The bill would prohibit the Commission from making available on the internet statements of economic interests filed by certain nonelected officials and would require the Commission to redact personal addresses and telephone numbers of all filers.

(2) The Political Reform Act of 1974 regulates the making of gifts to public officials. However, the act exempts from the definition of "gift," among other things, a gift to an official that, within 30 days of receipt, is returned to the donor or delivered to a charitable organization without being claimed as a deduction for tax purposes.

This bill would allow a gift of admission to an invitation-only event to be returned, reimbursed, or donated within 30 days of the calendar quarter in which it was received, and would make other changes prescribing conditions for the donation, return, or reimbursement.

(3) Under the Political Reform Act of 1974, lobbyists, lobbying firms, and lobbyist employers are required to provide each beneficiary of a gift with the date and amount of each gift reportable by the beneficiary and a description of the goods or services provided to the beneficiary within 30 days following the end of each calendar quarter in which the gift was provided.

This bill would reduce that time limit to 15 days following the end of each calendar quarter in which the gift was provided.

(4) Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(5) The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

**AB 1137, as amended, Mullin. Elections: voter registration agencies.**

*[An act to add and repeal Section 2408.5 of the Elections Code, relating to elections.]*

Existing law requires a voter registration agency that allows a person to apply online for service or assistance, or to submit a recertification, renewal, or change of address form relating to the service or assistance online, to implement a process and infrastructure that allows an applicant to electronically submit a voter preference form to the voter registration agency. If a person indicates on the electronic voter preference form that they would like to register to vote, existing law requires that the person be informed that they may register to vote electronically on the Secretary of State's internet website, as specified. Existing law authorizes a voter registration agency to take steps to ensure that the information entered into a person's electronic application will be automatically transferred to the electronic affidavit of voter registration if the person indicates that the person would like to register to vote.

This bill would require the Secretary of State, no later than December 31, 2022, to report to the Legislature regarding the process and infrastructure established by each voter registration agency to allow a person who applies online to electronically submit a voter preference form and an affidavit of voter registration and the feasibility of the voter registration agency establishing a process and infrastructure to implement automated voter registration, as specified. The bill would also permit the Secretary of State to update the required report and to provide periodic updates. The bill would require a voter registration agency to provide the Secretary of State with all information that the Secretary of State identifies as necessary to complete the report. By imposing additional duties on voter registration agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

**AB 1266, as introduced, Choi. Voting: vote by mail voters.**

*[An act to amend Section 3016 of the Elections Code, relating to voting.]*

Existing law provides that under specified conditions, vote by mail voters will be issued a provisional ballot if they return to the polling place designated for their home precincts on or before election day, or go to vote centers that meet specified criteria, or go to the office or satellite office of an elections official where voting is permitted.

This bill would make a technical, non-substantive change to this provision.

**AB 1303, as introduced, Kiley. Affidavits of registration.**

*[An act to amend Section 2157 of the Elections Code, relating to elections.]*

Existing law prescribes the contents of a paper affidavit of registration and requires affidavits of registration to inform voters that they may qualify for confidential voter status, among other requirements.

This bill would make technical, non-substantive changes to those provisions.

**AB 1379, as amended, Eduardo Garcia. Online platforms: disclosures.**

*[An act to amend Section 84504.6 of the Government Code, relating to online platforms.]*

The Political Reform Act of 1974 provides for the comprehensive regulation of campaign financing and activities by the Fair Political Practices Commission. Under the act, political advertisements on online platforms are required to contain certain disclosure statements.

This bill would require an online platform to maintain and make available for online public inspection a description of the audience requested by the committee and the types of personal information, as defined, used by the online platform to target the advertisement, including use by the online platform of characteristics such as age, gender, race, or other protected classifications under law. The online platform's chief executive officer, chief financial officer, chief operating officer, chief privacy officer, or the equivalent position of any of these officers, if applicable, would be required to personally certify, under penalty of perjury, that to their knowledge the online platform has correctly disclosed all activity under this law. By expanding the crime of perjury, the bill would impose a state-mandated local program. In addition, because a violation of the act is subject to criminal penalties, the bill would impose a state-mandated local program by expanding the act's criminal penalties.

This bill would also require an online platform that has 10,000,000 or more unique monthly United States visitors or users for a majority of months during the preceding 12 months that targets political advertising, as described above, to make available an application programming interface or other technical capability to enable qualified third parties to conduct independent analysis of bias and unlawful discriminatory impact of that targeted advertising.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $2/3$  vote of each house of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

**AB 1416, as amended, Santiago. Elections: ballot label.**

*[An act to amend Sections 303, 9050, 9051, 9053, and 13282 of, and to add Section 9170 to, the Elections Code, relating to elections.]*

Existing law defines the ballot label as the portion of the ballot containing the names of the candidates or a statement of a measure. For statewide measures, existing law requires the Attorney General to prepare a condensed version of the ballot title and summary, including the fiscal impact summary prepared by the Legislative Analyst that is printed in the state voter information guide.

This bill would additionally require the ballot label for statewide measures, and, at the option of a county, the ballot label or similar description on the ballot of county, city, district, and school district measures, to include a listing of nonprofit organizations, businesses, or individuals taken from the signers of ballot arguments printed in the voter information guide that support and oppose the measure or from the signers of the rebuttal arguments to the arguments that support and oppose the measure, as specified. The bill would require a nonprofit organization, business, or individual to meet certain criteria before being listed on the ballot label or similar description of the measure on the ballot. The bill would require the signers of the ballot arguments to submit the lists of supporters and opponents to the Secretary of State or the respective elections official and would require the Secretary of State or respective elections official to provide those lists to county elections officials as part of the ballot label. The bill would make conforming changes and related findings and declarations.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

Because the bill would impose additional duties on local elections officials, and because it would expend the crime of perjury, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

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

**SB 77, as introduced, Nielsen. Elections: ballots.**

*[An act to amend Section 14296 of the Elections Code, relating to elections.]*

Existing law provides that, on election day, a voter who does not vote the ballot the voter has received shall, before leaving the polling place, return it to the precinct board member having charge of the ballots, who shall immediately cancel it.

This bill would make a technical, non-substantive change to this provision.

**SB 78, as amended, Nielsen. Political Reform Act of 1974: campaign or political consultant activities.**

*[An act to add Section 86207 to the Government Code, relating to the Political Reform Act of 1974.]*

The Political Reform Act of 1974 requires a lobbyist to register with the Secretary of State and prohibits a lobbyist from engaging in certain activities.

This bill would prohibit a lobbyist from serving as a paid campaign or political consultant to an elected state officer. This bill would prohibit a paid campaign or political consultant to any elected state officer from directly communicating on behalf of a client with any elected state officer, any employee of an elective state office, or any state agency for the purpose of influencing legislative or administrative action.

The act makes a knowing or willful violation of its provisions a misdemeanor and subjects offenders to criminal penalties. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

**SB 90, as amended, Stern. Elections: ballot label.**

*[An act to amend Sections 303, 9050, 9051, 9053, and 13282 of, and to add Section 9170 to, the Elections Code, relating to elections.]*

Existing law defines the ballot label as the portion of the ballot containing the names of the candidates or a statement of a measure. For statewide measures, existing law requires the Attorney General to prepare a condensed version of the ballot title and summary, including the fiscal impact summary prepared by the Legislative Analyst that is printed in the state voter information guide.

This bill would additionally require the ballot label for statewide measures, and, at the option of a county, the ballot label or similar description on the ballot of county, city, district, and school district measures, to include a listing of nonprofit organizations, businesses, or individuals taken from the signers of ballot arguments printed in the voter information guide that support and oppose the measure or from the signers of the rebuttal arguments to the arguments that support and oppose the measure, as specified. The bill would require a nonprofit organization, business, or individual to meet certain criteria before being listed on the ballot label or similar description of the measure on the ballot. The bill would require the signers of the ballot arguments to submit the lists of supporters and opponents to the Secretary of State or the respective elections official and would require the Secretary of State or respective elections official to provide those lists to county elections officials as part of the ballot label. The bill would make conforming changes and related findings and declarations.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

Because the bill would impose additional duties on local elections officials, and because it would expand the crime of perjury, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

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

**SB 103, as amended, Dodd. Uniform Faithful Presidential Electors Act.**

*[An act to amend Sections 6864, 6901, 6906, 6909, 7100, 7300, 7578, 7843, 8550, 8651, and 18002 of, to add Chapter 1.2 (commencing with Section 6911) of Part 2 of Division 6 to, and to repeal Sections 6905, 6907, and 6908 of, the Elections Code, relating to elections.]*

Existing law provides for the nomination of electors of President and Vice President of the United States by political parties, and provides for electors who desire to be write-in

candidates for presidential electors pledged to a particular candidate for President or Vice President to file a declaration of write-in candidacy. Existing law requires the electors chosen by the voters at each United States presidential election to assemble in the State Capitol in the afternoon on the first Monday after the second Wednesday in December next following their election and cast electoral ballots for the President and the Vice President of the United States who are candidates of the political party that nominated the electors, if the candidates are alive. Existing law provides that an elector who willfully neglects or refuses to perform these duties, or who knowingly and fraudulently acts in violation or contravention of them, is guilty of a crime punishable by a fine, imprisonment, or both a fine and imprisonment, as specified. Existing law provides that if an elector is dead or absent on the day of voting the remaining electors present shall elect a replacement from the citizens of the state. Existing law provides for compensation for electors for their services and expenses related to travel to and from the State Capitol, as specified.

This bill would enact the Uniform Faithful Presidential Electors Act. The bill would require each political party and each group of electors pledged to a presidential and vice presidential candidate who qualifies for the ballot by a means other than political party nomination to specify alternate electors in addition to their elector nominees. The bill would require each elector and alternate elector to execute a pledge pursuant to which they promise to cast their electoral ballots for the presidential and vice presidential candidates to whom they are pledged or who are the candidates of the political party that nominated them, and would provide that those pledges are transferred to successor candidates who are nominated, as specified, if a candidate dies or withdraws as a candidate before the meeting of electors. The bill would provide that an elector who casts the elector's ballots in violation of the elector's pledge automatically vacates the elector's position, and specifies procedures for filling the vacant position with a substitute elector. The bill would require the Secretary of State to preside over the meeting of electors, examine and accept the ballots of the electors, and prepare and transmit a certificate of the vote to the President of the United States Senate and other entities, as specified. The bill would make the criminal penalties described above inapplicable to provisions regarding presidential electors. The bill would extend the compensation described above to alternate electors. The bill would make conforming changes.

**SB 105, as introduced, Nielsen. Online voter registration.**

*[An act to amend Section 2196 of the Elections Code, relating to voting.]*

Existing law authorizes a person who is qualified to register to vote and who has a valid California driver's license or state identification card to submit an affidavit of voter registration electronically on the Secretary of State's internet website, as specified.

This bill would make technical, non-substantive changes to that provision.

**SB 271, as introduced, Wiener. County sheriffs: eligibility requirements.**

*[An act to amend Section 13.5 of the Elections Code, and to repeal Section 24004.3 of the Government Code, relating to local government.]*



The California Constitution requires the Legislature to provide for an elected county sheriff in each county. Existing statutory law specifies that a person is not eligible to become a candidate for the office of sheriff in a county unless the person has an advanced certificate issued by the Commission on Peace Officer Standards and Training or meets a combination of certain educational degree and full-time, salaried law enforcement experience requirements, as specified. Existing law deems a person holding the office of sheriff on January 1, 1989, to have met those qualifications.

This bill would repeal those eligibility provisions, and would make other conforming changes.

**SB 286, as introduced, Min. Elections: county officers: consolidation with statewide elections.**

*[An act to amend Sections 1300 and 8140 of, and to add Section 10419 to, the Elections Code, relating to elections.]*

(1) Existing law requires a candidate for a nonpartisan office who at a primary election receives votes on a majority of all the ballots cast for candidates for that office to be elected to that office.

This bill would exempt from that requirement candidates for county nonpartisan offices, including a county office in a charter county, but not including a charter city and county, and would require the candidates who received the highest and second highest number of votes cast for nomination to that office to be placed on the ballot at the ensuing general election. By imposing new duties on counties, including county elections officials, the bill would impose a state-mandated local program.

(2) Existing law generally requires that a plurality of the votes given at any election constitutes a choice, but allows charters of cities, counties, or cities and counties to provide the manner in which their respective elective officers may be elected and to prescribe a higher proportion of the vote therefor. Existing law authorizes, and in some circumstances requires, a political subdivision to consolidate its elections with statewide elections.

This bill would require an election for an office that is determined by the plurality of the votes cast for that office, with no possibility of a runoff, and is consolidated with a statewide election to be consolidated with the statewide general election in November. The bill would require an election for an office that is determined by the plurality of the votes cast for that office, with no possibility of a runoff, and is, as of January 1, 2022, consolidated with the statewide direct primary election, to instead be moved to and consolidated with the November statewide general election. These requirements would not apply to a charter city or charter city and county, but would apply to a charter county. By imposing new duties on local government, including county elections officials, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

**SB 295, as introduced, Dahle. District elections.**

*[An act to amend Section 10507 of the Elections Code, relating to elections.]*

The Uniform District Election Law specifies procedures to elect the elective officers of districts. The law generally provides that the term of each elective officer is 4 years or until the officer's successor is elected.

This bill would make a technical, non-substantive change to the latter provision.

**SB 305, as introduced, Jones. Political Reform Act of 1974: electronic filing.**

*[An act to amend Section 86100 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.]*

The Political Reform Act of 1974 imposes reporting and registration requirements for lobbyists, committees formed for political purposes, and other persons. The act requires specified committees and slate mailer organizations to file their original statements of organization with the Secretary of State and with their local filing officer. The act requires individual lobbyists, lobbying firms, lobbying coalitions, and lobbyist employers, as defined, to file registration statements, any amendments to the statements, and notices of termination with the Secretary of State, both by online or electronic means and physically in paper format.

The act also provides that if the Secretary of State develops and certifies an online filing and disclosure system, as specified, a comprehensive system of online and electronic filing requirements will be imposed, under which specified committees, slate mailer organizations, lobbyists, and other persons are required to file specified documents online or electronically with the Secretary of State without an additional requirement that they be filed in physical form, except as specified.

This bill would immediately impose the online and electronic filing system with respect to specified committees, slate mailer organizations, lobbyists, and other persons. The bill would also eliminate the requirement that individual lobbyists, lobbying firms, lobbying coalitions, and lobbyist employers, as defined, file their registration statements, any amendments, or notices of termination, in physical form with the Secretary of State.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

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

**SB 443, as amended, Hertzberg. Referendum measures.**

*[An act to amend Sections 13115 and 13120 of the Elections Code, relating to elections.]*

(1) Existing law specifies the order in which statewide ballot measures are required to appear on the ballot, with referendum measures required to be last after all initiative measures.

This bill would instead require initiative and referendum measures to appear in the order in which they qualify for the ballot.

(2) The California Constitution provides that the electors may approve or reject a statute by referendum. Senate Constitutional Amendment 1 of the 2021–22 Regular Session, if approved by the voters, would require that the ballot for a referendum measure provide that a “Yes” vote is in favor of the referendum and rejects the statute or part of the statute subject to the referendum, and a “No” vote is against the referendum and approves the statute or part of the statute subject to the referendum, thus requiring a majority vote in favor of the referendum to reject the statute or part of the statute subject to the referendum.

This bill would make conforming statutory changes contingent on the approval of the voters of SCA 1 of the 2021–22 Regular Session.

**SB 459, as amended, Allen. Political Reform Act of 1974: lobbying.**

*[An act to amend Sections 86114, 86116, 86117, and 86118 of, and to add Section 86119 to, the Government Code, relating to the Political Reform Act of 1974.]*

Existing law, the Political Reform Act of 1974, regulates the activities of lobbyists, lobbying firms, and lobbyist employers in connection with attempts to influence legislative and administrative action by legislative and other state officials, including by requiring that lobbyists, lobbying firms, and lobbyist employers register and file periodic reports with the Secretary of State.

This bill, beginning one year after the Secretary of State certifies for public use an online filing and disclosure system for lobbying information, or beginning January 1, 2023, whichever is later, would require lobbyists, lobbying firms, and lobbyist employers to include information in the periodic reports that identifies each bill or administrative action subject to lobbying activity, and the respective position advocated for, during that period. This bill would require additional specified disclosures for lobbying activity during the 60-day period before the Legislature is scheduled to adjourn in a calendar year. The bill would require certain persons to file specified reports following a calendar quarter in which that person incurs cumulative costs equal to or exceeding \$5,000 for issue lobbying advertisements, as defined.

A violation of the act is punishable as a misdemeanor, and reports and statements filed under the act are required to be signed under the penalty of perjury. By expanding the scope of existing crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

**SB 504, as amended, Becker. Elections: voter registration.**

*[An act to amend Section 2170 of, and to repeal and add Section 2212 of, the Elections Code, relating to elections.]*

(1) Existing law authorizes an individual who is eligible to register to vote to complete and deliver to a county elections official a conditional voter registration application that is deemed effective after the elections official determines the individual's eligibility to vote and validates the information on the application. Existing law authorizes a voter who has conditionally registered to cast a provisional or nonprovisional ballot on the day of the election, as specified. Existing law authorizes military and overseas voters, as defined, to register for, and to vote a vote by mail ballot in, any election within the state or within the precinct in which the voter last resided within the territorial limits of the United States, as specified. Existing law requires a county elections official to permit a military or overseas voter and a voter with a disability to vote using a certified remote accessible vote by mail system, except as specified.

This bill would require a county elections official to make conditional voter registration available to military and overseas voters and voters with disabilities via a certified remote accessible vote by mail system.

(2) Existing law requires the clerk of the superior court of each county to periodically furnish the Secretary of State and the county elections official with certain information regarding persons who have been committed to state prison for a felony conviction. Existing law requires the Secretary of State or the county elections official to cancel the affidavit of voter registration of persons who are currently imprisoned for the conviction of a felony.

This bill would repeal those provisions and instead require the Department of Corrections and Rehabilitation, on a weekly basis, to provide the Secretary of State with specified identifying information for persons imprisoned for the conviction of a felony and persons on parole or otherwise released from that imprisonment. The bill would require the Secretary of State to compare the identifying information received from the Department of Corrections and Rehabilitation with the statewide voter registration database developed in compliance with the requirements of the federal Help America Vote Act of 2002, and to provide county elections officials with information regarding any matching registration records. The bill would require county elections officials to cancel the affidavits of voter registration of persons who are imprisoned and to notify persons who have been released from imprisonment that their voting rights are restored, that they may register to vote, and of the procedures for registering to vote. The bill would require the Secretary of State to prepare a form for county elections officials to provide this notice. The bill would immunize counties and county elections officials from liability based on actions taken in accordance with this bill based on erroneous

information received from the Secretary of State or the Department of Corrections and Rehabilitation. The bill would create a presumption that a person who is ineligible to vote but receives a notice that their voting rights have been restored under these provisions, and then becomes registered or preregistered to vote and votes or attempts to vote in a subsequent election, is not guilty of fraudulently voting or attempting to vote, except as specified.

(3) By increasing the duties of local officials on matters relating to voter registration, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

### **SB 511, as introduced, Bates. Voter file maintenance: information from potential jurors.**

*[An act to amend Section 205 of, and to add Section 203.5 to, the Code of Civil Procedure, and to add Section 2214 to the Elections Code, relating to voters.]*

(1) Under existing law, the registration of a voter is permanent for all purposes during their life, unless and until the affidavit of registration is canceled for specified causes by the Secretary of State or the county elections official. Existing law requires the county elections official to cancel the registration of a voter for causes that include, among others, legally established mental incompetency. Under the Trial Jury Selection and Management Act, all persons are eligible and qualified to be prospective trial jurors, unless specified circumstances exist, that include, among others, the person is the subject of conservatorship. The act authorizes the jury commissioner to require a person to complete a questionnaire related to juror identification, qualification, and ability to serve as a prospective juror.

This bill would require the jury commissioner, every 6 months, to share with the county elections official for the same county the information that a potential juror provides about their qualification to be a juror and would further require a county elections official to use that information to cancel the registration of a person who is ineligible to vote. By expanding the duties of county elections officials, this bill would impose a state-mandated local program. The bill would require the information shared pursuant to these provisions to retain all confidentiality from public disclosure provided under any other law.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

**SB 583, as amended, Newman. Elections: Voter registration: California New Motor Voter Program.**

*[An act to amend Sections 2263, 2264, 2265, 2268, and 2401 of, and to add Sections 2263.1 and 2271 to, the Elections Code, relating to elections.]*

Existing law requires, in conformance with federal law, that the Secretary of State and the Department of Motor Vehicles establish and implement the California New Motor Voter Program for the purpose of increasing opportunities for voter registration for qualified voters. Existing law requires the Department of Motor Vehicles to transmit to the Secretary of State specified information related to the person's eligibility to vote, which the person provides when applying for a driver's license or identification card or when the person notifies the department of an address change. Existing law provides that this information transmitted to the Secretary of State constitutes a completed affidavit of registration, and the Secretary of State is required to register the person to vote, unless the person affirmatively declines to register to vote or the person is ineligible to vote, or other specified conditions exist. Existing law defines a "voter registration agency" to mean, among other entities, a department, division, or office of state or local government, or a program supported by state funds, that is designated by executive order of the Governor or pursuant to the National Voter Registration Act of 1993.

This bill would require the Department of Motor Vehicles to transmit specified information to the Secretary of State with respect to a person who, when submitting an application for a driver's license or identification card, provides documentation demonstrating United States citizenship and that the person is of an eligible age to register or preregister to vote, among other requirements. The bill would require the Secretary of State, upon receipt of this information, to register or preregister the person to vote. The bill would require, if a person is registered or preregistered to vote in this manner, that the appropriate county elections official send to the person's address of record a notice advising that the person may decline to register or preregister to vote, designate a party preference, select a language preference, or choose to be a permanent vote by mail voter. The bill would also require the county elections official to send a notice to a person if the Secretary of State changes the person's voter registration information after receiving updated name or address information from the department. The bill would require certain information contained within the notices to be translated into the minority languages for the county, as further specified.

This bill would prohibit the department, if at the time a person submits an application for a driver's license or identification card to the department the person provides a document demonstrating the person is not a United States citizen, from providing that person the opportunity to attest to meeting all voter eligibility requirements and from electronically providing records of that person to the Secretary of State. The bill would prescribe additional requirements with respect to voter registration for a person who provides a new name or address when submitting an application for a driver's license or identification card.

This bill would expand the definition of "voter registration agency" to also include entities designated by the Secretary of State. The bill would require the Secretary of State to establish a schedule whereby specified voter registration agencies must provide the Secretary of State electronic information regarding individuals who are eligible to vote or who provide updated registration information.

This bill would make these provisions operative on the earlier of (1) January 1, 2025, or (2) five days after the Secretary of State certifies that the information technology infrastructure to substantially implement the bill is functional. This bill would allow the Secretary of State, commencing January 1, 2022, to perform administrative actions necessary to implement these provisions.

By imposing new duties on county elections officials with respect to voter registration, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

**SB 597, as introduced, Grove. Elections: vote by mail ballots.**

*[An act to amend Section 3011 of the Elections Code, relating to elections.]*

Existing law requires that the identification envelope for returning a vote by mail ballot contain specified information, including the signature of the voter, the residence of the voter as shown on the affidavit of registration, and the date of signing.

This bill would additionally require that the identification envelope include a verification panel, concealed during mailing, setting forth the last 4 digits of the voter's California driver's license or identification card number or, if unavailable, the last 4 digits of the voter's social security number. The bill would require the elections official to verify the accuracy of that information before counting the vote.

By imposing additional duties on elections officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

**SB 663, as amended, Newman. Recall petitions.**

*[An act to amend Sections 103, 11041, 11303, and 18650 of, and to add Sections 11048, 11048.1, 11048.2, 11048.3, and 11048.4 to, the Elections Code, and to amend Section 6253.5 of the Government Code, relating to elections.]*

(1) Existing law authorizes a voter who has signed an initiative, referendum, or recall petition to remove their name from the petition by filing a written request to do so with the appropriate elections official prior to the day the petition is filed.

This bill would extend that period by authorizing a voter to file the written removal request until the day prior to the 45th day after the petition is filed.

(2) The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. Under the act, state and local recall petitions and related memoranda prepared by county elections officials are not public records and are not open to inspection, except as provided.

This bill would, unless the number of registered voters eligible to vote in the recall election is less than 50,000, authorize the target of a recall petition to inspect the petition and related memoranda for purposes of communicating with registered voters to determine whether they signed the recall petition and whether they understood the recall petition they may have signed, and to assist registered voters to withdraw their signatures on the recall petition, if they so desire. The bill would require the target or the target's designated representatives to complete an application, certified under the penalty of perjury, to obtain a copy of the petition from a city or county elections official. The bill would require the elections official to redact the signatures of the signers of the petition before providing it to an applicant, and to maintain records of the application and associated documents for specified periods of time. The bill would prohibit the target, the target's designated representatives, and entities contracting with them from publicly disclosing the names or addresses of the signers of a recall petition, except as specified, and would specify various requirements relating to ensuring the security of, and safeguarding against unauthorized use of, the information contained in the recall petition. The bill would prohibit a public officer from discriminating against a person based on the fact that the person signed a recall petition. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program.

(3) Existing law makes it a misdemeanor for a person to knowingly or willfully permit the list of signatures on an initiative, referendum, or recall petition to be used for any purpose other than qualification of the measure or recall question for the ballot, except as provided by law.

This bill would clarify that this crime also applies to the misuse of personal identifying information on a petition.

(4) Existing law specifies the format of a recall petition.

This bill would require each page of a recall petition to include, at the top of the page, the words "Petition for an Election to Remove from Office:" followed by the title and first and last name of the target of the recall, as specified.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.



The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

**SB 672, as introduced, Bradford. Remote accessible vote by mail systems: voters with disabilities.**

*[An act to add Section 3016.6 to the Elections Code, relating to elections.]*

Beginning the later of January 1, 2020, or one year after the date on which the Secretary of State certifies a remote accessible vote by mail system, as defined, existing law requires county elections officials to allow voters with disabilities to vote using a certified remote accessible vote by mail system.

This bill would authorize a voter to self-identify as having a disability for purposes of voting with a remote accessible vote by mail system. By increasing the duties of county elections officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

**SB 729, as introduced, Glazer. Elections: polling places.**

*[An act to amend Section 14105 of the Elections Code, relating to elections.]*

Existing law requires elections officials to provide each polling place with specified materials, including not fewer than 6 nor more than 12 instruction cards to guide voters in obtaining and marking their ballots.

This bill would eliminate the maximum limit of 12 instruction cards.

**SB 752, as amended, Allen. Elections: disclosure of contributors.**

*[An act to amend Sections 101, 107, 9008, 9020, 9105, 9203, and 11043 of the Elections Code, to amend Sections 84501, 84502, 84503, 84504, 84504.1, 84504.2, 84504.3, 84504.7, and 84505 of, and to add Section 84504.8 to, the Government Code, relating to elections.]*

Existing law requires political advertisements to include specified disclosure statements that identify the name of the campaign committee paying for the advertisement and the top

contributors, as defined, to that committee. Existing law requires a campaign committee that pays for the circulation of a state or local initiative, referendum, or recall petition to disclose its top contributors, as prescribed. Existing law establishes other requirements regarding the form, content, and presentation of initiative, referendum, and recall petitions.

This bill would require an initiative, referendum, or recall petition to instruct voters to sign the petition only after viewing certain disclosures regarding the top contributors to the initiative, referendum, or recall, as specified. This bill would make additional changes to requirements regarding the form, content, and presentation of initiative, referendum, and recall petitions.

This bill would revise the minimum contribution thresholds above which a contributor to a committee may be considered a top contributor, and would require certain political advertisements to identify the top contributors to the campaign committee paying for the advertisement without regard to any minimum contribution threshold. This bill would make additional changes to the disclosure requirements for political advertisements, including changes to the required form, content, and presentation of the disclosures depending on the medium in which the advertisement appears. Because political advertisements are regulated under the Political Reform Act of 1974, and a violation of the act is punishable as a misdemeanor, this bill would impose a state-mandated local program by expanding the definition of a crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

**SB 794, as introduced, Glazer. Elections: Secretary of State.**

*[An act to amend Sections 15651 and 15672 of the Elections Code, relating to elections.]*

Existing law provides that for any election, except an election for Governor or Lieutenant Governor, certain special runoff elections for candidates for local office, and certain primary elections, as specified, if the election results in a tie vote for the highest number of votes, the Secretary of State must summon the candidates subject to the tie vote to the Secretary of State's office at the State Capitol, where the Secretary of State must determine the tie by lot.

This bill would instead require the Secretary of State to summon the candidates subject to the tie vote to the Secretary of State's office.

**SB 797, as introduced, Borgeas. Elections: vote by mail ballots.**

*[An act to amend Section 3017 of the Elections Code, relating to elections.]*

Existing law requires a vote by mail voter to return a voted vote by mail ballot (1) by mail or in person to the elections official, (2) in person to a member of a precinct board at a polling place or vote center, or (3) to a vote by mail ballot drop-off location, as specified. It also requires elections officials to establish procedures to track and confirm the receipt of voted vote by mail ballots and to make this information available online, as specified.

This bill would make technical, non-substantive changes to this latter provision.

## Resolutions

### **ACA 4, as introduced, Kiley. Elections: initiatives and referenda.**

*[A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 9 and 10 of, and adding Section 7.5 to, Article II thereof, and by amending Section 8 of Article IV thereof, relating to elections.]*

The California Constitution provides that the electors may propose a statute or an amendment to the California Constitution by initiative and approve or reject a statute by referendum. An initiative measure may be proposed by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the Constitution and is certified to have been signed by the required number of electors, as prescribed. A referendum measure may be proposed by presenting to the Secretary of State a petition that sets forth the statute or part of the statute to be submitted to the electors, and is certified to have been signed by the required number of electors. Before the circulation of an initiative or referendum petition for signatures, the California Constitution requires that a copy of the petition be submitted to the Attorney General, who must prepare a title and summary of the measure. Existing statutory law also directs the Attorney General to prepare the ballot label and the ballot title and summary that is included in the state voter information guide for each measure that appears on a statewide ballot.

This measure would transfer from the Attorney General to the Legislative Analyst the duty of preparing the title and summary for a proposed initiative or referendum. The measure would also require, for each measure that appears on a statewide ballot, the Legislative Analyst to prepare the ballot label and the ballot title and summary for the state voter information guide.

### **SCA 1, as introduced, Hertzberg. Elections: referenda.**

*[A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 9 and 10 of Article II thereof, relating to elections.]*

The California Constitution provides that the electors may approve or reject a statute by referendum. A referendum measure may be proposed by presenting to the Secretary of State a petition that sets forth the statute or part of the statute to be submitted to the electors, and is certified to have been signed by the required number of electors. A majority vote in favor of a referendum measure approves the statute or part of the statute subject to the referendum, and the statute then takes effect on the fifth day after the Secretary of State files the statement of the vote for the election at which the measure is voted on.

This measure would instead require that the ballot for a referendum measure provide that a "Yes" vote is in favor of the referendum and rejects the statute or part of the statute subject to the referendum, and a "No" vote is against the referendum and approves the statute or part of the statute subject to the referendum, thus requiring a majority vote in favor of the referendum to reject the statute or part of the statute subject to the referendum. The measure would also make conforming changes.

**SCA 3, as introduced, Allen. Elections: recalls.**

*[A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 15 of Article II thereof, relating to elections.]*

The California Constitution provides that voters may recall a state officer and, in the same election, elect a successor. The Constitution prohibits an officer who is the subject of a recall election from being a candidate for successor. The Constitution also prohibits a successor candidacy for the office of judge of the Supreme Court or a court of appeal.

For an officer other than a judicial officer, this measure would instead require that the name of the officer be placed on the ballot as a successor candidate if the officer does not resign no later than 10 days after the date of certification of sufficient signatures. If the officer does so resign, the office would be deemed vacant and the recall election would not be held. In a recall election, if a candidate other than the officer receives a plurality, that candidate would be elected as the successor to serve the remainder of the officer's term. If the officer receives a plurality, however, the recall would fail and the officer would remain in office.

## Federal Bills

### **H.R.4 - John R. Lewis Voting Rights Advancement Act of 2021**

*[To amend the Voting Rights Act of 1965 to revise the criteria for determining which States and political subdivisions are subject to section 4 of the Act, and for other purposes.*

This bill establishes new criteria for determining which states and political subdivisions must obtain preclearance before changes to voting practices may take effect. Preclearance is the process of receiving preapproval from the Department of Justice (DOJ) or the U.S. District Court for the District of Columbia before making legal changes that would affect voting rights.

A state and all of its political subdivisions shall be subject to preclearance of voting practice changes for a 10-year period if

- 15 or more voting rights violations occurred in the state during the previous 25 years;
- 10 or more violations occurred during the previous 25 years, at least 1 of which was committed by the state itself; or
- 3 or more violations occurred during the previous 25 years and the state administers the elections.

A political subdivision as a separate unit shall also be subject to preclearance for a 10-year period if three or more voting rights violations occurred there during the previous 25 years.

States and political subdivisions that meet certain thresholds regarding minority groups must preclear covered practices before implementation, such as changes to methods of election and redistricting.

Further, states and political subdivisions must notify the public of changes to voting practices.

Next, the bill authorizes DOJ to require states or political subdivisions to provide certain documents or answers to questions for enforcing voting rights.

The bill also outlines factors courts must consider when hearing challenges to voting practices, such as the extent of any history of official voting discrimination in the state or political subdivision.

### **S.2747 - Freedom to Vote Act**

This bill addresses voter registration and voting access, election integrity and security, redistricting, and campaign finance.

Specifically, the bill expands voter registration (e.g., automatic and same-day registration) and voting access (e.g., vote-by-mail and early voting). It also limits removing voters from voter rolls.

Next, the bill establishes Election Day as a federal holiday.

The bill declares that the right of a U.S. citizen to vote in any election for federal office shall not be denied or abridged because that individual has been convicted of a criminal offense unless, at the time of the election, such individual is serving a felony sentence.

The bill establishes certain federal criminal offenses related to voting. In particular, the bill establishes a new criminal offense for conduct (or attempted conduct) to corruptly hinder, interfere with, or prevent another person from registering to vote or helping someone register to vote.

Additionally, the bill sets forth provisions related to election security, including by requiring states to conduct post-election audits for federal elections. The bill outlines criteria for congressional redistricting and generally prohibits mid-decade redistricting.

The bill outlines criteria for congressional redistricting and generally prohibits mid-decade redistricting.

The bill addresses campaign finance, including by expanding the prohibition on campaign spending by foreign nationals, requiring additional disclosure of campaign-related fundraising and spending, requiring additional disclaimers regarding certain political advertising, and establishing an alternative campaign funding system for certain federal offices.